



Restoring Our Communities (ROC)

Notice of Funding Availability



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OVERVIEW INFORMATION

INTRODUCTION AND BACKGROUND

The New Mexico Mortgage Finance Authority/Housing New Mexico (Housing NM) Housing NM has developed the Restoring Our Communities (ROC) program to help meet New Mexico’s need for affordable housing units while assisting communities in reducing vacant and abandoned properties that reduce values within the community. The program will provide funding for the acquisition, rehabilitation, and resale of single-family properties with a goal to increase homeownership opportunities for low-moderate- and middle-income households. Housing NM will work with eligible agencies to administer the program under applicable guidelines set forth in this Notice of Funding Availability (NOFA). The program objectives are to 1. Provide funding for acquisition and rehabilitation of vacant or abandoned properties to increase affordable housing units in New Mexico, and 2. Create and preserve affordable housing and provide affordable housing opportunities for low-moderate- and middle-income homebuyers.

AGENCY CONTACTS

Housing NM will be responsible for administering the ROC Program for current and subsequent funding allocations which include but are not limited to fund management, reporting, and monitoring of the ROC activities to ensure program compliance.

Point of Contact: Ethan Howe, Program Manager
 Programs Department
 NM Mortgage Finance Authority
 344 4th Street, Albuquerque, NM 87102
 Office: (505) 767-2244
 Email: ehowe@housingnm.org

DEFINITIONS

ACQUISITION OF REAL PROPERTY

The process of gaining ownership or control of real property (real estate) or an interest in real property.

REHABILITATION

The improvement of the condition of a property from deteriorated or substandard to good condition. Rehabilitation may vary in degree from the extensive reconstruction to the cure of substantial accumulation of deferred maintenance.

RESALE

The transfer of ownership of, and title to, property from the current owner to an eligible homebuyer for a price.

AWARD INFORMATION

AWARD NOTICE

Housing NM shall provide electronic notice (e-mail) of project award(s) to successful Applicants within fifteen (15) days of the approval date of the award. The award shall be contingent upon signing final award documents.

FUNDING ALLOCATION

Housing NM's initial ROC Program allocation for FY2023 is \$4,000,000. Housing NM will provide notice of additional funding allocations to the program through Housing NM's website. The NOFA will remain open as long as there are available funds.

ROC Program rules and regulations are subject to change from time to time based on allocation of additional funding sources, program improvements and expansion of program activities. Housing NM's Policy Committee will approve changes to the NOFA.

FUNDING TERMS AND CONDITIONS

All awards will be subject to the availability of funds, applicable laws, and funding source regulations for the ROC Program. Housing NM 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 given to approved Service Providers on a project-by-project basis. The amount of the award will be based on the Service Provider's total project cost to complete the project. The terms and conditions for each award will be based on the financing needs of each project within the funding source regulations and limitations.

Awards will be secured by a Mortgage and Security Agreement, a Promissory Note, and a Land Use Restriction Agreement (LURA) recorded against the subject property for the amount of the award. The recording of the security instruments will be required for all awards to secure Housing NM disbursement for acquisition, rehabilitation, and eligible costs for the completion and sale of the project. The Mortgage and Security Agreement will be released upon the sale of the property to an eligible homebuyer.

At resale, homebuyer assistance may be provided in the form of a zero interest, non-amortizing, second mortgage loan which is due upon sale, transfer, or refinance of the property. Housing NM will have a lien on the property using a Mortgage and Restrictive Covenant and a Promissory Note signed by the homebuyer at the sale/closing of the property. This will ensure compliance with the period of affordability and outlines the forgivable terms of the loan. It also outlines provisions which, in the event of a sale of the property during the period of affordability, the loan may be transferred to a qualified homebuyer for the remaining term of the period of affordability.

Eligible homebuyers must be evaluated for qualification for Housing NM ROC Program homebuyer assistance for resale of the property.

Eligible homebuyer(s) must be presented with and if eligible, use current Housing NM first-time homebuyer programs for the purchase and/or permanent financing of the property unless a competing program has better terms and is more beneficial to the homebuyer.

METHOD OF DISTRIBUTION

Housing NM will award ROC funds to an eligible Service Provider through this NOFA for the acquisition, rehabilitation, and resale of eligible projects less eligible administrative costs. Housing NM will solicit qualitative and quantitative information from Applicants to demonstrate the project being proposed for ROC Program funding fulfills the program objectives.

ELIGIBILITY INFORMATION

ELIGIBLE APPLICANTS

Housing NM will award ROC Program funding to eligible Applicants to include, but not limited to, public and private non-profit organizations, for-profit organizations, governmental housing agencies, authorities, entities, or instrumentalities, regional housing authorities, public housing authority, tribal governments, tribal housing agencies, or housing authorities, developers, builders, corporations, limited liability companies, partnerships, joint ventures, syndicates, associations, or other entities that can assume contractual liability and legal responsibility through execution of a Performance Agreement and/or other written agreements with Housing NM. Individual Applicants are not eligible for the ROC Program.

Eligible Applicants can be located in any geographic area(s) within the State of New Mexico.

ELIGIBLE ACTIVITIES

Approved Service Providers must comply with ROC Program rules and regulations for the **acquisition** and **rehabilitation** of vacant or abandoned properties throughout the state, then **resale** of the property to an eligible homebuyer.

ROC Program funds may be used for reasonable and customary costs related to eligible activities.

ROC Program rules and regulations are subject to change from time to time based on future funding sources, program improvements and expansion of program activities.

ACQUISITION, REHABILITATION, AND RESALE OF REAL PROPERTY

ROC Program funds may be used for acquisition, rehabilitation, and resale of real property to increase affordable housing units, reduce vacant and abandoned properties that reduce values within the community, and create homeownership opportunities for low- moderate- middle income homebuyers.

Service Providers will identify vacant properties, owner(s) of record to confirm clear title of the property and obtain a pre-purchase appraisal with “As Is” value and “Improved” or estimated sales price after rehabilitation to negotiate the purchase of the property. In addition, the Service Provider will be required to perform a *Needs Assessment Field Report* of the subject property and document the condition of the property and obtain and provide detailed cost estimates for improvements needed to meet Housing Quality Standards.

Upon completion of the rehabilitation, the Service Provider must complete the *Housing Quality Standards Inspection Sheet* and obtain an after-rehab appraisal to market and list the property for the lesser of the total project cost or the after-rehab value. The property must be sold to an eligible homebuyer and must be the homebuyer’s principal residence (owner-occupied).

Under this NOFA, the service provider is responsible for the entire process from the project acquisitions to disposition. The process includes but is not limited to the following major functions:

- Identify Potential Property

- Title Search
- Pre-Purchase Property Appraisal with “As Is” and “Subject to Repairs” values. (other forms of valuations for subject to repair values evaluations may be used, i.e., Broker’s Price Opinion (BPO), Comp averages, etc.)
- Evaluation and cost estimates of rehabilitation activities (ROC Program Needs Assessment Field Report)
- Determine viability of project
- Acquisition
- Rehabilitation
- Certificate of Occupancy (if applicable)
- Updated Appraisal (after Rehabilitation)
- Marketing of the property for resale to an eligible homebuyer
- Resale
- Project Reporting/Close Out

PROJECT START UP PROCESS

Service Provider may request disbursement of ROC Program funds after the completion of pre purchase activities and after the purchase contract is fully executed. Service Provider must satisfy the following requirements (in order of priority) prior to beginning work on the project:

- ◆ Execute the purchase agreement.
- ◆ Ensure compliance with the conditions of the purchase agreement and all federal, state, and local laws and ROC Program guidelines such as:
 - Real property acquisition requirements (Set Up/Acquisition Checklist)
 - Lead-based paint (if applicable)
 - Asbestos evaluation
 - Termite Inspection
 - Ensure cost estimates are detailed and reasonable.

PROJECT APPLICATION/SET UP

Service Provider will utilize Housing NM’s ROC software system to submit project information and upload required documents when a project has been identified for purchase (Exhibit B – Project Application Form). This submission will reserve the total project cost/award amount. Any changes to the project information or project costs must be updated within 48 hours of change. Changes in costs require an approved change order.

PROJECT COMPLETION

Service Provider will be required to update and finalize the project information in Housing NM’s ROC system before submitting the final invoice on a project. No exceptions will be allowed.

PROJECT FUNDING/REIMBURSEMENT

Service Provider may request funds by using Housing NM’s Request for Reimbursement form. (Exhibit C). Funds will be disbursed on a project-by-project basis for expenses. Disbursements must reflect only actual expenses. In the event of an overpayment through the reimbursement process, excess funds must be immediately returned to Housing NM. If, however, the disbursement is insufficient to cover increases in the cost of completing the project, the Service Provider must submit a written request for additional funds along with a revised project set up and if applicable a change order request form.

Acquisition Funding:

A Service Provider may choose to have Housing NM “table fund” the acquisition of the approved property. Housing NM will require sale/closing documents to include but not limited to the executed purchase agreement and all amendments, Housing NM ROC Program Reimbursement form, title policy, closing disclosure showing all closing costs/earnest payments and amount due at closing as well as wiring instructions to send funds at least three (3) business days prior to closing,

PROJECT MANAGEMENT FEE

Service Providers will receive a *project management fee* for completion of ROC Program projects. The fee will be paid through the reimbursement process at the completion of the project. Service Providers will submit the final reimbursement request along with a project completion form. Upon Housing NM approval of the project completion form, the final reimbursement request will be processed for payment. Rural Areas are outside Albuquerque, Las Cruces, Rio Rancho, and Santa Fe.

Project Management Fees will pay as follows:

- Rural Projects – 15% of Total Project Cost, not to exceed \$25,000.
- Urban Projects – 10% of Total Project Cost, not to exceed \$15,000.

HOMEBUYER ASSISTANCE – PERIOD OF AFFORDABILITY

Homebuyer assistance investment in the property will be in the form of a zero interest, non-amortizing, second mortgage loan which is due upon sale, transfer, or refinance of the property. Housing NM will place a lien on the property using a Mortgage and Restrictive Covenant and a Promissory Note signed by the homebuyer at the sale/closing of the property. This will ensure compliance with the period of affordability and outlines the forgivable terms of the loan. It also outlines provisions which, in the event of a sale of the property during the period of affordability, the loan may be transferred to a qualified homebuyer for the remaining term of the period of affordability.

The Program Manager will determine the amount of the homebuyer assistance.

As long as the homebuyer is in compliance with the requirements of the loan, the loan amount shall be reduced on the anniversaries of the loan date as follows:

- If the grant amount is from \$1 to \$14,999, the grant shall be reduced at a rate of twenty percent (20%) per year for five years.
- If the grant amount is from \$15,000 to \$39,999, the grant shall be reduced at a rate of ten percent (10%) per year for ten years.
- If the grant amount is \$40,000, the grant shall be reduced at a rate of approximately six-point-seven percent (6.7%) for fifteen years.

ELIGIBLE BENEFICIARIES

Per ROC Program guidelines, only low- moderate- households or individuals are qualified beneficiaries. Low-income persons or families are those with income up to 80% of the Area Median Income (AMI). Moderate-income persons or families are those with income above 80% and up to 150% of the AMI adjusted for family size.

FUNDING LIMITS AND RESTRICTIONS

ROC Program awards are contingent on available funds. Housing NM, in its discretion, may set limits on the amount of funding to be awarded. Approved Service Providers are limited to five (5) open project awards at any one time, at Housing NM's discretion.

FLOOD INSURANCE

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, Service Provider must provide verification that a property is not located in a flood plain.

LEAD-BASED PAINT

Service Providers must certify and comply with applicable lead-based paint regulations. Fees for testing and abatement cannot be passed to the homebuyer and are allowable expenses under ROC.

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.

OTHER FEDERAL AND STATE REQUIREMENTS

Service Providers must meet any federal, state, and local building code requirements.

APPLICATION, SUBMISSION, AND TIMELY RECEIPT OF INFORMATION

NOFA AVAILABILITY

The ROC Program NOFA release date is September 1, 2023.

The ROC Program NOFA applications and forms will be provided electronically and may be downloaded from Housing NM's website. <https://housingnm.org/resources/2023-restoring-our-communities-program>

APPLICATION FORMAT AND INSTRUCTIONS TO APPLICANTS

Eligible Applicants will be required to follow a two-step process. Applicant's *Service Provider Application* and *Project Application* submissions must be complete and include all information requested in the NOFA. All exhibits identified in this NOFA are included in their respective application checklists. Application checklists include but are not limited to the exhibits, documentation, schedules, audits, certifications, and disclosures.

Service Provider Application – Applicants must complete and submit the Service Provider application form (Exhibit A) with all required documents included in the Service Provider application checklist. Under the provisions of this open NOFA, Housing NM staff will evaluate the application using the Minimum Qualifications and Requirements, and Service Provider evaluation and scoring criteria listed in this NOFA. Upon approval, Housing NM and the Service Provider will enter into a Performance Agreement for a two-year term with an option for three additional one-year renewals. Upon execution of the Performance Agreement, project applications can be submitted for project awards.

Project Applications – Upon execution of the Performance Agreement, a Service Provider can complete and submit individual project application forms with all required documents included in the Project application checklist via Housing NM's ROC software system. Under the provisions of this open NOFA, Housing NM staff will evaluate the

project application for completeness, feasibility, and eligibility. Service Providers will be allowed up to five (5) open project awards at any one time, at Housing NM's discretion. Awards will be granted in order of receipt of complete project application(s) with all required documents and available funding.

A project application that is denied by Housing NM for failing to meet ROC Program requirements, may be resubmitted for award consideration if all defects are resolved. After a denial, a new application will be required and will be reviewed in order of receipt of resubmission in accordance with this NOFA.

Housing NM staff may contact Applicants for clarification of the information provided in each application process.

APPLICATION SUBMISSION

Complete project applications will be accepted on a first come, first served basis, and will be evaluated in chronological order based on the date received. If applications are incomplete at the time of submission, they will not be considered until they are complete. If sufficient funds are not available to fund all submitted and approved projects, they will be awarded based on the date received. Housing NM will close the NOFA if funding is no longer available.

Please allow 14 days for the review and approval process.

The Service Provider application forms will be provided electronically and may be downloaded from Housing NM's website at: <https://housingnm.org/programs/restoring-our-communities-program>

Service Provider applications must be submitted via e-mail to ehowe@housingnm.org along with project information and required documents.

Project applications must be submitted via Housing NM's ROC Neighborly Online Software system along with required supporting documentation.

IRREGULARITIES IN APPLICATIONS

Housing NM 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.

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. Housing NM 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

Housing NM 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, and notice given to Applicant(s), all applications shall be made available and open to the public for review pursuant to the Housing NM Inspection of Public Records policy and procedure.

APPLICATION REVIEW INFORMATION

EVALUATION OF APPLICANTS AND DOCUMENTATION

Housing NM staff will evaluate Service Provider applications using the Minimum Qualifications and Requirements, and Service Provider evaluation and scoring criteria as described in the following sections. Housing NM will follow its own policies and procedures to obtain the necessary award approvals.

Upon approval, Housing NM and the Service Provider will enter into a Performance Agreement for a two-year term with an option for three additional one-year renewals.

The Performance Agreement will include provisions for adequate security against the loss of ROC Program 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.

SERVICE PROVIDER EVALUATION CRITERIA

The following criteria must be met by all Applicants to be considered an approved Service Provider to receive ROC Program funding. To promote participation, Applicants with no little or no experience, may be considered for approval at Housing NM's discretion and will be limited to one (1) open project award at any one time.

Qualified Applicants will submit a Service Provider Application Form (Exhibit A) which will be reviewed using the Minimum Qualifications and Requirements, and Service Provider evaluation and scoring criteria listed in this NOFA.

Applicants must score a minimum of 70 points of the total points possible.

Staff may contact Applicants for clarification of the information provided.

MINIMUM QUALIFICATION AND REQUIREMENTS

1. Organization under state, local, or tribal laws and can provide proof of such organization and that Applicant is in good standing, as applicable;
2. A functioning accounting system that is operated in accordance with generally accepted accounting principles or has designated an entity that will maintain such an accounting system consistent with generally accepted accounting principles or has a fiscal agent familiar with affordable housing programs and projects or in lieu of an audit, an independent CPA's review of financial statements, signed by the reviewer.
3. No significant financial audit findings, and no significant outstanding or unresolved monitoring findings from any governmental entity, or from Housing NM, or otherwise; or if it has any such findings, it has a certified letter from the governmental entity, Housing NM, or otherwise stating that the findings are in the process of being resolved.
4. Not having been suspended, debarred, or otherwise restricted by any department or agency of the Federal Government or any State government from doing business with such department or agency because of misconduct or alleged misconduct.
5. Not having defaulted on any obligation covered by a surety or performance bond.

Non-profit applicants must also provide proof of the following:

1. 501(c)(3) tax status;

2. Having no part of its net earnings inuring to the benefit of any member, founder, contributor or individual; and
3. Compliance with the Charitable Solicitations Act, NMSA 1978, §57-22-1 et seq. and with the filing requirements by the New Mexico Attorney General’s Office under that Act.

SERVICE PROVIDER SCORING CRITERIA

Criteria	Maximum Score
Fiscal Responsibility	25
Experience Acquisition, Rehabilitation, and Sale	35
Implementation Plan	20
Agency Readiness to Proceed	20
Total Maximum Points	100

Fiscal Responsibility – 25 Possible Points	
Unresolved findings	0
Independent Audit with management letter and auditor-cleared findings	5
Independent Audit with zero findings	10
<u>External Audit (10 possible points)</u>	
<p>Independent audit or audited financial statements must be for the most recent completed fiscal year not ending earlier than 2022. Audit materials must include management’s response to any findings and corrective action to clear the finding or provide details on the current status of a finding.</p>	
<u>Fiscal Responsibility (15 possible points)</u>	
Strength of internal control policy	10
Board of Director by-laws showing fiscal oversight	5
<p>Provide the policy for the Applicant’s system of internal controls for fiscal management as documented in a policies and procedures manual approved by the Applicant’s Board of Directors/Owner.</p> <p>Provide by-laws requiring Board of Director’s/Owners fiscal oversight.</p>	

Experience of Acquisition, Rehabilitation, and Sale – 35 Possible Points

Complete the Field Experience and Capacity form and Project List in the ROC Project Application

<u>Names and years of experience for Individuals that will be managing the program</u>	<u>Years of Experience</u>	<u>Capacity/Role/Services Offered</u>
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Number of Acquisition, Rehabilitation, and Sale Projects Completed (10 possible points)

0-4 units	0
5 plus units	5
7 plus units	7
10 plus units	10

Number of Rehabilitation Projects (10 possible points)

0-4 units	0
5 plus units	5
7 plus units	7
10 plus units	10

Number of Years' Experience with Acquisition, Rehabilitation, and Sale Projects (15 possible points)

Less than 15 years of combined experience	5
15 to 24 years of combined experience	10
25 plus years of combined experience	15

Implementation Plan – 20 Possible Points

Under this NOFA, the Service Provider is responsible for the entire process; from the project acquisition to disposition.

Provide a summary of how the agency will implement the ROC Program, a description of the process to be undertaken, listing all major steps chronologically. Also include an estimated timeline.

Implementation (20 possible points)

Timeline	5
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Implementation Plan	5
Detailed Process	10
Agency Readiness to Proceed – 20 Possible Points	
The Agency is evaluated on its readiness to proceed. Points will be allocated for the following documentation:	
<u>Number of days agency requires to begin using funds (up to 20 possible points)</u>	
More than 120 days	5
Between 61 and 120 days	10
Less than 60	20

PROJECT EVALUATION CRITERIA

Service Providers will submit a Project Application for each project which will be evaluated using project feasibility and eligibility criteria listed below. Housing NM Staff may contact Applicants for clarification of the information provided. Applications must have all required documentation to be considered complete and begin the review process.

Project Feasibility and Eligibility Evaluation Criteria	
Project Application	Application is complete and all required documentation has been uploaded to online ROC software
Project Location	Project is located in the state of New Mexico
Project Budget	Application has a detailed budget with 85%+ recovery of costs
Project Management Plan	Application has a comprehensive plan for the completion of the project
Building Standards and Energy Efficiency	Application must include Building Standards and Energy Efficiency form with details on proposed project

Project Acquisition	Property appraisal is uploaded and is greater than acquisition price
Project Timeline	Proposed timeline is complete, and project is ready to proceed within 120 days

PROJECT ELIGIBILITY CRITERIA

OTHER INFORMATION

INCURRED EXPENSES

Housing NM shall not be responsible for any expenses incurred by an Applicant in applying for ROC Program 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 Housing NM. A protest must be based on an allegation of a failure to adhere to the evaluation process as designated in the NOFA, including Housing NM’s evaluation of applications.

Protests received after the deadline will not be considered. The protest must be delivered to Housing NM via e-mail within five (5) business days after the preliminary notice of award. Upon the timely filing of a protest, Housing NM 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 (5) business days of notice of protest. The protest and responses to the protest shall be reviewed by the Housing NM Policy Committee.

No appeal of the determination shall be allowed. Applicants or their representatives shall not communicate with members of Housing NM’s Board of Directors, or any Housing NM staff member regarding any application under consideration, except when specifically permitted to present testimony to the Housing NM Policy Committee. 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 Housing NM Board of Directors or Housing NM 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 Housing NM’s Third-Party Code of Conduct. A copy of the Housing NM Third Party Code of Conduct is posted on the Housing NM website for review at https://housingnm.org/uploads/documents/Third_Party_Code_of_Conduct.pdf . Upon request by Housing NM, Applicant shall disclose information that Housing NM 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 Housing NM, the version maintained by Housing NM will govern.

ROC NOTICE OF FUNDING AVAILABILITY (NOFA) FORMS

The ROC Program NOFA and Forms may be obtained from Housing NM's website.

The Service Provider Application and Project Application must include all required forms, documentation, schedules, certifications listed on their respective checklists.