

REQUEST FOR PROPOSALS FOR PERMANENT RENTAL HOUSING APPLICATION GUIDELINES

FAIRFAX COUNTY HOME/CHDO AFFORDABLE HOUSING PROJECTS FY 2024

The Fairfax County Department of Housing and Community Development (HCD) announces the availability of funds under the federal HOME Investment Partnerships (HOME) program. Project proposals are being solicited to acquire, develop, and rehabilitate affordable permanent rental housing to further advance the Fairfax County Board of Supervisors goal of **producing a minimum of 10,000 new units of affordable housing by 2034**. Projects will be evaluated based on the attached Evaluation Criteria and should also be aligned with the following:

- Five-Year Consolidated Plan for FY 2022-2026 and FY 2024 Annual Action Plan, which can be found at <https://www.fairfaxcounty.gov/housing/data/consolidated-plan>
- Communitywide Housing Strategic Plan, which can be found at <https://www.fairfaxcounty.gov/housing/communitywideplan>
- Fairfax County Countywide Strategic Plan, and specifically the priority area entitled “Housing and Neighborhood Livability,” which can be found at <https://www.fairfaxcounty.gov/strategicplan/housing-neighborhood-livability>
- One Fairfax Equity Policy, which can be found at <https://www.fairfaxcounty.gov/topics/one-fairfax>
- Chairman’s Task Force on Equity and Opportunity Recommendations, which can be found at <https://www.fairfaxcounty.gov/chairman/sites/chairman/files/assets/documents/combined%20list%20of%20recommendations.pdf>

Eligible projects must involve the acquisition, development, and/or rehabilitation of either (i) scattered-site rental units (condominium, townhouse, group home, or single family), or (ii) multi-family rental projects of 30 units or less.

Additional points will be given to projects that serve households meeting one or more of the following special needs criteria:

- The following populations earning at or below 60% of Area Median Income (AMI):
 - Elderly persons ages 62 and up;
 - Youth transitioning out of foster care;
 - Homeless (or at risk of homelessness);
 - Persons with disabilities (physical, mental, or sensory);
 - Veterans;
 - Large households (households with five or more members); and
- Survivors of domestic violence earning at or below 80% of AMI.

Funding available under this request for proposals is an estimated total of \$357,806 in HOME funds, which are reserved for Community Housing Development Organizations (CHDOs). **Funding awarded to successful applicants must be used (i.e., project completion and fully occupied by beneficiaries) within 24 months of approval by the Fairfax County Redevelopment and Housing Authority (FCRHA) of grant awards.**

ELIGIBLE APPLICANTS: To access funds, eligible applicants must have:

- A designation as a 501(c)(3) organization by the Internal Revenue Service.
- A demonstrated successful track record in owning and managing real estate. If a non-profit applicant does not have an established track record, the organization is encouraged to partner with another non-profit organization with applicable experience.
- A demonstrated successful track record in the provision of services to persons from low-income households, experiencing homelessness or at risk of homelessness, or from other special needs populations. If a non-profit applicant does not have an established track record, the organization is encouraged to partner with another non-profit with applicable experience.
- A current sound financial condition. Non-profits will be required to provide the last three years annual audited financial statements and auditor's opinion and management letter, if issued. Audits must be conducted by an independent licensed certified public accountant.
- No current debarment. Any person or firm suspended or debarred from participating in County, State, or Federal procurement is ineligible to receive funding. This includes both applicants and any partnering organization identified as part of an application. An online verification on the System for Award Management (SAM.gov) will be conducted prior to final procurement.

To access HOME CHDO funding, in addition to the above, eligible applicants must be certified as meeting the CHDO requirements for each specific use of HOME funds. Preliminary CHDO certification applications will be accepted along with this RFP. See the CHDO Checklist (Appendix 7) for a full description of HOME CHDO criteria and required documentation. Further certification will be required prior to disbursement of HOME CHDO funds.

Applications will be available at <https://www.fairfaxcounty.gov/housing/> and must be submitted by 4:00 p.m. E.S.T. on Friday, September 22, 2023 for consideration of funding. Applicants must either:

1) Do all of (A) through (C):

- A. Send an email to Laura.Lazo@fairfaxcounty.gov stating you are ready to submit and request an Egnyte address for uploading the application.**
- B. Send one .pdf of the entire application, including all worksheets and attachments, to the Egnyte address provided by HCD.**
- C. Send or hand deliver to HCD's first floor reception desk one hard copy with one original signature at 3700 Pender Drive, Fairfax, Virginia 22030.**

OR

- 2) Send or hand deliver five hard copies (including one with an original signature) to HCD's first floor reception desk at 3700 Pender Drive, Fairfax, Virginia 22030.**

Fairfax County is committed to a policy of nondiscrimination in all County programs, services and activities and will provide reasonable accommodations upon request. To request special accommodations, call 703-246-5000 (select menu option 8) or TTY 711.



EEO (Equal Employment Opportunity)

PURPOSE: AFFORDABLE HOUSING PROJECTS

The Fairfax County Department of Housing and Community Development (HCD) is announcing the availability of funds provided to Fairfax County under the HOME program administered by the U.S. Department of Housing and Urban Development (HUD). Funds are available to eligible non-profit applicants for the purpose of preserving, improving, and developing HOME-eligible affordable housing in Fairfax County, consistent with Fairfax County's Communitywide Housing Strategic Plan and Five-Year Consolidated Plan for FY 2022-2026.

FEDERAL FUNDS AVAILABLE

Funding available under this request for proposals is estimated at a total of \$357,806 in HOME funds, which are reserved for Community Housing Development Organizations (CHDOs). Organizations wishing to use HOME CHDO funding must be certified as a CHDO on a project-specific basis.

AWARD OF FUNDS

All applications will first be subject to preliminary screening by HCD for completeness. A Selection Advisory Committee appointed by the Director of HCD will review those deemed complete. Preliminary selection(s) will be made based on the extent to which the proposal(s) meets the evaluation criteria. The proposal(s) selected and recommended for final award will be subject to approval by the Fairfax County Redevelopment and Housing Authority (FCRHA) and the HCD Loan Underwriting Committee. Applicants will be notified of the final award(s) approved by the FCRHA. A funded applicant must have a registered Unique Entity Identifier (UEI) number, and a contract(s) between the FCRHA and the funded applicant(s) must be executed prior to any disbursement of funds.

If HCD does not receive enough proposals that satisfactorily meet the evaluation criteria, HCD may: 1) award additional funds for the proposals approved under this Request for Proposals (RFP) based on project needs and number of affordable units; 2) consider, on a first-come, first-served basis, unsolicited proposals; or 3) informally solicit proposals as opportunities are identified to fully utilize available funding for preservation of additional units.

The FCRHA reserves the right to fund no applications in this round of funding.

Funding awarded to successful applicants must be used (i.e., project completion and fully occupied by beneficiaries) within 24 months of approval by the FCRHA of funding awards. Any unexpended funds may revert back to the FCRHA for eligible uses to ensure timely expenditure of federal funds. In addition, priority points will be given to projects that complete the acquisition and rehabilitation by June 30, 2024, and are fully occupied within nine months of the grant award (higher points) or complete the acquisition and rehabilitation by April 19, 2024, and are fully occupied within six months of grant award (highest points).

MINIMUM PROJECT REQUIREMENTS

For a project to receive consideration, it must meet the following minimum requirements:

For all projects:

1. Proposals must be consistent with the needs and priorities identified in the Five-Year Consolidated Plan for FY 2022-2026 and One-Year Action Plan for FY 2024, and serve populations eligible under HOME. (See <https://www.fairfaxcounty.gov/housing/data/consolidated-plan>.)
2. The project to be financed must be located in Fairfax County or one of the Participating Jurisdictions (Towns of Clifton, Vienna, Herndon, City of Fairfax, City of Falls Church). To the extent feasible, applications should be site specific.
3. The proposed project must be permitted under existing local zoning and regulatory requirements. Related documentation may be required.
4. Projects requiring permanent relocation will be considered for funding only if they give displaced households (who meet all eligibility criteria of the new project) the first right to return to the rehabilitated or developed units. Projects that involve temporary or permanent relocation must meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
5. The proposal must not include an expansion or improvement of a County-owned facility or other publicly-owned residential facility.
6. General administrative and operating costs are ineligible for funding under this RFP.
7. Projects must be financially feasible. Proposals demonstrating ability to leverage funds are preferred and will receive higher scores.
8. Funds under this RFP cannot be used to analyze project feasibility. Third-party inspections and appraisals, subject to HCD satisfaction, will be required prior to release of funds. An environmental review must be completed for any project funded with federal funds prior to the commitment and disbursement of funds to a specific property.
9. Rehabilitation and new construction projects may be subject to the wage and hour requirements of the Davis-Bacon Act, as well as the accessibility requirements under 24 CFR part 8, which implements Section 504 of the Rehabilitation Act of 1973.
10. Acquisition and renovation of existing housing are also subject to lead-based paint (LBP) testing (particularly units built prior to 1978). Depending on the age of the structure(s), scope of work, and type of work, LBP testing can vary in extent and need as mandated by HUD. For further guidance on the Lead Safe Housing Rule, see: https://www.hud.gov/program_offices/healthy_homes/enforcement/lshr.
11. The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide training, employment, contracting and other economic opportunities to low- and very low-income persons. Under certain circumstances, the offeror may be required to comply with Section 3 and it is their responsibility to do so as well as provide Section 3 reporting information to HCD upon request. For further guidance on the Section 3 Rule, see <https://www.hud.gov/section3>.

In addition to the above, the following are minimum CHDO requirements:

1. The purpose of the proposal must be to use CHDO set-aside funds to finance a CHDO-

eligible project which, upon completion, will be occupied by HOME income-eligible households.

2. The applicant must be certified as an eligible CHDO.

HOME-Eligible Activities through this RFP (24 CFR § 92.205)

Grant funding may be used for acquisition, development, and rehabilitation assistance for permanent or transitional rental housing projects that benefit low- or moderate-income persons, including permanent housing for disabled persons, homeless persons and single-room occupancy housing. Generally, funds can be used for the following activities:

- 1) Acquisition
- 2) New construction
- 3) Reconstruction
- 4) Rehabilitation of non-luxury housing with suitable amenities
- 5) Site improvement
- 6) Conversion
- 7) Demolition

Conversion of an existing structure to affordable housing is considered rehabilitation, unless the conversion entails adding one or more units beyond the existing walls, in which case, the project is new construction under HOME federal regulations.

Acquisition of vacant land or demolition must be undertaken only with respect to a particular housing project intended to provide affordable housing, and for which funds for construction have been committed.

Housing that has received an initial certificate of occupancy or equivalent document within a one-year period before the county commits HOME funds to the project is new construction under the HOME federal regulations.

- A. **Income targeting:** The project must meet income targeting requirements for housing units assisted under this RFP (See Appendix #6), as follows:
 - The annual income of not less than 90% of the project beneficiaries in each HOME-assisted unit cannot exceed 60% of AMI at the time of occupancy or at the time that the funds are invested, whichever is later. The incomes of the remaining project beneficiaries must be at or below 80% of AMI.
 - Preference in scoring and award of funding is given to projects that serve beneficiaries with incomes at or below 60% AMI.
- B. **Minimum per-unit subsidy:** Federal HOME regulations require that the minimum amount of HOME funds that must be invested in a rental housing project is \$1,000 per the number of affordable units in the project.
- C. **Maximum per-unit subsidy:** The amount of HOME funds that the county may invest on a per-unit basis in affordable housing may not exceed the HOME Maximum Per Unit Subsidy Limits shown in Appendix #4.
- D. **Rent limitations:** The rental amount of each HOME-assisted unit cannot exceed the rents outlined in Appendix #5.
- E. **Period of Affordability:** HOME regulations require that assisted units remain affordable for a minimum of five years to 20 years, depending on the type of activity as well as the amount of HOME subsidy. The HOME affordability period will be determined during project underwriting, and the FCRHA will require an additional affordability period, so that the total affordability period is 30 years.
- F. **Eligible Costs (24 CFR §§ 92.206 and 92.301):**

- 1) Development hard costs: The actual cost of constructing or rehabilitating all housing types, including mixed use and mixed income developments, ownership or rental housing, and special needs housing.
- 2) Acquisition costs.
- 3) Related soft costs: Other reasonable and necessary costs incurred by the owner and associated with the financing or development (or both) of new construction, rehabilitation, or acquisition of housing assisted with HOME funds, i.e., architectural, engineering, permits, financing, developer and legal fees, as well as working capital and closing costs.
- 4) Applications requesting HOME funds to cover expenses related to project-specific technical assistance, site control and seed money and project feasibility studies will be considered and evaluated on a case-by-case basis.
- 5) Tenant-based rental assistance (TBRA) is not an eligible cost under this RFP.
- 6) This RFP includes funds set aside for eligible CDBG/HOME development activity.

LOAN TERMS

1. Type of Financing: deferred non-amortizing loan
2. Interest Rate: 2% deferred, simple interest
3. Maturity & Affordability Period: Minimum 30 years
4. Security: Deed of Trust
5. Repayment Conditions: If during the minimum 30-year affordability period, the property is (a) sold or (b) no longer used as affordable rental housing, then the borrower will pay the FCRHA an amount equal to the loan proceeds plus accrued 2% annual simple interest. When the property is sold or no longer used for affordable housing after the end of the 30-year affordability period, the borrower will only be required to pay back the accrued 2% annual simple interest.

DISBURSEMENT OF FUNDS

Funds will be disbursed only at the time all conditions of the award have been met by the applicant, which include all HOME requirements. Disbursement of funds under this RFP is subject to:

- Approval by the FCRHA and HCD's Loan Underwriting Committee;
- Execution of a contract between the applicant and the FCRHA;
- Federal and local program requirements;
- A certified appraisal to be conducted by an HCD chosen appraiser paid by the nonprofit at or before closing;
- Completion of all repair/replacement items cited in the home inspection report submitted during underwriting;
- Execution of FCRHA loan documents;
- 30-year affordability period subject to the loan terms;
- Interim financial reports;
- Proof that the applicant has notified the appropriate Board of Supervisor member and FCRHA Commissioner of the pending project in their district;
- Environmental clearance conducted by HCD;
- A home inspection report;
- Certified lead-based paint and radon test report, when applicable;
- Acceptable title examination and availability of lender's title insurance;
- A condominium resale package, if applicable;
- Any other additional legal documentation as required; and

- Other factors as deemed necessary to protect the interest of the FCRHA and Fairfax County.

It should be noted that the contract execution may be delayed until all conditions of the award are met. If the applicant fails to meet the conditions of the award within the allotted time, the award may be revoked and the funds allocated may be deobligated and reprogrammed to other projects or non-profits. Funds must be expended in full accordance with the contract and loan documents with the applicant. It is expected that funds will be expended, and the project completed and fully occupied with beneficiaries, within 24 months from the date of approval by the FCRHA of grant awards.

CONFLICT OF INTEREST

Applicant must comply with applicable Fairfax County, Virginia and federal conflict of interest requirements (including Title 24 CFR § 570.611 and Title 24 CFR § 92.356). For example, the FCRHA prohibits the loan of county funds to any non-profit entity found to be in violation of any of the following conflicts of interest:

1. No member of the applicant's Board of Directors, or any other employee of the applicant, may serve as the realtor brokering any real estate transaction between the applicant and a third-party seller.
2. If any applicant Board member, employee, or agent is also a Fairfax County Department of Housing and Community Development (HCD) employee, any such employees must recuse themselves from any aspect of the review and selection process so as to avoid the appearance of conflict of interest and the perception of favoritism on the part of HCD toward any individual applicant.
3. No persons who exercise or have exercised any functions or responsibilities with respect to CDBG or HOME activities, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities may 1) obtain a financial interest or benefit from a CDBG or HOME-assisted activity, or 2) have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG or HOME-assisted activity.

"Covered individuals" under the conflict of interest provision are as follows::

- Employees of the non-profit organization;
- Agents representing the non-profit;
- Consultants to the non-profit;
- Officers or Board members of the non-profit;
- Elected officials, appointed officials, or employees of any designated public agencies; and
- Those who have business or immediate family ties, during their tenure or for one year thereafter.

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APPENDIX 1

Communitywide Housing Strategic Plan and Five-Year Consolidated Plan for FY 2022-2026

The Communitywide Housing Strategic Plan Phase 1 report was adopted in June 2018 by the Board of Supervisors. The plan identified the County's expected housing needs for the next 15 years and provided 25 recommendations to increase affordable housing options in the County. Recommendations focused on four areas: modernizing FCRHA administration and processes; land use and zoning considerations; funding sources and uses; and housing for vulnerable populations. In July 2018, Phase 2 of the Plan began by convening a panel of experts charged with setting a goal of affordable housing units to be added over the next 15 years, and with developing a set of recommendations on how to meet the identified goal. As a result of Phase 2, the Board adopted an initial goal of producing 5,000 units by the year 2034 affordable to households earning up to 60 percent of area median income. A second goal was also adopted of no net loss of existing market affordable homes. In March 2022, the Board raised the goal to 10,000 new units.

The Five-Year Consolidated Plan for FY 2022-2026 assesses affordable housing and community development needs and market conditions. The plan shares Fairfax County's ongoing efforts to build an affordable housing continuum and reflects input gathered from county officials and staff, representatives from the non-profit community, the for-profit development sector, and residents of Fairfax County, as well as data compiled from local sources, HUD, and the U.S. Census Bureau. To accomplish these goals, Fairfax County will draw upon the community and private sector to leverage resources through partnerships. The County will complete projects already in the pipeline as well as embark on new initiatives.

The Consolidated Plan addresses specific needs (e.g., housing problems that racial and ethnic minorities as well as households with low incomes experience in disproportionately large numbers) and barriers to affordable housing that hinder progress toward the listed goals. Details include planned actions such as renovations and developments, new policies and programs, and new efforts to leverage resources and extend efficiency through coordination and innovation. The One Fairfax Policy for racial and social equity adopted by the Board of Supervisors on November 21, 2017 (One Fairfax Policy), will be applied to every aspect in the implementation of the Plan.

APPENDIX 2

Links to County Reference Documents

Five-Year Consolidated Plan for FY 2022-2026 and One-Year Action Plan for FY 2024, which can be found at <https://www.fairfaxcounty.gov/housing/data/consolidated-plan>

Fairfax County Countywide Strategic Plan, and specifically the priority area entitled “Housing and Neighborhood Livability,” which can be found at <https://www.fairfaxcounty.gov/strategicplan/housing-neighborhood-livability>

Communitywide Housing Strategic Plan, which can be found at <https://www.fairfaxcounty.gov/housing/communitywideplan>

One Fairfax Equity Policy, which can be found at <https://www.fairfaxcounty.gov/topics/one-fairfax>

Chairman’s Task Force on Equity and Opportunity Recommendations which can be found at [https://www.fairfaxcounty.gov/chairman/equity and opportunity recommendations](https://www.fairfaxcounty.gov/chairman/equity%20and%20opportunity%20recommendations)

APPENDIX 3

FCRHA Funding Guidelines Loan Adjustment and Additional Financing Policy

In addition to all other financing conditions contained in the applicable FCRHA loan documents, the following conditions must be met for all FCRHA loans for the acquisition or rehabilitation of affordable units or third-party loans proposed for properties already being used as security for an FCRHA loan:

- **No other financing may be placed against the secured property that includes cross-collateralization or cross-default provisions.** This requirement ensures that in the event of a default, the other lender can foreclose only on the loan and secured property in question, and will not be able to foreclose on any other property within a portfolio.
- **No cash out financing will be permitted.** This requirement ensures that the properties are not over-leveraged and that the FCRHA's equity share is not put at risk.
- **A minimum Debt Service Coverage Ratio for all the financing on the property of 1.0 must be met.** This requirement ensures that the properties have sufficient revenue to meet operating expenses and pay the debt on additional must-pay loans.
- **Loan-to-Value (LTV) of all financing on the property may not exceed 100 percent of the appraised value of the property (with the appraisal acceptable to Housing and Community Development staff).** This requirement ensures that the property is not burdened with more debt than it can support and minimizes FCRHA risk.

An exception to the required LTV will be made for FCRHA rehabilitation loans meeting all of the following conditions:

- 100 percent of the loan goes to the rehabilitation work;
- Loan proceeds are federal funds;
- The properties for which the loan proceeds will be used are owned by the non-profit borrower and are either scattered site properties or are five or less units in a multi-family development;
- The properties serve households specified in the borrowers' procurement awards;
- The loan proceeds allocated to each property may not exceed \$20,000 per property;
- LTV not to exceed 120 percent based on assessed value.

- **For third-party loans, fixed interest rate, fully amortizing mortgages (with terms that are the same as the corresponding amortization periods) with no balloon payment(s) will be preferred over other types of financing.** This requirement ensures that the debt service expense is predictable and can be accurately included in future budgets.
- **Funding of an “FCRHA Reserve Account” to backstop balloon payments, if any, will be required.** If the FCRHA consents to additional financing with a balloon payment, this requirement ensures that the borrower has funds available to be used at the time of refinancing of the balloon payment.
- **Any other factors may be considered as deemed necessary after review and evaluation by the Department of Housing and Community Development’s Loan Underwriting Committee and approved by the FCRHA.**
- **Changes in terms beyond a change in the interest rate must be approved by the FCRHA.**
- **Exceptions to the policy must be approved by the FCRHA.**

APPENDIX 4

HOME Maximum Per-Unit Subsidy Limits Effective April 7, 2023

| Efficiency/SRO | One Bedroom | Two Bedroom | Three Bedroom | Four-Bedroom |
|----------------|-------------|-------------|---------------|--------------|
| \$173,011 | \$198,331 | \$241,176 | \$312,005 | \$342,482 |

Source: HCD uses the 2023 Section 234-Condominium Housing limits for elevator-type projects and Fairfax County's HCP.

APPENDIX 5

HOME Rent Limitations Effective June 15, 2023

| | EFFC | 1 BDRM | 2 BDRM | 3 BDRM | 4 BDRM | 5 BDRM |
|--|---------|---------|---------|---------|---------|---------|
| Low HOME Rent Limit (applies to projects serving 50% of AMI or below) | \$1,318 | \$1,413 | \$1,696 | \$1,959 | \$2,186 | \$2,411 |
| High HOME Rent Limit (applies to projects serving 80% of AMI or below) | \$1,589 | \$1,615 | \$1,838 | \$2,299 | \$2,688 | \$2,947 |
| Fair Market Rent | \$1,589 | \$1,615 | \$1,838 | \$2,299 | \$2,742 | \$3,153 |

Source: U.S. Department of Housing and Urban Development:
https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_RentLimits_State_DC_2023.pdf

APPENDIX 6

CDBG/HOME Income Limits Effective May 15, 2023

| Persons | 30% Limits | 50% Limits | 60% Limits | 80% Limits |
|---------|------------|------------|------------|------------|
| 1 | \$31,650 | \$52,750 | \$63,300 | \$66,750 |
| 2 | \$36,200 | \$60,300 | \$72,360 | \$76,250 |
| 3 | \$40,700 | \$67,850 | \$81,420 | \$85,800 |
| 4 | \$45,200 | \$75,350 | \$90,420 | \$95,300 |
| 5 | \$48,850 | \$81,400 | \$97,680 | \$102,950 |
| 6 | \$52,450 | \$87,450 | \$104,940 | \$110,550 |
| 7 | \$56,050 | \$93,450 | \$112,140 | \$118,200 |
| 8 | \$59,700 | \$99,500 | \$119,400 | \$125,800 |

Source: U.S. Department of Housing and Urban Development:
https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_IncomeLmts_State_DC_2023.pdf

APPENDIX 7

Community Housing Development Organizations (CHDOs)

In order to be considered for CHDO funding, all proposed projects must be considered eligible under the requirements of the FY 2013 HOME Final Rule, including provisions pertaining to CHDO-specific affordable housing activities. CHDOs must meet requirements pertaining to their legal status, independence, accountability to the low-income community, and capacity and experience. See <https://www.hudexchange.info/programs/home/home-final-rule/>.

| ELIGIBLE CHDO ACTIVITIES | ELIGIBLE CHDO SET ASIDE ACTIVITIES | | |
|--|------------------------------------|--------------|------------|
| ELIGIBLE ACTIVITY | CHDO Developer | CHDO Sponsor | CHDO Owner |
| Acquisition/rehabilitation of rental housing | X | X | X |
| New construction of rental housing | X | X | X |

CHDO Checklist

The information contained in this checklist refers to the definition of Community Housing Development Organizations (CHDOs) in Subpart A, § 92.2 of the HOME Final Rule. This checklist is a preliminary phase in the CHDO Certification Process. Project specific CHDO certification will be conducted during the underwriting and award process for each CHDO funded project. All previous CHDO certifications are no longer valid.

I. LEGAL STATUS

- A. The non-profit organization is organized under State or local laws, as evidenced by:
 a Charter, or
 Articles of Incorporation.
- B. No part of its net earnings inure to the benefit of any member, founder, contributor, or individual, as evidenced by:
 a Charter, or
 Articles of Incorporation.
- C. Has a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501 (c) of the Internal Revenue Code of 1986, as evidenced by:
 a 501 (c) Certificate from the IRS.
- D. Has among its purposes the provision of decent housing that is affordable to low-income people, as evidenced by a statement in the organization's:
 Charter,
 Articles of Incorporation,
 By-Laws, or
 Resolutions.

II. CAPACITY

- A. Conforms to the financial accountability standards of 24 CFR § 84.21 (Standards for financial management systems), as evidenced by:
- a notarized statement by the president, or chief financial officer of the organization;
 - a certification from a Certified Public Accountant, or
 - a HUD approved audit summary.
- B. Has a demonstrated capacity for carrying out activities assisted with HOME funds, as evidenced by:
- resumes and/or statements that describe the experience of salaried staff members who have successfully completed projects similar to those to be assisted with HOME funds, or
 - contract(s) with consultant firms or individuals who have housing experience similar to projects to be assisted with HOME funds, to train appropriate key staff of the organization. (New CHDO's only with no previous experience in Fairfax County)
- C. Has a history of serving the community where housing to be assisted with HOME funds will be used, as evidenced by:
- a statement that documents at least one year of experience in serving the community, or
 - for newly created organizations formed by local churches, service or community organizations, a statement that documents that its parent organization has at least one year of experience in serving the community.

The CHDO, or its parent organization, must be able to show one year of serving the community from the date the participating jurisdiction provides HOME funds to the organization. In the statement, the organization must describe its history (or its parent organization's history) of serving the community by describing activities which it provided such as, developing new housing, rehabilitating existing stock and managing housing stock, or delivering non-housing services that have had lasting benefits for the community, such as counseling, food relief, or childcare facilities. The statement must be signed by the president of the organization or by a HUD approved representative.

III. ORGANIZATIONAL STRUCTURE

- A. Maintains at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representatives of low-income neighborhood organizations as evidenced by the organization's:
- By-Laws,
 - Charter, or
 - Articles of Incorporation.

Under the HOME program, for urban areas, the term, "community", is defined as one or several neighborhoods, a city, county, or metropolitan area. For rural areas, "community" is defined as one or several neighborhoods, a town, village, county, or multi-county area (but not the whole state), provided that the governing board contains low-income residents from each of the multi-county areas.

- B. Provides a formal process for low-income program beneficiaries to advise the organization in all of its decisions regarding the design, siting, development, and management of all HOME-assisted affordable housing projects, as evidenced by:
- ___ the organization's By-Laws,
 - ___ Resolutions, or
 - ___ a written statement of operating procedures approved by the governing body.
- C. A CHDO may be chartered by a State or local government; however, the State or local government may not appoint: (1) more than one-third of the membership of the organization's governing body; (2) the board members appointed by the State or local government may not, in turn, appoint the remaining two-thirds of the board members; and (3) no more than one-third of the governing board members are public officials, as evidenced by the organization's:
- ___ By-Laws,
 - ___ Charter, or
 - ___ Articles of Incorporation.
- D. If the CHDO is sponsored or created by a for-profit entity, the for-profit entity may not appoint more than one-third of the membership of the CHDO's governing body, and the board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members, as evidenced by the CHDO's:
- ___ By-Laws,
 - ___ Charter, or
 - ___ Articles of Incorporation.

IV. RELATIONSHIP WITH FOR-PROFIT ENTITIES

- A. Is not controlled, nor receives directions from individuals, or entities seeking profit from the organization, as evidenced by:
- ___ the organization's By-Laws, or
 - ___ a Memorandum of Understanding (MOU).
- B. A Community Housing Development Organization may be sponsored or created by a for-profit entity, however:
- (1) the for-profit entity's primary purpose may not include the development or management of housing, as evidenced:
- ___ by the for-profit organization's By-Laws

AND

- (2) the CHDO is free to contract for goods and services from vendor(s) of its own choosing, as evidenced by the CHDO's:
- ___ By-Laws,
 - ___ Charter, or
 - ___ Articles of Incorporation.

APPENDIX 8

FAIRFAX COUNTY, VIRGINIA Department of Housing and Community Development Rehabilitation Standards for Affordable Housing

I. PURPOSE

- A. The Fairfax County Department of Housing and Community Development (HCD) Rehabilitation Standards for Affordable Housing (“Rehabilitation Standards”) is designed to outline the requirements for building rehabilitation for Community Development Block Grant (CDBG) and/or HOME Investment Partnerships Program (HOME)-assisted housing.
- B. Any recipient or subrecipient of Department of Housing and Urban Development (HUD) CDBG and/or HOME funds must comply with the provisions of the Rehabilitation Standards. Failure to comply shall be considered a violation of the funding agreement and may result in termination of funding and repayment of funds expended.
- C. HCD administers the CDBG and HOME programs on the behalf of the jurisdiction, but the selection of project and the award of funds is subject to the approval of the Fairfax County Redevelopment Housing Authority (FCRHA). These Rehabilitation Standards support the mission of the FCRHA’s of providing safe, functional, and affordable housing that meets the needs of the tenants.

II. STATE AND LOCAL CODES, ORDINANCES, AND ZONING REQUIREMENTS

- A. Fairfax County enforces the Virginia Uniform Statewide Building Code (USBC) and the Statewide Fire Prevention Code (SFPC). Both codes are administered by the Virginia Department of Housing and Community Development and reference the International Codes as published by the International Code Council:
 - i. New Construction: Virginia Construction Code
<https://codes.iccsafe.org/public/document/toc/611/>
 - ii. Rehabilitation: Virginia Rehabilitation Code
<https://codes.iccsafe.org/public/document/toc/596/>
 - iii. Acquisition: Virginia Maintenance Code
<https://codes.iccsafe.org/public/document/toc/600/>
- B. Projects involving both acquisition and rehabilitation or new construction must comply with the more stringent property code. In the absence of a State or local building code that applies to rehabilitation, the International Existing Building Code (IEBC) of the ICC applies.
- C. All work shall be done in compliance with the Building Codes, Zoning Codes and applicable ordinances in force by the County of Fairfax and the State of Virginia:

- i. IBC 2015 Virginia Construction Code
- ii. 2009 Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1)
- iii. 2015 Virginia Residential Code (IRC)
- iv. 2015 Virginia Energy Conservation Code
- v. 2015 Virginia Mechanical Code (IMC)
- vi. 2015 Virginia Plumbing Code (IPC)
- vii. 2015 Virginia Fuel Gas Code (IFGC)
- viii. 2014 National Electrical Code | www.nfpa.org
- ix. 2015 Virginia Existing Building Code (IBC) | USBC, Part II
- x. 2015 Virginia Maintenance Code (IBC) | USBC, Part III

- D. Before a determination can be made as to whether FCRHA funds will be invested in any given project, an analysis of what the actual project costs will be conducted, based upon the type of activity the funds will be used for (new construction, rehabilitation, and/or acquisition).
- E. For HOME-assisted homeownership properties, if the after-rehabilitation value of the assisted property is determined to exceed 95% of the median purchase price for the area, as published by HUD, the property shall be considered not suitable for rehabilitation for non-compliance with Section 92.254 of the HOME regulations.
- F. All Fairfax County applicable permits shall be obtained prior to commencing construction as required by the County and permitted work, including work specs, shall be provided to HCD upon request. Documentation of permits, inspections and approvals shall be maintained in the property case file for each project.

III. LEAD BASED PAINT ABATEMENT

- A. All work shall be in accordance with federal lead-based paint regulations found in 24 CFR Part 35.

IV. ACCESSIBILITY

- A. All multifamily housing and substantial rehabilitation projects must meet the following federal accessibility requirements:
 - i. 24 CFR Part 8, implementing Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) –
 - ii. Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131 – 12189), implemented at 28 CFR Parts 35 and 36, as applicable.
 - iii. Covered multifamily dwellings, as defined at 24 CFR 100.201, must also meet the design and construction requirements at 24 CFR 100.205, which implements the Fair Housing Act (42 U.S.C. 3601-3619).

V. RELOCATION

- A. Projects involving acquisition must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601 et seq., as amended and Section 104(d) of the Act), and in accordance with 24 CFR Part 42, as amended. Rehabilitation-only projects should consult with HCD staff for applicable relocation requirements.

VI. DISASTER MITIGATION

- A. The National Environmental Policy Act (NEPA) and other Federal laws and authorities require that an environmental review be conducted by HCD for all Federally assisted actions (except those exempted under 24 CFR Part 58). Environmental reviews of projects serve as a planning tool used by Fairfax County to determine (1) whether its proposed actions will have an impact on the environment, or (2) whether the environment will have an impact on the proposed action.
 - i. Completion of the environmental review process is mandatory before taking a physical action on a site, or making a commitment or expenditure of HUD or non-HUD funds for property acquisition, rehabilitation, conversion, lease, repair or construction activities.
- B. Approved by the Fairfax County Board of Supervisors in April 2017, the Northern Virginia Hazard Mitigation Plan identifies hazards, establishes mitigation goals and objectives, and identifies projects that will help prepare for and reduce the impacts of natural disasters. Access the document here: www.fairfaxcounty.gov/emergencymanagement/emergency-plans

VII. BROADBAND INFRASTRUCTURE

- A. For a substantial rehabilitation project of a building with 5 or more rental units, any substantial rehabilitation, as defined in 24 CFR 5.100, must provide for installation of broadband infrastructure, as this term is also defined in 24 CFR 5.100, except where HCD determines and, in accordance with § 92.508(a)(3)(iv), documents the determination that:
 - i. The location of the substantial rehabilitation makes installation infeasible;
 - ii. The cost of installing would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or
 - iii. The structure of the housing to be substantially rehabilitated makes installation infeasible.

VIII. PROPERTY STANDARDS

- A. Upon completion, the rehabilitated units must meet all applicable State and local code requirements and ordinances, and be decent, safe, sanitary, and in good repair, as described in 24 CFR 5.703 and 24 CFR 982.401, Housing Quality Standards (HQS).
- B. In the event that the property cannot be brought into compliance with applicable State and local code requirements and ordinances, the property shall be deemed not suitable for rehabilitation and shall not be acquired or rehabilitated.
- C. The property site, building exterior, building systems, common areas, and unit(s) must be free of the following inspectable items and observable deficiencies, including the following life-threatening (or “health and safety”) deficiencies:
 - i. Major plumbing leaks or flooding,
 - ii. Waterlogged ceiling or floor in imminent danger of falling
 - iii. Natural or liquid petroleum (LP) gas or fuel oil leaks
 - iv. Any electrical problem or condition that could result in shock or fire
 - v. Absence of a working heating system.
 - vi. Conditions that present the imminent possibility of injury
 - vii. Obstacles that prevent safe entrance or exit from the unit
 - viii. Inoperable smoke detectors
 - ix. Foundation failure
 - x. Loose deck and stair railings
 - xi. Evidence of mold growth
 - xii. Findings of asbestos, lead-based paint or radon gas
 - xiii. Infestation by rats, mice, or other vermin, and bed bugs

If a property is occupied at the time of rehabilitation, the recipient must ensure the occupants’ safety during construction. Any life-threatening deficiencies must be identified and addressed immediately.

- D. For HOME-assisted housing, HUD will establish a list of critical deficiencies that must be corrected as a minimum requirement for each type of rehabilitation (rental, homebuyer, and homeowner housing). The HUD-prescribed physical inspection procedures will be based on the list of inspectable items and areas of the Uniform Physical Condition Standards (UPCS) pursuant to 24 CFR 5.705. Note: The UPCS is an inspection protocol that is used to evaluate the condition of housing. In general, UPCS includes a more comprehensive list of inspectable items and areas than HQS. Once HUD issues additional guidance, it will be incorporated into HCD’s minimum property condition standards for CDBG- and HOME-assisted property in the absence of existing applicable State or local code requirements and ordinances.
- E. Rental housing projects and their units must continue to meet all applicable State and local code requirements and ordinances, and be decent, safe, sanitary, and in good repair

throughout the contracted affordability period. Properties will be monitored by HCD for their ongoing compliance with applicable property standards.

IX. LIFE EXPECTANCY OF MAJOR SYSTEMS

- A. Prior to any investment of assistance for an acquisition and/or rehabilitation project, an estimate of the remaining useful life of each of the property's major system upon project completion of each major systems must be established. Major systems include structural components, roofing, cladding, and weatherproofing (e.g., windows, doors, siding, gutters), plumbing, electrical and HVAC.
- B. If the remaining useful life is less than the affordability period, a replacement reserve must be established to ensure that the project's major systems and physical needs can be adequately maintained and addressed throughout the affordability period. Note: all contracted owners of CDBG- and HOME-assisted properties must open and maintain a "FCRHA Reserve Account" in order to reserve a portion of the project's net income for the reserve account for future capital needs. See the FCRHA Reserve Policy for additional information (attached).
- C. For rental housing projects with 26 or more units, estimates of the remaining useful life of major system must be provided with a Capital Needs Assessment (CNA). A CNA must be prepared by a qualified professional who will certify that the property's current physical condition, based on a physical inspection of the interior and exterior of the units and structures, are deemed to meet applicable standards. The physical inspection should include an interview with the onsite manager and maintenance personnel. This assessment should identify deferred maintenance, physical needs, remaining useful life, material building code violations that affect the property use, structural and mechanical integrity, and the future physical and financial needs. The assessment must include the cost of labor and materials identified in detail and the extent of future expenditures contemplated to ensure the costs will be addressed through operating and replacement reserves. Components which should be examined and analyzed in this assessment include but are not limited to:
 - i. Site, including topography, drainage, pavement, curbing, sidewalks, parking, landscaping, amenities, water, sewer, storm drainage, gas and electric utility lines;
 - ii. Structural systems, both substructure and superstructure, including exterior walls and balconies, exterior doors and windows, roofing system and drainage;
 - iii. Interiors, including unit and common area finishes (carpeting, vinyl or tile flooring, plaster walls, paint condition, etc.), unit kitchen finishes, cabinets and appliances, unit bathroom finishes and fixtures, and common area lobbies and corridors; and
 - iv. Mechanical systems, including plumbing and domestic hot water, HVAC, electrical, lighting fixtures, fire protection, and elevators.
 - v. In all cases, if the remaining useful life of one or more major systems is less than the Period of Affordability, the Awardee must establish and maintain a replacement reserve and make adequate monthly payments thereto, such that there are sufficient funds to repair or replace systems as needed.

- D. Upon project completion of a homeownership housing project, whether it involves acquisition and/or rehabilitation, the project owner and/or developer must ensure that all major systems have a useful life of at least five years.

Additional Rehabilitation Standards for Commonly Specified Work

- A. The following is a list of rehabilitation standards of commonly specified work that is more stringent than Fairfax County state and local codes, ordinances and zoning requirements. These standards only apply to properties where property inspections deem it necessary to renovate, rehabilitate, and/or repair and replace any of the housing elements listed below.
- ii. Roof
 - A. Single roofing shall be GAF Timberline or approved equal. UL rating Class A, Listed to ANSI/UL 790
 - iii. Door Locks
 - A. Schlage Latitude or Accent model levers or approved equal.
 - B. Locksets are Schlage single cylinder grade I or approved equal.
 - iv. Landscaping and Drainage (if applicable)
 - A. Soil grade adjacent to the building must be at least 5% for a distance of 10 feet from the building.
 - v. Kitchen Cabinets
 - A. Meet VHDA Type 1 cabinet requirements:
 - i) Face frames: solid wood, minimum dimensions $\frac{3}{4}$ inch by 1 $\frac{1}{2}$ inch.
 - ii) End panels: Tops, and bottoms: plywood, minimum thickness $\frac{1}{2}$ inch. Tops and bottoms to be dadoed, glued, and stapled into sides and face frames.
 - iii) Backs: Plywood minimum thickness $\frac{1}{2}$ inches, dadoed or rabbeted, glued and stapled into end panels.
 - iv) Shelves: Solid wood or plywood. Adjustable shelves, minimum thickness $\frac{5}{8}$ inch.
 - v) Fixed shelves, minimum thickness $\frac{1}{2}$ inch. Edge banding is required on plywood.
 - vi) Doors and drawer fronts: Solid wood or plywood, minimum thickness $\frac{5}{8}$ inch. Panels in "frame and panel" doors, minimum, thickness $\frac{1}{4}$ inch.
 - vii) Drawer boxes: Solid wood or plywood, minimum thickness $\frac{1}{2}$ inch. Sides dadoed, rabbeted, or dove tailed to receive the front and back members of the drawer box. No butt joints will be accepted.
 - viii) Drawer bottoms: Plywood, minimum thickness $\frac{1}{4}$ inch. Bottoms dadoed and glued into drawer box.
 - ix) Drawer guides: Side mounted steel rails.

vi. Ventilation

- A. Bathroom and kitchen must have exhaust ventilation at least 20 CFM exhausting to the exterior or attic.

Any HOA property standards that may apply to the property supersedes the additional rehabilitation standards listed in this section. If a project is out of compliance with the Additional Rehabilitation Standards, the project owner shall bring to the attention of HCD staff the specific portion of the project which do not comply, stating the reason(s) for noncompliance. HCD will make a determination as to whether an exception to the Additional Rehabilitation Standards shall be granted.