# Evaluation of Applications and Documentation

MFA staff will evaluate applications submitted based on the following Scoring Criteria and all required documentation as outlined in the Universal Rental Development Application. Staff may contact applicants for clarification of information provided. In the event of a tie score, staff will recommend approval based on financial need and applications that are deemed to be most advantageous to achieving the goals of the NHTF.

# Scoring Criteria

All projects must meet the following threshold criteria:

* NHTF-assisted units must provide permanent rental housing for ELI households;
* NHTF-assisted units must remain affordable to ELI households for at least 30 years;
* The applicant must certify that NHTF-assisted units will comply with all NHTF requirements;
* The project must be financially feasible;
* NHTF-assisted rehabilitation projects must comply with the rehabilitation standards found in Attachment A: National Housing Trust Fund Rehabilitation Standards; and
* The project must include at least four (4) rental units.

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|  | Scoring Criteria | Points |
|  | Geographic diversity  *No other Low Income Housing Tax Credit, public housing, or federally-subsidized housing projects within:*   * *¼ mile radius = 3 points* * *½ mile radius = 5 points* | 3 or 5 |
|  | Duration of the affordability period beyond the required 30 years  *Projects committed to an additional five or more years* | 5 |
|  | Energy efficiency  *Home Energy Rating System (HERS) score exceeds a sufficient HERS rating as stipulated in the then-current MFA Design Standards* | 5 |
|  | Organization type  *Developer/general partner is a New Mexico nonprofit organization, a Tribal Designated Housing Entity (TDHE), or a public housing authority* | 5 |
|  | Absence of project-based rental assistance  *Projects without project-based rental assistance or projects that have or will have project-based rental assistance covering less than or equal to 25% of the total units* | 5 |
|  | Transit-oriented development  *Projects within 1/2-mile walking distance of public transportation*  *Public transportation must be established and provided on a fixed route with scheduled service. Alternative forms of transportation may be acceptable, provided sufficient documentation is submitted that establishes the alternative form of transportation is acceptable to MFA. A future promise to provide service does not satisfy this scoring criterion.* | 10 |
|  | Tribal or Rural location  *Tribal or Rural Housing projects, defined as follows:*  *A. Tribal – Projects located on tribal lands, or*  *B. Rural – Projects located outside of the boundaries of Bernalillo County, the City of Rio Rancho, the City of Las Cruces, the City of Santa Fe, the City of Farmington or the City of Roswell.* | 10 |
|  | Creation of new units serving ELI households, through new construction, adaptive reuse or conversion of market-rate units  Examples:   * New construction of 4 new units (minimum project size) consisting of 3 market rate units and 1 ELI unit = 1 point * Adaptive reuse of a hotel into 30 units consisting of 10 market rate units, 10 units at 50% AMI, and 10 ELI units = 10 points   *Each new ELI unit = 1 points (Capped at 10 points)* | Up to 10 |
|  | Readiness  Applicant’s ability to obligate NHTF funds and undertake eligible activities in a timely manner  *Projects that have*  *(1) evidence of site control =5 points*  *(2) evidence that the current zoning of the proposed site does not prohibit multifamily housing = 5 points*  *(3) evidence of all other non-MFA funding sources*  *a.) letters of interest from all other non-MFA funding = 5 points*  *b.) commitment letters from all other non-MFA funding sources = 10 points* | Up to 20 |
|  | Leverage  Use of state, local and private funding sources  *Projects that have funding sources outside of federal funding sources, low-income housing tax credits, bond financing, and MFA funding sources, as follows:*  *10% of NHTF funds requested = 4 points*  *20% of NHTF funds requested = 8 points*  *30% of NHTF funds requested = 12 points*  *40% of NHTF funds requested = 16 points*  *50% of NHTF funds requested = 20 points* | Up to 20 |
|  | Extent to which the project meets any of the following priority housing needs identified in the NM Consolidated Plan: housing for the elderly and frail elderly, housing for persons with severe mental illness, housing for persons with disabilities, housing for persons with alcohol or other addictions, housing for persons with HIV/AIDS, housing for victims of domestic violence, housing for individuals or households experiencing homelessness, as follows:  *10% of NHTF units targeted to any priority housing need = 4 points*  *20% of NHTF units targeted to any priority housing need = 8 points*  *30% of NHTF units targeted to any priority housing need = 12 points*  *40% of NHTF units targeted to any priority housing need = 16 points*  *50% of NHTF units targeted to any priority housing need = 20 points* | Up to 20 |
|  | Total Possible Points = 115  **Minimum Points Required = 40** |  |

Changes to the application/project after award require MFA’s approval and applicant/owner must notify MFA in writing of any changes and include a $500 Change Fee with the request. If the project received funding under another program that requires payment of the Change Fee, the NHTF Change Fee may be waived. It is the intent of MFA to charge this fee only once per change. Changes to the application/project after award, including changes in funding sources, will result in an additional review against the Scoring Criteria. Changes that impact the initial score can result in the loss or reduction of an NHTF award.

# Application Format and Instructions to Applicants

All proposals must include the items requested in the application checklist on MFA’s website located at http://www.housingnm.org/developers. The checklist includes, but is not limited to, such items as application, schedules, resumes, audits, narrative, certifications and disclosures.

The application fee for NHTF will be $250.

# Incurred Expenses

MFA shall not be responsible for any expenses incurred by an applicant in applying for NHTF 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.

# Award Notice

MFA shall provide written notice of the award to all applicants within fifteen (15) days of the date of the award. The award shall be contingent upon meeting all loan closing conditions determined by MFA and execution of all final loan documents.

# Application Confidentiality

Prior to the application deadline, MFA encourages inquiries from potential applicants regarding the NOFA. MFA shall not disclose any information regarding a proposed application provided during such inquiries to any third party. After the application deadline and until awards are made and notice given to all applicants, MFA will not disclose the contents of any application or discuss the contents of any proposal with an applicant or potential applicant, so as to make the contents of any offer available to competing or potential applicants.

After awards have been made and notice given to all applicants, all applications shall be available and open to the public for review.

# Irregularities in Applications

MFA may waive any technical irregularities in an application selected for award that do not alter the nature or the quality of the services offered. Note especially that the date and time of application submission 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 the NHTF application and who has furnished, when required, information and data to prove that the applicant’s financial resources, facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services described in this NOFA.

# Protest

Any applicant who is aggrieved in connection with this NOFA or the award of a loan agreement pursuant to the NHTF application process may protest to MFA. The protest must be written and addressed to the Contact Person. The protest must be delivered to MFA within five (5) calendar days after the notice of award or decline. Upon the timely filing of a protest, the Contact Person shall give notice of the protest to all applicants who appear to have a reasonable prospect of being affected by the outcome of the protest. The applicants receiving notice may file responses to the protest within five (5) calendar days of notice of protest. A committee appointed by the MFA Board Chair shall review the protest and responses to the protest and shall make a recommendation to the Board of Directors regarding the disposition of the protest.

The Board of Directors shall make a final determination regarding the disposition of the protest. Applicants or their representatives shall not communicate with MFA Board of Directors or staff members regarding any proposal under consideration, except when specifically permitted to present testimony to the committee of the Board of Directors. A proposal will be deemed ineligible if the applicant or any person or entity acting on behalf of applicant attempts to influence members of the Board of Directors or staff during any portion of the review process, or does not follow the prescribed Application and Protest process.

# Code of Conduct

Applicant has no current or proposed business transaction with MFA or any of its Board members or employees, nor is aware of any other potential conflict which may give rise to a claim of conflict of interest. Any violation of this provision, as determined by MFA, will render the contract void, unless it is approved by the Board of Directors after full disclosure.

Applicant shall provide a statement disclosing any political contribution or gift valued in excess of $250 (singularly or in the aggregate) made by Applicant or on Applicant’s behalf to any elected official of the State of New Mexico currently serving or who has served on the MFA Board of Directors in the last three (3) years.

Applicant 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. Applicant shall at all times conduct itself in a manner consistent with the MFA Code of Conduct. A copy of the MFA Code of Conduct is posted on the MFA website for review at http://www.housingnm.org/rfp. Upon request by MFA, Applicant shall disclose information the 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 conflict between a version of the NOFA in the Applicant’s possession and the version maintained by MFA, the version maintained by MFA shall govern.

# Definitions

**Households or individuals experiencing homelessness** – A household or individual is considered homeless when residing in one of the places described below:

* In places not meant for human habitation, such as cars, parks, sidewalks, abandoned buildings (on the street);
* In an emergency shelter;
* In transitional or supportive housing for homeless households/individuals who originally came from the streets or emergency shelters;
* In any of the above places but is spending a short time (up to 30 consecutive days) in a hospital or other institution;
* Is being evicted within a week from a private dwelling unit and no subsequent residence has been identified and the individual/household lacks the resources and support networks needed to obtain housing;
* Is being discharged within a week from an institution, such as a mental health or substance abuse treatment facility or a jail/prison, in which the person has been a resident for more than 30 consecutive days and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing; and/or
* Is fleeing a domestic violence housing situation and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.

**Individuals with disabilities** - Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment. In general, a physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks and caring for oneself.

**Individuals with severe mental illnesses** - Serious mental illness (SMI) as defined by the Substance Abuse and Mental Health Services Administration (SAMHSA) - adults aged 18 or older who currently or at any time in the past year have had a diagnosable mental, behavioral, or emotional disorder (excluding developmental and substance use disorders) of sufficient duration to meet diagnostic criteria specified within the 4th edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) that has resulted in serious functional impairment, which substantially interferes with or limits one or more major life activities. Treatment Severe mental illness is often defined by its length of duration and the disability it produces. These illnesses include disorders that produce psychotic symptoms, such as schizophrenia and schizoaffective disorder and severe forms of other disorders such as major depression and bipolar disorder.

**Senior Housing** - The Fair Housing Act specifically exempts some senior housing facilities and communities from liability for familial status discrimination. Exempt senior housing facilities or communities can lawfully refuse to sell or rent dwellings to families with minor children. In order to qualify for the "housing for older persons" exemption, a facility or community must prove that its housing is:

* Provided under any State or Federal program that HUD has determined to be specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or
* Intended for, and **solely** occupied by persons 62 years of age or older; or
* Intended and operated for occupancy by persons 55 years of age or older.

In order to qualify for the "55 or older" housing exemption, a facility or community must satisfy each of the following requirements:

* At least 80 percent of the units must have at least one occupant who is 55 years of age or older; and
* The facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and
* The facility or community must comply with HUD's regulatory requirements for age verification of residents.