



Recovery Housing Program (RHP)

Notice of Funding Availability



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OVERVIEW INFORMATION

INTRODUCTION AND BACKGROUND

The Federal Register Notice No. FR-6225-N-01 and updated Program Notice FR-6265-N-01 as authorized under Section 8071 of the SUPPORT for Patients and Communities Act, entitled Pilot Program to Help Individuals in Recovery from a Substance Use Disorder (SUD) become stably housed, authorizes assistance to grantees (states) to provide stable, temporary housing to individuals in recovery from a substance use disorder.

The Department of Finance and Administration – Local Government Division (DFA-LGD) is providing authorization to the New Mexico Mortgage Finance Authority (MFA) to serve as administrator of New Mexico’s Recovery Housing Program (RHP) to include development of the RHP action plan and implementation of activities described in the plan.

MFA, as subrecipient of the State of New Mexico's RHP allocations, will guide the use of approximately \$940,000 of the FY2020, \$902,621 of the FY2021, \$1,013,918 of the FY2022, \$1,268,811 of the FY2023, and \$1,450,399 of the FY2024 RHP funding received by the State through the U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) Program for the period of July 1, 2021, through September 1, 2030.

According to a New Mexico Substance Use Disorder Treatment Gap Analysis presented by the New Mexico Department of Health (NMDOH), substance use is a significant public health issue in New Mexico. New Mexico recognizes that treatment is necessary, but accessibility is insufficient for long-term recovery of low- and moderate-income and homeless individuals recovering from SUD, mental health conditions, and criminal justice involvement. Housing stability is fundamental to recovery and a critical factor contributing to positive outcomes. Participants who know they will exit to stable housing are more likely to successfully complete treatment. Many individuals who exit treatment will return to homelessness without long-term, affordable housing, and comprehensive, evidence-based wrap-around case management services. It is reported that of those exiting treatment for a substance use disorder or mental health condition, only 50% of those in need of housing received housing assistance according to the gap analysis. Data also shows that without stable housing, the risk of relapse and inability to maintain abstinence is greatly increased.

AGENCY CONTACTS

NM DFA-LGD will oversee MFA’s administration of the entire New Mexico RHP allocations for FY2020, FY2021, FY2022, FY2023, FY2024 and subsequent allocations. As such, DFA-LGD will provide grant management, monitoring, and ensure environmental review compliance. It will also ensure compliance with residential anti-displacement and relocation assistance plans, following their adoption, and the acquisition and relocation requirements of the Uniform Relocation Act. Oversight will be performed according to the state’s CDBG Implementation Manual adjusted for waivers and alternative requirements for the Pilot Recovery Housing Program.

Point of Contact: Carmen B. Morin, Bureau Chief
Community Development Bureau
407 Galisteo, Santa Fe NM 87501
Cell: (505) 470-8979
Email: CarmenB.Morin@state.nm.us

MFA will be responsible for administering RHP activities in compliance with RHP requirements under the oversight of the DFA.

Jackie Homet will continue to serve as the project manager for New Mexico's Recovery Housing Program to ensure coordinated effort and non-duplication of services.

Point of Contact: Jackie Homet, CDD Supervisor
Community Development Department
NM Mortgage Finance Authority
7425 Jefferson St NE Albuquerque, NM 87102
Office: (505) 308-4209
Email: jhomet@housingnm.org

For complete information on the program, please go to MFA's website at <https://housingnm.org/programs/recovery-housing-program> for Recovery Housing Program (RHP).

DEFINITIONS

INDIVIDUAL IN RECOVERY

A person who is in the process of change to improve their health and wellness, live a self-directed life, and strive to reach their full potential.

SUBSTANCE USE DISORDER

As defined by Substance Abuse and Mental Health Services Administration (SAMHSA), substance use disorder is the recurrent use of alcohol and/or drugs causing clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home.

RECOVERY RESIDENCE

A recovery residence may be a single-family home or an apartment that provides a safe, healthy, and substance-free living environment for persons recovering from a substance use disorder. Recovery residences generally provide peer support and a connection to services that promote long-term recovery.

AWARD INFORMATION

AWARD NOTICE

MFA shall provide written notice of the award to qualified applicants within fifteen (15) days of the date of the award approval by MFA's Board of Directors. The award shall be contingent upon signing final documents.

FUNDING ALLOCATION

The Department of Finance and Administration – Local Government Division (DFA-LGD) is providing authorization to the New Mexico Mortgage Finance Authority (MFA) to administer one hundred percent (100%) of New Mexico's RHP allocation. To date, MFA has approved \$5,296,961.55 in RHP awards to qualified service providers. The total remaining funds available under this NOFA are \$834,262.55.

FUNDING TERMS AND CONDITIONS

All awards will be subject to the availability of funds, applicable law, and funding source regulation. MFA will allocate only the minimum amount of funds that it determines to be necessary for the financial feasibility of a project and its viability.

Awards will be made in the form of grants, which may be for interim and/or permanent financing for eligible activities. The terms and conditions for each award will be based on the financing needs of each project or activity within the funding source regulations and limitations.

The recording of a Land Use Restriction Agreement (LURA) will be required for all grants that purchase, construct, or rehabilitate real property, for a minimum of 30 years. The LURA will remain in place throughout the required affordability period regardless of the status of any loans or changes in ownership, unless equal or more restrictive restrictions are in place from other funding sources or imposed through permanent affordability mechanisms such as deed restrictions or land trusts.

METHOD OF DISTRIBUTION

MFA will distribute one hundred percent (100%) of recovery housing funds for the purpose of use on eligible activities less eligible administrative costs. MFA will solicit qualitative and quantitative information from applicants who demonstrate a need for the project being proposed for RHP funding. MFA will consider both the projected demand for the proposed temporary recovery housing units and the financial need for assistance.

ELIGIBILITY INFORMATION

ELIGIBLE APPLICANTS

MFA will make awards of RHP funding to local governments, public and private non-profit organizations, and Indian tribes who demonstrate the ability to offer recovery housing services. Public and private nonprofit organizations can be located in all geographic areas within the State of New Mexico, including CDBG entitlement areas. Public and private nonprofit organizations must be exempt from taxation under subtitle C of section 501(c), have an accounting system, a voluntary board, be actively engaged in recovery housing efforts in New Mexico or previously engaged in recovery housing efforts in New Mexico, and practice nondiscrimination in the provision of assistance. Assistance may be provided to primarily religious organizations that agree to provide all eligible activities in a manner that is free from religious influence.

Agencies are required to comply with HUD FHEO (Fair Housing Equal Opportunity), federal fair housing laws and must have established policies and procedures that ensure equal access to all eligible individuals.

Agencies are required to have a primary mission to provide recovery housing.

ELIGIBLE ACTIVITIES

According to FR-6225-N-01 Section H. - Overview of Grant Process and RHP Action Plan Requirements, eligible activities include the following:

PUBLIC FACILITIES AND IMPROVEMENTS

RHP funds may be used for activities under 24 CFR 570.201(c) or section 105(a)(2) of the HCD Act (42 USC 5305(a)(2)) which include but are not limited to the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements only for the purpose of providing stable, temporary housing for individuals in recovery from a substance use disorder in accordance with Section 8071 and this notice.

ACQUISITION OF REAL PROPERTY

RHP funds may be used for acquisition of real property under 24 CFR 570.201(a) or section 105(a)(1) of the HCD Act (42 USC 5305(a)(1)) for the purpose of providing stable, temporary housing to persons in recovery from a substance use disorder. For example, a nonprofit could purchase a residential property for the purpose of providing stable, temporary housing for individuals in recovery from a substance use disorder in accordance with Section 8071 and this notice.

LEASE, RENT, AND UTILITIES

HUD is waiving and modifying 42 U.S.C. 5305(a)(8), 24 CFR 570.207(b)(4), 24 CFR 570.201(e), and 24 CFR 570.482(c)(2) to the extent necessary to permit RHP funds to be used to make payments for lease, rent, utilities, and associated costs (e.g. fees), for the purpose of providing stable, temporary housing, on behalf of an individual in recovery from a substance use disorder in accordance with Section 8071 and this notice. Under this waiver and alternative requirement, such payments are not limited to 15 percent of the RHP grant, and the individual may be assisted for up to two (2) years or until the assisted individual finds permanent housing, whichever is earlier. These payments may not be made directly to an individual. These payments may not have been previously paid from other sources; and the payments must result in either a new service and/or a quantifiable increase in the level of an existing service above that which has been provided in the twelve (12) calendar months prior to approval of the RHP Action Plan. For example, a subrecipient currently operating a recovery group home may use RHP funds to rent an additional house and increase the number of persons served. In which case, the rent and utility costs of the additional house may be paid with RHP funds; however, the rent and utilities of the original house would not be an eligible cost under the RHP program. In this example, an individual may only stay in the temporary housing assisted by RHP for a period of up to two (2) years or until the individual finds permanent housing, whichever is earlier.

REHABILITATION AND RECONSTRUCTION OF SINGLE UNIT RESIDENTIAL

RHP funds may be used for rehabilitation or reconstruction of publicly- or privately-owned single-unit residential buildings and improvements eligible under 24 CFR 570.202(a)(1) or section 105(a)(4) of the HCD Act (42 USC 5305(a)(4)) which include but are not limited to privately owned buildings and improvements for residential purposes; improvements to single-family residential property which is also used as a place of business, which are required in order to operate the business, for the purpose of providing stable, temporary housing for individuals in recovery from a substance use disorder in accordance with Section 8071 and this notice.

REHABILITATION AND RECONSTRUCTION OF MULTI-UNIT RESIDENTIAL

RHP funds may be used for rehabilitation or reconstruction of publicly- or privately-owned buildings and improvements with two or more permanent residential units that otherwise comply with 24 CFR 570.202(a) and section 105(a)(4) of the HCD Act (42 USC 5305(a)(4)) for the purpose of providing stable, temporary housing for individuals in recovery from a substance use disorder in accordance with Section 8071 and this notice.

REHABILITATION AND CONSTRUCTION OF PUBLIC HOUSING

RHP funds may be used for rehabilitation or reconstruction of buildings and improvements owned and operated by a public housing authority to the extent eligible under 24 CFR 570.202(a)(2) and section 105(a)(4) of the HCD Act (42 USC 5305(a)(4)), for the purpose of providing stable, temporary housing for individuals in recovery from a substance use disorder in accordance with Section 8071 and this notice.

DISPOSITION OF REAL PROPERTY

RHP funds may be used for disposition costs through sale, lease, or donation, or otherwise of real property acquired with RHP funds subject to 24 CFR 570.201(b) and section 105(a)(7) of the HCD Act (42 USC 5305(a)(7)), for the

purpose of providing stable, temporary housing for individuals in recovery from a substance use disorder in accordance with Section 8071 and this notice. Eligible costs may include costs incidental to disposing of the property, such as preparation of legal documents, fees paid for surveys, transfer taxes, and other costs involved in the transfer of ownership of the RHP-assisted property.

CLEARANCE AND DEMOLITION

RHP funds may be used for clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites to the extent eligible under 24 CFR 570.201(d) or section 105(a)(4) of the HCD Act (42 USC 5305(a)(4)) for the purpose of providing stable, temporary housing for individuals in recovery from a substance use disorder in accordance with Section 8071 and this notice. This is limited to projects where RHP funds are used only for the clearance and demolition.

RELOCATION

RHP funds may be used for relocation payments and other assistance for permanently or temporarily displaced individuals and families in connection with activities using RHP funds, to the extent eligible under 24 CFR 570.201(i) and section 105(a)(11) of the HCD Act (42 USC 5305(a)(11)) which include but are not limited to relocation payments and other assistance for permanently and temporarily relocated individuals families, businesses, nonprofit organizations, and farm operations and the additional provisions under the stated provisions.

EXPANSION OF EXISTING ELIGIBLE ACTIVITIES TO INCLUDE NEW CONSTRUCTION

RHP funds can be used for new construction of housing, to the extent the newly constructed housing shall be used for the purpose of providing stable, temporary housing for individuals in recovery from a substance use disorder in accordance with Section 8071 and this notice. HUD is waiving 42 USC 5305(a) and 24 CFR 570.207(b)(3) and adopting alternative requirements to the extent necessary to permit new construction of housing, subject to the same requirements that apply to rehabilitation activities under the provisions at section 105(a)(4) of the HCD Act (42 USC 5305(a)(4)) and 24 CFR 570.202(b).

LAND USE RESTRICTION AGREEMENT

Agencies awarded RHP funds will be required to place a Land Use Restriction Agreement (LURA) on each project and/or property funded or purchased with RHP funds for a minimum of 30 years. MFA may require an additional term after the compliance period based on the amount awarded.

ENVIRONMENTAL REQUIREMENTS

All projects are subject to an environmental review and must receive appropriate clearance prior to any expenditure of funds, including soft costs and lead-based paint costs. MFA is the responsible entity for the environmental review and is required to perform environmental reviews on all approved projects. Applicants will be required to provide all necessary forms, certifications, and documentation in order for MFA to complete the environmental review. MFA will issue the Authority to Use Grant Funds.

FLOOD INSURANCE

Owners of properties located in floodplains or wetlands as identified by the Federal Emergency Management Agency (FEMA) shall be required to obtain and maintain flood insurance as a condition of receiving funding. At initial intake, agencies must contact MFA for verification that a property is not located in a flood plain.

LEAD-BASED PAINT

HUD has revised and consolidated its lead-based paint regulations, which are listed in 24 CFR Part 35 and can be found at <https://www.law.cornell.edu/cfr/text/24/part-35>. The changes enacted by the new regulation affect rehabilitation. Major changes under the new lead-based paint regulation include notification, lead hazard evaluation, lead hazard reduction, ongoing maintenance, and addressing children with Environmental Intervention Blood Lead Levels.

On April 22, 2008, EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning in April 2010, contractors performing renovation, repair, and painting projects that disturb lead-based paint in homes, childcare facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination.

All Eligible Agencies must certify and comply with applicable lead-based paint regulations listed in 24 CFR Part 35. Fees for testing and abatement are invoiced to a separate set-aside fund specifically for lead-based paint activities. These fees are not passed on to the homeowner and are allowable expenses under RHP.

OTHER FEDERAL AND STATE REQUIREMENTS

All projects must meet Section 3, Uniform Relocation Guidance, Conflict of Interest Requirements as well as any other federal and state requirements applicable to Recovery Housing.

APPLICATION, SUBMISSION, AND TIMELY RECEIPT OF INFORMATION

NOFA AVAILABILITY

The NOFA was published on May 1, 2024 and has remained open since that date. It will continue to remain open until all RHP funds have been awarded, being updated annually as new RHP funds are awarded to New Mexico, as applicable. Applications received will be prioritized according to their ability to meet the Mandatory Priorities imposed in the SUPPORT Act and Minimum Requirements and detailed Scoring Criteria listed in this NOFA.

APPLICATION FORMAT AND INSTRUCTIONS TO APPLICANTS

All applications must include the items requested in the NOFA Documentation Submission Checklist. The checklist includes, but is not limited to, such items as application, schedules, resumes, audits, narrative, certifications, and disclosures. All other exhibits are outlined within the NOFA Required Documents checklist.

APPLICATION SUBMISSION

The required application forms will be provided electronically and may be downloaded from MFA's website at <https://housingnm.org/programs/recovery-housing-program>. Applications must be submitted via email to jhomet@housingnm.org and include "Recovery Housing Program Application Submission" in the subject line.

IRREGULARITIES IN APPLICATIONS

MFA may waive technical irregularities in the application of any applicant selected for an award which do not alter the price, quality or quantity of the services offered. (Note: the date and time of application submission as indicated herein under "Application Submission and Due Date" cannot be waived under any circumstances.)

RESPONSIBILITY OF APPLICANTS

If an Applicant who otherwise would have been awarded funds is found not to be a responsible applicant, a

determination setting forth the basis of the finding shall be prepared and the Applicant disqualified from receiving the award.

A responsible Applicant means an applicant who submits an application that conforms in all material respects to the requirements of this NOFA and who has furnished, when required, information and data to support the application. MFA in its sole discretion, shall determine and otherwise verify Applicant's ability to make satisfactory delivery of the services described in this NOFA.

APPLICATION CONFIDENTIALITY

MFA will not disclose the contents of any application or discuss the contents of any application with an applicant or potential applicant. The contents of any offer will not be disclosed to competing or potential applicants. After awards have been made for the initial round, and notice given to all applicants, all applications shall be made available and open to the public for review pursuant to the MFA Inspection of Public Records policy and procedure.

APPLICATION REVIEW INFORMATION

EVALUATION OF APPLICANTS AND DOCUMENTATION

MFA staff will evaluate applications using the Mandatory Priorities Imposed by the SUPPORT Act, Threshold Requirements and Ranking Criteria as described in the following sections. MFA will follow its own policies and procedures to obtain the necessary award approvals.

Staff may contact applicants for clarification of the information provided. In the event of a tie score, staff will recommend approval based on need as determined by staff. MFA will enter into performance agreements and related agreements with the applicants whose applications are deemed to be most advantageous to achieving the goals of RHP. All loans, grants and related agreements will include provisions for adequate security against the loss of RHP funds in the event that a successful applicant abandons or otherwise fails to complete a project and further will include remedies and default provisions in the event of the unsatisfactory performance by the successful applicant.

MANDATORY PRIORITIES IMPOSED BY THE SUPPORT ACT

The SUPPORT Act requires all grantees to distribute RHP funds giving priority to entities with the greatest need and ability to deliver effective assistance in a timely manner. Grantees must use RHP funds in a manner that reflects these priorities.

EVALUATION CRITERIA

PROJECT NEED

The project must substantiate and address a need that is significant to the needs of the community. Entities with the greatest need and entities with the ability to deliver effective assistance in a timely manner will receive high priority.

NECESSARY AND REASONABLE EXPENDITURE OF RHP FUNDS

The project must substantiate that RHP funding is necessary to meet the identified need(s); the impact of RHP dollars is maximized, and the use of RHP funds is reasonable when compared with other funding sources. MFA will determine whether all other feasible public and private funding sources have been analyzed and/or applied to the project. In order to assure that funds are committed, funding commitments from public/private funding sources shall be included in the application. The commitments may be contingent upon RHP funding.

PROJECT EFFECTIVENESS

The project must substantiate that project accomplishments would be significant given the need, amount of funds requested, local effort, and program design.

PROJECT LEVERAGING

The project should maximize and leverage the federal and non-federal assistance related to substance abuse, homelessness and at-risk of homelessness, unemployment, and other similar services.

PROJECT TIMELINESS

Projects must meet the greatest need and possess the ability to deliver effective assistance in a timely manner.

RANKING CRITERIA

Applicants will be scored on the following ranking criteria below. Applicants must score a minimum of 70% of the total points possible to be considered.

11. Scoring Criteria	
Category	Maximum Points
Mandatory Priorities Imposed by the SUPPORT Act Priority will be given to entities with the greatest need who possess the ability to deliver effective assistance in a timely manner ¹ . Need may be demonstrated through qualitative and/or quantitative information from applicants which demonstrate a need for the activities proposed for RHP funding. Applicants should describe both the projected demand for the proposed temporary recovery housing solution and the financial need for assistance.	5
Project Design and Implementation Plan The project is evaluated on the project design and implementation plan presented in the application form, including the method for determining eligible beneficiaries, service delivery or implementation	15

¹ 132 STAT. 4096 PUBLIC LAW 115–271—OCT. 24, 2018

plan, and the incorporation of any additional funding restrictions. Projects that present a viable design and implementation plan and address any additional funding restrictions that will result in a completed project will receive full points. <u>Considers: NIMBY, blended funding, has property, has timeline, understands inputs, has a referral network, is able to hire, is connected to local housing efforts and networks</u>	
Project leverage of other resources, long-term viability (reserves, cash flow coverage) The project is evaluated on its financial feasibility and sustainability. Match or leverage funding will be considered under this criterion. Projects that demonstrate a viable plan for covering the cost of the project will receive full points. <u>Investments: Local contributions, local support</u>	15
Project provides safe, healthy, and sober living environment The project will be evaluated on the extent to which it addresses health, safety, and housing stability concerns, and must be a sober living environment where all residents share the goal of sobriety.	5
Design of program that provides holistic, wrap around services Project will be evaluated on the extent to which it will provide intensive coordinated services to help individuals with chronic physical and behavioral health issues, directly related to substance use disorders, maintain stable housing and receive appropriate health and social supports, outpatient and onsite services and counseling within a 50-mile radius. <u>Partnerships: Employment, housing, education, medical services, transportation</u>	10
Project addresses housing needs of vulnerable or underserved populations The project is evaluated on the extent to which it will address the housing needs of vulnerable or underserved populations which may include, but are not limited to, residents of tribal land, residents of rural New Mexico, populations at risk of homelessness or populations directly affected by substance use disorders. <u>Important variables: Rural, BIPOC, multiple system involvement</u>	15
Ability to comply with funding source requirements The project is evaluated on the applicant's demonstrated ability to comply with HUD and Fair Housing and Equal Opportunity (FHEO) requirements, including required reporting, pursuant to the population served through the stated mission of the applicant.	5
Readiness to proceed, obligate, and expend funds within a reasonable timeframe to complete the activity/activities. The project is evaluated on its readiness to proceed. Projects that demonstrate the ability and readiness to being implemented immediately upon award will receive full points.	15
Community support for recovery housing The project is evaluated on the extent to which an applicant can demonstrate community input and support for the proposed activity/activities. <u>Considerations: There are leaders involved, community meetings, housing networks, steering committees, and other organized efforts to support good neighbor and anti-stigma</u>	15
Coordination with state, local or regional service providers The project is evaluated on the extent to which applicants are coordinating beneficiaries with other available services for individuals directly impacted by substance use disorders to achieve the stated RHP goals.	15

<u>This one is related to partnerships, community support, and holistic and wraparound services</u>	
Partner Coordination The project is evaluated on the extent to which applicants can demonstrate partner coordination, i.e. incorporation of other programs that may be assisting these same individuals either before or after their participation in an RHP-funded program, such as HUD's Continuum of Care (CoC) Program, Emergency Solutions Grants (ESG) program, Housing Opportunities for Persons With AIDS (HOPWA) Program, and also HUD-VASH, a joint program between HUD and the U.S. Department of Veterans Affairs (VA). <u>This one is related to partnerships, community support, and holistic and wraparound services</u>	10
Demonstrated data collection for outcomes (previous data) The project is evaluated on the extent to which applicants can demonstrate progress in meeting the goals and objectives of the RHP program and awarded activity/activities. <u>Ability to provide data points and/or data sources available in community</u>	10
Project includes trained recovery housing staff The project is evaluated on the agency's ability to provide trauma informed care, peer support technical assistance center, and other qualifications of recovery housing staff.	5
Total Possible Points	140

THRESHOLD CRITERIA

To be considered for funding, an applicant must first demonstrate that it meets each of the following threshold criteria:

- i. The application is complete and legible, including all schedules and attachments, and is submitted by the application deadline.
- ii. The application complies with all applicable requirements established in these Guidelines and NOFA.
- iii. The applicant provides sufficient evidence of its ability to undertake and complete the application in the areas of financing, acquiring, rehabilitating, developing, and/or managing an affordable housing project.
- iv. The application provides sufficient evidence that the proposed project is financially and technically feasible and includes a proposed budget and performance schedule for the proposed project.
- v. The project will carry out activities which focus RHP funds towards projects that complement (but do not supplant) federal substance abuse-related assistance (e.g., State Opioid Response (SOR) Grants or Substance Abuse Prevention and Treatment Block Grants (SABG) awarded by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the U.S. Department of Health and Human Services (HHS)).

OTHER INFORMATION

INCURRED EXPENSES

MFA shall not be responsible for any expenses incurred by an applicant in applying for RHP funding. All costs incurred by an applicant in the preparation, transmittal or presentation of any application or material submitted in response to this NOFA will be borne solely by the applicant.

PROTEST

Any Applicant who is aggrieved in connection with this NOFA or the notification of preliminary selection to this NOFA may protest to MFA. A protest must be based on an allegation of a failure to adhere to the evaluation process as designated in the NOFA, including MFA's evaluation of applications.

Protests received after the deadline will not be considered. The protest must be delivered to MFA via e-mail within five business days after the preliminary notice of award. Upon the timely filing of a protest, the administrative assistant shall give notice of the protest to all Applicants who appear to have a substantial and reasonable prospect of being affected by the outcome of the protest. The Applicants receiving notice may file responses to the protest within five business days of notice of protest. The protest and responses to the protest shall be reviewed by a committee appointed by the MFA Board Chair. In the discretion of the Board Chair, the committee shall either make a final determination or make a recommendation to the MFA Board of Directors regarding the disposition of the protest.

No appeal of the determination shall be allowed. Applicants or their representatives shall not communicate with members of MFA's Board of Directors, or any MFA staff member regarding any application under consideration, except when specifically permitted to present testimony to the Board. An application will be deemed ineligible if the Applicant or any person or entity acting on behalf of the Applicant attempts to influence members of the MFA Board of Directors or MFA staff during any portion of the NOFA review process or does not follow the prescribed application and protest process.

CODE OF CONDUCT

Applicants, including members of the Applicant's board, shall warrant that it has no interest, direct or indirect, which would conflict in any manner or degree with the performance of services related to this application. The applicant shall always conduct itself in a manner consistent with the MFA's Third-Party Code of Conduct. A copy of the MFA Third Party Code of Conduct is posted on the MFA website for review at [https://housingnm.org/uploads/documents/Third Party Code of Conduct.pdf](https://housingnm.org/uploads/documents/Third_Party_Code_of_Conduct.pdf). Upon request by MFA, Applicant shall disclose information MFA may reasonably request relating to conflicts or potential conflicts of interest.

USE OF ELECTRONIC VERSIONS OF THIS NOFA

This NOFA is being made available by electronic means. If accepted by such means, the applicant acknowledges and accepts full responsibility to ensure that no changes are made to the NOFA. In the event of a conflict between a version of the NOFA in the applicant's possession and the version maintained by MFA, the version maintained by MFA will govern.