



**NEW MEXICO MORTGAGE FINANCE AUTHORITY**  
**Board Meeting**  
**344 4th St. SW, Albuquerque, NM**  
**Wednesday, April 20, 2022 at 9:30 a.m.**

**Proposed Agenda**

**Chair Convenes Meeting**

- Roll Call (Izzy Hernandez)
- Approval of Agenda – Board Action
- Approval of 3/16/22 Board Meeting Minutes – Board Action
- Approval of 3/16/22 Board Training Minutes; Manufactured Housing – Board Action
- Executive Director Updates

**Board Action Items**

**Action Required?**

**Consent Agenda**

- |   |  |     |
|---|--|-----|
| 1 | Extension of External Audit Contract (Yvonne Segovia) – Finance Committee  | YES |
| 2 | Bond Resolution for Vista Mesa Villas (Christi Wheelock) – Finance Committee   | YES |
| 3 | Reissue FY2020/FY2021 Recovery Housing Program (RHP), RFP (Theresa Laredo-Garcia) – Contracted Services/Credit Committee | YES |

**Finance Committee**

- |   |   |     |
|---|---|-----|
| 4 | Cash Reserve Policy (Lizzy Ratnaraj and David Jones CSG Advisors) | YES |
|---|---|-----|

**Contracted Services/Credit Committee & NM Housing Trust Fund**

- |    |   |     |
|----|---|-----|
| 5  | Request for Homeowner Rehab funding from the NM Housing Trust Fund (Amy Gutierrez)                      | YES |
| 6  | Awards for Legal Services as Bond Counsel RFP (Cooper Hall)   | YES |
| 7  | State Tax Credit request - Clifton-William (Greater Albuquerque Habitat for Humanity) (Justin Carmona)  | YES |
| 8  | Tax Credit Assistance Program (TCAP) NOFA Revision (Jacobo Martinez)                                    | YES |
| 9  | Emergency Housing Needs Pilot Program Framework and Funding Allocation (Robyn Powell and Sonja Unrau) - | YES |
| 10 | 2022 Draft Annual Action Plan (Sherry Stephens)   | YES |
| 11 | Bi-Annual Compliance Activities Report (Julie Halbig)   | NO  |

**Other**

- |    |   |    |
|----|---|----|
| 12 | Appointment of the Nominating Committee (Chair, Angel Reyes)                  | NO |
| 13 | Recognition – Senator Nancy Rodriguez (Chair, Angel Reyes and Izzy Hernandez) | NO |

**Other Board Items**

**Information Only**

- 14 (Staff is available for questions)**
- Staff Action Requiring Notice to Board
  - COVID Staff Actions

**Monthly Reports**

**No Action Required**

- 15 (Staff is available for questions)**
- 2/28/22 Financial Statements

**Announcements and Adjournment**

**Discussion Only**

- Confirmation of Upcoming Board Meetings – until further notice all Board Meetings & Committees will be held Virtually
- May 10, 2022 – Tuesday, Contracted Services 10:00 a.m. Finance Committee 1:30 p.m.
  - May 18, 2022 - Wednesday- 9:30 a.m. (MFA Board of Directors Meeting)
  - June 7, 2022 - Tuesday, Contracted Services 10:00 a.m. Finance Committee 1:30 p.m.
  - June 15, 2022 – Wednesday – 9:30 a.m. (MFA Board of Directors Meeting)
  - July 12, 2022- Tuesday, Contracted Services 10:00 a.m. Finance Committee 1:30 p.m.
  - June 19-20, 2022 – Wednesday- 9:30 a.m. (MFA Board of Directors Meeting – Silver City)



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- Executive Director Updates

#### Board Action Items

#### Action Required?

#### Consent Agenda

- 1 Extension of External Audit Contract (Yvonne Segovia)** - Staff recommends 1) a third successive one-year extension for the External Audit Services contract and 2) an extension of the contract with CliftonLarsonAllen LLP for the fiscal year ending 9/30/2022 at the proposed rate. CLA is amenable to the extension. YES
- 2 Bond Resolution for Vista Mesa Villas (Christi Wheelock)** - Staff requests approval of the attached Bond Resolution for Vista Mesa Villa Apartments to pursue the issuance of up to \$13 million in tax exempt bonds that are expected to close in April 2022. Bond proceeds will fund the completion of the acquisition and rehabilitation of 100 units, all of which are rent restricted units, located in the City of Grants. Approval of the Bond Resolution will result in this property remaining affordable for the next 30 years. YES
- 3 Reissue FY2020/FY2021 Recovery Housing Program (RHP), RFP (Theresa Laredo-Garcia)** - Staff recommends approval of the Pilot Recovery Housing Program (RHP) Request for Proposal (RFP) for FY2020/FY2021 to provide much needed funding for Recovery Housing units in NM. YES

#### Finance Committee

- 4 Cash Reserve Policy (Lizzy Ratnaraj and David Jones CSG Advisors)** - Staff requests approval to the recommended changes to the Cash Reserve Policy to better reflect standard practices in cash policies and provide flexibility for funding ongoing mortgage and housing programs. YES

#### Contracted Services/Credit Committee & NM Housing Trust Fund

- 5 Request for Homeowner Rehab funding from the NM Housing Trust Fund (Amy Gutierrez)** - Staff requests to use \$370,000 from the NMHTF for home rehabilitation projects that fall outside of the regular requirements of the HOME Rehab program funding. Due to program limits and extenuating circumstances, there are five projects that require regulation flexibility not afforded with regular HOME funding. YES
- 6 Awards for Legal Services as Bond Counsel RFP (Cooper Hall)** - The MFA Board approved a Request for Proposal (RFP) for Legal Services as Bond Counsel for Single Family and/or Multifamily program at its January 2022 Board meeting. MFA received six responses to the RFP which met minimum threshold. The proposals were scored by an internal committee of four staff members in accordance with the evaluation criteria outlined in the RFP. Kutak Rock received the highest number of points for both Single Family and Multifamily programs. Staff recommends that Kutak Rock be selected to provide Legal Services as Bond Counsel to both Single Family and Multifamily programs. Per the RFP, the contract begins on the date the MFA Board approves the award and ends on April 30, 2025. At the option of the Policy Committee, the contract may be extended for two, one-year periods under the same terms and conditions. YES
- 7 State Tax Credit request - Clifton-William (Greater Albuquerque Habitat for Humanity (Justin Carmona)**  
Clifton/William Project (Justin Carmona) - A State Tax Credit request in the amount of \$674,682, for the Clifton/William Project in Albuquerque, NM. The Clifton/William project is a proposed new construction of a seven (7) home single family project with all seven (7) homes to be income restricted to households earning at or below 60% of AMI. Greater Albuquerque Habitat for Humanity will develop the project. YES

- 8 Tax Credit Assistance Program (TCAP) NOFA Revision (Jacobo Martinez)** - Staff recommends the approval of the TCAP NOFA Revision as presented in the attached file. The addition of a Program Income section will guide staff in the utilization of the program income funds. Specifically, staff is recommending an addition set aside of \$1,100,000 for 2020 LIHTC projects that are experiencing hardship related to COVID-19. YES
- 9 Emergency Housing Needs Pilot Program Framework and Funding Allocation (Robyn Powell and Sonja Unrau)** - The Emergency Housing Needs Pilot Program will be a mechanism for MFA to quickly deploy assistance to respond to emergency or crisis housing needs as they arise. Staff recommend that the MFA Board of Directors approve the following: 1) The framework for implementation of the Emergency Housing Needs Pilot Program; and 2) An allocation of \$500,000 from MFA's General Fund Housing Opportunities Fund to the Emergency Housing Needs Program. YES
- 10 2022 Draft Annual Action Plan (Sherry Stephens)** - Policy and Planning staff are requesting final approval and acceptance of the draft 2022 Annual Action Plan in order to progress towards contracted services and board presentation. This will ensure all timelines are completed in order to meet HUD regulations prior to the July 1 program year. YES
- 11 Bi-Annual Compliance Activities Report (Julie Halbig)** - The activities described in this report are intended to provide the Board of Directors with assurance that MFA is effectively managing compliance with Federal and State consumer financial laws applicable to the products and services being provided by MFA and mitigating related risk. Compliance activities will be reported to the Board through the Contracted Services/Credit Committee no less than twice per year, and as needed to fulfill the compliance department's responsibility to inform the Board of any critical compliance issues. There were no significant compliance concerns identified during this reporting period. NO

**Other**

- 12 Appointment of the Nominating Committee (Chair, Angel Reyes)** - Nominating Committee appointed to Elect Officers. NO
- 13 Recognition – Senator Nancy Rodriguez (Chair, Angel Reyes and Izzy Hernandez)** NO

**Other Board Items****Information Only****14 (Staff is available for questions)**

- Staff Action Requiring Notice to Board
- COVID Staff Actions

**Monthly Reports****No Action Required****15 (Staff is available for questions)**

- 2/28/22 Financial Statements

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# Minutes



# NEW MEXICO MORTGAGE FINANCE AUTHORITY

## Board Meeting Minutes

344 4th St. SW, Albuquerque, NM  
Wednesday, March 16, 2022 at 9:30 a.m.

Chair Reyes convened the meeting on March 16, 2022 at 9:37 a.m. Secretary Hernandez called the roll. Members present: Chair Angel Reyes, Lieutenant Governor Howie Morales, Sally Malavé (designee for Attorney General Hector Balderas), Rebecca Wurzburger, Patricia Sullivan and Treasurer Tim Eichenberg (arrived at 11:40 p.m. during tab 10). Absent: Derek Valdo. Hernandez informed the Board that everyone had been informed about today's meeting in accordance with the New Mexico Open Meetings Act.

Chair Reyes welcomed Board members and staff. He began by stating that today's meeting is being webcast. He introduced everyone on the phone and reminded the members of the protocol for today's webcast meeting. All members must identify themselves before they speak; this includes asking questions or making a motion. If at any time anyone loses their connection, please text Izzy and we will stop the meeting to wait for you to reconnect. There will be a roll call vote for all approvals.

**Approval of Agenda – Board Action.** Motion to approve the March 16, 2022 board agenda as recommended: Malavé. Second: Wurzburger. Roll call vote: Chair Reyes-yes, Malavé-yes, Wurzburger-yes, Sullivan-yes. Vote: 4-0.

**Approval of February 16, 2022 Board Meeting Minutes – Board Action.** Motion to approve the February 16, 2022 Board Meeting Minutes as presented: Wurzburger. Second: Sullivan. Roll call vote: Chair Reyes-yes, Malavé-yes, Wurzburger-yes, Sullivan-yes. Vote: 4-0.

### **Lt. Governor Howie Morales joined the meeting at 9:40 a.m.**

Hernandez provided his Executive Director updates: **Significant meetings/presentations:** Big Highlight 3/3: Governor signed SB134; funding expected in July 2024, will come to the Board with timeline. **Program Updates:** Homeowners Assistance Fund HAF launched on 2/28/22: 446 Applications Received as of 3/15/22. **Activities and Actions: 3/30:** Luminaria Sr. Community Ribbon Cutting. 3/31: Celebrating Hope Village Event. **April 20, 2022 Board Mtg Agenda (Tentative):** Senator Rodriguez Recognition Event **Announcements:** Govenda board packet process will start with the April Board meeting. Annual Report finalized, once the Board approves the audit, we will send it out. He referred to the links of articles emailed to the Board. Hybrid meetings will go away in May for the Board members.

**1 To be Announce (TBA) Program Update (Mike Awadis managing director, Hilltop Securities).** Awadis thanked the Board for allowing him the opportunity to present today. He began his presentation by providing background information on Hilltop Securities. He then reviewed the Basics of the TBA (To Be Announced) Market, Production Trends, Market Update on TBA (Mortgage-Backed) Securities and the current environment on HFA MBS (Housing Finance Agency Mortgage-Backed Securities) production trends in comparison to MFA production. He also went over delinquency rates reporting they are on a downward trend, nearing historic lows last seen before the pandemic. Non Action Item.

### **Consent Agenda – Finance Committee**

**2 Revised Internal Audit Plan for FY2022-2023 (Julie Halbig) – Finance Committee.** MFA management believes it would be more prudent to move the internal audit of HOME Rehab to FY2022 from FY2023 and the audit of the Weatherization program to FY2023. The expected hours for the internal audit budget remain at 380 hours in FY2022 and 440 hours in FY2023. Historically, these budgeted hours have come in under the projected amount.

**3 New Mexico Affordable Housing Charitable Trust – Reallocation of 2018 Veteran Housing Rehabilitation Modification Program (VHRMP) (Amy Gutierrez) – Contracted Services (February) -** Staff requests approval of the reallocation of funds as outlined in the memo provided. Upon Board approval, fully executed contract amendments and all HOME Maintenance forms for the MFA Accounting Department will be processed for both of the agencies listed. Budgets will be adjusted in order to ensure full expenditure and commitment of the 2018 HOME funding by all HUD deadlines.

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Chair Reyes confirmed that all board members agree to approve the consent agenda items 2-3, seeing and hearing no objections he asked for a motion. Lt. Governor Morales made the motion to approve the consent agenda in its entirety: Second: Malavé. Roll call vote: Chair Reyes-yes, Lt. Governor Morales-yes, Malavé-yes, Wurzbürger-yes, Sullivan-yes. Vote: 5-0.

### **Finance Committee**

**4 9/30/21 Report of Independent Auditors, Financial Statements, Supplemental Schedules and Single Audit (Mandy Merchant, Principal, CLA).** Ratnaraj introduced Mandy Merchant and Gaby Miller of Clinton, Larson and Allen. She informed the Board that the Independent Audit for 2021 had been completed and they will present the audit results to the Board. Merchant thanked the Board for the opportunity to present the results of the audit on behalf of MFA as of September 30, 2021. She began by providing background on CLA and the engagement team which consisted of Miller and herself, further informing the Board that this audit was done virtually. Merchant informed the Board that today's presentation would include the following: auditor's report, management discussion and analysis, financial statements and footnotes, supplementary information and the single audit reports. These items are located behind tab four and will be a part of the official Board packet. MFA received unmodified opinions on all reports issued. She further informed the Board that Gaby Miller will review at very high-level the Financial Statements and Footnotes as part of the review. She reviewed the other programs audited including the Single Audit of federal awards, which included the ESG – Emergency Solutions Grant, Coronavirus Relief Funds, Homeowners Assistance Fund, Low Income Home Energy Assistance Program, Fannie Mae Mortgage-backed securities, CDBG and NSP and Risk Sharing Programs. Miller further reported that there was one Single Audit Report finding related to the CDBG program – three quarterly reports were submitted after the required filing date and that there were no Financial Statement findings. Merchant summed it up and reviewed the Auditor communication letter. She referred to the delay in the issuance due to the COVID programs stating that they were waiting on additional compliance requirements. She expressed her gratitude to MFA staff stating that CLA enjoys working with everyone. Motion to approve the 9/30/21 Report of Independent Auditors, Financial Statements, Supplemental Schedules and Single Audit as presented: Malavé. Second: Lt. Governor Morales. Roll call vote: Chair Reyes-lost contact (Chair Reyes called in during tab 5 and asked Izzy to put his vote in as yes), Lt. Governor Morales-yes, Malavé-yes, Wurzbürger-yes, Sullivan-yes. Vote: 5-0.

**Chair Reyes lost contact during the vote/Lt. Governor took over the meeting 10:20 a.m.**

### **Contracted Services/Credit Committee**

**5 Approval of Sustainable Energy Resources for Consumers (SERC) Grant (Troy Cucchiara and Dimitri Florez).** Cucchiara began his presentation with a request for approval to apply for a \$2,000,000 Sustainable Energy Resources for Consumers (SERC) Grant through a competitive process with DOE. If approved, funding from the grant would be used to utilize, to install various distributed energy resource technologies at pilot multi-family projects to achieve energy efficiency, demand response capabilities, clean energy generation, and load flexibility. He then provided background information as well as information regarding the process, available in the memo located behind tab five, which will become a part of the official board packet. He further informed the Board that these funds are being released under a competitive grant referred to as Sustainable Energy Resource for Consumers (SERC) Grant and would need to be expended between July 1, 2022, and June 30, 2023. Motion to approve the Approval of Sustainable Energy Resources for Consumers (SERC) Grant as presented:

**Chair Reyes joined the meeting after the presentation 10:26 a.m. Lt. Governor turned the meeting over to Chair Reyes.**

Wurzbürger. Second: Sullivan. Roll call vote: Chair Reyes-abstained (because he was not present during the presentation), Lt. Governor Morales-yes, Malavé-yes, Wurzbürger-yes, Sullivan-yes. Vote: 5-0.

**6 Approval of NM Gas Company Grant (Troy Cucchiara and Dimitri Florez).** Cucchiara began his presentation with a request for approval to respond to an RFP issued by the New Mexico Gas Company, Inc. The funds provided by (NMGC) will be used in the NM EnergySmart Program in the amount of \$4.5M to be utilized over the next three years (\$1.5M per year beginning March 1, 2023, through February 28, 2026). He further informed the Board that NMGC has provided funding to the NM EnergySmart Program since 2013. He reviewed the process as provided in the memo located behind tab seven, which will become a part of the official board packet. Cucchiara informed the Board that MFA weatherizes approximately 650-700 homes per year; 100 less without NMGC. Motion to approve the Approval of NM Gas Company Grant as presented: Wurzbürger. Second: Sullivan. Roll call vote: Chair Reyes-yes, Lt. Governor Morales-yes, Malavé-yes, Wurzbürger-yes, Sullivan-yes. Vote: 5-0.

- 7 HOME Investment Partnership-American Rescue Plan (HOME-ARP) Funding Acceptance and Plan Approval (Sonja Unrau and Sherry Stephens).** Unrau began her presentation with a request for MFA to accept New Mexico's \$19,577,227 HOME-ARP allocation and approve the HUD required HOME-ARP plan. The plan will allocate \$9,000,000 for supportive services and \$7,640,638 for rental housing development. The remaining \$2,936,589 of New Mexico's allocation may go towards administrative and planning expenses. She reviewed the eligible activities as listed in the memo located behind tab seven which will become a part of the official board packet. Unrau introduced Sherry Stephens, who discussed the planning process and timeline as listed in the memo and HOME-ARP Allocation Plan Template. Discussion ensued regarding publications in rural areas as well as public participation. Staff further informed the Board that they had reached out to 22 of our partners as well as held seven one hour meetings to discuss eligible activities and practical implementation challenges so there was a pretty extensive consultation process as required by HUD. Staff further stated once the RFP is released, MFA will contact those partners to make sure there is statewide awareness of the program. Motion to approve the HOME Investment Partnership-American Rescue Plan (HOME-ARP) Funding Acceptance and Plan Approval as presented: Wurzbarger. Second: Lt. Governor Morales. Roll call vote: Chair Reyes-yes, Lt. Governor Morales-yes, Malavé-yes, Wurzbarger-yes, Sullivan-yes. Vote: 5-0.
- 8 Proposed Uses of \$15 million in American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (FRF) (Rebecca Velarde).** Velarde began her presentation with staff recommendation for the MFA Board of Directors to allocate the \$15 million awarded during the Special Legislative Session as follows: 1) \$10.75 million for the development of energy efficient affordable rental housing; 2) \$3.75 million for emergency assistance to make homes "weatherization ready" for participation in the New Mexico EnergySmart Program; and 3) \$500,000 for housing programs based on emerging needs expressed by partners. MFA staff further recommended the Board provide flexibility for MFA staff to move funding between these categories based on need and timing to ensure compliance with contractual deadlines. She provided background information, ARPA FRF Final Rule analysis, state statute analysis, and analysis of proposed uses which is provided in the memo located behind tab eight and will be made a part of the official board packet. Discussion ensued regarding further recommendations from the Board, such as: ways to measure success, senior housing, weatherization, long term aging, maximum limits for housing development gap funding and encouraging innovative/creative ideas to fill in the gaps in areas MFA does not cover with current programs. Motion to approve the proposed uses of \$15 million in American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (FRF) as presented: Wurzbarger. Second: Malavé. Roll call vote: Chair Reyes-yes, Lt. Governor Morales-yes, Malavé-yes, Wurzbarger-yes, Sullivan-yes. Vote: 5-0.

**Other**

- 9 Document Custodian Emergency Procurement (Jeff Payne and Olivia Martinez).** Martinez began her presentation with a staff recommendation that an emergency procurement be approved to contract with Deutsche Bank as New Mexico Mortgage Finance Authority's single family mortgage program document custodian. She then provided background information regarding the responsibilities of a document custodian as well as some of the specifics on MFA's search and circumstances as mentioned in the memo located behind tab nine which will be made a part of the Board packet. Martinez explained that MFA's current document custodian is no longer approved by GNMA and will lose many customers as a result, including MFA. Malavé asked Board Counsel if this particular circumstance falls within MFA's definition of Emergency Procurement. Werenko informed the Board that the definition of Emergency can be found in MFA's policies and procedures under 3.1b (a), she continued to read the criteria that applies in this circumstance; a) under a condition creating an immediate threat to operations or funding of MFA, any federal or state program or project, or to any bond issue. She understands from staff that this would pose an immediate threat. Payne explained how this would impact MFA's production, stating that without a GNMA approved document custodian we would not be able to deliver government mortgages to the secondary market (which is the large majority of MFA's single family business), purchase mortgages from the lenders and MFA would not be able to continue production. He further explained that staff originally intended to treat this as an RFP (threshold above \$75k and expected cost to be about \$80k per year). Staff began the process of searching for a document custodian and reached out to custodians on the list approved by GNMA. After reaching out to 4 potential custodians, only one responded. Staff believes the lack of interest is due to the small size of MFA's portfolio. Staff strongly believes we must act quickly before the employees of our current document custodian leave the company and they become unable to provide service during our search for a new custodian. The term of the contract with Deutsche Bank is open ended. They are currently the document custodian for our contract service provider, Idaho Housing and Finance Association. Discussion ensued regarding strategies and checking with FHLB of Dallas and reaching out to our federal delegates so that it is on their radar. Motion to approve

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**March 16, 2022**

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the Document Custodian Emergency Procurement as presented: Wurzburger. Second: Lt Governor Morales. Roll call vote: Chair Reyes-yes, Lt. Governor Morales-yes, Malavé-yes, Wurzburger-yes, Sullivan-yes. Vote: 5-0.

**10 2022 Legislative Update (John Anderson and Rebecca Velarde).** Velarde stated she wanted to start by thanking so many people who provided a great amount of support. She then reviewed the 2022 legislative outcomes for housing initiatives provided behind tab 10, which will be made a part of the official board packet. Anderson went through the process and spoke to what was important to MFA and why we were successful. One of the greatest keys was Senator Rodriguez, who works harder than anyone in the legislature and serves as Vice Chair of the Senate Finance Committee. He spoke to what an incredible staff and reputation MFA has and attributed success to how well prepared we were.. Anderson stated it was a great idea to utilize severance taxes and inserting claw back provisions, which none of the other set asides have. Anderson spoke as to how hard the team worked and how the NMHTF severance tax bill received bipartisan support. Chair Reyes thanked the team for their diligence, efforts and contacts. He stated the legislation yields a very reliable funding source, and he commended staff for a job well done. Lt. Governor thanked them for all the work done and stated the bill will allow for future funding and leveraging to do great things in New Mexico. Lt. Governor asked for the percentage of severance tax bonding capacity that would go to NMHTF, and Velarde responded that it was 2.5% of severance tax bonding capacity starting in January 2024. Non Action Item.

**11**

### **Other Board Items - Information Only**

**12 There were no questions asked of staff**

- Staff Action Requiring Notice to Board
- COVID Staff Actions
- 2022 Series A&B pricing Summary

### **Quarterly Board Report - No Action Required**

**13 There were no questions asked of staff**

- Quarterly Board Report

**Announcements and Adjournment** – Chair Reyes shared with the Board ongoing work Member Wurzburger has been pursuing, which he supports. She has taken the initiative to find a way to create more awareness about the direct and private contributions for the New Mexico Charitable Trust Fund. In her efforts she has created personal goals to raise money. I find her work to be noteworthy and very much appreciated. As a result, he discussed with Izzy to either next month or in June to have a brief overview of this program on how individuals or companies can make contributions to the Charitable Trust Fund. At this time Member Wurzburger will share some of her own efforts as well as the goals she has set for herself and perhaps just to create an opportunity for the Board to 1) raise awareness of what is out there to help create more capacity through the NM Charitable Trust Fund 2) create more awareness as well as what we can do individually within our communities to create help raise more funds to attack or create more opportunities for affordable housing. He thanked Member Wurzburger for her efforts. He stated that we would take a brief break and will reconvene shortly for the Board study session on Manufactured Housing.

There being no further business the meeting was adjourned at 11:58 p.m.

**Approved: April 20, 2022**

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Chair, Angel Reyes

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Secretary, Isidoro Hernandez



**NEW MEXICO MORTGAGE FINANCE AUTHORITY**  
**MFA Board of Directors Minutes - Study Session**  
**Board Meeting Minutes – Manufactured Housing**  
**344 4<sup>th</sup> St. SW, Albuquerque, NM**  
**Wednesday, March 16, 2022**

The meeting convened at 12:11 p.m. Members present: Chair Angel Reyes, Sally Malavé (Designee for Attorney General Hector Balderas), Treasurer Tim Eichenberg (in person), Rebecca Wurzbarger and Patricia Sullivan (in person). Members Absent: Lt. Governor Howie Morales and Derek Valdo. The public has been informed about today's meeting, in accordance with the New Mexico Open Meetings Act.

Guest speakers: Jackie Jarisch – Oakwood Homes Las Cruces and Scott Florez – Title Land Consulting LLC.

Staff and guests in attendance included: Izzy Hernandez, Lizzy Ratnaraj, Donna Maestas DeVries, Jeff Payne, Rene Acuna, Olivia Martinez, Teresa Lloyd, Robyn Powell, Rebecca Velarde, Joseph Navarrete, Chris James, Claudia Gallegos and Sandra Marez.

General Counsel: Eleanor Werenko.

On Wednesday, March 16, 2021 the Board of Directors of the New Mexico Mortgage Finance Authority ("MFA") conducted a study session following the MFA Board of Directors meeting to provide an overview on current obstacles for new and existing Manufactured Housing stock. There will be no action taken by the Board at this time.

Hernandez began by stating that this is a great opportunity to help us meet some of the housing needs across the state especially in the rural areas but definitely not just confined to those areas. We thought this is a great opportunity and at the request from the Board we have some great presenters that can assist us in getting into the needs and challenges with manufactured housing so we can produce a plan to move forward to be able to use manufactured housing as another tool for us in affordable housing.

Rene Acuna informed the Board that today's study session will focus on manufactured housing as we continue to experience rising housing cost in a rising rate environment manufactured housing is seen as a viable option when it comes to developing and expanding affordable housing across the state. He then introduced the following speakers; Jackie Jarisch – Oakwood Homes Las Cruces will cover new construction as well as land home packages she has put together for MFA. Scott Florez – Title Land Consulting LLC. is our go to resource when it comes to dealing with existing title or real property conversion issues with existing homes.

Acuña provided a broad overview of manufactured housing in the United States and in New Mexico according to the Manufactured Housing Institute reports which are included in the presentation and will be made a part of the official board packet.

Jackie Jarisch – Oakwood Homes Las Cruces –provided a very comprehensive and informative presentation regarding the Obstacles Facing New and Existing Manufactured Homes. She reviewed the information on the slides in the presentation regarding Manufactured housing affordability and sustainability; Construction efficiency and energy efficiency, Expected useful life expectancy of modern manufactured homes, Production and shipments of new homes in the state, Single family and multifamily community needs, Financing Options, and Certifications differences. She informed the Board in response to one of the questions asked that land home construction packages - do not charge interest during the construction period. trying to keep it affordable for the consumer in the end; interest rates on the Land home (market rates) as well as the Chattel are based on borrowers credit score. Jarisch commented on interest rates for chattel loans are significantly higher than that of home and most consumer loans. The average rate is around 7 percent.

Acuña reviewed a couple of slides included in the presentation which included information on Manufactured Home Delinquencies, and Manufactured Home Re-sale values, stating that these two studies support the 2018 review completed by the Urban Institute.

## **Manufactured Housing - Board Study Session Minutes**

**March 16, 2022**

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Scott Florez – Title Land Consulting LLC. provided a comprehensive report which included Obstacles in Converting to Real Property and reviewed the Manufactured Act promulgated rules for steps to be taken when valued as real property, followed by

deactivation of the title (motor vehicle side) and those requirements. County Variances – Proof the home is on a permanent foundation, Issuance of a Tax Release (ask as Certification of No Tax Liability), Inspections, Historical Records of Deactivated Titles, and Other compliance burdens resulting in inefficiency. Call for change – Ideas for proposed legislation, rules and procedures; conversion to real property, Central repository for deactivated titles. Acuña gave an example of a loan they have been working on with a lender and Scott for now over a year.

The Board asked questions of the presenters who provided additional detailed information. Chair Reyes stated that he appreciated the Board's participation and engagement. He felt that MFA should continue to pursue what we can to learn about making more options available and supporting manufactured housing financing. He realized based on today's presentation all the complexities that are involved with manufactured home financing. We need to work people like Jackie who have figured it out, and we need to be able to replicate it throughout the state. Manufactured housing along with all the other programs we offer is another way to meet the housing needs in all areas of the state. A lot of this is market driven, if we can find a way to understand these nuances, if we can influence legislation to make this more transparent so that it is not as complicated as the way it was presented today. It would be a strong effort on our part. He encouraged staff to learn more and find ways to advance and move in ways to help people one transaction at a time.

Acuña stated what is MFA's role and how far do we get involved in some of these items. We have reached out to with the county tax assessors association. The goal here was to educate the Board in some of the challenges and what we are able to do today. He further spoke to the challenges in building in rural areas and on tribal lands ; which is where manufactured housing comes in. He stated that we would need to meet with other entities, including the manufactured housing association. Maestas De-Vries had ideas with regards to contact information.

Hernandez stated that some of the charges or actions for us internally is to expand our homeownership programs to include more manufactured housing. Look at some of the challenges that require a legislative solution that the stakeholders, MFA or in combination can introduce some legislation; or support legislation that will make it easier to work through. He further offered that on the development side we could look at developing a product which will allow funds for predevelopment of lots for manufactured housing, ready for people to come in and build on in a bigger scale rather than one at a time, some things to work on, certainly sees a big opportunity .

Acuña thanked the speakers for their presentation and attendance. Hernandez thanked them as well stating that they would be following up with the Mark Duran at the Manufactured Association to get his perspective. No Action required.

There being no further business the meeting was adjourned at 1:57 p.m.

**Approved: April 21, 2021**

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Chair, Angel Reyes

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Secretary, Izzy Hernandez

Tab 1





# NEW MEXICO MORTGAGE FINANCE AUTHORITY

## Finance/Operations Committee Meeting

Tuesday April 12, 2022 at 1:30 p.m.

Webex - call-in information is 1-844-992-4726 (access code): 2483 035 4429

or you can join the call from the calendar item

Agenda Item	COMMITTEE RECOMMENDED	BOARD ACTION REQUIRED
<b>Recommended for Consent Agenda</b>		
1 Extension of External Audit Contract (Yvonne Segovia)	2-0	YES
2 Bond Resolution for Vista Mesa Villas (Christi Wheelock)	2-0	YES
<b>Agenda</b>		YES
3 Cash Reserve Policy (Lizzy Ratnaraj and David Jones CSG Advisors)	2-0	
<b>Information items</b>		NO
4 February 2022 Wire Transfers	✓	
5 February 2022 Check Register	✓	NO
6 Internal Audit Status Update	✓	NO

### Committee Members present:

Angel Reyes, Chair

State Treasurer Tim Eichenberg

Lt. Governor Howie Morales or

Proxy Martina C'de Baca

☐ present

☐ present

☐ present

☐ absent

☒ absent

☐ absent

☒ conference call

☐ conference call

☒ conference call



# MEMO

TO: MFA Board of Directors  
Through: Policy Committee March 29, 2022  
Through: Finance Committee April 12, 2022  
FROM: Yvonne Segovia, Controller  
DATE: April 20, 2022  
RE: Extension of External Audit Contract

## Recommendation:

Staff recommends 1) a third successive one-year extension for the External Audit Services contract and 2) an extension of the contract with CliftonLarsonAllen LLP (CLA) for the fiscal year ending 9/30/2022 at the proposed rate. CLA is amenable to the extension.

## Background:

4/17/2019 Board issued Request for Proposal for External Audit Services.

6/19/2019 Board awarded external audit services to CLA for the fiscal year ending 9/30/2019, with two successive one-year extensions at the option of the Board.

3/17/2020 Policy Committee approved the first one-year extension on the contract.

5/25/2021 Policy Committee approved the second one-year extension on the contract.

3/23/2022 The Office of the State Auditor (OSA) directed MFA to choose an audit firm to conduct the financial and compliance audit for the fiscal year ended 9/30/2022.

## Discussion:

The Audit Rule 2.2.2 issued by the Office of the State Auditor was revised in 2021, changing the term IPA can perform services from six years to eight years. Extension of

the RFP issued in 2019 for a fourth successive year will put the External Audit Services RFP on the same rotation cycle at the State Audit Rule maximum term requirement.

MFA is a complex organization to learn, and CLA is familiar with the financial audit requirements and has the ability to complete them within a very short timeframe. MFA is satisfied with CLA's quality of service. CLA is amenable to extending the contract for a fourth year. The amount proposed for the FY2022 audit is \$189,800 plus gross receipts tax. In addition, CLA needs to allocate staff time to MFA and plan for interim audit if the contract is extended.

## **Summary:**

Staff recommends 1) a third successive one-year extension for the External Audit Services contract and 2) an extension of the contract with CliftonLarsonAllen LLP for the fiscal year ending 9/30/2022 at the proposed rate. CLA is amenable to the extension.

# Tab 2



# MEMO

**TO:** MFA Board of Directors

Through: Policy Committee – March 22, 2022

Through: Finance Committee – April 12, 2022

**FROM:** Christi Wheelock, Tax Credit Program Analyst

**DATE:** April 20, 2022

**SUBJECT:** Bond Resolution – Vista Mesa Villa Apartments

## RECOMMENDATION:

Staff requests approval of the attached Bond Resolution.

## BACKGROUND:

MFA received an application for 4% low-income housing tax credits and \$13 million of tax-exempt bond volume cap for the development of Vista Mesa Villa Apartments (the "Project"), an existing 100-unit Project, inclusive of 100 rent restricted units, located in the City of Grants within Cibola County. The developer is Community Preservation Partners, LLC ("CPP"), which is located in Irvine, CA. The owner of the project is Vista Mesa Villa LLLP, which consists of JLG Properties, LLC as the general partner and a WNC & Associates, Inc. entity (fund to be determined) as the limited partner. MFA previously issued tax exempt bonds in 2021 for JLG NM Central 2017 LLLP, in addition to JLG NM North 2017 LLLP and JLG NM South 2017 LLLP, in 2019, which are all rehabilitation projects wherein CPP serves as the developer.

Prior to bringing the inducement resolution to the MFA Board for approval on February 16, 2022, jurisdictional notices were sent to the City of Grants on January 14, 2022, in accordance with Internal Revenue Code Section 42(m)(1)(A)(ii) and Section 58-18-10 New Mexico Statutes Annotated 1978 edition; MFA did not receive any objections to the rehabilitation of the project from the City of Grants.

## DISCUSSION:

The Project receives subsidy through a Housing Assistance Payment (HAP) Contract with the U.S. Department of Housing and Urban Development (HUD), in which MFA is the Performance Based Contract Administrator (PBCA). MFA staff has reviewed the proposed rehabilitation, including area market studies, wait lists, appraisals, and the developer's pro forma spreadsheets, and has determined the proposed financing for the Project is

financially feasible upon HUD approval of the post rehabilitation rents, which is currently pending, with an anticipated receipt of HUD approval on April 15, 2022. The Project operates at a stabilized occupancy rate, maintains wait lists, and will continue to satisfy a portion of the demand for extremely low-income units in Grants. The additional work to be performed is reasonable; hard construction costs are estimated at \$5 million dollars or \$50,000 per unit with total development costs of approximately \$18 million dollars. The proposed bonds will be purchased by Redstone A7 III LLC in a single series of bonds with terms of 4.1% interest and a 40-year amortization. The Project is slated to close in May 2022 with construction beginning immediately upon closing.

**SUMMARY:**

Staff requests approval of the attached Bond Resolution for Vista Mesa Villa Apartments to pursue issuance of up to \$13 million in tax exempt bonds that are expected to close in May 2022. Bond proceeds will fund the completion of the acquisition and rehabilitation of 100 units, all of which are rent restricted units, located in the City of Grants. Approval of the Bond Resolution will result in this property remaining affordable for the next 30 years.

CERTIFICATE REGARDING THE RESOLUTION  
OF THE AUTHORITY

I, the undersigned, Isidoro Hernandez, Executive Director/Chief Executive Officer and Secretary of the New Mexico Mortgage Finance Authority (the “Authority”), DO HEREBY CERTIFY that: (i) the annexed resolution was duly adopted by the members of the New Mexico Mortgage Finance Authority at a meeting thereof duly called and held on April 20, 2022, at which meeting a quorum was present and acting throughout; (ii) the annexed resolution has been compared by me with the original thereof recorded in the minute book of the Authority and is a correct transcript therefrom and of the whole of said original; (iii) the annexed resolution has not been altered, amended or repealed; and (iv) the annexed resolution is in full force and effect on the date of this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Authority this 20<sup>th</sup> day of April 2022.

\_\_\_\_\_  
Isidoro Hernandez, Executive Director/Chief  
Executive Officer and Secretary  
New Mexico Mortgage Finance Authority

(SEAL)

BOND RESOLUTION  
Vista Mesa Villa Apartments

RESOLUTION

A RESOLUTION OF THE NEW MEXICO MORTGAGE FINANCE AUTHORITY (THE “AUTHORITY”) AUTHORIZING THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE TAX-EXEMPT BONDS (VISTA MESA VILLA APARTMENTS PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$13,000,000, AUTHORIZING THE EXECUTION BY THE AUTHORITY OF A TRUST INDENTURE, BOND PURCHASE AGREEMENT, LOAN AGREEMENT, TAX REGULATORY AGREEMENT, INVESTMENT AGREEMENT AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, the New Mexico Mortgage Finance Authority (the “Authority”) is authorized by the Constitution and the laws of the State of New Mexico, particularly Chapter 58, Article 18, NMSA 1978, as amended (the “Act”) (a) to issue revenue bonds for the purpose of making project mortgage loans to finance the acquisition, construction or rehabilitation of multifamily housing facilities; (b) to enter into agreements for the purpose of providing revenues to pay such revenue bonds upon such terms and conditions as the Authority may deem advisable; (c) to secure the payment of such revenue bonds; and (d) to otherwise participate fully in federal government housing programs to secure for the people of New Mexico the benefits of such programs; and

WHEREAS, to provide decent, safe and sanitary residential housing facilities for low or moderate income persons within the State of New Mexico (the “State”) who are eligible under the Act, and after having determined that mortgage loans are not otherwise available upon reasonably equivalent terms and conditions from private lenders, the Authority has developed rules and regulations with respect to the issuance by the Authority of multifamily revenue bonds to finance the acquisition, construction or rehabilitation and equipping of multifamily residential facilities intended for rental to eligible persons located in the State; and

WHEREAS, JLG Properties, LLC, a New Mexico limited liability company and general partner of Vista Mesa Villa LLLP, a New Mexico limited liability limited partnership (or an entity related to or affiliated therewith), on behalf of itself and its affiliated entities either existing now or to be created (collectively, the “Borrowers” and each a “Borrower”), have asked the Authority to issue its Multifamily Housing Revenue Tax-Exempt Bonds (Vista Mesa Villa Apartments Project) Series 2022 (the “Bonds”); and



WHEREAS, in furtherance of the purposes of the Authority, it has been deemed appropriate and necessary that the Authority authorize the issuance and sale of the Bonds and prescribe and establish conditions and other appropriate matters with respect to the issuance thereof; and

WHEREAS, the Bonds shall be special limited obligations of the Authority payable solely from and secured by the proceeds, moneys, revenues, rights, interest and collections pledged therefor under the Indenture, as hereinafter defined; and

WHEREAS, there has been presented to the Authority at this meeting a form of Trust Indenture (the "Indenture") to be entered into between the Authority and U.S. Bank Trust Company, National Association (the "Trustee"), a form of Bond Purchase Agreement (the "Purchase Agreement") to be entered into among the Authority, Red Stone A7 III LLC or any other entity named therein as purchaser of the Bonds (the "Purchaser") a form of the Tax Regulatory Agreement (the "Regulatory Agreement") to be entered into among the Authority, the Trustee and the Borrower, and a form of Loan Agreement (the "Loan Agreement") to be entered into among the Borrower, the Trustee and the Authority under which the Borrower will agree to repay the loan of the proceeds of the Bonds and to use such proceeds to finance or refinance the acquisition, rehabilitation and equipping of the multifamily housing project identified in Exhibit A attached hereto (the "Project").

NOW, THEREFORE, BE IT RESOLVED BY THE NEW MEXICO MORTGAGE FINANCE AUTHORITY, AS FOLLOWS:

Section 1. Words used in the foregoing recitals shall have the same meanings when used in the body of this resolution.

Section 2. The Authority hereby finds, determines and declares that the issuance of the Bonds to finance the acquisition, construction or rehabilitation and equipping of the Project is in furtherance of the public purposes set forth in the Act and is in compliance with the provisions of the Act, and that the issuance of the Bonds is therefore in the public interest.

Section 3. The Indenture, the Regulatory Agreement, the Loan Agreement and the Purchase Agreement (collectively, the "Authority Documents") in substantially the forms presented to this meeting are in all respects authorized, approved and confirmed. The Chair, the Executive Director/Chief Executive Officer and Secretary, the Chief Housing Officer, the Chief Financial Officer or the Chief Lending Officer of the Authority are hereby authorized to execute, attest, seal and deliver the Authority Documents in the forms and with substantially the same content as presented to this meeting for and on behalf of the Authority with such alterations, changes or additions as may be authorized herein.

Section 4. For the purpose of providing decent, safe and sanitary residential housing for low or moderate income persons within the State of New Mexico, all as authorized under the Act, the Authority shall issue the Bonds which shall be designated, unless otherwise provided by an officer of the Authority pursuant to Section 12 hereof, New Mexico Mortgage Finance Authority Multifamily Housing Revenue Tax-Exempt

Bonds (Vista Mesa Villa Apartments Project) Series 2022 in an aggregate principal amount not to exceed \$13,000,000. The Bonds shall be issued only in fully registered form and shall have a maturity of forty (40) years after the date of issuance of the Bonds. The weighted average interest rate on the Bonds shall not exceed 6.90% per annum.

Section 5. The form, terms and provisions of the Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, tender and number shall be as set forth in the Indenture. The Chair, the Executive Director/Chief Executive Officer and Secretary, the Chief Housing Officer, the Chief Financial Officer or the Chief Lending Officer of the Authority are hereby authorized to execute, attest and seal by facsimile the Bonds and to deliver the Bonds to the bond registrar for authentication.

Section 6. The appropriate officials of the Authority are hereby authorized to execute and deliver to the bond registrar the written order of the Authority for authentication and delivery of the Bonds in accordance with the provisions of the Indenture.

Section 7. The Bonds shall be sold to the Purchaser at a price not less than 100% of the principal amount thereof plus accrued interest, if any, in accordance with the provisions of the Purchase Agreement. The Chair, the Executive Director/Chief Executive Officer and Secretary, the Chief Housing Officer, the Chief Financial Officer or the Chief Lending Officer of the Authority are hereby authorized to execute and deliver the Purchase Agreement in substantially the form presented to the Board at this meeting, for and on behalf of the Authority. The Chair, the Executive Director/Chief Executive Officer and Secretary, the Chief Housing Officer, the Chief Financial Officer or the Chief Lending Officer are hereby authorized to specify and agree as to the interest rates and maturities of the Bonds for and on behalf of the Authority by the execution of the Purchase Agreement and the Indenture, provided such terms are within the parameters set by this resolution.

Section 8. The Chair, the Executive Director/Chief Executive Officer and Secretary, the Chief Housing Officer, the Chief Financial Officer or the Chief Lending Officer of the Authority are, and each of them is, hereby authorized to enter into an investment agreement or agreements ("Investment Agreement"), in form and substance satisfactory to such officer or to direct the Trustee to enter into an Investment Agreement. Any and all proceeds of, and investment income attributable to, the Bonds may be loaned to or deposited from time to time pursuant to the Investment Agreement for the periods, and at the interest rates, specified therein.

Section 9. The appropriate officers of the Authority, including without limitation the Chair, the Executive Director/Chief Executive Officer and Secretary, the Chief Housing Officer, the Chief Financial Officer or the Chief Lending Officer, are authorized to take all action necessary or reasonably required by the Purchase Agreement to carry out, give effect to and consummate the transactions as contemplated thereby.

Section 10. Upon their issuance, the Bonds will constitute special limited obligations of the Authority payable solely from and to the extent of the sources set forth

in the Bonds and the Indenture. No provision of this resolution or of the Purchase Agreement, the Authority Documents, the Bonds or any other instrument, shall be construed as creating a general obligation of the Authority, or as creating a general obligation of the State of New Mexico or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the Authority.

Section 11. The appropriate officials of the Authority, including without limitation the Chair, the Executive Director/Chief Executive Officer and Secretary, the Chief Housing Officer, the Chief Financial Officer or the Chief Lending Officer are authorized to make any alterations, changes or additions in the Authority Documents, the Bonds, or any other document herein authorized or that may be made pursuant to the Act which may be necessary or desirable. In addition, to the extent that the mortgage loans to be made to the Borrower with proceeds of the Bonds are unable to be closed prior to the expiration of the volume cap allocations for the Bonds, as determined by the appropriate officials of the Authority, including without limitation the Chair, the Executive Director/Chief Executive Officer and Secretary, the Chief Housing Officer, the Chief Financial Officer or the Chief Lending Officer, such appropriate officials of the Authority are authorized to make any alterations, changes or additions in the Authority Documents, the Bonds, the Purchase Agreement or any other document herein as may be necessary or desirable to issue the Bonds prior to expiration of the volume cap allocations and invest the proceeds thereof in permitted investments as provided under the Indentures for a period of no more than a year until such Bonds can be refunded or remarketed and the proceeds thereof be used to make mortgage loans to the Borrower.

Section 12. The appropriate officials of the Authority, including without limitation the Chair, the Executive Director/ Chief Executive Officer and Secretary, the Chief Housing Officer, the Chief Financial Officer or the Chief Lending Officer, are hereby authorized and directed to execute and deliver for and on behalf of the Authority any or all additional certificates, documents and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this resolution and the documents authorized and approved herein.

Section 13. After any of the Bonds are delivered by the Trustee to the Purchaser and upon receipt of payment therefor, this resolution shall be and remain irrevocable until the principal of, premium, if any, and interest on the Bonds are deemed to have been fully discharged in accordance with the terms and provisions of the Indenture.

Section 14. Except as otherwise disclosed to the governing board of the Authority prior to the adoption of this resolution, no member or employee of the Authority has any interest, direct or indirect, in the transactions contemplated by the Authority herein.

Section 15. If any provisions of this resolution should be held invalid, the invalidity of such provision shall not affect the validity of any of the other provisions of this resolution.

Section 16. All resolutions of the Authority or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency.

Section 17. This resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE NEW MEXICO MORTGAGE FINANCE  
AUTHORITY THIS 20<sup>th</sup> DAY OF April, 2022.

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Chair

(SEAL)

ATTEST:

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Executive Director/Chief Executive Officer  
and Secretary

## EXHIBIT A

### PROJECT

The Project is described below:

1. Vista Mesa Villa Apartments, located at approximately 1121 Mount Taylor Avenue, Grants, New Mexico, 87020 consisting of 100 units.

# Tab 3



## MEMORANDUM

**TO:** MFA Board of Directors

**Through:** Policy Committee – April 5, 2022

**Through:** Contracted Services Committee – April 12, 2022

**FROM:** Theresa Laredo-Garcia, Program Development Manager

**DATE:** April 20, 2022

**SUBJECT:** Approval to Reissue FY2020/FY2021 Recovery Housing Program (RHP) Request for Proposal (RFP)

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**Recommendation:**

Staff recommends approval to reissue the FY2020/FY2021 RHP RFP for the remaining FY2020 and all FY2021 funding allocations.

**Background:**

The Department of Finance and Administration – Local Government Division (DFA-LGD) (grantee) has provided authorization to the New Mexico Mortgage Finance Authority (MFA) (sub-grantee) to administer the Pilot RHP authorized under The Federal Register Notice No. FR-6225-N-01 and updated Program Notice FR-6265-N-01, which describes the program rules, waivers, and alternative requirements that apply to activities authorized under Section 8071 of the SUPPORT for Patients and Communities Act.

MFA will use the remaining FY2020 and FY2021 allocations to provide funding to local governments, nonprofit organizations, and Indian Tribes who provide services to individuals in recovery from a Substance Use Disorder (SUD) to become stably housed. Funding will be made available through a competitive RFP process to eligible Offerors who demonstrate their ability to effectively provide these services.

MFA provided notice to all potential partners throughout the State who provide recovery housing services. MFA coordinated working groups with these agencies to identify areas of greatest need. Based on the feedback from these meetings, MFA has opted to use the full amount of the RHP FY2020 and FY2021 allocations for *Acquisition of Real Property*, giving priority to agencies that demonstrate the greatest need and their ability to deliver effective assistance in a timely manner.



**Discussion:**

- MFA released the initial RHP RFP on December 30, 2021
- Proposal submissions received on January 20, 2022
- Award approved by MFA Board on February 16, 2022

MFA received one qualified proposal submission in the first RFP, therefore MFA is issuing a second RFP to award the remaining RHP Funding according to the RFP guidelines and under the same RFP released on December 20, 2021.

RHP Allocations available for Re-issue:

<b>RHP funding for FY2020 and FY2021</b>	
<b>Year</b>	<b>Total RHP Award</b>
2020	\$340,000*
2021	\$902,621

\* \$600K awarded in previous RFP

Successful offerors will enter into a performance agreement with MFA. The agreement outlines RHP guidelines and ensures that RHP funds are used in accordance with RHP program requirements including expenditure deadlines. The performance agreements between MFA and the successful Offerors shall be for the award amounts. All payments by MFA shall be made on an actual reimbursement basis, or at closing through a title company.

**Timeline:**

<b>Activity</b>	<b>Date</b>
Request for Proposal (RFP) Release Date	<b>April 21, 2022</b>
RFP FAQ's Answered	April 25, 2022
RFP FAQ's Answered	April 27, 2022
RFP FAQ's Answered/FAQ Submission Closes	April 29, 2022
RFP Proposals due to MFA	<b>May 4, 2022</b>
MFA to notify Offerors of Deficiency Items	May 6, 2022
Deadline for Corrections to Deficiency Items	May 11, 2022
Preliminary Award Letters to Agencies	<b>May 25, 2022</b>
Protest Period Begins	May 26, 2022
Protest Period Ends	May 31, 2022
Award Recommendations to MFA Board	<b>June 15, 2022</b>
Final Notification of Awards (Upon Board Approval)	June 16, 2022
Performance Agreements sent to Service Providers	June 30, 2022,

The RHP timeline may be subject to change.

Offerors must meet the basic eligibility criteria specified in Part II, Section 10 – Minimum Qualifications and Requirements outlined in the RFP.

**Evaluation Criteria:**

MFA will award a performance agreement to offerors whose proposals score the highest with respect to the evaluation criteria. Proposals with an overall score below 60% will not be considered for funding.

**Scoring Criteria:**

Staff recommends approval to reissue the FY2020/FY2021 RHP RFP for the remaining FY2020 and all FY2021 funding allocations.

<b>Category</b>	<b>Maximum Score</b>
Project response to documented need/issue	15
Project response to units near service hub and underserved by Recovery Residences	10
Project provides safe, healthy, and sober living environment	10
Design of program that provides holistic, wrap around services	5
Project leverage of other resources	5
Low- moderate-income Individuals (LMI) benefit	10
Readiness to proceed and obligate and expend funds within 4 Months	10
Community support for recovery housing	5
Coordination with state, local or regional service providers	5
Demonstrated data collection for outcomes	5
Project long term viability (reserves, cash flow coverage)	5
Project includes trained recovery housing staff (peer to peer)	5
Demonstrated capacity and experience to carry out the project	5
Project cost effectiveness and reasonability	5
<b>Total Points Possible</b>	<b>100</b>

**Programs Standards**

Offeror must ensure and certify that it is complying with the following criteria:

- (1) RHP funds will be used solely for to provide individuals in recovery from a substance use disorder stable, temporary housing for a period of not more than 2 years or until the individual secures permanent housing, whichever is earlier.
- (2) RHP funds will provide maximum feasible priority to low – and moderate- income individuals and families
- (3) Agencies awarded RHP funds for the Acquisition of Real Property will be required to place a Land Use Restriction Agreement (LURA) on each project and/or property purchased with RHP funds for 30 years.

Eligible Activities under this RFP are limited to *Acquisition of Real Property*.

Offeror is responsible for the entire process from project acquisition to ensuring the project is placed in service for Recovery Housing as outlined in MFA's RHP Policies and Procedure Manual.



Offerors must comply with all applicable federal, state, and local codes, statutes, laws, and regulations.

Offeror's submission must also include applicable RHP forms and program certification.

**Summary:**

Staff recommends approval of the Pilot Recovery Housing Program (RHP) Request for Proposal (RFP) for FY2020/FY2021 to provide much needed funding for Recovery Housing units in NM.



# NEW MEXICO MORTGAGE FINANCE AUTHORITY REQUEST FOR PROPOSAL

Pilot Recovery Housing Program (RHP)  
FY2020/FY2021



Welcome and thank you for your interest in responding to MFA's Pilot Recovery Housing Program (RHP) Request for Proposal (RFP). MFA is committed to choosing the most qualified Offerors and this information will provide the best opportunity to do so.

**Part I – General information**

The general information in the RFP provides background information about MFA, general proposal requirements and RFP standards.

**Part II – Program-Specific Criteria**

Part II of the RFP requires responses from the Offeror. It is designed to provide program-specific criteria such as program background; purpose of the RFP; mandatory RFP training; Q & A information; performance agreement terms; timelines; minimum qualifications and requirements; evaluation criteria; program standards and compliance with federal requirements and RHP Forms and certifications if applicable.

NOTE: Offerors are prohibited from approaching members of the MFA Board or MFA Employees regarding this RFP. Attempts by Offerors to contact any of the listed party's may result in the rejection of their proposal.

In an effort to provide clarification or answers to questions in this RFP, an FAQ link will be available on MFA's website after the mandatory RFP training. Please refer to **Part II Section 9, Timeline** for the training date.

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## PART I: GENERAL INFORMATION

### 1. Background Information

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#### 1.1 INTRODUCTION

The New Mexico Mortgage Finance Authority (MFA) is a governmental instrumentality, separate and apart from the state, created by the Mortgage Finance Authority Act, NMSA 1978, § 58-18-1 et seq. (the “MFA Act”) and pursuant to the Affordable Housing Act, NMSA 1978, §6-27-1 et seq. (the “Act”), for the purpose of financing affordable housing for low- and moderate-income New Mexico residents. MFA will endeavor to ensure, in every way possible, that small and minority businesses, women-owned business enterprises and/or labor surplus area firms (collectively Disadvantaged Business Enterprises [DBE]) shall have every opportunity to participate in submitting proposals and providing services. DBE businesses are encouraged to submit proposals. MFA will not discriminate against any business on grounds of race, color, religion, gender, national origin, age, or disability. It is MFA’s policy that suppliers of goods or services adhere to a policy of equal employment opportunity and demonstrate an affirmative effort to recruit, hire and promote regardless of race, color, religion, gender, national origin, age, or disability.

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#### 1.2 PURPOSE

The purpose of this Request for Proposal (RFP) is to solicit proposals, in accordance with MFA’s Procurement Policy, from qualified applicants, which by reason of their skill, knowledge, and experience are able to furnish services for MFA in connection with the program for which they are applying (“Offerors”).

Pursuant to MFA’s Procurement Policy, all procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in Uniform Guidance, 2 C.F.R. Part 200.317 through 200.326 as well as Part 200.327 which addresses contract provisions.

### 2 General Proposal Requirements

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#### 2.1 PROPOSAL SUBMISSION

All Offeror proposals must be received for review and evaluation by MFA by 5 p.m. Mountain Time on the deadline of the proposal outlined in **Part II Section 9, Timeline** of the RFP. Proposals shall be sent by email to [tgarcia@housingnm.org](mailto:tgarcia@housingnm.org) with a subject line of “Proposal to Offer Services – Pilot Recovery Housing Program.”

Proposals received after the proposed due date outlined in **Part II Section 9, Timeline** will not be considered for funding.

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#### 2.2 PROPOSAL TENURE

All proposals shall include a statement that the proposal shall be valid until performance agreement award, but no more than ninety (90) calendar days from the proposal due date.



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## 2.3 PROPOSAL FORMAT

Electronic proposals should be submitted as a **single** PDF file sized to be printable on standard 8 ½ x 11 paper **with tabs/bookmarks** identifying each Minimum Qualifications and Requirements item and evaluation criteria item within the PDF.

- ◆ Proposals (RFP) and forms may be downloaded from MFA's website: <https://housingnm.org/rfps/rfps-rfqs>
- ◆ Offeror(s) must submit **one copy** of its most recent agency financial audit FY2020 or a letter from MFA indicating that we have already received and approved your audit.
- ◆ Offeror(s) must submit **one electronic copy** of the proposal form and all required schedules and attachments.

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## 2.4 IRREGULARITIES IN PROPOSALS

Proposals must include the program-specific forms attached to this proposal package and all schedules and attachments pertaining thereto. **No substitutions will be accepted**

MFA may waive technical irregularities in the form of proposal of any Offeror selected for award, which do not alter the price, quality or quantity of the services offered. Note that the required date and time of proposal submission as indicated herein, in **Part II Section 9, Timeline**, cannot be waived under any circumstances.

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## 2.5 EVALUATION OF PROPOSALS

Proposals that meet the Minimum Qualifications and Requirements eligibility criteria outlined in **Part II, Section 10**, will be evaluated by an internal review committee of MFA staff using the scoring criteria as described in **Part II Section 11, Evaluation Criteria**. The review committee will present award recommendations to MFA management and MFA's Board as required under MFA's Delegations of Authority. Final selection will be made by MFA's Board of Directors at the regularly scheduled monthly meeting.

MFA does not guarantee and is not obligated to make an award. Awards will be based on availability of funds, Offeror's demonstrated need, Offeror's score on the scoring criteria and for any of the other reasons set forth herein.

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## 2.6 DEFICIENCY CORRECTION PERIOD

Upon receipt of all timely submitted proposals, MFA staff members will review all proposals to verify that all are complete in accordance with the requirements of this RFP. Should any proposal be missing an item required under **Part II Section 10, Minimum Qualifications and Requirements**, it will be deemed incomplete. MFA will notify Offerors at the outset of the deficiency correction period if any information is required for Offeror to correct a deficiency related to an item required under **Part II Section 10, Minimum Qualifications and Requirements**. The deficiency correction period may not be used to increase the Offeror's score. Items eligible for correction or submission during the deficiency correction period include only missing or incomplete items required in the **Minimum Qualifications and Requirements** section of this proposal.

MFA shall communicate proposal deficiencies to each Offeror's designated contact person via email pursuant to the timeline outlined in **Part II, Section 9, Timeline** of this RFP. Applicants must correct all

deficiencies within the deficiency correction period outlined in **Part II, Section 9, Timeline** of this RFP. **All items must be submitted no later than 5 p.m. Mountain Time on the due date.** If the information requested is not provided within the timeframe provided or is submitted, but remains deficient, the proposal will be rejected without any further review.

Upon expiration of the deficiency correction period, MFA will not accept Offeror's submission of any items still missing from the proposal.

### 3. RFP Standards

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#### 3.1 PROTEST

Any Offeror who is aggrieved in connection with this RFP or the notification of preliminary selection under this RFP may protest to MFA. A protest must be based on an allegation of the failure of MFA to adhere to the evaluation process as designated in the RFP. The protest must be written and addressed to MFA's contact person shown below:

Theresa Laredo-Garcia, Program Development Manager  
New Mexico Mortgage Finance Authority  
344 Fourth Street, SW  
Albuquerque, NM 87102

The protest must be delivered to MFA within five business days after the preliminary notice of award. Upon the timely filing of a protest, MFA's contact person shall give notice of the protest to all Offerors who appear to have a substantial and reasonable prospect of being affected by the outcome of the protest. The Offerors receiving notice may file responses to the protest within five business days of notice of protest. The protest process shall consist of review of all documentation and any testimony provided in support of the protest by the Contracted Services/Credit Committee of MFA's Board of Directors, which shall thereafter make a recommendation to the full Board of Directors regarding the disposition of the protest.

MFA's Board of Directors shall make a final determination regarding the disposition of the protest. No appeal of the determination of the protest shall be allowed. Offerors or their representatives shall not communicate with MFA's Board of Directors or any MFA staff member 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 Offeror or any person or entity acting on behalf of the Offeror attempts to influence members of the Board of Directors or MFA staff during any portion of the RFP review process or does not follow the prescribed proposal and protest process.

#### 3.2 RFP REVISIONS

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Should revisions or additional information be necessary to clarify any provision of this RFP, a notice of revisions or request for additional information, as applicable, will be provided to all Offerors via MFA's website and via email to each person who attends the mandatory RFP Training at the email Offeror uses to sign up for the training.

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### 3.3 INCURRED EXPENSES

MFA will not be responsible for any expenses incurred by an Offeror in responding to this RFP. All costs incurred by Offerors in the preparation, transmittal or presentation of any proposal or material submitted in response to this RFP will be borne solely by the Offeror.

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### 3.4 RESPONSIBILITY OF OFFERORS

If an Offeror, who otherwise would have been awarded a contract, is found not to be a Responsible Offeror, a determination setting forth the basis of the finding, shall be prepared and the Offeror shall be disqualified from receiving the award. A Responsible Offeror means an Offeror who submits a responsive proposal that conforms, in all material respects, to the requirements of this RFP and who has furnished, when required, information and data to prove that the Offeror's financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services described in this RFP. The failure of an Offeror to promptly supply information in connection with an inquiry concerning responsibility is grounds for a determination that the Offeror is not a Responsible Offeror.

Successful Offeror(s) will be required to enter into a performance agreement in substantially the form found at <https://housingnm.org/resources/rhp>, provided however, that MFA reserves the right to make any changes it deems necessary, in its sole discretion, to the form of performance agreement found at the above referenced link.

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### 3.5 CANCELANON OF RFP OR REJECTION OF PROPOSALS

This RFP may be canceled and any and all proposals may be rejected when it is in the best interest of the state of New Mexico and/or MFA. In addition, MFA may reject any or all proposals which are not responsive. Offeror may also cancel their proposal at any time during the proposal process.

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### 3.6 AWARD NOTICE

MFA shall provide written notice of the award to all Offerors within 10 business days of the date of the award. The award shall be contingent upon successful negotiations of a final performance agreement between MFA and the Offeror whose proposal is accepted by MFA.

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### 3.7 PROPOSAL CONFIDENTIALITY

Until awards are determined, and notice given to all Offerors, MFA will not disclose the contents of any proposal or discuss the contents of any proposal with an Offeror or potential Offeror, to ensure the information does not become available to competing or potential Offerors. After award, all proposals will be open to the public for inspection and copying pursuant to MFA's Request to Inspect Documents policy. Offeror must redact all confidential and personal identifier information from proposal if not specifically required by MFA.

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### 3.8 CODE OF CONDUCT

No Board member or employee or management of MFA shall have any direct or indirect interest in any contract with the Offeror nor shall any contract exist between Offeror or its affiliate and any MFA Board member or employee that might give rise to a claim of conflict of interest. Any violation of this provision

will render void any contract between MFA and the Offeror for which MFA determines that a conflict of interest exists as herein described, unless that contract is approved by a disinterested majority of all the Board of Directors of MFA after full disclosure, in accordance with MFA's Conflict of Interest Policy.

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

Offeror shall warrant that it has no interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under the performance agreement entered into with MFA pursuant to this RFP. Offeror shall at all times conduct itself in a manner consistent with MFA's Third-Party Code of Conduct. A copy of MFA's Third-Party Code of Conduct is posted on MFA's 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, Offeror shall disclose information MFA may reasonably request relating to conflicts or potential conflicts of interest.

After award, all proposals and documents pertaining to the proposals will be open to the public for inspection and copying pursuant to MFA's Request to Inspect Documents policy.

If MFA receives a request for inspection of its records which would require the disclosure of information identified by Offeror as confidential information, MFA will examine the Offerors' request for confidentiality and make a written determination that specifies which portions of the proposal, including any information identified by Offeror as confidential information shall be disclosed. MFA will provide the Offeror with a written notice of determination which details which information MFA intends to disclose and the date it shall disclose such information.

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## PART II: PROGRAM-SPECIFIC CRITERIA

### 4. Program Background

The Federal Register Notice No. FR-6225-N-01 and updated Program Notice FR-6265-N-01 describe the program rules, waivers, and alternative requirements that apply to activities authorized under Section 8071 of the SUPPORT for Patients and Communities Act, (“SUPPORT Act”) entitled Pilot Program to Help Individuals in Recovery from a Substance Use Disorder (SUD) become stably housed, herein referred to as the Recovery Housing Program, or RHP. The pilot program authorizes assistance to grantees (states and the District of Columbia) to provide stable, temporary housing to individuals in recovery from a substance use disorder. The assistance is limited, per individual, to a period of not more than **two** years or until the individual secures permanent housing, whichever is earlier. The pilot program would support individuals in recovery onto a path to self-sufficiency. By providing stable housing to support recovery, RHP aims to support efforts for independent living. More specifically, RHP would provide the funds to develop housing or maintain housing for individuals. To maximize and leverage these resources, grantees should coordinate RHP funded projects with other Federal and non-federal assistance related to substance abuse, homelessness and at-risk of homelessness, employment, and other wraparound services.

- Individual in Recovery: A person that 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) - 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 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.

The Department of Finance and Administration – Local Government Division (DFA-LGD) provides authorization to the New Mexico Mortgage Finance Authority (MFA) to administer RHP to include the development of an action plan that meets all RHP requirements and policies and procedures for implementation, oversight, and reporting of RHP activities to ensure compliance with program requirements.

The RHP Action Plan will guide the use of a maximum of \$940,000 of the FY2020 and \$902,621 of the FY2021 RHP funding received by the State of New Mexico through the U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) Program for the period July 1, 2021, through September 1, 2027

A more complete description of RHP requirements may be found at the HUD Exchange website at <https://www.hudexchange.info/programs/rhp/>.

## 5. Purpose of RFP

This Request for Proposal (RFP) is issued pursuant to MFA's Procurement Policy to solicit proposals from qualified Offerors capable of providing Recovery Housing Services to eligible individuals. Selected Offerors will be eligible to receive funding for FY2020 and FY2021 in accordance with HUD's Notice of Waivers and Alternative Requirements for the Pilot Recovery Housing Program and all applicable federal guidelines.

The method of distribution for RHP funds will be through MFA's RFP process which is a competitive process available to eligible Offerors.

RHP funding for FY2020 and FY2021	
Year	Total RHP Award
2020	\$940,000
2021	\$902,621

MFA may use up to five (5) percent of the total awards for administrative costs. The remaining funds will be distributed to eligible awardees for *Acquisition of Real Property*.

Offerors may not obligate funds, incur expenses, or otherwise implement program services prior to execution of a performance agreement with MFA. Funding is anticipated to be available for future program years at similar levels but is subject to change. Funding is not guaranteed to any given Offeror in any given amount.

## 6 RFP Training

Training for all potential Offerors will be provided by video conference. **This training is mandatory.** Offerors may demonstrate compliance with the mandatory training requirement by either attending the video conference or submitting an affidavit that Offeror has viewed the recording of the training session which shall be posted on MFA's website at <https://housingnm.org/resources/rhp-action-plan> immediately following the training. Additional information may be found in **Part II Section 9, Timeline**. Pre-registration is required. To register, visit <https://housingnm.org/meetings-events-notice>. After the RFP training, questions will only be answered through the process outlined in **Part II Section 7, RFP Q&A**.

## 7 RFP Q & A

Questions pertaining to this RFP and Offeror proposals must be submitted via MFA's website at <https://housingnm.org/rfps/rfps-rfq> for Recovery Housing Program (RHP). Select the RHP-RFP and type in your question(s) and submit. Questions will be checked daily, and responses will be posted as indicated in **Part II Section 9**. The FAQ will open immediately following the RFP training and will close four days prior to the RFP due date (see **Part II Section 9, Timeline** for further details). To submit your questions, scroll down to the "Frequently Asked Questions (FAQ)" section, enter your name, email address, and type your question in the "Question" box. Type the word in the CAPTCHA box and click on "Submit." Answers to all questions will be posted on the three dates listed in **Part II Section 9, Timeline**.

## 8. Performance Term Agreement

The successful Offeror will enter into a performance agreement with MFA for services to be performed. The term of the performance agreement begins on the date the agreement is signed to June 30, 2027. Funds must be expended according to expenditure deadlines of the RHP. Dates are based on availability of funds for release from each funding source. Only expenses incurred on or after the effective date of the performance agreement are allowable.

In the event an awardee of this RFP is deemed not qualified to administer the program due to contractual non-compliance, MFA may negotiate with another program awardee without issuing another RFP or issue an RFP for the specific area that is being served by the non-qualified agency. MFA may also issue an RFP during the performance agreement term for any new areas to be served based on the availability of additional funds.

The performance agreement(s) between MFA and successful Offeror(s) shall be for award amounts. All payments by MFA shall be made on an actual reimbursement basis.

## 9 Timeline for RFP

Activity	Date
Request for Proposal (RFP) Release Date	<b>April 21, 2022</b>
RFP FAQ's Answered	April 25, 2022
RFP FAQ's Answered	April 27, 2022
RFP FAQ's Answered/FAQ Submission Closes	April 29, 2022
RFP Proposals due to MFA	<b>May 4, 2022</b>
MFA to notify Offerors of Deficiency Items	May 6, 2022
Deadline for Corrections to Deficiency Items	May 11, 2022
Preliminary Award Letters to Agencies	<b>May 25, 2022</b>
Protest Period Begins	May 26, 2022
Protest Period Ends	May 31, 2022
Award Recommendations to MFA Board	<b>June 15, 2022</b>
Final Notification of Awards (Upon Board Approval)	June 16, 2022
Performance Agreements sent to Service Providers	June 30, 2022,

The RHP timeline may be subject to change. Should revisions or additional information be necessary to clarify timelines of this RFP, a notice of revisions as applicable, will be provided to all Offerors via MFA's website and via email to each person who attended the mandatory RFP Training at the email Offeror used to sign up for the training.

## 10. Minimum Qualification and Requirements

Offeror must meet the basic eligibility criteria specified here in **Part II Section 10, Minimum Qualifications and Requirements** in order to be considered for funding.

1. Offeror must upload a single PDF of its proposal including all required schedules and

attachments as outlined in **Part I Section 2.3, Proposal Format**.

2. Offeror must be **one** of the following entities:
  - a. A nonprofit organization with 501(c)(3) status, (provide proof), with a primary mission of providing recovery housing services to individuals who are impacted by substance use disorder.
  - b. A unit of general-purpose local government; or
  - c. A tribal government.
3. If Offeror is a nonprofit organization Offeror must submit proof of current registration as a charitable organization with the New Mexico Attorney General's Office or proof of exemption therefrom. Registration/verification may be obtained at <https://secure.nmag.gov/coros/>. Verification should be in the form of the first page of the "NM Charitable Organization Registration Statement.
4. Offeror must be in "good standing" as of the date this RFP was issued. In order to be in good standing, Offeror must not have "suspended," "debarred" or HUD's Limited Denial of Participation status conferred upon it by MFA and/or other funding sources. Offeror must provide a print screen from <https://sam.gov/content/status-tracker> and [https://www5.hud.gov/ecpcis/main/ECPCIS\\_List.jsp](https://www5.hud.gov/ecpcis/main/ECPCIS_List.jsp) documenting search for Offeror's name **and** executive director's name, as proof of compliance. The search must be dated within 30 days of the proposal date.
5. Offeror must provide one copy of an independent Certified Public Accountant (CPA)'s auditor's report (audit) conducted in accordance with Government Auditing Standards (GAS). The GAS audit will include an independent auditor's report on the following: 1) financial statements; and 2) internal control over financial reporting and compliance. If Offeror receives \$750,000 in federal funds, a Single Audit is required pursuant to **2 CFR 200**. The following types of audit findings **may disqualify Offeror from funding**:
  - Repeat and unresolved audit findings or any pending investigations.
  - If Offeror has received greater than \$750,000 in funding and the single audit did not meet the requirements of **2 CFR 200.500-520**.
  - For Single Audit, no proof of federal audit clearinghouse submission (FORM SF-SAC) and, if governmental entity, proof is not included of current audit submission to the Office of the New Mexico State Auditor.
  - If referenced in audit as a separate communication, no submission of management response letter and/or management response to concerns noted in the management letter.
  - If any findings, no submission of management response to findings.
6. Local public bodies (housing authorities, local governments) must conduct annual independent financial audits by a certified auditor that has been approved by the New Mexico State Auditor's Office and is on the State Auditor's list.



7. Offeror must provide information and data to prove that the Offeror's financial resources, are adequate to make satisfactory delivery of the services described in this RFP.
8. Offeror must provide proof of insurance coverage, through a Commercial General Liability Insurance policy, as outlined in **Part I Section 3.4, Responsibility of Offerors**.
9. **Offeror's Certification** must be signed by an authorized official (form provided, **Part II Section 15, RFP Forms**) and submitted with application.
10. **Offeror's Reputation Certification** must be submitted in which Offerors must describe any material, current or pending litigation, administrative proceedings or investigations that could impact the reputation or financial viability of the Offeror (form provided, **Part II Section 15, RFP Forms**).
11. **New Mexico Mortgage Authority's Third-Party Code of Conduct** must be signed by an authorized official (form provided, **Part II Section 15, RFP Forms**) and submitted with application.
12. Offeror must list all funding sources, to include the amounts received from each entity, for the last two years.
13. Offeror must provide the most recent monitoring reports from all funding sources verifying that Offeror is in good standing with all funders.
14. Offeror must provide an Executive Summary with application (not to exceed 2 pages).
15. Offeror must provide their agency's Mission Statement with application (not to exceed 1 page).

## 11. Evaluation Criteria

MFA will award a performance agreement to the Offeror[s] whose proposals score the highest with respect to the evaluation criteria. **Proposals with an overall score below 60% will not be considered for funding.** Final award decisions will be made by MFA's Board of Directors.

### 11.1 SCORING CRITERIA

Category	Maximum Score
Project response to documented need/issue	15
Project response to units near service hub and underserved by Recovery Residences	10
Project provides safe, healthy, and sober living environment	10
Design of program that provides holistic, wrap around services	5
Project leverage of other resources	5
Low- moderate-income Individuals (LMI) benefit	10
Readiness to proceed and obligate and expend funds within 4 Months*	10
Community support for recovery housing	5
Coordination with state, local or regional service providers	5
Demonstrated data collection for outcomes	5
Project long term viability (reserves, cash flow coverage)	5

Project includes trained recovery housing staff (peer to peer)	5
Demonstrated capacity and experience to carry out the project	5
Project cost effectiveness and reasonability	5
<b>Total Points Possible</b>	<b>100</b>

\*Readiness to proceed and obligate funds within four months and close on the acquisition within six months, unless specific permission is granted by FA which permission shall only be granted where a closing cannot occur due to matters outside of the control of the offeror.

<b><i>Project response to documented need/issue</i></b>	<b>Possible Points: 15</b>
<p>Provide documentation confirming understanding the health and social needs of persons with substance use disorders (SUD) and is aware of nationally recognized models and interventions that address those needs.</p> <p>The data or statistics to demonstrate knowledge of population profile (demographics, social and health needs) including program, organizational, city/county, treatment/health system, criminal justice, housing, poverty, overdose, SUD prevalence, homelessness. 5 points _____</p> <p>Program activities including processes, tools, events, technology, and actions that are an intentional part of the program implementation demonstrate the project success to meet the intended program goals or results. 5 points _____</p> <p>Project documentation confirms the project will fulfill a verifiable need in the community with measurable results of projected outcomes including the number of individuals served. 5 points _____</p>	<p>_____ <b>Total Points</b></p>
<b><i>Project response to units near service hub and underserved by Recovery Residences</i></b>	<b>Possible Points: 10</b>
<p>Provide map to confirm project location and service hubs proximity:</p> <p>Projects without other recovery residences within 50 miles 5 points _____</p> <p>Projects with access to transportation, health care services and community-based services available within 10 miles 5 points _____</p>	<p>_____ <b>Total Points</b></p>
<b><i>Project provides safe, healthy, and sober living environment</i></b>	<b>Possible Points: 10</b>
Provide documentation to confirm house rules and house meeting requirements. Include current policies and	<p>_____ <b>Total Points</b></p>

<p>procedures for recovery housing residents. Policies and procedures must outline any drug screening and/or background requirements. 5 points _____</p> <p>Provide staff job description, staff ratios, staff roles and staff availability. Include current policies and procedures for recovery housing staff. Policies and procedures must outline staff protocol for resident interaction and any drug screening and/or background requirements. 5 points _____</p>	
<b>Design of program that provides holistic, wrap around services</b>	<b>Possible Points: 5</b>
<p>Provide listing of services to be provided by staff or that may be accessible through other programs or partnerships to the recovery housing residents. 5 points _____</p>	_____ <b>Total Points</b>
<b>Project leverage of other resources</b>	<b>Possible Points: 5</b>
<p>Provide documentation confirming existing program resources or other awards received to leverage the project including but not limited to:</p> <ul style="list-style-type: none"> <li>• Coordination of housing services and/or vouchers</li> <li>• Contract with Medicaid for billing</li> <li>• Other internal programs</li> <li>• Other funding awards or grants</li> </ul> <p>Documentation or evidence of partnerships with providers for:</p> <ul style="list-style-type: none"> <li>• Coordination of care with health services</li> <li>• Coordination with employment services</li> <li>• Coordination with specialty care</li> </ul> <p>5 points _____</p>	_____ <b>Total Points</b>
<b>Low- moderate-income Individuals (LMI) benefit</b>	<b>Possible Points: 10</b>
<p>Provide policies and procedures to ensure LMI compliance 5 points _____</p> <p>Provide references or information to confirm experience calculating household income and compliance with Area Median Income (AMI) Requirements 5 points _____</p>	_____ <b>Total Points</b>
<b>Readiness to proceed and obligate and expend funds within 4 Months</b>	<b>Possible Points: 10</b>
<p>Project timeline demonstrates the purchase or real property will occur within 4 months from the date of the signed agreement and to close on the acquisition within six months, unless specific permission is granted by MFA which permission shall only be granted where a closing cannot occur due to matters outside the control of offeror.</p>	_____ <b>Total Points</b>

10 points _____	
<b>Community support for recovery housing</b>	<b>Possible Points: 5</b>
Letters of support are provided by key stakeholders 1 point _____	_____ <b>Total Points</b>
Evidence of community outreach letters/communications 1 point _____	
Evidence of community/stakeholder meetings 1 point _____	
Partnerships with community groups addressing this population 1 point _____	
Other Community support for Recovery Housing 1 point _____	
<b>Coordination with state, local or regional service providers</b>	<b>Possible Points: 5</b>
Existing contracts and/or Memorandum of Understanding (MOU) with local and regional entities 5 points _____	_____ <b>Total Points</b>
<b>Demonstrated data collection for outcomes</b>	<b>Possible Points: 5</b>
Provide data to support the projected outcomes of the project. 5 points _____	_____ <b>Total Points</b>
<b>Project long term viability (reserves, cash flow coverage)</b>	<b>Possible Points: 5</b>
Evidence or proforma the project costs will be substantially fulfilled by all sources of project funding to projects needs for long term viability. Documentation should include forecasts of costs and expenses incurred of the life of the project through the affordability period. 5 points _____	_____ <b>Total Points</b>
<b>Project includes trained recovery housing staff (peer to peer)</b>	<b>Possible Points: 5</b>
Provide resumes of management and recovery housing staff 5 points _____	_____ <b>Total Points</b>
<b>Demonstrated capacity and experience to carry out the project</b>	<b>Possible Points: 5</b>
<u>Years of experience: 3 points possible</u> Years in experience in recovery housing: 0-2 years 1 point _____ Years in experience in recovery housing: 3-5 years 2 points _____ Years in experience in recovery housing: 6+ years 3 points _____	_____ <b>Total Points</b>

<u>Established partnerships: 2 point possible</u> The organization is connected to persons who can refer to the program 1 point _____ The organization is connected to other programs in the continuum of care 1 point _____	
<b><i>Project cost effectiveness and reasonability</i></b>	<b>Possible Points: 5</b>
Provide appraisal and proposed real property acquisition cost. 5 points _____	_____ <b>Total Points</b>

## 12 Program Standards

### Beneficiary Eligibility

Offeror must ensure and certify that it is complying with each of the following criteria:

- (1) RHP funds will be used solely for to provide individuals in recovery from a substance use disorder stable, temporary housing for a period of not more than 2 years or until the individual secures permanent housing, whichever is earlier.
- (2) RHP funds will provide maximum feasible priority to low – and moderate- income individuals and families
- (3) Agencies awarded RHP funds for the Acquisition of Real Property will be required to place a Land Use Restriction Agreement (LURA) on each project and/or property purchased with RHP funds for a period of 30~~minimum of 15~~ years. ~~MFA may require an additional term after the compliance period based on the amount of funds used for the acquisition.~~

### Eligible Activities

Eligible activities under this RFP are limited to:

- Acquisition of Real Property

Under this RFP, the service provider is responsible for the entire process; from the project acquisition to ensuring the project is placed in service for Recovery Housing.

### Compliance with RHP

Service Provider is responsible for processing compliance as outlined in MFA's Recovery Housing Program Policies and Procedure Manual.

## 13 Compliance with Other Federal Requirements

Offerors must comply with all applicable federal, state, and local codes, statutes, laws, and regulations which include, but are not limited to:

- CDBG Regulations (24 CFR 570.501(b))
- Regulations of the U.S. Department of Housing and Urban Development found at (24 CFR Part 570)
- Office of Management and Budget (2 CFR 200)
- Standards for Financial and Program Management (2 CFR 200.300-200.309)
- Cost Principles (2 CFR 200 Subpart E)
- Financial Internal Controls (2 CFR 200.303)
- Protected Personally Identifiable Information (2 CFR 200.82)
- Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d, et seq. and 24 CFR Part 1)
- Fair Housing Act (42 USC 3601 et seq.)
- Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12892 and 24 CFR Part 107)
- Age Discrimination Act of 1975, as amended (42 USC 6101 et. seq.)
- Americans with Disabilities Act (42 USC 12101 et seq.)
- Equal Employment Opportunity, Executive Order 11246, as amended (24 CFR 570.607)
- Fair Labor Standards Act of 1938, as amended (29 USC 201, et seq.)
- Contract Work Hours and Safety Standards Act, as amended (40 USC 3701 et seq.)
- Anti-Kickback Act of 1986 (41 USC 8701-8707)
- Section 3 of the Housing and Urban Development Act of 1968 (12 USC 1701u)
- Minority/Women's Business Enterprises, Executive Orders 11525, 12138 and 12432
- Section 504 of the Rehabilitation Act of 1973 as amended (29 USC 794)
- Lead-Based Paint Poisoning Act (42 USC §4822 and 24 CFR Part 35)
- Environmental Reviews (24 CFR Part 92.352)
- National Environmental Policy Act (NEPA) of 1968 (24 CFR Parts 50 and 58)
- Property Inspections (Uniform Physical Condition Standards) (24 CFR Part 5.703)(24 CFR 92.251)
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by 42 USC 4601 and the regulations at 49 CFR Part 24, Subpart C
- Debarment & Suspension (Executive Order 12549, 51 Fed. Reg. 6370)
- Affirmative Outreach (24 CFR 576.407)
- Participation in HUD programs by Faith-Based Organization (24 CFR 5.109)

Should any federal regulations be changed during and/or after the release of the RFP, MFA will update those regulations (citations) promptly. An addendum to those changes, if applicable, will be provided to offerors.

## **14 Mortgage Finance Authority Board Members/Management**

### **Board Members**

Chair, Angel Reyes - President, Centinel Bank, Taos

Vice Chair, Derek Valdo - Chief Executive Officer, AMERIND Risk

Ex Officio Member, Howie Morales - Lieutenant Governor

Ex Officio Member, Hector Balderas - Attorney General

Ex Officio Member, Tim Eichenberg – State Treasurer

Member, Rebecca Wurzbarger – W2 Construction Management LLC

Member, Patricia A Sullivan – PhD, Associate Dean, Outreach, and

Recruitment

**Management**

Executive Director/ Chief Executive Officer, Isidoro Hernandez

Chief Housing Officer, Donna Maestas-De Vries

Chief Financial Officer, Lizzy Ratnaraj

Chief Lending Officer, Jeff Payne

## 15. RFP Forms

As outlined in **PART I Section 2.3, Proposal Format**, the following program-specific forms must be included with the proposal. **No substitutions will be accepted.**

- RHP Submission Checklist
- Offeror's Certification
- Board of Directors
- Offeror's Reputation Certification
- New Mexico Mortgage Finance Authority Third-Party Code of Conduct

Proposals and forms may be downloaded from MFA's website.

<https://housingnm.org/resources/rhp-action-plan>



## RECOVERY HOUSING PROGRAM SUBMISSION CHECKLIST

AGENCY: \_\_\_\_\_

### MINIMUM QUALIFICATIONS AND REQUIREMENTS

Initial	Item Required
	Completed proposal application (Form provided)
	Electronic Proposal – submitted as a <b>single</b> PDF file sized to be printable on standard 8 ½ x 11 paper <b>with tabs/bookmarks</b> identifying each Minimum Qualification and Requirements item and evaluation criteria item within the PDF
	Proof of 501(c)(3) status, by letter of support, or proof of status as a government agency
	Proof of current registration as a charitable organization with the NM Attorney General's Office
	Offeror must be in "good standing" as of the date this RFP is issued. In order to be in good standing, Offeror must not have "suspended," "debarred" or HUD's Limited Denial of Participation status conferred upon it by MFA and/or other funding sources. Offeror must provide a print screen from <a href="http://www.sam.gov">www.sam.gov</a> within 30 days of the application date.
	One copy of the agency's most recent fiscal agency financial audit FY2020 or a letter from MFA indicating that we have already received and approved your audit.
	Offeror's Certification signed by authorized official (Form provided)
	Offeror's Reputation Certification in which Offeror must describe any material, current or pending litigation, administrative proceedings or investigations that could impact the reputation or financial viability of the agency. (Form provided)
	Complete list of current funding sources, with amounts from each entity, for last two years
	Most recent monitoring letters from all funders' showing Offeror is in good standing
	Evidence of coordination with other targeted recovery housing services (MOU, letter of agreement, etc.)
	Executive Summary (not to exceed 2 pages)
	Offeror's Mission Statement (not to exceed 1 page)
	Up-to-date resumes of the Executive Director, Finance Director, and Program Manager to demonstrate the administrative and financial management capacity necessary to accept and account for the use of public funds
	Description of Offeror's organizational and management structure (less than two pages)
	Offeror's Organization Chart
	Board-approved <i>Fiscal Policies and Procedures Manual</i> showing internal control for financial Management
	Offeror bylaws, including policy showing the board's responsibility for financial oversight
	Offeror's Board structure (Form provided)

(By initialing this list, Offeror certifies that all items listed above are enclosed, as defined in this RFP.)

## OFFEROR'S CERTIFICATION

\_\_\_\_\_ ("Offeror") is submitting a proposal to the Mortgage Finance Authority ("MFA") to be considered for funding from the Recovery Housing Program.

Offeror certifies that:

It will abide by all applicable federal and state of New Mexico laws and all applicable statutory, regulatory, and judicially created rules and guidelines.

It will abide by MFA's HUD Section 3 Economic Opportunity Compliance Policy, which can be found at **[INSERT WEB ADDRESS]**.

It understands that MFA will monitor its performance and compliance.

It is in good standing with all its funding sources.

It complies with MFA's Third-Party Code of Conduct, Equal Employment Law, and all government regulations regarding nondiscriminatory employment practices.

It understands and represents that any performance agreement it enters into with MFA will be binding in all respects.

It is currently registered with the NM Attorney General's Registry of Charitable Organizations, if applicable.

This proposal shall be valid until performance agreement award or ninety (90) calendar days from the proposal due date, whichever is longer.

**I HEREBY CERTIFY THAT ALL INFORMATION PROVIDED IN THE PROPOSAL IS TRUE AND CORRECT, AND THAT I HAVE THE AUTHORITY TO BIND THE OFFEROR TO THE ASSURANCES, AS WITNESSED BY MY SIGNATURE BELOW.**

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

## BOARD OF DIRECTORS

Name	
Home Address	
Employer	
Position on Board	
Area of Expertise/Qualification	
Years on Board	
Term Expiration Date	
Name	
Home Address	
Employer	
Position on Board	
Area of Expertise/Qualification	
Years on Board	
Term Expiration Date	
Name	
Home Address	
Employer	
Position on Board	
Area of Expertise/Qualification	
Years on Board	
Term Expiration Date	
Name	
Home Address	
Employer	
Position on Board	
Area of Expertise/Qualification	
Years on Board	
Term Expiration Date	
Name	
Home Address	
Employer	
Position on Board	
Area of Expertise/Qualification	
Years on Board	
Term Expiration Date	

(Use additional pages if necessary.)

**OFFEROR’S REPUTATION CERTIFICATION**

Offeror \_\_\_\_\_

Describe any current or pending litigation, allegations, administrative proceedings, or investigations by any party, including any regulatory agency or funding entity, which could potentially impact the reputation or financial viability of the Offeror. *(If none, write “None”)*

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I HEREBY CERTIFY THAT ALL INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT, AND THAT I HAVE DISCLOSED ANY ISSUES THAT COULD IMPACT THE REPUTATION OF THE OFFEROR.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

## NEW MEXICO MORTGAGE FINANCE AUTHORITY THIRD-PARTY CODE OF CONDUCT

- A. Preamble. The New Mexico Mortgage Finance Authority ("MFA"), an instrumentality of the state government, exists to serve the citizens of the State of New Mexico. To maintain the respect, trust, and confidence of the public, and consistent with MFA's commitment to conduct its business in an ethical and legal manner, MFA requires that all Third Parties doing business with MFA comply with this Third-Party Code of Conduct and otherwise uphold the highest standards of ethics and behavior.
- B. Purpose. The purpose of this Code of Conduct is to provide general guidelines and a minimum standard of conduct for Third Parties doing business with MFA.
- C. Definitions. For the purpose of this Third-Party Code of Conduct, the following words and phrases shall have the following meanings:

"MFA Employee" means any person employed directly by MFA and any person employed through a staffing agency or by contract and for whom MFA has the right to direct and control the work performed.

"MFA Member" means a Member, and with respect to an ex-officio Member, his or her proxy, of the Board of Directors of the MFA.

"MFA Management" means the Executive Director/Chief Executive Officer, Chief Housing Officer, Chief Financial Officer, Chief Lending Officer, and Director of Human Resources employed by the MFA.

"Transaction" means any transaction including, but not limited to any sale, purchase, or exchange of tangible or intangible property or services; any loan, loan commitment or loan guarantee; any sale, purchase, or exchange of mortgage loans, notes, or bonds; or any other business arrangement or contract therefor.

- D. Conflicts of Interest. Third Parties should avoid engaging in any activity that would conflict, interfere, or even create the appearance of a conflict with their business with MFA. Third Parties must disclose any potential conflicts to MFA in writing as soon as practicable upon discovery or recognition. Examples of potential conflicts include, but are not limited to:

- Engaging in a conflict-of-interest transaction prohibited by Section F of MFA's Code of Conduct, which can be found at:

[https://housingnm.org/uploads/documents/Third\\_Party\\_Code\\_of\\_Conduct.pdf](https://housingnm.org/uploads/documents/Third_Party_Code_of_Conduct.pdf)

- Providing gifts and entertainment to any MFA Employee, MFA Management or MFA Member in an attempt to improperly influence MFA business decisions.

MFA shall not enter into any Transaction with a former MFA Member or former MFA Management for a period of one (1) year after such person ceases to be an MFA Member or MFA Management, except with prior approval of a disinterested majority of all current MFA Members.

To the extent applicable, Third-Party shall disclose conflicts of interest required pursuant to state or federal law, including but not limited to 2 CFR 200.112.

- E. Anti-Discrimination and Anti-Harassment Policy. MFA is committed to maintaining an employment environment in which all individuals are treated with respect and dignity and expects the same from Third Parties doing business with MFA. MFA expects that Third Parties will maintain a workplace where employment-related decisions are based on performance, ability, or other legitimate, non-discriminatory bases and are never based on race, color, national origin, ancestry, citizenship status, religion, sex, sexual orientation, gender identity, age, physical or mental disability, serious medical condition, marital status, status with regard to public assistance, veteran status, or any other legally protected status. MFA also maintains and expects Third Parties to maintain a workplace that is free of unlawful harassment. This includes harassment based upon any of the above legally protected status (such as age, sex, religion, national origin, etc.) and which creates an intimidating, hostile, or offensive working environment. This also includes sexual harassment which is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidated, hostile, or offensive working environment. MFA will also not tolerate any form of unlawful discrimination or harassment of an MFA Employee by any Third-Party including by its employees, owners, managers, members, directors, agents, or representatives
- F. Confidential Information and Intellectual Property. Third Parties doing business with MFA must protect any confidential or proprietary information that belongs either to MFA or any other third-party with whom MFA does business, if such other third-party has provided MFA with confidential or proprietary information. Confidential or proprietary information includes, but is not limited to, any non-public financial information, business processes and systems, intellectual property, personally identifiable information of MFA's customers, and personally identifiable or private information about any MFA Employee, MFA Member, MFA Management, third-party, or customer, such as identity, medical, employment, or financial information. To the extent necessary for a Third-Party to share MFA's confidential or proprietary information with a sub-

contractor, MFA expects the Third-Party to implement adequate controls at a level no less than those set forth in this Third-Party Code of Conduct with such sub-contractor. Third Parties must not infringe upon the intellectual property rights of other companies or organizations. Third Parties must return all confidential and proprietary information in their possession to MFA when the contractual relationship between MFA and the Third-Party has terminated, unless otherwise specified by contract. The obligation to protect MFA's confidential and proprietary information continues even after any business relationship between MFA and the Third-Party ends. MFA may require that Third Parties sign a separate confidentiality and non-disclosure agreement.

- G. Onsite Visitor Requirements. While on MFA's premises, Third Parties must comply with all MFA rules and procedures, including security measures and requests. These may include but are not limited to:
- Registering with reception.
  - Accessing only authorized areas unless accompanied by an MFA Employee.
  - Promptly reporting known security violations and property loss or damage.
  - Complying with all MFA facility requirements, including maintaining a substance-free and violence-free workplace.
  - Any public health and safety policies in effect, including wearing a face mask.
- H. Compliance with Laws, Regulations, Policies and Procedures and Contracts. All Third Parties must comply with all applicable state and federal laws, codes, and regulations and MFA's policies and procedures to the extent applicable to the Third-Party and must not violate any terms and conditions established by contract with MFA.
- I. Business Integrity. Any and all forms of illegal or inappropriate activity by a Third-Party doing business with MFA, including, but not limited to, corruption, misrepresentation, extortion, embezzlement, or bribery, are strictly prohibited and may result in termination of any or all agreements with MFA.

#### OFFEROR ACKNOWLEDGMENT

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By: NAME

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Date

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Signature

# Tab 4





CSG | advisors

# General Fund Cash Reserves Policy

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Lizzy Ratnaraj, Chief Financial Officer

David Jones, Principal, CSG Advisors

MFA Board of Directors Meeting

April 20, 2022

*Albuquerque, New Mexico*

# Cash Reserves Policy- Background

- ✓ The current Cash Reserves policy was originally approved by the Board and implemented in October 2012. It was established to address MFA's long-term cash needs
- ✓ Since 2012, the policy has been modified as needed, primarily to address liquidity responsibilities related to MFA's ownership of mortgage services rights (MSR) beginning in June 2016
- ✓ The last update to the policy was approved in January 2019. This update added reserve requirements for Capital Servicing Investment and the GNMA portfolio

*Refer to Section 1.3.F of the MFA Policies and Procedures Manual for the current Cash Reserves policy*



# Investment Policy

Per the MFA Act, and § 6-8-7 and § 6-10-10.1 NMSA 1978, MFA General Funds may be invested as follows:

- a) In obligations of any municipality of NM or the USA, rated “AA” by S&P;
- b) In obligations where principal and interest are guaranteed by the state of NM or the USA;
- c) In obligations of any corporation wholly owned by the USA;
- d) In obligations of any corporation sponsored by the USA which are or may become eligible as collateral for advances to member banks as determined by the board of governors of the Federal Reserve System;



# Investment Policy-cont'd

- e) In certificates of deposit or time deposits in banks qualified to do business in NM, secured in a manner determined by MFA;
- f) In contracts for the purchase and sale of obligations of the type specified in Paragraph a) of this subsection;
- g) In the State of NM Office of the Treasurer Local Short-Term Investment Fund; or
- h) In the State of NM State Investment Council - Investment Funds program

*Refer to Section 1.3.E of the MFA Policies and Procedures Manual for the current Investment policy*

# Components of General Fund Cash

For the purposes of the Cash Reserve Policy, MFA General Fund Cash is defined as:



## CASH IN DEPOSITORIES

Checking, Savings and Money Market Accounts



## Local Government Investment Pool (LGIP)

Investments with the NM State Treasurer's Office – Local Government Investment Pool



## MFA BOND LADDER

Highly Liquid Treasury and Agency Securities, with staggering maturities.



## MORTGAGE-BACKED SECURITIES

Mortgage-Backed Securities purchased by MFA as investments.



## State Investment Council (SIC)

Investments with the NM SIC Investment Pool Program



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# Cash Balances

As of January 31, 2022, MFA General Fund Total Cash and Investments was \$92,109,000, comprised of the following (in thousands):

## CASH

General Fund	\$	869
General Fund Savings	\$	133
Housing Programs	\$	18,522
Housing Prog. Savings	\$	2,089
State Treasurer Inv Fund	\$	5,622
FHLB	\$	13,773
DS Advances	\$	161
MF Advances		<u>\$ 113</u>
Cash Subtotal	\$	<u>41,282</u>

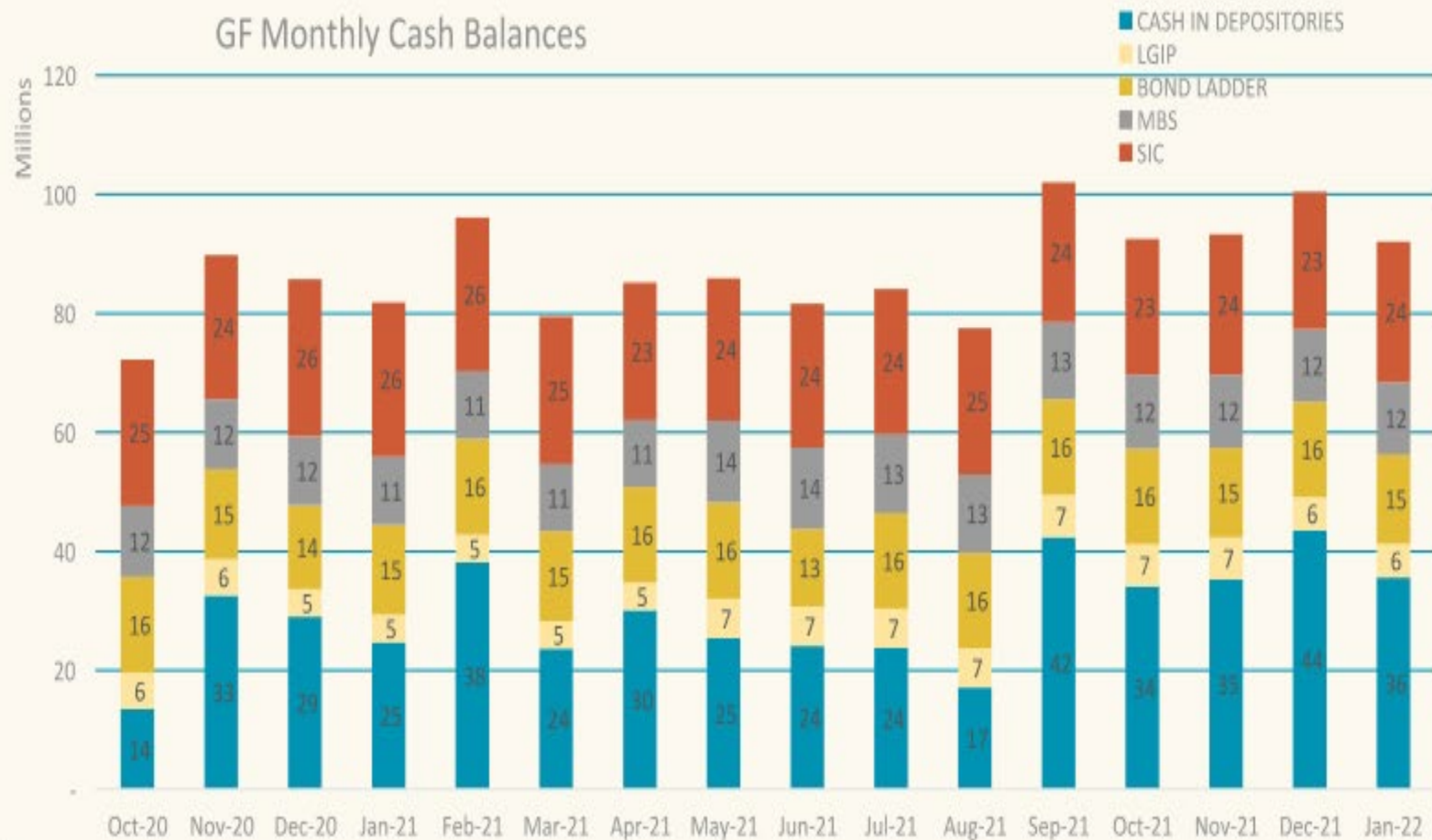
## INVESTMENTS

US Treas/Agencies	\$	10,058
Housing US Treas/Agencies	\$	5,084
GNMA MBS Pools	\$	9,958
FNMA MBA Pools	\$	1,954
FHLMC MBS Pools	\$	67
State Investment Council	\$	<u>23,706</u>
Investments Subtotal	\$	<u>50,827</u>



# Cash Balances

Cash Balances by month for FY 2021- current YTD:





# Considerations

The following needs are considered in the management and evaluation of appropriate reserve levels:

- ✓ Providing adequate cash levels to generate interest income through investments, purchase of mortgage servicing rights, and loan warehousing
- ✓ Maintenance of a healthy issuer credit rating to sustain a strong investor pool and to ensure the lowest cost of funds available, and maintenance of approval for the FHA/HFA Risk Sharing Program
- ✓ Providing ongoing viability in uncertain market and economic environments
- ✓ Providing for unanticipated General Fund expenses
- ✓ Providing for carrying costs associated with bond-financed programs
- ✓ Providing reserves for potential loan losses and other contingent liabilities
- ✓ Compliance with investor capital and liquidity requirements
- ✓ Providing resources for MFA's Housing Opportunity Fund



# Current Policy

MFA's current cash reserve policy includes the following five components:

1. **Operating:** two years of the five-year historical average of the total operating expense;
2. **Housing Opportunity Fund:** two years of the five-year historical average of HOF loan fundings;
3. **Cost of Issuance:** two years of the five-year historical average of single- family bonds costs of issuance;
4. **Capital Servicing Investment:** two years of the five-year historical average of capital servicing investment (MSR); and
5. **GNMA Capital Requirement:** 0.10% of the GNMA mortgage-backed security portfolio or \$1,000,000, whichever is higher.

**2021 Revision: 0.35% of the GNMA mortgage-backed security portfolio plus \$2,500,000.**



# Policy Recommendation

The following revisions to the Cash Reserve Policy are recommended based on a liquidity review completed by CSG Advisors:

1. **Operating:** one year of the two-year historical average of the total operating expense;
2. **Housing Opportunity Fund:** one year of the two-year historical average of Housing Opportunity Fund loan fundings;
3. **Cost of Issuance:** *remove the reserve requirement for Cost of Issuance.*
4. **Servicing Investment:** one year of the two-year historical average of capital servicing investments (MSR); and
5. **Servicing Capital Requirement:** 1.0% of the two-year historical average of the mortgage-backed security subserviced portfolio balance.



# Operating Expenses & Housing Opportunity Fund Reserves

## CURRENT POLICY

**Operating:** two years of the five-year historical average of the total operating expense

**Housing Opportunity Fund:** two years of the five-year historical average of HOF loan fundings

## POLICY RECOMMENDED

**Operating:** one year of the two-year historical average of the total operating expense

**Housing Opportunity Fund:** one year of the two-year historical average of Housing Opportunity Fund loan fundings

## DISCUSSION

MFA'S annual revenue streams increased substantially in the last 5 years; more confident that revenues can fund most/all expenditures & that dependence on cash reserves can be reduced

Operating reserve levels for other governments and housing agencies is recommended at between 3 – 6 months

Release of the reserve provides resources for more HOF DPA fundings & other MFA programs, at management & Board's discretion



# COI, Servicing, GNMA Capital Reserves

## CURRENT POLICY

**Cost of Issuance:** two years of the five-year historical average of single- family bonds costs of issuance

**Capital Servicing Investment:** two years of the five-year historical average of capital servicing investment (MSR)

**GNMA Capital Requirement:** 0.35 % of the GNMA mortgage-backed security portfolio plus \$2,500,000, whichever is higher

## POLICY RECOMMENDED

**Cost of Issuance:** *remove the reserve requirement for Cost of Issuance*

**Servicing Investment:** one year of the two-year historical average of capital servicing investments (MSR);

**Servicing Capital Requirement:** 1.0% of the two-year historical average of the mortgage-backed security subserviced portfolio balance

## DISCUSSION

Cost of Issuance expenses are funded with bond proceeds

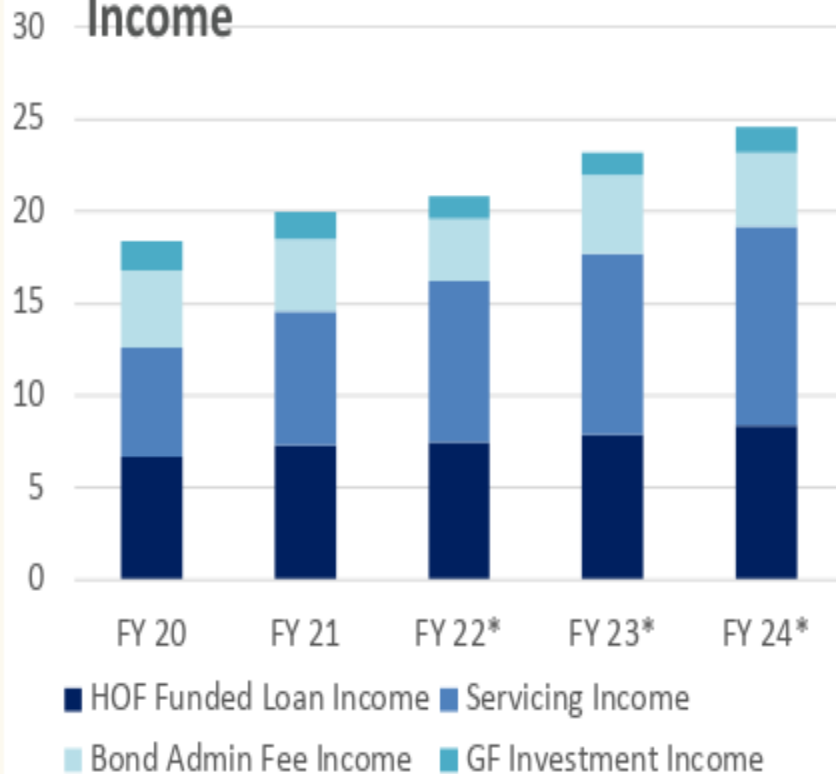
MFA's role as a servicer has evolved and grown since 2016, requiring more capital & liquidity for potential servicing activities, such as GNMA loan buyouts, servicer advances, etc.

Revised reserve descriptions to clarify the servicing rights investment vs. the servicing capital requirement, which includes GNMA liquidity requirements

# Annuitized Income

## Components of Annuitized

### Income



Annuitized Income	FY 20	FY 21	FY 22*	FY 23*	FY 24*
HOF Funded Loan Income	\$6.7	\$7.3	\$7.5	\$7.9	\$8.4
Servicing Income	5.9	7.3	8.7	9.8	10.8
Bond Admin Fee Income	4.2	3.9	3.4	4.3	4.0
GF Investment Income	<u>1.6</u>	<u>1.5</u>	<u>1.2</u>	<u>1.2</u>	<u>1.4</u>
<b>Annuitized Income</b>	<b>18.4</b>	<b>20.0</b>	<b>20.8</b>	<b>23.2</b>	<b>24.6</b>

- Annuitized income is forecasted to grow each fiscal year, furthering MFA's sustainability and allowing for lower cash reserves
- Servicing and HOF Funded Loan Income are primary growth contributors



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# Cash Reserves History: Current Policy

MFA has typically maintained balances excess of the required amounts.

Fiscal Year	Required per Policy <i>In thousands</i>	GF Cash Available at Year End	Excess Reserves
2017	\$35,792	\$88,615	\$52,823
2018	\$40,318	\$94,123	\$53,805
2019	\$54,057	\$85,791	\$31,734
2020	\$62,704	\$82,715	\$20,011
2021	\$78,454	\$102,035	\$23,581





# Policy Comparison- MFA Forecast

Below is a table comparing estimated General Fund reserves between the existing policy and the recommended policy, based on MFA's financial forecast as of September 2021:

in thousands	Current Policy 2021	New Policy 2021		Current Policy 2022	New Policy 2022		Current Policy 2023	New Policy 2023		Current Policy 2024	New Policy 2024
Operating Budget-Expenses	\$29,614	\$17,210		\$34,710	\$19,972		\$37,904	\$22,821		\$41,711	\$23,759
Cost of Issuance Funding	\$3,908	\$0		\$4,546	\$0		\$1,344	\$0		\$186	\$0
Housing Opportunity Fund DPA Loan Fundings*	\$30,734	\$17,785		\$34,564	\$20,181		\$41,234	\$25,396		\$41,704	\$24,059
Servicing Investment	\$6,760	\$3,973		\$8,866	\$4,818		\$8,833	\$5,108		\$8,814	\$4,012
Servicing/MBS Capital	\$7,438	\$12,958		\$8,534	\$15,879		\$9,800	\$18,729		\$10,271	\$21,600
<b>TOTAL</b>	<b>\$78,454</b>	<b>\$51,926</b>		<b>\$91,220</b>	<b>\$60,849</b>		<b>\$99,114</b>	<b>\$72,054</b>		<b>\$102,686</b>	<b>\$73,430</b>
<b>DIFFERENCE</b>	<b>\$26,528</b>			<b>\$30,371</b>			<b>\$27,061</b>			<b>\$29,256</b>	



**MFA**

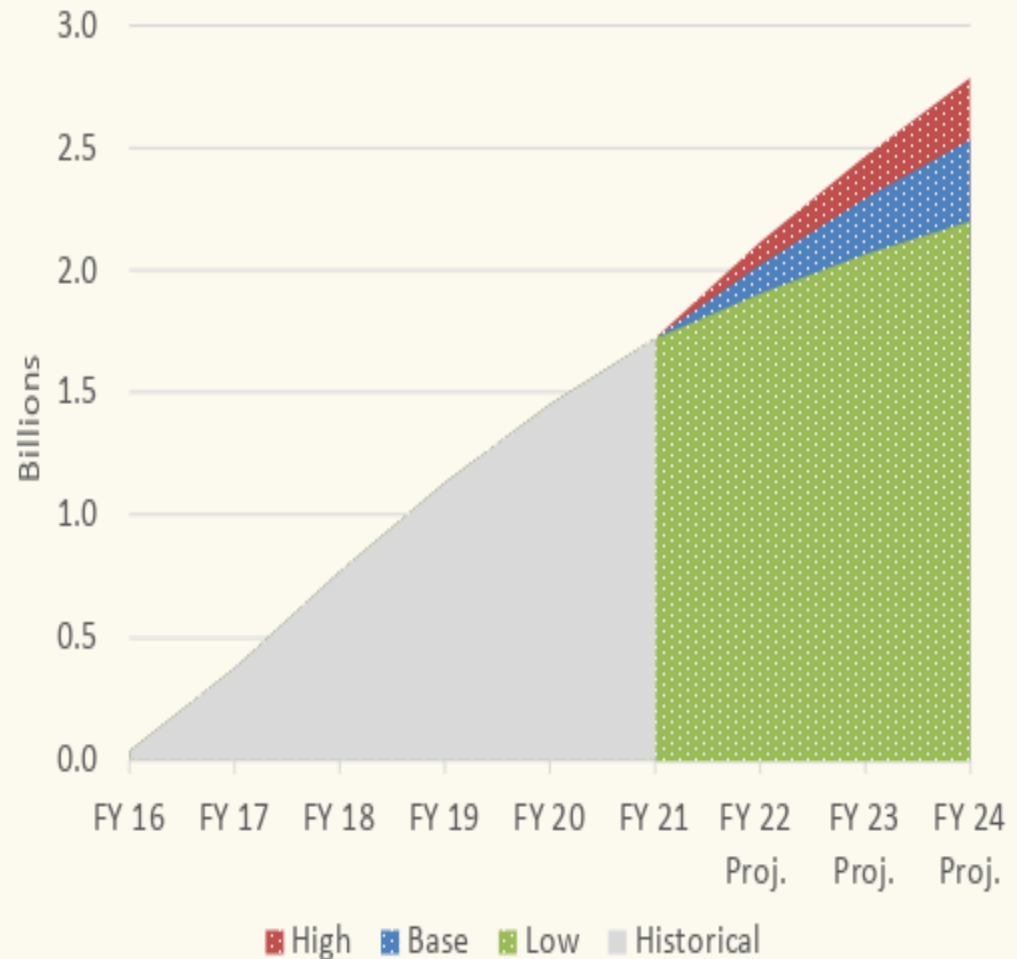
Housing New Mexico

\*Assumes that MFA's Housing Opportunity Fund provides funding for down payment assistance loans of up to \$8,000 maximum per loan. Any incremental down payment assistance is assumed to be funded from other sources.

# Servicing Assets- Resource Allocation Study

The Study completed by CSG Advisors shows continued growth in the MFA servicing assets:

- FYE 21 Servicing portfolio had \$1.7bn in assets
- Servicing assets projected to grow to over \$2bn in all scenarios
- Low Case Assets: \$2.2bn
- Base Case Assets: \$2.5bn
- High Case Assets: \$2.8bn



MFA

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# Policy Comparison- Resource Allocation

Below is a table comparing estimated General Fund reserves between the existing policy and the recommended policy as of September 2021, with revised projected production levels under the Resource Allocation Policy.

in thousands	Current Policy 2021	New Policy 2021		Current Policy 2022	New Policy 2022		Current Policy 2023	New Policy 2023	
Operating Budget-Expenses	\$29,614	\$17,210		\$34,710	\$19,972		\$37,781	\$22,667	
Cost of Issuance Funding	\$3,908	\$0		\$4,546	\$0		\$1,332	\$0	
Housing Opportunity Fund DPA Loan Fundings*	\$30,734	\$17,785		\$34,564	\$20,181		\$36,980	\$20,080	
Servicing Investment	\$6,760	\$3,973		\$8,866	\$4,818		\$9,112	\$5,456	
Servicing/MBS Capital	\$7,438	\$12,958		\$8,534	\$15,879		\$10,532	\$18,729	
<b>TOTAL</b>	<b>\$78,454</b>	<b>\$51,926</b>		<b>\$91,220</b>	<b>\$60,849</b>		<b>\$95,737</b>	<b>\$66,931</b>	
<b>DIFFERENCE</b>	<b>\$26,528</b>			<b>\$30,371</b>			<b>\$28,806</b>		

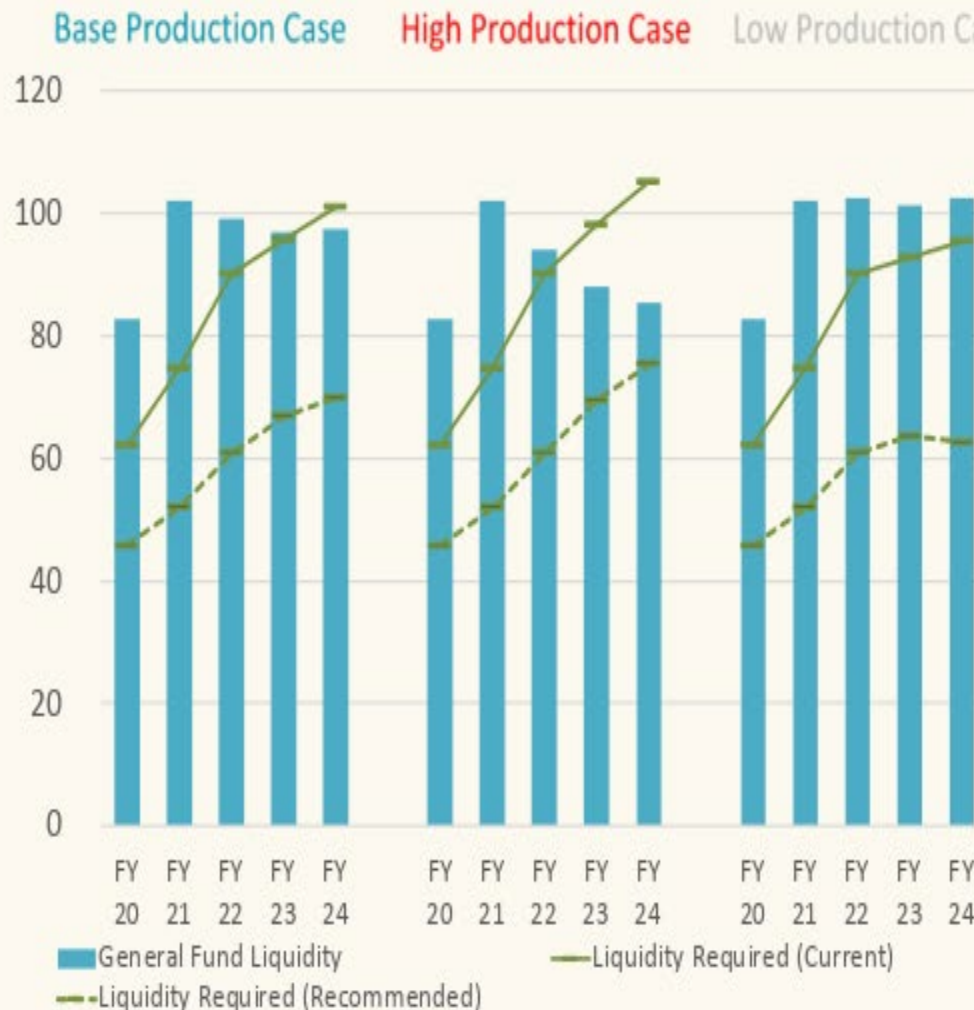
\*Assumes that MFA's Housing Opportunity Fund provides funding for down payment assistance loans of up to \$8,000 maximum. If down payment assistance is assumed to be funded from other sources.



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# Liquidity Review- Production Base

The following compares the current and recommended liquidity levels based on Low, Base, and High production assumptions:



# Discussion

- The recommended reserve policy revisions are more aligned with cash reserve policy best practices and will result in less stringent requirements for maintaining large reserves to cover operating expenses
- Increases in loan production create a greater liquidity needs for the purchase of servicing rights and the funding of DPA loans
- The recommended revisions refocus the liquidity risk on the mortgage-backed security portfolio balances and create a cushion for worst-case scenario delinquencies such have been experienced as part of the recent health crisis
- The recommended reserve percentage in the Servicing Capital Requirement category would cover required advances, the purchase of loss mitigation loans, and costs related to foreclosure and other real estate purchased where the property cannot be conveyed to the insurer



# Ensuring Sufficient Future Liquidity

To ensure sufficient future liquidity, MFA has several methods of raising liquidity or utilizing other resources, including:

**1. Recurring funding for the New Mexico Housing Trust Fund through 2.5% severance tax bonding capacity**

- Will provide consistent resources to supplement MFA program activities.
- Funding to Increase Down Payment Assistance program ceiling from \$8,000 to \$12,000-\$15,000 in light of rising house costs.

**2. MFA's Warehouse Line with the Federal Home Loan Bank of Dallas**

- Allows for advances against the eligible loan and mortgage-backed security collateral
- Currently used for warehousing new loans, but also available for short-term cash needs (servicing, for example)

**3. Funding a portion of FirstDown Housing Opportunity Fund loans with Bond Premium**

- Up to \$10 million over the next three years of FirstDown down payment assistance loans could potentially be funded with bond premium instead of General Fund monies, easing liquidity needs

**4. Refund existing bonds in order to access net assets**

- \$4 to \$6 million of cash and/or investments can potentially be accessed and transferred from MFA's bond indentures to the General Fund during FY 2022 and 2023

**5. Additional ideas of General Liquidity**

- Finance single-family production with modestly more TBA sales than with bonds, and
- Encourage shorter amortization periods for FirstDown down payment assistance loans (for example, from 30 years to 15 years)



# Conclusion

The recommended revisions to the MFA General Fund Cash Reserve Policy will help MFA to:

- ☐ better reflect standard practices in its cash policies,
- ☐ ensure compliance with regulatory requirements and obligations,
- ☐ provide viability during dynamic market conditions,
- ☐ provide flexibility for funding ongoing Mortgage and Housing programs





Thank You!

Lizzy Ratnaraj, Chief Financial Officer

David Jones, Principal, CSG Advisors

MFA Board of Directors Meeting

April 20, 2022

*Albuquerque, New Mexico*

# Tab 5





**NEW MEXICO MORTGAGE FINANCE AUTHORITY**  
**Contracted Services/Credit Committee Meeting**  
**Tuesday, April 12, 2022 @ 8:30 am**  
**MFA – Albuquerque**

WebEx join the meeting from the calendar or call 1-844-992-4726 (access code): 2495 411 2675

AGENDA ITEM	TIME ALLOTTED	COMMITTEE RECOMMENDED	BOARD ACTION REQUIRED
<b><u>Recommended for Consent Agenda</u></b>			YES
<b>1</b> Reissue FY2020/FY2021 Recovery Housing Program (RHP), RFP (Theresa Laredo-Garcia)	8:30 – 8:40	2-Ø	
<b><u>Agenda</u></b>			YES
<b>2</b> Request for Homeowner Rehab funding from the NM Housing Trust Fund (Amy Gutierrez)	8:40 – 8:50	3-Ø	
<b>3</b> Awards for Legal Services as Bond Counsel RFP (Cooper Hall)	8:50 – 9:00	3-Ø	
<b>4</b> State Tax Credit request - Clifton-William (Greater Albuquerque Habitat for Humanity (Justin Carmona)	9:00 – 9:10	3-Ø	
<b>5</b> Tax Credit Assistance Program (TCAP) NOFA Revision (Jacobo Martinez)	9:10 – 9:20	3-Ø	
<b>6</b> Emergency Housing Needs Pilot Program Framework and Funding Allocation (Robyn Powell and Sonja Unrau)	9:20 – 9:30	3-Ø	
<b>7</b> 2022 Draft Annual Action Plan (Sherry Stephens)	9:30 – 9:40	3-Ø	
<b>8</b> Bi-Annual Compliance Activities Report (Julie Halbig)	9:40 – 9:50	3-Ø	
<b>9</b> Questions/comments from Committee	9:50 – 10:00		

**Committee Members present:**

Rebecca Wurzbarger, Chair

☐ present

☐ absent

☒ conference call

Attorney General Hector Balderas or Sally Malavé

☐ present

☐ absent

☒ conference call

Patricia Sullivan

☐ present

☐ absent

☒ conference call @ 8:41





# MEMO

TO: Board of Directors

Through: Policy Committee on March 29, 2022

NM Housing Trust Fund Advisory Committee on April 11, 2022

Contracted Services Committee on April 12, 2022

FROM: Amy Gutierrez, Rehabilitation Program Manager

DATE: April 20, 2022

RE: Request for Homeowner Rehab funding from the New Mexico Housing Trust Fund (NMHTF)

## Recommendation:

Staff requests to use \$370,000 from the NMHTF for home rehabilitation projects that fall outside of the regular requirements of the HOME Rehab program funding. Due to program limits and extenuating circumstances, there are five projects that require regulation flexibility not afforded with regular HOME funding.

## Background:

In November of 2021, Tierra Del Sol Housing Corporation (TDS) contacted MFA to inquire whether MFA could take on six of their “qualified” Veteran Rehab projects that were allocated to their agency from their Housing Assistance Council (HAC) funding. Due to external issues with HAC outside of MFA and agency capacity issues, TDS lost their HAC funding. MFA met with Southwestern Regional Housing and Community Development Corporation (SRHCDC), and they were more than accommodating to take on the extra projects to help the Veterans in need. Two of the projects will require ADA accessibility modifications such as installing a ramp for a wheelchair and modifying a bathroom to accommodate a wheelchair. However, after processing the paperwork for income qualifications, SRHCDC discovered that three of the 6 Veterans were above the 80% Area Median Income (AMI) requirement by HUD. Since this time, SRHCDC has put these three projects on hold at the request of MFA as staff and management researched alternative funding options.

In December 2021 Northern Pueblos Housing Authority (NPHA) closed for business. One of their customers had an ongoing application for several years with NPHA and was frustrated with their lack of urgency for her project. The customer called MFA to inquire if she could get any assistance. Since MFA does not have any service providers in the northern counties of the state, staff reached out to Ohkay Owingeh Housing Authority (OOHA) and San Felipe Pueblo Housing Authority (SFPHA) to ask if they would be able to take on this project outside of their service territory on the pueblo. OOHA explained that their Tribal Government does not allow them to do any rehab work outside of the pueblo. Since SFPHA has their own construction crew, they were more than

accommodating and agreed to work on the project. After an onsite visit and a needs assessment was completed, it was discovered that the customer was not a tribal member, and her home is located outside of the Picuris Pueblo in Taos County.

In addition, MFA received another urgent request for a roof replacement for an elderly customer in San Miguel County in a remote area outside of Las Vegas NM. SFPHA also volunteered to do this rehab project for MFA. The project started out as being a basic roof replacement, but after a site visit and needs assessment was conducted, the project is now requiring additional rehab work to support the new roof.

In order to use HUD HOME Rehab funding, there are several requirements that a project must complete and receive approval before the project can start. Some of these main requirements can include a full Tier II Environmental Review (ER) as well as a Tribal State Historic Preservation clearance (THPO). SFPHA is not able to do ER's or THPO clearance reviews outside of a pueblo territory since they have their own ER and THPO specialist for pueblo lands. Construction and various permitting are also required in each county of the state. The construction crew at SFPHA is only certified with Tribal Trust Land permits and do not have the required qualifications for permitting outside of pueblo land in each specific county of the state. Therefore, they will utilize a subcontractor that has a contractor's license to obtain the required state/county permits.

At the time that SFPHA volunteered to work on both of these projects for MFA, they thought that the NPHA customer was on tribal land in Picuris Pueblo. They also believed that the customer in San Miguel County was only going to need a basic roof replacement and they did not realize that they were going to have to do a full HOME Rehab project set up (which includes a full ER and THPO review) required by HUD anytime HOME Rehab funding is utilized. At this point, MFA requested time to research other funding options to get these projects completed.

## Discussion:

Due to the requirements by HUD to utilize HOME and Veteran Rehab funding for any rehabilitation project, staff requests \$370,000 from the NMHTF for these specific rehabilitation projects that fall outside of the regular HOME and Veteran Rehab funding allocations that MFA normally receives for these types of rehab projects from HUD. The income qualifications for each project are also below the income levels established by the NMHTF.

Based on the site visits and needs assessments that were completed by both agencies on all of these projects, it has been determined that SRHCDC will need \$210,000 for all 3 Veterans projects and SFPHA will need \$160,000 for two projects.

## Summary:

Based on the extenuating circumstances regarding the projects mentioned above and due to the project requirements by HUD, for all HOME Rehab projects utilizing HUD funding, staff requests \$370,000 from the NMHTF to complete these rehabilitation projects.

Thank you for your consideration and approval of this proposal.

# Tab 6

**TO:** Board of Directors  
**Through:** Contracted Services Committee – April 12, 2022  
**Through:** Policy Committee – April 5, 2022  
**FROM:** Cooper Hall  
**DATE:** April 20, 2022  
**SUBJECT:** Award for Legal Services as Bond Counsel

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**Recommendation:** Staff recommends that Kutak Rock be selected as Bond Counsel for both Single Family and Multifamily programs.

**Background:** MFA issued a Request for Proposal (RFP) for Legal Services as Bond Counsel for Single Family and/or Multifamily housing programs in February of 2017. At the April 2017 board meeting the contracts for both Single Family and Multifamily were awarded to Ballard Spahr, LLP.

The contracts had a term of three years with two, one-year extensions at the option of the Policy Committee. The Policy Committee exercised the last available extension which expires on April 30, 2022.

At its January 2022 meeting the Board approved the issuance of an RFP for Legal Services as Bond Counsel for Single Family and/or Multifamily Housing Programs.

**Discussion:**

MFA received a total of six proposals in response to the RFP, one from each of the following firms: Ballard Spahr, Gilmore & Bell, Kutak Rock, Orrick Herrington, Dinsmore Shohl, and Sherman & Howard. Sherman & Howard responded for only the Multifamily contract. All six proposals met the minimum threshold. The proposals were reviewed by an internal review committee of four staff members. Each member of the internal review committee independently scored the individual proposals. Points were awarded to the Offeror based on the criteria outlined in Part IV: Evaluation Criteria of the RFP. A simple average was then calculated based on the committee member individual scores for each of the scoring criteria.

As noted in the RFP, the contract begins on the date the MFA Board of Directors approves the award and ends on April 30, 2025. At the option of the Policy Committee, the contract may be extended for two, one (1) year periods under the same terms and conditions.

Attached are the following spreadsheets: (a) Exhibit A showing that the Offeror met the minimum threshold, (b) Exhibit B showing the average points awarded to the Offerors in both the Single Family and Multifamily scoring.

Kutak Rock has served as the Underwriter's Counsel on MFA's Single-Family transactions since 2013. Kutak Rock's public finance practice is made up of 120 lawyers nationwide, 60 of whom specialize in housing bond financing. They currently serve as on-going bond counsel to 24 state housing finance agencies and are the top-ranking Single-Family Housing Bond Counsel according to Refinitiv's bond counsel rankings. Kutak Rock also ranks in the top three for Multifamily Housing. Through the internal review committee scoring process Kutak Rock scored the highest in both Single Family and Multifamily with a score of 97 and 97.42 respectively. The internal review committee is confident Kutak Rock will provide quality bond counsel services in a cost-effective manner.

**Summary:** The MFA Board approved a Request for Proposal (RFP) for Legal Services as Bond Counsel for Single Family and/or Multifamily program at its January 2022 Board meeting. MFA received six responses to the RFP which met minimum threshold. The proposals were scored by an internal committee of four staff members in accordance with the evaluation criteria outlined in the RFP. Kutak Rock received the highest number of points for both Single Family and Multifamily programs. Staff recommends that Kutak Rock be selected to provide Legal Services as Bond Counsel to both Single Family and Multifamily programs. Per the RFP, the contract begins on the date the MFA Board approves the award and ends on April 30, 2025. At the option of the Policy Committee, the contract may be extended for two, one year periods under the same terms and conditions.

Exhibit A: Minimum Qualifications

2022 RFP for Bond Counsel

Criteria	Law Firms					
	Ballard Spahr	Gilmore & Bell	Kutak Rock	Orrick Herrington	Dinsmore Shohl	Sherman & Howard
All Offerors must be listed in the most recent edition 1 of The Bond Buyer’s Municipal Marketplace.	X	X	X	X	X	X
All Offerors must have at least three years’ experience as bond counsel or underwriters’ counsel for single family and/or multifamily bond issues utilizing both a stand- 2 alone and a general (open) indenture of trust.	X	X	X	X	X	X
All Offerors must maintain professional liability insurance as outlined in Part VI of this RFP for the duration of the 3 contract.	X	X	X	X	X	X
Offeror shall provide a written statement disclosing: (1) any political contribution or gift valued in excess of \$250.00 (singularly or in the aggregate) made by Offeror to any elected official of the State of New Mexico in the last three years, (2) any current or proposed business transaction between Offeror and any MFA member, officer, or employee, and (3) any other conflict or potential conflict which may give rise to a claim of conflict 4 of interest.	X	X	X	X	X	X
Offeror shall provide a written statement disclosing any pending investigation, litigation, recent settlements or regulatory sanctions in performing professional services during the past five years involving Offeror’s firm or employees or individuals or organizations involved in any third-party agreements or joint venture agreements. Describe any circumstances under which Offeror’s firm or any of Offeror’s members or employees have been disciplined by any professional licensing, regulatory or ethics entity. Indicate whether Offeror’s firm has been involved in any capacity in litigation, investigations or regulatory proceedings involving HUD, the State of New 5 Mexico or any agency thereof.	X	X	X	X	X	X
A Written certification that Offeror has read and shall at all times conduct itself in a manner consistent with MFA’s Code of Conduct and MFA’s Anti-Harassment Policy. A copy of MFA’s Code of Conduct and MFA’s Anti- Harassment Policy is posted on the MFA website for review at <a href="https://housingnm.org/rfps/rfps-rfqqs">https://housingnm.org/rfps/rfps-rfqqs</a> . Upon request by MFA, Offeror shall disclose information MFA may reasonably request relating to conflict or potential 6 conflicts of interest	X	X	X	X	X	X
Offeror shall provide a written certification that Offeror is an Equal Opportunity Employer and complies fully with all government regulations regarding nondiscriminatory 7 employment practices.	X	X	X	X	X	X
Offeror shall provide a written certification that Offeror is eligible to participate in any and all federal- or state funded housing programs; is not currently facing disciplinary action by any federal, state or local entity; is not suspended, debarred or excluded from participation in any federal or state funded housing program; and is not listed as an excluded party(ies) on the System for Award Management’s list of excluded parties accessed at 8 <a href="http://www.sam.gov">www.sam.gov</a> .; and has not been debarred by MFA.	X	X	X	X	X	X

## Exhibit B Single Family Scoring Sheet

2022 RFP for Bond Counsel

Criteria	Point Range	Maximum Points	Page Reference	Law Firms				
				Ballard Spahr	Gilmore & Bell	Kutak Rock	Orrick Herrington	Dinsmore Shohl
1 Letter of Transmittal	0	0	8	X	X	X	X	X
Experience and Capability								
2a The Firm	0-10	10	9	9.25	9.75	10.00	8.25	8.50
Experience and Capability								
2b Experience	0-25	25	10	22.50	24.50	25.00	20.00	20.50
Responsiveness to MFA and Technical Capabilities								
3a Key Personnel & Availablity of Key Personnel	0-20	20	Pg 10 Section 5a&b	18.50	18.25	19.75	16.25	16.50
Responsiveness to MFA and Technical Capabilities								
3b Technical Capabilities	0-20	20	Pg 10 Section 5c	19.25	19.00	19.50	16.50	15.00
4 Fees:			10-11					
a. Fee Schedule for issuance of mortgage revenue bonds	0-10	10		9.75	8.00	9.25	5.50	8.50
b. Hourly Rates	0-5	5		4.50	3.75	3.50	2.13	5.00
c. Other fees and costs	0-5	5		3.88	5.00	5.00	2.50	4.25
5 References	0-5	5		5.00	5.00	5.00	5.00	5.00
6 Interviews if Held	0-5	5		N/A	N/A	N/A	N/A	N/A
TOTALS		105		92.63	93.25	97.00	76.13	83.25

Exhibit B: Multifamily Family Scoring Sheet

2022 RFP for Bond Counsel

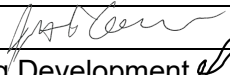
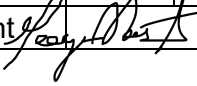
Criteria	Point Range	Maximum Points	Page Reference	Law Firms					
				Ballard Spahr	Gilmore & Bell	Kutak Rock	Orrick Herrington	Dinsmore Shohl	Sherman & Howard
1 Letter of Transmittal	0	0	8	X	X	X	X	X	X
Experience and Capability									
2a The Firm	0-10	10	9	9.25	9.75	10.00	8.25	8.50	8.50
Experience and Capability									
2b Experience	0-25	25	12	20.50	21.50	25.00	21.25	22.00	24.50
Responsiveness to MFA and Technical Capabilities									
3a Key Personnel & Availablity of Key Personnel	0-20	20	Pg 13 Section 9b&c	17.33	18.00	18.67	16.67	17.00	18.00
Responsiveness to MFA and Technical Capabilities									
3b Technical Capabilities	0-20	20	Pg 13 Section 9a	18.50	18.75	19.75	16.50	15.50	18.00
4 Fees:			13-14						
a. Fee Schedule for issuance of mortgage revenue bonds	0-10	10		9.75	8.00	10.00	7.50	7.00	8.75
b. Hourly Rates	0-5	5		3.63	3.50	4.00	1.83	5.00	4.00
c. Other fees and costs	0-5	5		3.63	5.00	5.00	2.50	4.25	5.00
5 References	0-5	5		5.00	5.00	5.00	3.00	4.00	4.00
6 Interviews if Held	0-5	5		N/A	N/A	N/A	N/A	N/A	N/A
TOTALS		105		87.58	89.50	97.42	77.50	83.25	90.75



# Tab 7

## 2022 NM AFFORDABLE HOUSING TAX CREDIT AWARD SUMMARY

<b>Project Name &amp; Address</b>	<b>Clifton/Williams Project – 100, 104, 108, 112, 116 Clifton Ave. SE and 2309, 2313 Williams St. SE, Albuquerque, NM 87102 - Bernalillo County</b>	
<b>Proposed Award</b>	<b>Amount Requested: \$674,682</b>	<b>Amount Recommended: \$674,682</b>
<b>Sponsor/Developer</b>	<p>Greater Albuquerque Habitat for Humanity (“GAHFH”), formed in 1987, is a locally run affiliate of Habitat for Humanity International. Construction of each house is a partnership between GAHFH and the homebuyer who puts in 350 hours of “sweat equity”. Habitat targets households earning 30% to 60% of area median income (AMI). To date, GAHFH have completed over 199 homes in nine different low income neighborhoods across the Albuquerque Metropolitan Area.</p> <p>Audited financial statements for FYE 6/30/20 show \$8.00 million in assets with \$1.78 million in total liabilities, resulting in a net worth of \$6.22 million and a debt-to-worth ratio of 0.22 to 1.00. GAHFH's financials also showed unrestricted cash totaling \$2.22 million and a positive operating cash flow for the same period.</p> <p>Audited financial statements for FYE 6/30/21 show \$8.41 million in assets with \$1.29 million in total liabilities, resulting in a net worth of \$7.12 million and a debt-to-worth ratio of 0.18 to 1.00. GAHFH's financials also showed unrestricted cash totaling \$2.86 million and a positive operating cash flow for the same period.</p>	
<b>Project Type &amp; Size</b>	New construction of seven (7) affordable single family homes targeted to households at or below 60% Area Median Income (AMI). These single family homes will be composed of one (1) two-bedroom detached home, four (4) three-bedroom detached homes, and two (2) four-bedroom detached homes.	
<b>Project Description</b>	<p>This new construction project will result in the development of seven detached single family homes made available to income eligible first-time homebuyers. The project is to be built in the San Jose neighborhood in Albuquerque in the J.F. Armijo Addition located on Clifton Ave SE, within the low-moderate income Census Tract 13. In August, 2021 GAHFH purchased the land upon which this development will be built, and started site work on the lots in Fall 2021.</p> <p>These homes will be approximately 1400 square feet to 1900 square feet in size depending on how many bedrooms the home has. Financially speaking, GAHFH intends to require buyers of these properties to provide only \$500 as a down payment; the developer will also ensure that buyers only pay up to 30% of their income towards principal and interest payments by providing them with a zero percent interest mortgage. The developer has already purchased the land and will ensure that each home built will be handicap accessible and will embrace energy efficient technology and LEED-rated design.</p> <p>Additionally, GAHFH requires buyers to attend homeownership and financial literacy classes. Buyers must also contribute a minimum of 350 hours of “sweat equity” by performing practicable work at the construction site of their new home.</p> <p>This application scored 70 out of 120 for evaluation criteria, meeting the minimum scoring threshold of 70 points.</p>	
<b>Tax Credit Impact</b>	This applicant is seeking \$674,682 in tax credit proceeds based on \$1,349,364 of anticipated cash, property, and in-kind donations. The \$1,349,364 in donations generated through the state tax credits will be used for the construction of the project.	

<b>Affordability</b>	Seven (7) single family homes will be sold to an individual or family that is at 60% or below of AMI. The Affordability Period is for five (5) years based on the MFA's Affordable Housing Tax Credit Rules.		
<b>Special Conditions</b>	<ol style="list-style-type: none"> <li>1. Compliance with MFA single family design guidelines.</li> <li>2. Land Use Restriction Agreement will be filed on the home for 5 years.</li> <li>3. Initial affordability to be restricted to 60% of AMI adjusted for family size</li> </ol>		
<b>Other MFA Commitments to This Project</b>	None		
<b>Other MFA Commitments to Other Projects</b>	2007 NM Affordable Housing Tax Credit - Don Pedro - \$26,000 (\$26,000 utilized) 2007 HOME/SF development award - Don Pedro - \$72,000 (\$72,000 transferred to homeowners) 2007 NM Affordable Housing Tax Credit – Nehemiah 2 - \$29,950 (\$29,950 utilized) 2007 HOME/SF development award - Nehemiah 2- \$158,000 (\$158,000 transferred to homeowners) 2008 NM Affordable Housing Tax Credit – Rancho Valerio - \$100,000 (\$18,251 utilized) 2010 NM Affordable Housing Tax Credit – Townsend Place - \$81,749 (\$51,001 utilized) 2012 NM Affordable Housing Tax Credit – Trujillo Road - \$300,000 (\$32,319 utilized) 2013 NM Affordable Housing Tax Credit – Sunshine Addition - \$33,729 (\$33,259 utilized) 2014 NM Affordable Housing Tax Credit – Townsend Place - \$346,500 (\$77,240 utilized) 2015 NM Affordable Housing Tax Credit – Mesa del Rio - \$440,000 (\$187,523 utilized) 2017 NM Affordable Housing Tax Credit – Mesa del Rio II - \$350,000 (\$691,390 utilized) <b>TOTAL EXISTING EXPOSURE = \$0 (excludes Tax Credits &amp; loans pending approval)</b>		
<b>Tax Credits Available</b>	Estimated \$5,115,454.19 in unreserved credit authority as of 3/10/2022		
<b>Recommended by</b>	Justin Carmona, Loan Processor 	Date	03/24/2022
<b>Concurred by</b>	George Maestas, Director of Housing Development 		3/24/2022

# Tab 8



# MEMO

TO: MFA Board of Directors  
Through: Contracted Services/Credit Committee April 12, 2022  
Through: Policy Committee April 5, 2022  
FROM: Jacobo Martinez – Team Lead  
DATE: April 5, 2022  
RE: Tax Credit Assistance Program (TCAP) NOFA Revision

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**Recommendation:**

Staff recommends the approval of the Tax Credit Assistance Program (TCAP) NOFA Revision, as presented in the attached file. The intent of this revision is to include a new section for Program Income to define the guidelines for distributing the program income funds generated by our TCAP program. Also included is a \$1.1MM set -aside to assist 2020 LIHTC projects experiencing hardship related to COVID-19.

**Background:**

The American Recovery and Reinvestment Act (ARRA) of 2009 provided grant funding for capital investment in Low Income Housing Tax Credit (LIHTC, Housing Credit or Tax Credit) projects – known as the Tax Credit Assistance Program (TCAP). The intent of the program was to aid stalled affordable housing rental projects. The funding was distributed to state Housing Credit allocating agencies by formula. The portion of this funding that was administered by MFA was \$13,876,558 under HUD TCAP Grant Number – M09-ES350100. MFA was required to distribute these funds to projects competitively and pursuant to its Qualified Allocation Plan (QAP). As such, MFA approved a NOFA on June 10, 2009 for projects that received Tax Credits awards between October 1, 2006 and September 30, 2009 and MFA gave priority to projects that were expected to be completed by February 16, 2012.

The funds (\$13,876,558) were distributed to twelve projects throughout New Mexico. The funds were established as loans with a 47 1/2 year term and with an interest rate of 1% annum. Thus, MFA has been receiving program income from these loans since approximately 2012. Currently, MFA has \$2,074,096.97 in program income to be utilized for affordable housing. However, the approved TCAP NOFA does not define how the program money shall be utilized.

A TCAP Grant Closeout Agreement was executed on October 11, 2016. The TCAP Closeout Agreement set forth the terms for final disposition and conditions associated with the grant closeout of HUD TCAP Grant Number – M09-ES350100. MFA agreed to the terms of the grant agreement that included:

- Program income received and expended after the end of the grant period must be used for development or operation of housing that remains affordable, for a

period of not less than 15 years, to households whose annual incomes do not exceed 80 percent of the median family income of the area.

**Discussion:**

To best utilize the money equitably, MFA staff was tasked to create parameters in which the program income funds may be used and update the TCAP NOFA to distribute the program income funds. In search of an opportunity to help projects that are currently stalled, MFA staff recommends utilizing a portion of the program income funds to assist in moving projects forward. Therefore, MFA staff is proposing an addition to the TCAP NOFA that will create a set aside of \$1,100,000 of program income to be utilized for affordable housing. Specifically, the set aside will be used for 2020 LIHTC projects that are experiencing hardship related to COVID-19. MFA staff recommends the use of this set aside for 2020 LIHTC projects that are experiencing hardship related to COVID-19 because the projects are facing large cost increases and are suffering long delays in their ability to close, to start construction, and to start other affordable housing projects.

MFA staff is proposing certain requirements for eligible projects to the 2020 LIHTC Funded Project Set-Aside. Eligible projects will be developments with 2020 9% or 4% LIHTC awards that have either closed, or have not closed, on all financing and who are experiencing hardships due to increased costs related to COVID -19. A development is ineligible if it has already been placed in service. Other eligibility requirements include:

- For developments that have not closed on all financing, the closing must occur within 30 days of securing a commitment of TCAP from MFA. No exceptions or extensions will be granted.
- Applicant must have a valid commitment from an equity investor.
- Cost increases must be due to occurrences unforeseen prior to the onset of COVID-19.

MFA staff is proposing that the funds be offered in the form of a grant with up to a 15-year term. Borrower must execute a TCAP Program Income grant agreement. Applications will be accepted and approved by MFA on a first come, first-served basis. Applications must be received no later than 60 days prior to a regularly scheduled meeting of the MFA Board of Directors in-order to be considered at that meeting.

**Summary:** Staff recommends the approval of the TCAP NOFA Revision as presented in the attached file. The addition of a Program Income section will guide staff in the utilization of the program income funds. Specifically, staff is recommending an addition set aside of \$1,100,000 for 2020 LIHTC projects that are experiencing hardship related to COVID-19.

# **Tax Credit Assistance Program**

## **Notice of Funding Availability**

Approved by the MFA Board of Directors June 17, 2009

### **Background and Purpose**

The American Recovery and Reinvestment Act (ARRA) of 2009 provided grant funding for capital investment in Low Income Housing Tax Credit (LIHTC, Housing Credit or Tax Credit) projects – the Tax Credit Assistance Program (TCAP). The intent of the program is to aid stalled affordable housing rental projects. The funding will be distributed to state Housing Credit allocating agencies by formula. The portion of this funding that will be administered by MFA is \$13,876,558. MFA is required to distribute these funds to projects competitively and pursuant to its Qualified Allocation Plan (QAP). Projects that received or will receive Tax Credits awards between October 1, 2006 and September 30, 2009 are eligible for funding and MFA must give priority to projects that are expected to be completed by February 16, 2012.

The purpose of this Notice is to solicit applications from qualified applicants for eligible projects and outline the project selection process and criteria. Applicants are advised to review the IRS Code Section 42, American Recovery and Reinvestment Act of 2009, HUD Notice CPD-09-03 or the Qualified Allocation Plan directly for further detail or terms not defined herein.

This NOFA may be modified by MFA from time to time to the extent that revisions are required in order to insure full utilization of the funds or if there are changes in the federal guidance for this program.

### **Contact Person**

Applicants are encouraged to direct questions regarding this Notice to:

~~Linda Bridge~~ Jacobo Martinez

New Mexico Mortgage Finance Authority

344 4th Street SW

Albuquerque, NM 87102

Phone: (505) 767-~~2262-2285~~ or toll-free statewide (800) 444-6880

Fax: (505) 243-3289

E-mail: ~~lbridge@housingnm.org~~ jmartinez1@housingnm.org

6/17/2009

Rev. 4/5/2022

### **Application Submission and Due Date**

MFA intends to hold three funding rounds, but reserves the right to add additional rounds as deemed necessary for full utilization of the funding. Applications will be accepted on the following dates:

First round	First tier projects	June 29, 2009
Second round	Second tier projects	September 15, 2009
Third round (pending availability of funds)	Third tier projects	October 15, 2009
If funding remains after the third round, applications will be accepted at any time.		

Complete applications must be received at the MFA office by 5:00 p.m. mountain time on the application due date to be considered. Applications will NOT be accepted via facsimile. Only one complete, original hard copy is needed. The required forms will be provided electronically and may be downloaded from MFA's web site at [www.housingnm.org/developers](http://www.housingnm.org/developers). All applications shall be marked "Tax Credit Assistance Program Application" in readily visible print. On receipt, MFA will date and time stamp the cover.

Applications may be delivered by U.S. mail, by courier service, or by hand to the following address:

New Mexico Mortgage Finance Authority  
344 4th Street SW  
Albuquerque, NM 87102  
(505) 843-6880  
Attn: Director of Housing Development

Complete applications will meet the following standards:

1. Bear the original signature of the applicant.
2. Include the application form, application checklist, and all mandatory items listed on the application checklist at the time it is submitted.
3. All applications must be self-contained.
4. Attachments should be provided in the order listed, be separated by cover sheets and tabs numbered according to the attachment checklist.

Failure to provide or complete any element of the application may result in rejection of the application. MFA may request additional information as deemed necessary for a fair and accurate evaluation; however, MFA is under no obligation to seek further information or clarification to complete its review of the application. The applicant will bear full responsibility for submitting its application in accordance with the requirements of this Notice.

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## **Program Summary**

MFA will make available TCAP awards for eligible LIHTC projects approved by MFA through the application process described herein.

### **Eligible Projects**

TCAP eligible developments are rental housing developments that received or will receive an award of Housing Credits under Section 42(h) of the Internal Revenue Code of 1986 during the period from October 1, 2006 to September 30, 2009 and require additional funding to be completed and placed into service in accordance with the LIHTC program. Eligible projects must meet all requirements of the LIHTC program and the requirements outlined in the Qualified Allocation Plan. An “award of Housing Credits” is defined as:

1. Competitive round projects that received a Reservation or Carryover Allocation during the time period from October 1, 2006 to September 30, 2009, continue to have an award of credits and are compliant with all requirements of the Reservation or Carryover Allocation agreement and the Qualified Allocation Plan.
2. Tax exempt bond projects that received a Determination Letter during the time period from October 1, 2006 to September 30, 2009 and are compliant with all the requirements of the Qualified Allocation Plan.

To apply, eligible projects must have a letter of intent or firm commitment from a tax credit syndicator and ability to close on the equity within 120 days. In addition, the project must be able to demonstrate the ability to complete construction by the earlier of it's placed in service requirement or February 16, 2012 and demonstrate a development schedule that would help enable MFA to meet the mandatory requirements of committing 75 percent of the funding by February 16, 2010, expending 75 percent of the funding by February 16, 2011 and expending 100 percent of the funding by February 16, 2012.

### **Eligible Uses of Funds**

TCAP funds may be used for capital investment in eligible LIHTC projects. Capital investment means costs that are included in the Eligible Basis of a Housing Credit project under Section 42 of the Internal Revenue Code. Further ARRA specifically prohibits the use of TCAP funds for swimming pools. Costs incurred by project owners to comply with federal grant requirements are eligible TCAP costs to the extent these are includable in eligible basis.

### **Structure of Awards**

Awards will be structured as loans repayable from the cash flow of the project.

### Unit Set Asides and Compliance Period

Projects must meet the unit Set-Asides and Extended Use Period committed to in the LIHTC application. These affordability requirements will be enforced with a Land Use Restriction Agreement.

### Application Process and Project Selection Criteria

Preference will be given to projects that demonstrate the highest degree of readiness to proceed, are expected to be completed before February 16, 2012, and demonstrate a development schedule that would help enable MFA to meet the mandatory requirements of committing 75 percent of the funding by February 16, 2010, expending 75 percent of the funding by February 16, 2011 and expending 100 percent of the funding by February 16, 2012.. Eligible projects have been divided into three tiers. Application deadlines and application requirements are determined by tier.

Tier One	Projects that received a Carryover Allocation in 2008 that have a gap resulting from lower than anticipated tax credit pricing and/or other cost increases resulting from equity market requirements or construction delays.
Tier Two	Projects that receive an award of Tax Credits in 2009 that have a letter of intent from a tax credit syndicator or equity investor and demonstrate readiness to proceed.
Tier Three	All other projects that received an award of Tax Credits from the time period from October 1, 2006 to September 30, 2009 and have a funding gap.

Tier One projects that do not submit applications for the first funding round may submit in later funding rounds but will be scored and ranked with the projects in that round. Tier Two projects may submit in later funding rounds but will be scored and ranked with the projects in that round.

### Scoring/Selection Criteria

Each project will start with the score awarded to the project pursuant to the QAP when originally awarded credits. Applicant must provide certification that the project is ready to proceed on original application terms. If the project is proposing any changes that would negatively impact the original score the score will be adjusted downward accordingly (if the adjustment to the score would have prevented the project from originally receiving an allocation, the proposed change will not be allowed). In addition to the original score (with adjustments), the project can receive additional points if it can demonstrate the ability to be completed by the earlier of its required placed in service date or February 16, 2012, in addition to demonstrating a development schedule that

would help enable MFA to meet the mandatory requirements of committing 75 percent of the funding by February 16, 2010, expending 75 percent of the funding by February 16, 2011 and expending 100 percent of the funding by February 16, 2012. The following scoring criteria will give priority to those projects that can demonstrate readiness and ability to meet these commitment, expenditure and completion requirements.

Category	Criteria	Points
Approvals from local municipality to begin construction	Project has building permit	10
	Alternately, project has all approvals required to obtain building permit and has a readiness letter issued by the local municipality.	5
Contractor and final costs determined	Projects that have an executed contract with a general contractor terms of which comply with Davis-Bacon requirements	10
	Projects that have received bids from general contractors that comply with Davis-Bacon requirements or in lieu of a bidding process have a negotiated agreement or approved term sheet with a selected contractor that complies with Davis-Bacon requirements.	5
	Projects that have bid documents prepared and ready to issue that comply with Davis-Bacon requirements	2
Compliance with environmental review requirements	Projects that have already completed the environmental review process with MFA or a Tribal government as the Responsible Entity and have received an Authority to Use Grant Funds or a Firm Approval Letter from HUD.	10
	Projects that have submitted an environmental	5

	assessment to a Responsible Entity other than MFA or a Tribal government and have received an Authority to Use Grant Funds.	
	Projects that have submitted a completed environmental assessment to MFA and MFA has approved the combined FONSI and RFROF for publication.	2
Ability to close on equity  <i>Points ineligible for projects that have already closed on partnership agreements.</i>	Projects that have a firm commitment from a tax credit syndicator or equity investor and demonstrate ability to close partnership within 60 days.	10
	Projects that have a firm commitment from a tax credit syndicator or equity investor and demonstrate ability to close partnership within 120 days.	5
Ability to close on all other financing	Projects that have firm construction and permanent financing commitments for development of the project	10
	Projects that have firm construction and permanent financing commitments for 70% of the development of the project.	5

Projects will be ranked by tier according to their scores and awards will be made to these projects, unless they are eliminated under subsequent processing, starting with the highest scoring projects, until all available funds are awarded. If more projects apply then available funding, scored projects will remain on a waitlist. If funds become available they will be redistributed to the next highest scoring application.

### **Staff Analysis and Application Processing**

#### **Design Review**

All properties must meet applicable state and local building codes, and handicapped accessibility requirements, as well as any applicable requirements from federal funding sources. In addition all projects must comply with MFA Mandatory Design Standards.

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Applicants must provide a certification from the project architect that there have not been changes from the time of the initial design review that would impact the project's ability to meet these design requirements and that the project continues to incorporate all commitments made in the initial application regarding design and building.

#### Development Team Review

Debarment from HUD or other federal programs, bankruptcy, criminal indictments or convictions, poor performance on prior MFA or HUD financed projects on part of any proposed development team member or owner or principal may result in rejection of an application by MFA.

At original application the project sponsor was evaluated for their capacity to complete the proposed project and the qualifications of each development team member were reviewed to determine capacity to perform in the role proposed. Any changes in the development team or status of a development team member since the original application should be disclosed and information on the new team members provided for MFA to complete this review. Considerations may include related experience, financial capacity, performance history, references, management and staff, among others. An application may be rejected or substitutions requested if the development team or any member thereof is unsuitable as determined by MFA.

#### Feasibility Analysis

Staff will underwrite the projects completely to ensure soundness, and will apply industry practice in assessing each project proposed. Factors considered in this analysis will include: market need, target market, target set-asides, unit mix and design, development and operating costs, adequacy of reserves, scope of work, terms and availability of other sources of financing, ability to repay debt, and housing cost to tenant/owner. Financial analysis guidelines can be found in more detail in the QAP. Developer and builder fees are expected to be within the percentages prescribed in the QAP and no more than the dollar amount as approved by MFA during the initial underwriting of the project. Deferred developer fees will be considered as needed for financial feasibility but only to the extent that cash flow demonstrates the ability to repay the fees within a 12 year time frame.

Staff will evaluate if current market conditions continue to support the development of the project. If it is determined that an updated market study is necessary to evaluate need, the cost will be charged to the applicant.

Projects that do not appear to be financially feasible in MFA's judgment will not be considered for funding. MFA may also make funding recommendations contingent on specific modifications to the project that MFA in its sound judgment considers necessary to enhance the feasibility or safety of the project.

### Award Amount

After evaluation of all the factors describe above, MFA will determine the award amount based on the remaining financing gap. The amount of TCAP funding should be determined by the difference between the originally underwritten equity price and actual equity price. In addition, MFA may evaluate any other changes that occurred since original underwriting which may contribute to a funding gap. Preferably an applicant has alternate funding sources in place to address cost overruns since the priority for TCAP funds is to address gaps resulting from lower tax credit pricing (except for increases in construction costs resulting from the implementation of Davis-Bacon wages). Based on availability of TCAP funds, MFA may award more TCAP funds than requested in exchange for canceling other subsidies MFA may have committed to the project.

### Notification and Subsequent Requirements

Upon award of TCAP funds MFA will notify the applicant of the award and the requirements that must be met prior to entering into a written agreement. The written agreement that MFA will enter into with the project owner will outline the requirements of the TCAP, the federal grant requirements, and deadlines by which the project must utilize the funds. If a project is not in compliance with the deadlines in the written agreement, the award may be rescinded and redistributed to another project. In addition, the requirements of TCAP will be enforceable through the recordation of a restriction that is binding on all owners and successors.

ARRA requires state housing credit agencies to perform asset management functions, at the owner's expense, to ensure compliance with Section 42 of the Internal Revenue Code and the long term viability of projects funded by TCAP. Projects that receive TCAP funding may be charged a reasonable annual fee (in addition to the tax credit compliance fee) to cover the cost of this function. The projects may be subject to additional reporting requirements such as monthly income and expense reporting, occupancy reporting, periodic capital needs assessments, and annual budget and audit reviews.

### Federal Grant Requirements

Projects awarded TCAP funds are subject to the following federal requirements. Implications of the timing and cost of these requirements should be carefully considered and taken into account before submitting an application.

- **Fair Housing Act** (42 U.S.C. 3601-19) and implementing regulations at 24 CFR Part 100 and the regulations at 24 CFR Part 107 (Equal Opportunity in Housing).
- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000(d)) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR Part 1.
- **The Age Discrimination Act of 1975** (42 U.S.C. 6101-07) and implementing regulations at 24 CFR Part 146 "Nondiscrimination on the Basis of Age in HUD Programs or Activities Receiving Federal Financial Assistance."

- **Affirmatively Furthering Fair Housing:** MFA will be required to establish an affirmative fair housing marketing plan for TCAP projects and require project owners to follow the plan when marketing TCAP units.
- **Section 504 of the Rehabilitation Act of 1973** (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8 “Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development.”
- **National Environmental Policy Act and Related Laws** (Environmental review responsibilities) and implementing regulations at 24 CFR Part 58. The written agreement can not be executed until environmental clearance for the project is completed and the Request for Release of Funds is approved. Once an owner applies for TCAP funds, committing TCAP or any other funds to or undertaking any “choice-limiting” activity prior to successful completion of the environmental clearance review is prohibited. This includes any activity that will result in a physical change and/or acquisition of property, including leasing, or disposition or real property. Performing a choice-limiting action may disqualify a project from receiving any federal funds. If a federal environmental review has already been completed for a project, providing TCAP funds to the project may not require an additional environmental review. Potential applicants are encouraged to contact the MFA Environmental Review Officer for further guidance and to begin the process so as not to delay the construction of the project.
- **The Lead-Based Paint Poisoning Prevention Act and the Residential Lead-Based Paint Hazard Reduction Act of 1992** and implementing regulations at 24 CFR Part 35.
- **Davis-Bacon Prevailing Wages:** Under section 1606 of Division A of the ARRA, contractors and subcontractors hired with Recovery Act funds are required to pay prevailing wages to laborers and mechanics in compliance with the Davis-Bacon Act. In the case of projects already under construction, it may be possible to obtain a determination, under 29 CFR 1.6(g), that Davis-Bacon requirement apply prospectively to the construction project, as of the date of the TCAP award. Potential applicants are encouraged to contact MFA for further guidance.
- **“Anti-Lobbying” Restrictions** (Restrictions on lobbying in 31 U.S.C. 1352 and implementing regulations at 24 CFR Part 87 “New Restrictions on Lobbying”).
- **The Drug-Free Workplace Act of 1988** (41 U.S.C. 701 et seq., as implemented at 24 CFR Part 21 “Government-Wide Requirements for Drug-Free Workplace (Grants)”).
- **“Non-procurement Debarment and Suspension”** (2 CFR Part 2424)

### Appeals Process

Any applicant who is aggrieved in connection with this Notice or the award of a reservation pursuant to this Notice may protest to the MFA. The protest must be written and addressed to the Contact Person. Appeal requests must be specific as to the decision being appealed, and they must be accompanied by a fee payment in the amount of \$1,500. The score received when the project originally received Tax Credit can not be appealed, since that process was already made available. The protest must be delivered

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to the MFA within fifteen (15) calendar days after the notice of reservation or rejection. Upon the timely filing of a protest, the Contact Person 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 seven (7) 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.

Consistent with the policy in the Qualified Allocation Plan, applicants or their representatives shall not communicate with the Board of Directors or appointed committee members regarding any project under consideration, except when specifically permitted to present testimony at an appeal related proceeding. A project will be deemed ineligible if the applicant or any person or entity acting on behalf of the applicant, attempts to influence members of the Board of Directors or an appointment committee during any portion of the award process, or does not follow the prescribed application and appeals process.

### **TCAP Project Income**

A HUD Notice (CPD 15-08) was issued on October 16, 2015. The purpose of this Notice is to provide guidance and procedural instructions for Tax Credit Assistance Program (TCAP) grantees on the financial and program closeout process for TCAP grants authorized under the American Recovery and Reinvestment Act of 2009 (Recovery Act).

The TCAP grant agreement and TCAP Notice requires that all program income earned after the grant period must be used for the development or operation of housing that remains affordable, for a period of not less than 15 years, to households whose annual incomes do not exceed 80 percent of the median family income for the area. These restrictions apply only to the first use of program income earned after the grant period ended. Once Program Income is expended to develop or operate affordable housing as defined above, any return on this Program Income is unrestricted.

A TCAP Grant Closeout Agreement was executed on October 11, 2016. The TCAP Closeout Agreement set forth the terms for final disposition and conditions associated with the grant closeout of HUD TCAP Grant Number – M09-ES350100. Under the terms of the TCAP Closeout Agreement, The New Mexico Mortgage Finance Authority agreed to the terms of the grant agreement including:

- Program income received and expended after the end of the grant period must be used for development or operation of housing that remains affordable, for a period of not less than 15 years, to households whose annual incomes do not exceed 80 percent of the median family income of the area.



### **Application Submission and Due Date**

Applications will be accepted and approved by MFA on a first come, first-served basis. Applications must be received no later than 60 days prior to a regularly scheduled meeting of the MFA Board of Directors in-order to be considered at that meeting. Meetings of the MFA Board of Directors are generally held every third Wednesday of the month. All applications submitted by the deadline for a particular MFA Board of Directors meeting will be treated as one funding round and evaluated concurrently. Subject to fund availability, final funding decisions will be made by MFA's Board of Directors.

If funds remain following the initial funding round, MFA will post an announcement on its website stating the amount of funds still available to be awarded. Thereafter, applications must be received no later than 60 days prior to a regularly scheduled meeting of the MFA Board of Directors in order to be considered at that meeting.

Application forms will be provided electronically and may be downloaded from MFA's website at <http://www.housingnm.org/developers>.

### **TCAP Project Income Eligible Projects**

NMMFA will dedicate its available TCAP Program Income to offer loans/grants to serve as gap financing for those projects that are experiencing hardships due to unforeseen circumstances. The funds made available under this NOFA are available under the following Set-Asides:

1. 2020 LIHTC Funded Project Set-Aside: \$1,100,000 in TCAP Project Income funds are reserved as gap financing for 2020 LIHTC projects that are experiencing hardship related to COVID-19.

#### **a. Eligible Projects:**

- i. Developments with a 9% LIHTC award from allocation year 2020 that have either:

1. Closed on all financing and are under construction or have completed construction but continue to experience hardship related to COVID-19. A development is ineligible if it has already placed-in-service; or

2. Have not closed on financing and are experiencing hardship related to COVID-19.

- ii. Developments with a 4% LIHTC award and tax-exempt bond financing that have either:

1. Closed on all financing and are under construction or have completed construction but continue to experience hardship due to COVID-19. A development is ineligible if it has already placed-in-service; or
2. Have not closed on financing and are experiencing a hardship related to COVID-19.

**b. Eligibility Requirements**

For developments that have not closed on all financing, the closing must occur within 30 days of securing a commitment of TCAP from MFA. No exceptions or extensions will be granted.

Applicant must have a commitment from an equity investor.

Cost increases must be due to occurrences unforeseen prior to the onset of COVID-19.

**c. Grant Terms**

TCAP Project Income funds will be offered in the form of a grant with up to a 15-year term. Borrower must execute a TCAP Program Income grant agreement.

**d. Submission Requirements and Instructions**

Applicants must submit the following:

- Updated Schedule Forms with documentation of all sources.
- A valid commitment letter from the equity investor.
- A narrative describing the need for additional funding and other steps already taken to fill the gap, including any applicable supporting documentation.

**Federal Grant Requirements**

Projects funded with TCAP Project Income are not required to meet the Federal Grant Requirements as previously listed in this NOFA.

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**GRANT CLOSEOUT AGREEMENT**  
**For**  
**Tax Credit Assistance Program (TCAP)**

**Between**

**U.S. Department of Housing and Urban Development**  
451 7<sup>th</sup> Street, SW  
Room 7164  
Washington, DC 20410

**AND**

**New Mexico Mortgage Finance Authority**  
344 4th Street, SW  
Albuquerque, NM 87102

This agreement sets forth the terms for final disposition and conditions associated with the grant closeout of HUD TCAP Grant Number - M09-ES350100 - provided pursuant to the TCAP grant agreement dated, June 26, 2009 and any applicable amendments. New Mexico Mortgage Finance Authority certifies that to the best of its knowledge:

- All activities were completed consistent with the grantee's Qualified Action Plan (QAP) and as described in the grantee's reporting in IDIS.
- No fraud, waste or mismanagement has occurred in carrying out the TCAP grant. In cases where one or more of these actions occurred, appropriate action was taken to address it and have been resolved.

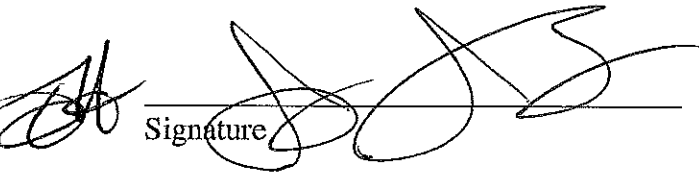
Further, New Mexico Mortgage Finance Authority hereby acknowledges the remaining obligation(s) under the terms of the grant agreement and agrees as follows:

- All financial and programmatic records, supporting documents, statistical records, and other records related to this grant will be maintained for a period of 3 years from the date of submission of the final expenditure report and financial closeout certification. If any litigation, claim, negotiation, audit or other action involving the records starts prior to the expiration of this 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.
- All TCAP activities must maintain eligible basis and comply with all requirements of Section 42 of the IRC throughout the activities required compliance period.

- 
- Program income received and expended after the end of the grant period must be used for the development or operation of housing that remains affordable, for a period of not less than 15 years, to households whose annual incomes do not exceed 80 percent of the median family income for the area.
  - Submitted to HUD a Federal Financial Report using Standard Form 425, as part of the financial closeout completion.

HUD maintains the right to conduct future monitoring of this grant, either on site or by review of information or copies of documents requested from New Mexico Mortgage Finance Authority. New Mexico Mortgage Finance Authority acknowledges that a finding of noncompliance resulting from such a review and failure to take appropriate corrective actions satisfactory to HUD may be taken into account by HUD as evidence of unsatisfactory performance in consideration of future grant awards. Further, New Mexico Mortgage Finance Authority may be required to repay HUD any disallowed costs based on the results of a future audit or finding.

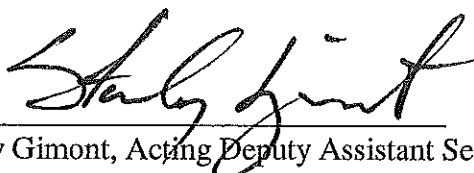
**For the New Mexico Mortgage Finance Authority:**

  
Signature

10/11/16  
Date

JAY CZAR, EXECUTIVE DIRECTOR  
Name / Title of Authorized Official

**For the Department of Housing and Urban Development:**

  
Stanley Gimont, Acting Deputy Assistant Secretary  
for Grant Programs

SEP 20 2016  
Date

# Tab 9



# MEMO

**TO:** Board of Directors  
Through: Policy Committee on April 5, 2022  
Contracted Services Committee on April 12, 2022  
**FROM:** Robyn Powell and Sonja Unrau, Research and Development Managers  
**DATE:** April 20, 2022  
**SUBJECT:** Emergency Housing Needs Pilot Program Framework and Funding Allocation

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## **Recommendation**

Staff recommend that the MFA Board of Directors approve the following:

- 1) The framework for implementation of the Emergency Housing Needs Pilot Program; and
- 2) An allocation of \$500,000 from MFA's General Fund Housing Opportunities Fund to the Emergency Housing Needs Pilot Program.

## **Background:**

The Emergency Housing Needs Pilot Program will be a mechanism for MFA to quickly deploy assistance to respond to emergency or crisis housing needs as they arise. From time to time, MFA receives requests for assistance with emergency housing situations. Often these requests are directed to MFA from elected officials who receive inquiries from their constituents or from the MFA Board of Directors who are aware of an emergency housing situation where one or more families are at risk of displacement or have already been displaced. Often, these requests originate from rural areas of the state which have limited access to resources and are made on behalf of the most at-risk populations.

MFA administers over 30 programs, and many of these programs are funded with state or federal funds. As these public funds are intended for specific activities, there are restrictions and limitations as to how they can be deployed, making it difficult for MFA to provide financial support in emergency situations. Further, the administrative requirements of MFA's existing programs do not allow for urgent deployment of assistance. As the state housing finance authority, it is important that MFA have innovative solutions to respond quickly to emergency housing needs. Staff designed the Emergency Housing Needs Pilot Program to fill this programming gap.

After review of available funding sources, including American Rescue Plan Act (ARPA) State and Local Government Fiscal Recovery Funds (SLFRF) and recurring New Mexico Housing Trust Funds, staff determined it would be appropriate to recommend allocating General Fund Housing Opportunity Funds for the Emergency Housing Needs Pilot

Program. This funding source would allow the program to provide aid in cases where low- and moderate-income families need immediate support to resolve emergency housing issues.

### **Discussion:**

#### **Housing Opportunity Fund General Fund Allocation**

MFA Policies and Procedures (Section 1.3 Conduct of Business, subsection F. General Fund Cash Reserves) describes the Housing Opportunity Fund (HOF) as follows:

*General Fund (Housing Opportunity Fund) Programs. The need for low and moderate income housing in New Mexico has increased since MFA was formed. During the same period, the programs of the federal government to deal with the problems of inadequate housing have not increased commensurately. MFA, in conjunction with the state, has assumed and is likely to continue to assume a larger role in providing housing financing. Furthermore, the needs of very low income families and special groups, such as the developmentally disabled or mentally ill are increasingly the focus of MFA attention, often through the vehicle of locally controlled not-for-profit corporations.*

*All these factors have led MFA to invest staff and consultant time in the development of programs to provide housing in cooperation with not-for-profit corporations and other federal, tribal, state, and local agencies. These are more difficult and expensive programs to develop and operate than the traditional bond programs of MFA. Therefore, MFA needs greater reserves to continue to develop, fund and implement Housing Opportunity Fund targeted programs.*

Currently, HOF supports Primero Loans, Partners Loans, Down Payment Assistance Loans, and Risk Share Loans. This funding source is uniquely suitable for the Emergency Housing Needs Pilot Program because it allows MFA significant flexibility to respond to crisis situations. Staff is requesting approval to allocate \$500,000 from the General Fund to the Housing Opportunity Fund as a new appropriation for this program. Additional allocations to the fund may be brought to the Board for approval in the future. Program spending would be reported to the Board through the monthly Staff Action Report.

#### **Emergency Housing Needs Program Framework**

##### **Purpose**

The purpose of an Emergency Housing Needs Pilot Program is to provide a flexible mechanism through which eligible applicants can receive funding to cover emergency costs for displacement prevention or to resolve housing issues that pose an immediate risk to health and safety.

##### **Eligible Cost**

Emergency Housing Needs Pilot Program funding must be used to respond to an emergency situation. **An emergency situation is defined as a sudden or unexpected**

**circumstance that has displaced a person or household, poses an immediate risk of displacement to a person or household, or threatens the health and safety of an individual or household.** For example, the loss of housing due to fire or flood satisfies the emergency situation definition.

Costs for which other funding sources are immediately available may not be covered by the Emergency Housing Needs Pilot Program. This program is reserved as a “last resort” resource. Generally, assistance may only be awarded for one-time cost and will be evaluated by Policy Committee on a case-by-case basis.

Eligible costs may include the repair or replacement of housing. Rental or mortgage assistance for individuals or families experiencing homelessness or at-risk of homelessness will generally not be considered for funding under this program. These persons will be referred to existing rental and mortgage assistance and homelessness prevention programs.

#### *Forms of Assistance*

Assistance for eligible costs may be awarded in the form of a grant or loan, depending on the type and size of a particular cost. MFA may impose an affordability period on project receiving Emergency Housing Needs assistance. Policy Committee at its discretion can determine the terms of any loan or restrictions placed on a project on a case-by-case basis.

#### *Eligible Applicants*

Public and tribal agencies, for-profit and nonprofit sponsors are eligible to apply for assistance. Applicants must provide evidence of businesslike organizational operations. MFA may also consider individual applicants. Applicants will be required to collaborate with MFA staff to determine appropriate solutions that will result in a cost efficient and meaningful response to the emergency situation.

#### *Eligible Beneficiaries*

Beneficiaries must be low and moderate income at the time the award is granted, and be determined by Policy Committee as lacking sufficient income or resources to maintain or preserve adequate decent, safe and sanitary residential housing in their locality or in an area reasonably accessible to their locality. Income determination may be established through proxy data establishing that a group or population is known to have low or moderate incomes.

#### *Application and Award Process*

The application process will require that the applicant document the emergency situation for which funding is sought. The documentation must meet the emergency procurement guidelines described in MFA’s Policy and Procedure manual and must meet the requirements outlined in this memo for the Emergency Housing Needs Pilot Program, which will be approved by the Board. The applicant will work with staff to determine project-specific eligible costs and the form of assistance.



All awards must be approved by MFA's Policy Committee, and Policy Committee, in its discretion, may establish conditions that must be satisfied by any applicant prior to an award from the Emergency Housing Needs fund.

Policy Committee, in its discretion, may set limits on the amount of assistance to be awarded per application or otherwise and may also set limits on the total amount of Emergency Housing Needs assistance to be awarded per year or otherwise.

As Policy Committee award approvals shall not go to Board for approval, program spending would be reported to the Board through the monthly Staff Action Report.

#### *Pilot Program*

The Emergency Housing Needs Pilot Program is intended to test the framework outlined herein before establishing a permanent fund. Staff is cognizant that unique and difficult situations will arise, and we cannot contemplate every scenario under which this fund could be accessed. Staff intends to monitor the program for a period of time to determine what additional parameters should be put in place based on experience. Staff also intends to return to the Board with outcomes and program adjustments as needed and will seek Board approval before additional allocations are made to the program.

#### **Summary:**

The Emergency Housing Needs Pilot Program is a mechanism for MFA to quickly deploy assistance to respond to emergency or crisis housing needs as they arise.

Staff recommend that the MFA Board of Directors approve the following:

- 1) The framework for implementation of the Emergency Housing Needs Pilot Program; and
- 2) An allocation of \$500,000 from MFA's General Fund Housing Opportunities Fund to the Emergency Housing Needs Pilot Program.

**NEW MEXICO MORTGAGE FINANCE AUTHORITY (MFA)  
RESOLUTION**

WHEREAS the New Mexico Mortgage Finance Authority Board of Directors (the "Board") met in a Regular meeting at the MFA, 344 Fourth St. SW, Albuquerque, New Mexico on April 20, 2022, at 9:30 a.m.; and

WHEREAS New Mexico's nonprofit organizations, public and tribal agencies, along with individuals, often have inadequate funding to respond to an emergency or essential housing need; and

WHEREAS certain emergency or essential housing needs require urgent responses to address immediate threats to health, safety, or displacement; and

WHEREAS the legislated responsibility of the MFA is to help provide decent, safe and affordable housing to all New Mexicans; and

WHEREAS, the MFA developed Emergency Housing Needs Pilot Program framework to urgently respond to emergency housing needs; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW MEXICO MORTGAGE FINANCE AUTHORITY, AS FOLLOWS:

Section 1. The Emerging Housing Needs Pilot Program framework designed by the Authority is hereby adopted.

Section 2. The MFA Board agrees to appropriate \$500,000 to the Emergency Housing Needs Pilot Program,

Section 3. In order to implement the Emerging Housing Needs Pilot Program, the Authority is authorized to make allocations consistent with MFA's policies and procedures to make funding awards with only the approval of the Authority's Policy Committee.

Section 4. The resolution shall become effective immediately upon its adoption

After discussion, the foregoing Resolution was duly moved by \_\_\_\_\_, and

seconded by \_\_\_\_\_; adopted by the following vote:

<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
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**Date Adopted: April 20, 2022**

# Tab 10



# MEMO

**TO:** Board

**FROM:** Rebecca Velarde and Sherry Stephens, Policy and Planning

**DATE:** April 5, 2022

**SUBJECT:** Final Approval of Draft 2022 Action Plan

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**Recommendation:**

Staff recommends acceptance and final approval of the draft 2022 Annual Action Plan.

**Background:**

Since 1994 the U.S. Department of Housing and Urban Development (HUD) has required all participating and entitlement jurisdictions, including the New Mexico Mortgage Finance Authority (MFA) and the state of New Mexico, to produce five-year Consolidated Plans, one-year Annual Action Plans and annual Consolidated Annual Performance and Evaluation Reports (CAPER) as requisites to receiving formula grants. These grants include Community Development Block Grant (CDBG) funds, HOME Investment Partnerships (HOME) funds, Emergency Solutions Grant (ESG) funds, Housing Opportunities for Persons with AIDS (HOPWA) funds, and Housing Trust Funds (HTF). MFA administers HOME, ESG, HOPWA and HTF, while the New Mexico Department of Finance and Administration, Local Government Division (DFA) administers CDBG.

The Consolidated Plan analyzes the housing and community development needs of New Mexico citizens and sets out strategies to address those needs. The Annual Action Plan prescribes goals and strategies for addressing the Consolidated Plan needs and estimates funding amounts for the coming year. The CAPER reports on the progress towards those goals and strategies, along with the amounts of actual expenditures.

**Discussion:**

MFA is currently in the 30 day public comment period which began March 20, 2022. To date there have been no written comments received. MFA published in seven local newspapers to cover metro and rural areas of the state. HUD regulations stipulate that all planning documents are submitted 45 days before the beginning of the program year.

Formula allocations for HUD programs have not been released at this time. It is customary to enter into the phases of citizen participation plan and presentations to ensure timelines are met and then adjust funding percentages when allocations are public.

<b>Program</b>	<b>FY 2021 Allocations</b>	<b>FY 2022 Allocations</b>
CDBG	11,977,344	
HOME	5,279,570	
HOPWA	1,091,539	
ESG	1,204,224	
HTF	3,186,129	
HOME-ARP	19,577,257	0
<b>Total</b>	<b>\$42,316,033</b>	

The draft 2022 Annual Action Plan illustrate New Mexico's priority needs, goals, outcome measures and proposed distribution of funds across the goals. Funding amounts and outcome measures for goals were determined based on anticipated estimates and prior year data based on the Consolidated Plan and approved goals.

*Proposed Timeline*

3/20/2022 - 4/20/2022 – Public comment period  
4/5/2022 – PC committee  
4/12/2022 – Contacted services committee  
4/19/2022 – Public hearing  
4/20/2022 – Board presentation  
5/13/2022 – HUD submission (Historical due date based on start of program year 7/1)

**Summary:**

Policy and Planning staff are requesting final approval and acceptance of the draft 2022 Annual Action Plan in order to progress towards contracted services and board presentation. This will ensure all timelines are completed in order to meet HUD regulations prior to the July 1 program year.



DRAFT

## 2022 Annual Action Plan

New Mexico Mortgage Finance Authority

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New Mexico Department of Finance and Administration



Alternative accessible formats of this document will be provided upon request. If you need this document in an alternative format such as large print, Braille or audiotape, please contact Sherry Stephens at New Mexico Mortgage Finance Authority at:

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Spanish: 800-327-1857

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## Annual Action Plan

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# Action Plan

## AP-15 Expected Resources – 91.320(c)(1,2)

### Introduction

Housing and community development resources are expected to be available to the State of New Mexico through HUD under several federal block grant programs. These block grants include the Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME), Emergency Solutions Grant (ESG), Housing Opportunities for Persons with Aids (HOPWA) and Housing Trust Fund (HTF) programs. The HOME and CDBG programs will produce program income that will also be available for program specific housing and community development activities in the State. MFA and its partner agencies may compete for additional resources under the Supportive Housing Program, Section 811 Housing, Section 202 Housing, Rural Innovation Fund and Housing Counseling. Many partners leverage their resources with other funding sources they directly receive such as Self-Help Homeownership Opportunity Program (SHOP) and Native American Housing Assistance and Self-Determination Act (NAHASDA) grants.

The State's additional federal resources include HUD's Recovery Housing Program, HUD's Veterans Housing Rehabilitation Program, the Capital Magnet Fund, United States Department of Agriculture (USDA) programs, Federal Housing Administration (FHA) loan programs, Mortgage Revenue Bonds (MRBs), Low Income Housing Tax Credits (LIHTC) available from the IRS, the HUD 542(c) Risk Sharing Program, American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (FRF), and HUD Section 811 Project Rental Assistance.

Other nonfederal resources expected to be available through MFA include resources from State legislative allocations, the New Mexico Housing Trust Fund, MFA's Primero Fund and the New Mexico Affordable Housing Tax Credit. Many partners also leverage other state resources, such as funding from New Mexico Human Services Department and New Mexico Children, Youth & Families Department. Further, local governments may provide resources, and private support may be available from organizations such as the United Way and the Ventana Fund (CDFI), or from developer contributions (land, deferred developer fee, loans) and private donations.

As part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), MFA and DFA received funding from HUD that is available to CDBG, ESG and HOPWA. These funds will be identified as "CDBG-CV," "ESG-CV" and "HOPWA-CV," respectively. References in the Action Plan narratives for CARES Act funds will refer to "CDBG-CV1," "ESG-CV1" and "HOPWA-CV1", respectively, for the first allocation and

“CDBG-CV2” and “ESG-CV2”, respectively, for the second allocation and “CDBG-CV3” for the third. The annual allocations of the federal grant programs will be referred to as “regular CDBG,” “regular ESG” and “regular HOPWA” throughout the narratives. Unless noted or depicted as above or otherwise, the terms “CDBG,” “ESG” and “HOPWA” in the narratives will refer to *all* CDBG, ESG, or HOPWA funds, inclusive of all CARES Act allocations and all annual allocations. MFA received \$4,140,483.00 in ESG-CV1 funding and \$8,795,819 in ESG-CV2 funding. The focus of the ESG program is to assist people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. The allowable activities for this funding are maintained and updated in the Homeless Management Information System (HMIS), Shelter Operations, Essential Services, Homeless Prevention and Rapid Re-Housing. The program is intended to be used for the most vulnerable populations who meet the eligibility criteria as outlined in the ESG regulation under 24 CFR Part 576.

HUD awarded HOPWA-CV1 funding to the City of Albuquerque in the amount of \$76,795 and to MFA in the amount of \$69,375 for a total of \$146,170. HOPWA funds are used to provide housing assistance for low-income individuals living with HIV/AIDS and their families. Services can be in the form of Tenant Based Rental Assistance (TBRA), Short Term Rent, Mortgage, and Utility Assistance (STRMU) and Permanent Housing Placement (PHP). TBRA pays a portion of the clients monthly rent, STRMU provides temporary assistance to prevent homelessness and PHP is used to pay for security deposits, utility connection fees and first month’s rent.

Both HOPWA formula funds and HOPWA-CV funds can cover the cost of renting a hotel/motel unit to ensure the health and safety of the person living with HIV/AIDS (PLWHA) and/or the family/household members. HOPWA formula and CV funds can also cover costs for case management, nutrition, food, transportation and any of the regular HOPWA eligible services while the participant is staying in the hotel/motel. However, only HOPWA-CV funds can cover damages to the room caused by the participant.

DFA received \$6,802,356 in CDBG-CV1 funding; \$5,528,301 in CDBG-CV2 funding; and \$6,577,204 in CDBG-CV3. The CARES Act adds additional flexibility for CDBG in these unprecedented times. The objective, as such, shall help New Mexicans to the greatest extent possible, the majority of whom are low to moderate income. As permitted by 85 FR 51457, CDBG-CV funds are available statewide, including entitlement areas, non-entitlement areas and tribal reservations.

The chart below describes how each HUD program is supported by additional funds from other federal sources and state, local and private funding.

PROGRAM	POTENTIAL ADDITIONAL SOURCES OF FUNDS			
	Other Federal or Federally Subsidized	State	Local	Private
<b>CDBG</b>	US Department of Agriculture (USDA)	State legislative allocation, Colonias Infrastructure funds and Water Trust Board funds	Local government contributions	Community Assistance Corporation and private funding (economic development)
<b>ESG - RAP</b>		State legislative allocation, New Mexico Human Services Department funding	Local government contributions	
<b>ESG - EHAP</b>	Victims of Crime Act (VOCA)  Federal Emergency Management Agency (FEMA)	State legislative allocation, New Mexico Children, Youth & Families Department funding	Local government contributions	United Way, private donations
<b>HOPWA</b>	None	None	None	None
<b>HOME - Owner-Occupied Rehab</b>	Community Development Block Grant (Regular CDBG)  HUD Veterans Housing Rehabilitation Program	NMHTF for Emergency Repair Program (ERP)	Local government contributions	
<b>HOME - Single Family Homeownership Development</b>	Self-Help Homeownership Opportunity Program (SHOP), USDA Section 502 Program,	New Mexico Housing Trust Fund, MFA Primero Fund, New Mexico Affordable Housing Tax Credit	Local government contributions	Private lenders, private donations

	Federal Housing Administration (FHA) loan programs			
<b>HOME - Rental</b>	Low Income Housing Tax Credit (LIHTC) tax-exempt bonds, HUD 542(c) Risk Sharing Program, USDA programs (i.e. Section 538, USDA Preservation Revolving Loan Fund), HUD Section 8 Project-Based Rental Assistance, HUD Section 811 Project Rental Assistance, Federal Home Loan Bank (FHLB) Affordable Housing Program	New Mexico Housing Trust Fund, MFA Primero Fund, New Mexico Affordable Housing Tax Credit	Local government contributions	Private lenders, Ventana Fund (Community Development Financial Institution-CDFI), developer contributions (land, deferred developer fee, loans), private donations
<b>HTF</b>	LIHTC, tax-exempt bonds, HUD 542(c) Risk Sharing Program, USDA programs (i.e. Section 538, USDA Preservation Revolving Loan Fund), HUD Section 8 Project-Based Rental Assistance, HUD Section 811 Project Rental Assistance, FHLB Affordable Housing Program	New Mexico Housing Trust Fund, MFA Primero Fund, New Mexico Affordable Housing Tax Credit	Local government contributions	Private lenders, Ventana Fund (CDFI), developer contributions (land, deferred developer fee, loans), private donations

## Anticipated Resources

The citizen participation process was conducted prior to receiving 2022 allocations of funding amounts from HUD. The draft 2022 Action Plan published for comment is based on estimated funding amounts from previous allocations. The proposed budget will be proportionally increased or decreased from estimated funding levels to match actual allocation amounts. Once the final allocations are made, the State will adjust its funding amounts accordingly before submission of the 2022 Action Plan to HUD. As the current program year does not end until June 30th, program income is an estimate through year end.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 3				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Regular CDBG	public - federal	Admin and Planning Acquisition Economic Development Housing Public Improvements Public Facilities Homelessness Prevention	11,977,344	500,000	718,482	13,195,826	22,346,260	The State will set aside 10 percent of its regular CDBG allocation for Colonias. Regular CDBG funds are not used on tribal reservations.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 3				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Admin and Planning Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership	5,279,570	4,500,000	3,147,702	12,927,272	10,421,108	Funds may be used statewide.
Regular HOPWA	public - federal	Permanent housing placement Short-Term Rent, Mortgage, and Utility (STRMU) assistance Tenant-Based Rental Assistance (TBRA)	1,091,539	0	0	1,091,539	2,797,903	MFA administers the City of Albuquerque HOPWA allocation under a memorandum of understanding as well, and those funds are used specifically in the City of Albuquerque.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 3				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Regular ESG	public - federal	Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services	1,204,224	0	0	1,204,224	2,574,512	Funds may be used statewide
Housing Trust Fund	public - federal	Multifamily rental new construction Multifamily rental rehab	3,186,129	0	1,111,129	4,297,258	5,627,742	Funds may be used statewide.
CDBG-CV1	public - federal	To prevent, prepare for and respond to the Coronavirus	0	0	0	6,802,356	0	CDBG-CV1 funds to be used to prevent, prepare for and respond to the Coronavirus. As permitted by 85 FR 51457, these funds are available statewide, including entitlement areas, non-entitlement areas and tribal reservations.
ESG-CV1	public - federal	To prevent, prepare for and respond to the Coronavirus	0	0	0	3,715,630	0	ESG-CV1 funds to be used to prevent, prepare for and respond to the Coronavirus.



Program	Source of Funds	Uses of Funds	Expected Amount Available Year 3				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG-CV2	public - federal	To prevent, prepare for and respond to the Coronavirus	0	0	5,528,301	5,528,301	0	CDBG-CV2 funds to be used to prevent, prepare for and respond to the Coronavirus. As permitted by 85 FR 51457, these funds are available statewide, including entitlement areas, non-entitlement areas and tribal reservations.
ESG-CV2	public - federal	To prevent, prepare for and respond to the Coronavirus	0	0	8,795,819	8,795,819	0	ESG-CV2 funds to be used to prevent, prepare for and respond to the Coronavirus.
CDBG-CV3	public - federal	To prevent, prepare for and respond to the Coronavirus	0	0	6,577,204	6,577,204	0	CDBG-CV3 funds to be used to prevent, prepare for and respond to the Coronavirus. As permitted by 85 FR 51457, these funds are available statewide, including entitlement areas, non-entitlement areas and tribal reservations.

**Table 1 - Expected Resources – Priority Table**

**Explain how federal funds will leverage those additional resources (private, state, and local funds), including a description of how matching requirements will be satisfied**

Federal funds in the programs shown above are leveraged in many ways. Regular CDBG funds are leveraged with appropriations from the state legislature and local governments. This leverage equates to a dollar to dollar match after the first \$100,000. HOME and HTF funds are leveraged with HUD's Veterans Housing Rehabilitation Program, Self-Help Homeownership Opportunity Program (SHOP), USDA Section 502 Program, FHA loan programs, Mortgage Revenue Bonds (MRBs), Low Income Housing Tax Credits (LIHTC) available from the IRS, HUD 542(c) Risk Sharing Program, USDA programs (i.e. Section 538, USDA Preservation Revolving Loan Fund), HUD Section 8 Project-Based Rental Assistance, FHLB Affordable Housing Program, the state's General Fund, New Mexico Housing Trust Fund, New Mexico Affordable Housing Tax Credit, Primero Fund, Ventana Fund, and a variety of private and local funding sources.

ESG is leveraged with appropriations from the state legislature, and is used in conjunction with VOCA, FEMA, New Mexico Children, Youth & Families Department funding, New Mexico Human Services Department funding, local government contributions, United Way funding and private donations. After the first \$100,000, all regular ESG expenses must be matched dollar for dollar. Cash, non-cash, and program income must meet requirements of § 576.201. Matching funds must be contributed to the ESG program and expended for the subrecipient's allowable ESG costs. Emergency Homeless Assistance program (EHAP) subrecipients shall be required to provide matching funds in an amount at least equal to their approved ESG funding amounts for eligible program activities. Eligible match sources include: cash; the value or fair rental value of any donated material or building; the value of any lease on a building; any salary paid to staff to carry out the program of the recipient and the value of the time and services contributed by volunteers to carry out the program of the subrecipient at a current rate of \$5 per hour. Volunteers providing professional services such as medical or legal services are valued at the reasonable or customary rate in the community. Match requirements for the Rental Assistance program (RAP) are met by MFA's legislative appropriations for state homeless programs.

Match requirements of the HOME program will be met by three primary sources: resources committed by grantees and local governments, proceeds from mortgage revenue bonds and MFA general fund interest subsidy. Eligible forms of HOME match are documented by MFA and reported to HUD as part of the Consolidated Annual Performance and Evaluation Report (CAPER) each year. MFA requested the use of the HOME program statutory suspensions and/or regulatory waivers available under Section 290 of the Cranston-Gonzales National Affordable Housing Act of 1990 (NAHA), as amended, and those authorized under 24 CFR 5.110.

**If appropriate, describe publicly owned land or property located within the jurisdiction that**

**may be used to address the needs identified in the plan**

This section is not applicable.

### **Discussion**

The State receives CDBG, HOME, ESG, HOPWA and HTF funds. With the exception of a 10 percent set-aside of regular CDBG funds for Colonias and the specific use of HOPWA funds administered on behalf of the City of Albuquerque, all funds are eligible for use statewide. The State makes special efforts to leverage all funds through other federal, state, local and private sources to further address the needs identified in this Action Plan.

## AP-20 Annual Goals and Objectives – 91.320(c)(3)&(e)

### Goals Summary Information

The citizen participation process was conducted prior to receiving the 2022 allocations of funding amounts from HUD. The draft 2022 Action Plan published for comment is based on estimated funding amounts from previous allocations. The proposed budget will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts. Once the final allocations are made, the State will adjust funding amounts accordingly before submission of the 2022 Action Plan to HUD.

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	1A. Expand & Improve Public Infrastructure and Public Facilities	2022	2022	Non-Housing Community Development	Statewide	Expand & Improve Public Infrastructure & Facilities	Regular CDBG: \$11,695,826 CDBG-CV1: \$6,802,356	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 32,500 Persons Assisted
2	2A. Rehabilitate Owner Occupied Housing	2022	2022	Affordable Housing	Statewide	Preserve & Maintain Affordable Housing	HOME: \$2,217,776	Homeowner Housing Rehabilitated: 24 Household Housing Units

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	2B. Increase Homeownership Opportunities	2022	2022	Affordable Housing	Statewide	Preserve & Develop Affordable Housing	HOME: \$1,244,118	Homeowner Housing Added: 7 Household Housing Units
4	2C. Develop Affordable Rental Housing	2022	2022	Affordable Housing	Statewide	Preserve & Develop Affordable Housing	HOME: \$9,465,377  CDBG-CV3: \$4,718,881	Rental units constructed: 15 Household Housing Units  Rental units rehabilitated: 15 Household Housing Units  Rental units constructed: 56 Household Housing Units  Rental units rehabilitated: 60 Household Housing Units
5	2D. Develop Housing for Vulnerable Populations	2022	2022	Affordable Housing	Statewide	Preserve & Develop Affordable Housing	Housing Trust Fund: \$4,297,258	Rental units constructed: 7 Household Housing Units  Rental units rehabilitated: 7 Household Housing Units

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
6	3A. Provide Assistance for Job Creation	2022	2022	Non-Housing Community Development	Statewide	Economic Development Opportunities	Regular CDBG: \$1,500,000	Jobs created/retained: 15 Jobs  Businesses assisted: 3 Businesses Assisted
7	4A. Provide Assistance to Reduce Homelessness	2022	2022	Homeless	Statewide	Housing Assistance for Vulnerable Populations	Regular ESG: \$572,178  ESG-CV1: \$2,115,107  ESG-CV2: \$5,070,622  CDBG-CV2: \$5,528,301  CDBG-CV3: \$1,858,323	Tenant-based rental assistance / Rapid Rehousing: 121 Households Assisted  Homelessness Prevention: 392 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
8	4B. Provide Assistance for Shelters	2022	2022	Homeless	Statewide	Housing Assistance for Vulnerable Populations	Regular ESG: \$632,046 ESG-CV1: \$1,600,523 ESG-CV2: \$3,725,197	Homeless Person Overnight Shelter: 6,731 Persons Assisted
9	4C. Provide Assistance to Persons w/ HIV/AIDS	2022	2022	Non-Homeless Special Needs	Statewide	Housing Assistance for Vulnerable Populations	Regular HOPWA: \$1,091,539	Tenant-based rental assistance / Rapid Rehousing: 90 Households Assisted  Homelessness Prevention: 150 Households Assisted

**Table 2 – Goals Summary**

## AP-25 Allocation Priorities – 91.320(d)

### Introduction

The following section describes the allocation priorities by goals in this plan.

### Funding Allocation Priorities

	1A. Expand & Improve Public Infrastructure & Public Facilities (%)	2A. Rehabilitate Owner-Occupied Housing (%)	2B. Increase Homeownership Opportunities (%)	2C. Develop Affordable Rental Housing (%)	2D. Develop Housing for Vulnerable Populations (%)	3A. Provide Assistance for Job Creation (%)	4A. Provide Assistance to Reduce Homelessness (%)	4B. Provide Assistance for Shelters (%)	4C. Provide Assistance to Persons w/ HIV/AIDS (%)	Colonias Set-Aside	Total (%)
Regular CDBG	79	0	0	0	0	11	0	0	0	10	100
HOME	0	17	10	73	0	0	0	0	0	0	100
Regular HOPWA	0	0	0	0	0	0	0	0	100	0	100
Regular ESG	0	0	0	0	0	0	48	52	0	0	100
HTF	0	0	0	0	100	0	0	0	0	0	100
CDBG-CV1	100	0	0	0	0	0	0	0	0	0	100



ESG-CV1	0	0	0	0	0	0	57	43	0	0	100
CDBG-CV2	0	0	0	0	0	0	100	0	0	0	100
ESG-CV2	0	0	0	0	0	0	58	42	0	0	100
CDBG-CV3	0	0	0	72	0	0	28	0	0	0	100

**Table 3 – Funding Allocation Priorities**

## **Reason for Allocation Priorities**

Through experience, data analysis and consultation, the allocation priorities for CDBG and HOME have been identified as noted above. These priorities reflect the estimated amount of funds necessary to meet the goals set forth in this Plan and address the priority needs identified by the State. HUD funds are being targeted to priority housing and community development needs, including owner-occupied rehabilitation, homeownership opportunities, affordable rental housing, homelessness, rapid rehousing, job creation and infrastructure needs. These funds will be leveraged by other state and federal funds.

For the regular State CDBG program, the allocation percentages are based on totals given the demand-driven nature of the program and HUD regulation. Most CDBG funds are allocated through annual competition. This competitive process prioritizes funding in part to applicants that describe and document significant need. This need-based review prevents DFA from predicting the ultimate geographic distribution of assistance, as areas of need can change over the course of a year. This method of distribution ensures that the funding is allocated to eligible, non-entitlement, low-income areas with demonstrated need and capacity. CDBG-CV funds are to be used in response to complications associated with COVID-19 and add additional flexibility in these unprecedented times to include waivers and alternative requirements. CDBG-CV1, CDBG-CV2, and CDBG-CV3 activities shall provide assistance to reduce homelessness and build affordable housing in the most general sense possible in an effort to help New Mexico in these difficult and unforeseen times.

HOME funds are allocated to activities as indicated above on an annual basis, after MFA learns the amount of funding from HUD for the upcoming year. Applications for HOME funds for multifamily developments can be made through the competitive LIHTC process. HOME multifamily funding applications without LIHTC can be submitted at any time. HOME funding for homeowner rehabilitation or homebuyer assistance is provided on a first-come, first-served basis for as long as funding is available.

HTF funds will be allocated to applicants selected based on the criteria described in the HTF Allocation Plan and the Notice of Funding Availability issued by MFA.

ESG funds are allocated to the Emergency Homeless Assistance Program (EHAP) and the Rental Assistance Program (RAP). EHAP funds are provided to emergency shelters that assist homeless individuals as well as those fleeing domestic violence. Shelters receiving EHAP funds through regular ESG are selected through a competitive process that includes a number of criteria, such as the shelter's capacity and previous performance. These criteria ensure that the highest number of individuals will be served by shelters that are most qualified to serve them. RAP funds are awarded to agencies providing homeless prevention and rapid rehousing services. These agencies are selected through a competitive process that includes criteria such as agency experience and level of need in the agency's service area. Annual funding allocations received by these agencies are determined through a combination of factors, including past performance and poverty levels in the geographic areas served. These criteria ensure that services are targeted according to need and are provided by agencies that are qualified and experienced. ESG-CV funding was awarded to EHAP and RAP. Sub-recipients that were selected from

the competitive EHAP RFP were awarded ESG-CV funding thus eliminating the process of completing another RFP. Additionally, eligible shelters that were not selected in the EHAP RFP were awarded a portion of the ESG-CV funding. These eligible shelters received a portion of ESG-CV funding because they have a history of successfully following ESG regulations and have previously received EHAP funding from MFA. Sub-recipients that are currently administering RAP will be awarded ESG-CV funding thus eliminating the RFP process. Information will be collected from previously selected RAP sub-recipients to determine how to distribute the funds. RAP sub-recipients will be awarded ESG-CV funding for each responded request based on the information collected. MFA will release a new Notice of Funding Availability (NOFA) for the remainder amount of ESG-CV funding.

Regular HOPWA funds are used for housing assistance for persons with HIV/AIDS and are allocated to agencies selected through a competitive process that includes criteria such as the agency's capacity and experience. Annual funding amounts received by these agencies are proportional to the numbers of persons at or below the federal poverty level who are diagnosed with HIV/AIDS in the counties served by each agency. These criteria ensure that services are targeted according to need and are provided by agencies that are qualified and experienced. HOPWA-CV1 funding was awarded to sub-recipients that are currently administering regular HOPWA thus eliminating the RFP process. A designated amount of HOPWA-CV1 funding was awarded and used only for the City of Albuquerque. The remaining HOPWA-CV1 funding was awarded to the Balance of State. In order to determine the Balance of State funding allocations, the Department of Health provides MFA the number of persons living with HIV/AIDS with incomes below the federal poverty level. Depending on the number provided, the funding was allocated for each region to be served across the state.

**How will the proposed distribution of funds will address the priority needs and specific objectives described in the Consolidated Plan?**

The proposed distribution of funds will address the priority needs of the plan by meeting the objectives designed to meet those needs. The funds allocated to different goals are designed to effectively meet needs across the State as distributed through the various methods of distribution.

## AP-30 Methods of Distribution – 91.320(d)&(k)

### Introduction

New Mexico has designed its Method of Distribution (MOD) according to the State's vision of how CDBG funds and other formula grants should be distributed within the State, consistent with State program requirements and HUD Notice CPD-06-11. The MOD only summarizes selection criteria in this section of the Consolidated Plan because details are promulgated in official state publications that are widely disseminated to eligible applicants. This includes criteria used to select applications for funding including relative importance of the criteria. The MOD also includes, where appropriate, a description of how all resources will be allocated among funding categories and the threshold factors and grant size limits that are to be applied, including funding thresholds, number of applications allowed per grantee, as well as any grant limits that the State has imposed.

### Distribution Methods

<b>1</b>	<b>State Program Name:</b>	Community Development Block Grant (CDBG) Program
	<b>Funding Sources:</b>	Regular CDBG and CDBG-CV
	<b>Describe the state program addressed by the Method of Distribution.</b>	<p>DFA uses CDBG funds to address local community development needs. DFA provides assistance and oversight to local officials and other eligible applicants with the implementation of needed infrastructure, public buildings, housing rehabilitation, economic development, planning and other critical projects. Ten percent of each regular CDBG allocation is set aside for activities in the Colonias.</p> <p>The CARES Act adds additional flexibility for CDBG-CV grants in these unprecedented times. The objective, as such, shall help New Mexicans to the greatest extent possible, the majority of whom are low to moderate income. The allowances for use in entitlement areas, and tribal reservations are only for CDBG-CV funds.</p>

	<p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p>	<p>DFA determines areas of CDBG funding based on need, readiness to proceed, uniform grant guidance and other current ranking criteria identified in the CDBG Rules and Regulations (NMAC 2.110.2).</p> <p>DFA has created a vetting process to ensure that set-aside funds for economic development and housing are efficiently utilized. Subrecipients are given an application after all parties involved agree that the project is eligible and has a low degree of risk. This process is designed to save time and eliminate unnecessary work.</p> <p>All CDBG-CV funds will be used as part of a needs-based response to COVID-19.</p>
	<p><b>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</b></p>	<p>DFA maintains CDBG applications, manuals and other necessary information on its website at <a href="https://www.nmdfa.state.nm.us/local-government/community-development-bureau/cdbg-information/">https://www.nmdfa.state.nm.us/local-government/community-development-bureau/cdbg-information/</a></p>
	<p><b>Describe how resources will be allocated among funding categories.</b></p>	<p>Under the CDBG program, eligible applicants can apply for one of the following categories, contingent on funding availability: community infrastructure, housing, public facility capital outlay, economic development, public services or planning. Any of the funding categories above may be used in the Colonias.</p>

	<b>Describe threshold factors and grant size limits.</b>	<p>Regular CDBG Funds (Non-CARES Act CDBG Funding)</p> <ul style="list-style-type: none"> <li>• Eligible applicants can have one open project at any time for up to \$750,000 in regular CDBG infrastructure funds.</li> <li>• Eligible applicants can apply throughout the year for up to \$500,000 in housing funds, as long as funds are available.</li> <li>• Eligible applicants can have one open project at any time for up to \$750,000 for regular CDBG public facilities.</li> <li>• Eligible applicants can have one open project at any time for up to \$500,000 for regular CDBG economic development funds, as long as funds are available.</li> <li>• Eligible applicants may apply for up to \$50,000 for regular CDBG planning funds throughout the year, as long as funds are available.</li> <li>• Eligible applicants do not have a grant size limit for regular CDBG public services funding.</li> </ul> <p>CDBG-CV</p> <ul style="list-style-type: none"> <li>• Eligible subrecipients of CDBG-CV funding will receive assistance relative to the size of the organization and impact upon low and moderate income persons.</li> </ul>
	<b>What are the outcome measures expected as a result of the method of distribution?</b>	<ul style="list-style-type: none"> <li>• Number of persons assisted with public infrastructure and facilities funds</li> <li>• Number of rental units rehabilitated with housing funds</li> <li>• Number of owner-occupied homes rehabilitated with housing funds</li> <li>• Number of jobs created or retained with economic development funds</li> <li>• Number of businesses assisted with economic development funds</li> <li>• Number of persons assisted with homelessness prevention funds</li> </ul>
<b>2</b>	<b>State Program Name:</b>	HOME Rental Development
	<b>Funding Sources:</b>	HOME
	<b>Describe the state program addressed by the Method of Distribution.</b>	The HOME Rental Development program provides below-market-rate loans to developers to finance the production, acquisition and/or rehabilitation of rental units for households whose incomes do not exceed 60 percent of Area Median Income (AMI). Forgivable loans may be awarded for projects targeting 30 percent AMI.

	<b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b>	Projects must have demonstrated financial feasibility and will be subject to underwriting standards that, among other criteria, verify that HOME funds are needed and will enhance affordability. This assessment includes a subsidy layering review. Market studies, or other evidence of market need, are required at MFA's discretion. Projects using HOME funds in conjunction with Low Income Housing Tax Credits (LIHTCs) must meet all conditions and requirements set forth in the application LIHTC Qualified Allocation Plan.
	<b>Describe how resources will be allocated among funding categories.</b>	<p>Projects intending to use HOME funds in conjunction with 9 percent LIHTCs must meet all the conditions and requirements set forth in the applicable QAP. Projects receiving LIHTC awards will be awarded HOME funds simultaneously. Award amounts and payment structures will be determined by the debt capacity of the individual project and must meet the standards adopted for the LIHTC and HOME programs.</p> <p>Applications for HOME funds for all projects outside of the 9 percent LIHTC round will be accepted and reviewed on a first-come, first-served basis. MFA will conduct outreach to Community Housing Development Organizations (CHDOs) to encourage them to apply.</p>
	<b>Describe threshold factors and grant size limits.</b>	Awards of HOME funds to projects that receive 9 percent LIHTCs are generally limited to the lowest of (a) \$15,000 per unit for CHDOs/\$7,500 for non-CHDOs, (b) \$1,000,000 per project for CHDOs/\$400,000 for non-CHDOs or (c) 80 percent of the project's total development cost. Awards of HOME funds to all other projects are generally limited to the lesser of (a)\$15,000 per residential unit for CHDOs/\$7,500 for non-CHDOs, (b)\$1,000,000 per project for CHDOs/\$800,000 for non-CHDOs, or (c) 80 percent of the project's total development cost. However, depending on fund availability, higher awards may be allowed, at MFA's discretion.
	<b>What are the outcome measures expected as a result of the method of distribution?</b>	<ul style="list-style-type: none"> <li>• Number of rental units constructed for eligible households</li> <li>• Number of rental units rehabilitated for eligible households</li> </ul>

<b>3</b>	<b>State Program Name:</b>	Homeowner Rehabilitation Program
	<b>Funding Sources:</b>	HOME
	<b>Describe the state program addressed by the Method of Distribution.</b>	The Homeowner Rehabilitation Program provides funding for the rehabilitation of homes occupied by homeowners whose annual household income does not exceed 80 percent of the area median income, adjusted for family size. In the event that substandard units are in such poor repair that rehabilitation is not appropriate, funds may also be used for reconstruction or replacement. Substandard units may be replaced with a new site-built home or new manufactured housing that is affixed to a permanent foundation.
	<b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b>	Subrecipients are selected based on organizational capacity, financial management capacity, construction experience, quality of program implementation plans, community need and other ranking criteria identified in a Notice of Funding Availability (NOFA) issued by MFA. Homeowners must occupy the home to be rehabilitated and must have annual household incomes at or below 80 percent of AMI adjusted for family size as determined by HUD.
	<b>Describe how resources will be allocated among funding categories.</b>	Resources will be allocated on a competitive basis in accordance with the scoring criteria described in the NOFA issued by MFA. Three percent of HOME funds are designated for subgrantee administrative fees.
	<b>Describe threshold factors and grant size limits.</b>	Hard construction costs are generally limited to an average of \$85,000 per home. Funding for soft costs of between \$10,000 - \$13,000 per home, depending on the home's location, may be available to subgrantees. These limits may change slightly, at MFA's discretion. Hard costs have increased due to the rise in building materials pricing resulting from COVID-19.
	<b>What are the outcome measures expected as a result of the method of distribution?</b>	Number of eligible homes rehabilitated according to the program's standards.
<b>4</b>	<b>State Program Name:</b>	HOME Single Family Development Program
	<b>Funding Sources:</b>	HOME



	<b>Describe the state program addressed by the Method of Distribution.</b>	The HOME Single Family Development Program provides below-market-rate loans to developers for land purchase, infrastructure development and construction of single-family homes for purchase by low-income households. Developers receiving such loans may also apply for grant funding for principal reduction of single family mortgages obtained by purchasers of the constructed homes. Developers of new construction will be made aware of the construction accessibility requirements of both the federal Fair Housing Act and Section 504 of the Rehabilitation Act of 1973.
	<b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b>	HOME single-family development loans and any associated principal reduction grants are provided on a first-come, first-served basis, provided that the project meets MFA's underwriting criteria.
	<b>Describe how resources will be allocated among funding categories.</b>	Resources will be allocated on a first-come, first-served basis for development activities and developers receiving loan awards are eligible to receive grants for principal reduction of homebuyers' mortgages. MFA will outreach to CHDOs to encourage them to apply.
	<b>Describe threshold factors and grant size limits.</b>	Underwriting will take place to ensure that homebuyers are not over-subsidized; grant amounts will vary based on financial need.
	<b>What are the outcome measures expected as a result of the method of distribution?</b>	<ul style="list-style-type: none"> <li>• Number of homes constructed for eligible homebuyers</li> <li>• Number of eligible homebuyers receiving down payment assistance</li> </ul>
<b>5</b>	<b>State Program Name:</b>	Rental Assistance Program (RAP)
	<b>Funding Sources:</b>	Regular ESG and ESG-CV

<p><b>Describe the state program addressed by the Method of Distribution.</b></p>	<p>The Rental Assistance Program (RAP) provides funds to subrecipients across the state who deliver emergency assistance to individuals and households experiencing homelessness or at risk of becoming homeless. Assistance can be used for essential services for individuals and families receiving rapid rehousing and homeless prevention assistance as rent, rental arrears, landlord incentives, renter's insurance, security deposits, application fees, housing relocation and stabilization services, housing search and placement, utilities, utility arrears, training, vaccine incentives, hazard pay, volunteer incentives, legal services, and is intended to restore stability for a specific time period.</p>
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<p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p>	<p>Sub-recipient applicants are selected based on community need, past performance and agency experience and capacity, including financial management capacity. These criteria are described in detail in any procurement process issued by MFA. Beneficiaries of rapid re-housing assistance must meet the definition of homelessness set forth in 24 CFR §576.104. For regular ESG, beneficiaries of homelessness prevention assistance must have incomes at or below 30 percent AMI and have documentation that meet the HUD definition for “At risk of homelessness” as outlined in 24 CFR §576.2 (1). Households deemed eligible for regular ESG homelessness prevention assistance would need to provide one of the following:</p> <ol style="list-style-type: none"> <li>1. Certification by the individual or head of household that no subsequent residence has been identified, OR</li> <li>2. Self-certification or other written documentation that the individual or head of household lacks the financial resources and support networks to obtain other housing.</li> </ol> <p>Sub-recipients that are currently administering RAP were awarded ESG-CV funding thus eliminating the RFP process. MFA released a Notice of Funding Availability (NOFA) for the remainder amount of ESG-CV funding. The NOFA sub-recipient applicants were selected based on community need, agency capacity and financial management capacity. For ESG-CV, beneficiaries of homelessness prevention assistance must have incomes at or below 50 percent AMI and have documentation that meet the HUD definition for “At risk of homelessness” as outlined in 24 CFR §576.2 (1). Households deemed eligible for ESG-CV homelessness prevention assistance would need to provide one of the following:</p> <ol style="list-style-type: none"> <li>1. Certification by the individual or head of household that no subsequent residence has been identified, OR</li> <li>2. Self-certification or other written documentation that the individual or head of household lacks the</li> </ol>
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		financial resources and support networks to obtain other housing.
	<p><b>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</b></p>	<p>Regular ESG Funds (Non-CARES Act ESG Funding)</p> <p>RAP funds are currently available to subrecipients through an RFP process. Nonprofit 501(c)(3) organizations and units of general purpose local government are eligible to apply. Selected subrecipients are eligible to receive funds for up to 6 years on an annual basis if the renewal criteria are met each year.</p> <p>ESG-CV</p> <p>Information will be collected from previously-selected RAP sub-recipients to determine how to distribute the funds, including:</p> <ul style="list-style-type: none"> <li>• Funding amount the organization can expend;</li> <li>• Staff and equipment capability for additional workload;</li> <li>• Ability to serve counties outside the one in which they reside; and</li> <li>• Administrative funds needed for the program.</li> </ul> <p>RAP sub-recipients were awarded ESG-CV funding for each responded request based on the information collected. MFA released a Notice of Funding Availability (NOFA) for the remainder amount of ESG-CV funding.</p>

	<b>Describe how resources will be allocated among funding categories</b>	<p>Regular ESG Funds (Non-CARES Act ESG Funding)</p> <p>Resources were allocated on a competitive basis in accordance with the scoring criteria described in the RFP issued by MFA. Up to 7.5 percent of MFA's allocation were used for eligible administrative costs incurred by MFA.</p> <p>ESG-CV</p> <p>As described above, RAP sub-recipients were awarded ESG-CV funding for each responded request based on the information collected. The maximum amount of administrative funds available for this grant is 10 percent of total funding. For ESG-CV1, MFA retained 2.5 percent to cover the administrative costs of operating this program and awarded 7.5 percent to the RAP program subrecipients. For ESG-CV2, MFA is retained 5 percent to cover the administrative costs of operating this program and awarded 5 percent to the RAP program subrecipients.</p>
	<b>Describe threshold factors and grant size limits.</b>	Annual funding allocations received by subrecipients are determined through a combination of factors, including past performance and population of the counties served.
	<b>What are the outcome measures expected as a result of the method of distribution?</b>	<ul style="list-style-type: none"> <li>• Number of eligible households receiving rapid re-housing assistance</li> <li>• Number of eligible persons receiving homelessness prevention assistance</li> </ul>
6	<b>State Program Name:</b>	Emergency Homeless Assistance Program (EHAP)
	<b>Funding Sources:</b>	ESG and ESG-CV
	<b>Describe the state program addressed by the Method of Distribution.</b>	The Emergency Homeless Assistance Program (EHAP) provides funding for emergency shelter operations, essential services, and data collection using HMIS or Osnum.

<p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p>	<p>Regular ESG Funds (Non-CARES Act ESG Funding)</p> <p>Applicants are selected based on community need, past performance and agency experience and capacity, including financial management capacity. These criteria are described in detail in a Request for Proposals (RFP) issued by MFA. Individuals qualifying for assistance must meet HUD’s definition of homelessness.</p> <p>ESG-CV</p> <p>Sub-recipients were selected from the competitive EHAP RFP were awarded ESG-CV funding thus eliminating the process of completing another RFP. Additionally, eligible shelters that were not selected in the EHAP RFP will be offered a portion of the ESG-CV funding. These eligible shelters received a portion of ESG-CV funding because they have previously received EHAP funding and have successful adherence to ESG regulations.</p>
<p><b>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</b></p>	<p>Regular ESG Funds (Non-CARES Act ESG Funding)</p> <p>EHAP funds are currently available to subrecipients through an RFP process. Nonprofit 501(C)(3) organizations and units of general purpose local government are eligible to apply. Selected sub-recipients are eligible to receive funds for up to 5 years on an annual basis if the renewal criteria are met each year.</p> <p>ESG-CV</p> <p>Sub-recipients that are selected from the competitive EHAP RFP are awarded ESG-CV funding thus eliminating the process of completing another RFP. Additionally, eligible shelters that were not selected in the EHAP RFP were offered a portion of the ESG-CV funding as described above.</p>

	<b>Describe how resources will be allocated among funding categories.</b>	<p>Regular ESG Funds (Non-CARES Act ESG Funding)</p> <p>Resources were allocated on a competitive basis in accordance with the scoring criteria described in the RFP issued by MFA. Up to 7.5 percent of MFA's ESG allocation will be used for eligible administrative costs incurred by MFA.</p> <p>ESG-CV</p> <p>ESG-CV awards for EHAP sub-recipients are determined by the size of each shelter which is based on their number of available beds. Shelters that did not receive the additional EHAP program funding were offered ESG-CV funding based on a list of specific eligible items and their ability to spend this money within six months.</p> <p>The maximum amount of administrative funds available for this grant is 10 percent of total funding, which will be used for eligible administrative costs incurred by MFA.</p>
	<b>Describe threshold factors and grant size limits.</b>	Annual funding allocations received by subrecipients are determined through a combination of factors, including past performance and population of the counties served.
	<b>What are the outcome measures expected as a result of the method of distribution?</b>	Number of eligible persons assisted
7	<b>State Program Name:</b>	Housing Opportunities for Persons with AIDS (HOPWA) Program
	<b>Funding Sources:</b>	Regular HOPWA and HOPWA-CV1
	<b>Describe the state program addressed by the Method of Distribution.</b>	<p>The HOPWA program provides tenant-based rental assistance; short-term rent, mortgage, and utilities payments (STRMU); and permanent housing placement assistance to income-eligible individuals who have medical documentation of a diagnosis of HIV/AIDS and their families. An individual or family is income-eligible if their incomes do not exceed 80 percent of the area median income as determined by HUD.</p> <p>MFA administers both the City of Albuquerque allocation and the New Mexico Balance of State allocation.</p>

<p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p>	<p>Regular HOPWA Funds (Non-CARES Act HOPWA Funding)</p> <p>Subrecipient applicants are selected based on organizational capacity, including financial management capacity, housing experience and plans for proposed areas to be served. These criteria are described in detail in a Request for Proposals (RFP) issued by MFA. Recipients of assistance must be income-eligible individuals who have medical documentation of a diagnosis of HIV/AIDS and their families. An individual or family is income-eligible if their incomes do not exceed 80 percent of the area median income as determined by HUD.</p> <p>HOPWA-CV1</p> <p>Sub-recipients that are currently administering regular HOPWA will be awarded HOPWA-CV1 funding thus eliminating the RFP process. In order to determine funding allocations, the Department of Health provides MFA the number of persons living with HIV/AIDS with incomes below the federal poverty level in the regions to be served across the state.</p>
<p><b>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</b></p>	<p>Project sponsors are selected through a competitive RFP process that evaluates organizational capacity, including financial management capacity, housing experience and plans for proposed areas to be served. Nonprofit organizations, including grassroots and community-based organizations, are eligible to apply.</p>



	<b>Describe how resources will be allocated among funding categories.</b>	<p>Regular HOPWA Funds (Non-CARES Act HOPWA Funding)</p> <p>Resources will be allocated on a competitive basis in accordance with the scoring criteria described in the RFP issued by MFA. Up to 3 percent of MFA's HOPWA allocation was used for eligible administrative costs incurred by MFA. The project sponsor may use not more than 7 percent of its HOPWA grant for administrative costs.</p> <p>HOPWA-CV1</p> <p>Resources are allocated on a competitive basis in accordance with the scoring criteria described in the RFP issued by MFA. Up to 6 percent of HOPWA-CV1 allocation was used for eligible administrative costs incurred by MFA. Up to 10 percent of HOPWA-CV1 allocation was used for eligible administrative costs incurred by project sponsors.</p>
	<b>Describe threshold factors and grant size limits.</b>	The HOPWA award for the City of Albuquerque allocation is limited to the allocation less administrative costs incurred by MFA. Award limits for the Balance of State are based on need, or the percentage of persons with HIV/AIDS that are below the federal poverty level in the region to be served.
	<b>What are the outcome measures expected as a result of the method of distribution?</b>	<ul style="list-style-type: none"> <li>• Number of eligible households receiving rental assistance</li> <li>• Number of eligible households receiving sort-term rent, mortgage, and utility assistance (STRMU)</li> </ul>
8	<b>State Program Name:</b>	National Housing Trust Fund (HTF)
	<b>Funding Sources:</b>	HTF
	<b>Describe the state program addressed by the Method of Distribution.</b>	The HTF program provides forgivable or cash flow loans to developers to finance the production, acquisition and/or rehabilitation of rental units for households whose incomes do not exceed the greater of 30 percent Area Median Income (AMI) or the federal poverty line.

<p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p>	<p>All projects must meet the following threshold criteria:</p> <ul style="list-style-type: none"> <li>• HTF-assisted units must provide permanent rental housing for extremely low income (ELI) families.</li> <li>• HTF-assisted units must remain affordable to ELI families for at least 30 years.</li> <li>• The applicant must certify that HTF-assisted units will comply with all HTF requirements.</li> <li>• The project must be financially feasible.</li> <li>• HTF-assisted rehabilitation projects must comply with the rehabilitation standards found in the HTF allocation plan in the Grantee Unique Appendices.</li> </ul> <p>All projects that meet the threshold criteria will be evaluated according to the following criteria:</p> <ul style="list-style-type: none"> <li>• Geographic diversity</li> <li>• Duration of the affordability period beyond the required 30 years</li> <li>• Organization type</li> <li>• Absence of project-based assistance</li> <li>• Transit-oriented development</li> <li>• Rural location</li> <li>• Creation of new units serving ELI households, through new construction, adaptive reuse or conversion of market rate units</li> <li>• Applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner</li> <li>• Use of state, local and private funding sources</li> <li>• Extent to which the project provides permanent supportive housing</li> </ul>
<p><b>Describe how resources will be allocated among funding categories.</b></p>	<p>Resources will be allocated on a competitive basis in accordance with the scoring criteria described in the Notice of Funding Availability issued by MFA, which elaborates on the guidelines described in MFA's HTF Allocation Plan. Up to 10 percent of MFA's allocation and future program income will be used for eligible administrative and planning costs, in accordance with 24 CFR 93.202.</p>

<b>Describe threshold factors and grant size limits.</b>	All awards are limited by the maximum per-unit subsidy limits described in MFA's HTF Allocation Plan and by MFA's underwriting guidelines. Awards of HTF funds to projects that receive 9 percent LIHTCs are generally limited to \$400,000 per project; however, depending on fund availability higher awards may be allowed, at MFA's discretion. Limits on awards of HTF funds to all other projects may be established by MFA based on availability of funds. Projects that will include accommodations for individuals with disabilities are likely to have higher development costs. Projects will be evaluated separately for cost-efficiency.
<b>What are the outcome measures expected as a result of the method of distribution?</b>	<ul style="list-style-type: none"> <li>• Number of units constructed for eligible households</li> <li>• Number of units rehabilitated for eligible households</li> </ul>

**Table 4 - Distribution Methods by State Program**

## **Discussion**

The citizen participation process was conducted prior to receiving the 2022 allocations of funding amounts from HUD. The draft 2022 Action Plan published for comment is based on estimated funding amounts from previous allocations. The proposed budget will be proportionally increased or decreased from estimated funding levels to match actual allocation amounts. Once the final allocations are made, the State will adjust funding amounts accordingly before submission of the 2022 Action Plan to HUD.

## **AP-35 Projects – (Optional)**

### **Introduction**

MFA and DFA wait to allocate funding on the project level until after HUD has published the FY formula allocations. When DFA receives notice of the CDBG allocation, they will make their allocation/funding decisions, which will be entered into IDIS through the AP-35 screen by DFA. Likewise, MFA will follow normal allocation/funding decision process after receiving notice from HUD. Those projects will be entered into IDIS through the AP-35 screen by MFA. This is the normal process and does not cause a substantial amendment to the Action Plan. No further public notice will be required.

### **Describe the reasons for allocation priorities and any obstacles to addressing underserved needs**

HUD funds are being targeted to priority housing and community development needs, including owner-occupied rehabilitation, homeownership opportunities, affordable rental housing, homelessness, rapid rehousing, job creation and infrastructure needs. These funds will be leveraged by other state and federal funds.

Regular CDBG allocation percentages are based on a competitive process given the demand-driven nature of the program and HUD regulation. This process prioritizes funding in part to applicants that describe and document significant needs, preventing DFA from predicting the ultimate geographic distribution of assistance, as areas of need can change over the course of a year. This method of distribution ensures that the funding is allocated to eligible, non-entitlement, low-income areas with demonstrated need and capacity. The State has set-aside 10 percent of its regular CDBG allocation to support providers located in the Colonias through investments in development/redevelopment projects and for homeless strategy. The Colonias have the additional barrier of the lack of capacity. Many of these communities do not have established local governments, tax bases or the organizational structure to compete for and implement funding. CDBG-CV funding will be used to mitigate damage as the result of COVID-19, which mandates the expeditious utilization of funds in response a rapidly changing health and economic environment.

HOME funds for multifamily developments can be made through the competitive annual LIHTC process. HOME multifamily funding applications without LIHTC can be submitted at any time. HOME funding for homeowner rehabilitation or homebuyer assistance is provided on a first-come first-served basis for as long as funding is available.

HTF funds will be allocated to applicants selected based on the criteria described in the HTF Allocation Plan and the Notice of Funding Availability issued by MFA.

ESG funds are allocated to the Emergency Homeless Assistance Program (EHAP) and the Rental Assistance Program (RAP). EHAP funds are provided to emergency shelters that assist homeless

individuals as well as those fleeing domestic violence. Shelters are selected for regular ESG funds through a competitive process that includes eligibility criteria, such as the shelter's capacity and previous performance. RAP funds are awarded to agencies providing homeless prevention and rapid rehousing services. These agencies are selected through a competitive process that includes criteria such as agency experience and level of need in the agency's service area. Annual funding allocations received by these agencies are determined through a combination of factors, including past performance and poverty levels in the geographic areas served.

HOPWA funds are used for housing assistance for persons with HIV/AIDS are allocated to agencies selected through a competitive process that includes eligibility criteria such as the agency's capacity and experience. Annual funding amounts received by these agencies are proportional to the numbers of persons at or below the federal poverty level who are diagnosed with HIV/AIDS and the need in the counties served by each agency. These criteria ensure that services are targeted according to need and are provided by agencies that are qualified and experienced.

The State endures obstacles addressing underserved needs due to not enough funding to meet the full need and service provider capacity, especially in remote rural areas. MFA and DFA will remove barriers to affordable housing by prioritizing and/or incentivizing existing providers and new providers to work in Colonias; strengthening delivery channels and building capacity to develop and rehabilitate housing in underserved areas; and promoting the development of new organizations to provide housing counseling and financial fitness education around the State.

## **AP-38 Project Summary**

### **Project Summary Information**

MFA and DFA wait to allocate funding on the project level until after HUD has published the FY formula allocations. When DFA receives notice of the CDBG allocation, they will make their allocation/funding decisions, which will be entered into IDIS through the AP-35 screen by DFA. Likewise, MFA will follow their normal allocation/funding decision process after receiving notice from HUD. Those projects will be entered into IDIS through the AP-35 screen by MFA. This is the normal process and does not cause a substantial amendment to the Action Plan. No further public notice will be required.

**AP-40 Section 108 Loan Guarantee – 91.320(k)(1)(ii)**

**Will the state help non-entitlement units of general local government to apply for Section 108 loan funds?**

The State will not help non-entitlement units of general local government apply for Section 108 loan funds.

**Available Grant Amounts**

N/A

**Acceptance process of applications**

N/A

## **AP-45 Community Revitalization Strategies – 91.320(k)(1)(ii)**

**Will the state allow units of general local government to carry out community revitalization strategies?**

The State will allow units of general local government to carry out community revitalization strategies.

### **State's Process and Criteria for approving local government revitalization strategies**

Depending on funding availability and the State's ability to support the request, the State will choose eligible applicants to carry out community revitalization strategies as long as the strategy is in accordance with the eligible applicant's Comprehensive Plan, Infrastructure Capital Improvement Plan (ICIP) and meets the low-to-moderate income requirement.



## **AP-48 Method of Distribution for Colonias Set-aside – 91.320(d)&(k)**

### **Distribution Methods**

<b>State Program Name</b>	<b>Funding Sources</b>
DFA Administered CDBG Program	CDBG

**Table 5 - Distribution Methods by State Program for Colonias Set-aside**

### **State programs Addressed**

DFA uses CDBG funds to address local community development needs. DFA provides assistance and oversight to local officials with the implementation of needed infrastructure, public facilities, housing rehabilitation, economic development, planning and other critical projects.

### **Criteria and their importance**

The Community Development Council (CDC) and DFA have developed rating and ranking criteria for evaluation of all regular CDBG projects with 10 percent being allocated for Colonias projects. The selection criteria in the rating and ranking system will give priority to projects that firmly demonstrate the following: need, appropriateness, impact and benefit to low- and moderate-income persons. These criteria are outlined in the State's rules and regulations in the New Mexico Administrative Code (NMAC 2.110.2). All regular CDBG applicants are rated and ranked on these criteria, with preference given to Colonias for the set-aside. In order to qualify as a Colonias project, the project must be located within 150 miles of the US/Mexico border, be designated as a Colonias and address one of the following needs: lack of potable water supply; lack of adequate sewage systems; or lack of decent, safe and sanitary housing.

### **CDBG only: Access of application manuals**

The CDBG Implementation manual and other CDBG application information for regular CDBG funds can be found at <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/cdbg-information/> and <https://www.nmdfa.state.nm.us/local-government/community-planning/cdbg-planning-grant/>.

### **ESG only: Process for awarding funds to state recipients**

N/A

### **HOPWA only: Method of selecting project sponsors**

N/A

### **Resource Allocation among Funding Categories**

Regular CDBG funding is not allocated among the funding categories until after applications are received, rated/ranked and allocation awards are made.

### **Threshold Factors and Grant Size Limits**

Threshold factors and grant size limits for the Colonias are exactly the same as other non-entitlement communities outside the Colonias.

### **Outcome Measures expected as results of Distribution Method**

Number of people assisted within the Colonias

### **Discussion**

DFA will set aside 10 percent of regular CDBG funding for the Colonias. Counties with Colonias can apply for funding to direct to problem areas in the Colonias.

## **AP-50 Geographic Distribution – 91.320(f)**

### **Description of the geographic areas of the state (including areas of low-income and minority concentration) where assistance will be directed**

DFA will set aside 10 percent of regular CDBG funds for Colonias neighborhoods. Further, pursuant to a memorandum of understanding, the State administers the City of Albuquerque's HOPWA funds and those funds must be used within the City of Albuquerque. These funds are administered on behalf of the City and not direct allocations to the State, they are not included in the percentage distributions for State allocations below. The table below represents regular CDBG funds only. The allowances for use in entitlement areas and tribal reservations are only for CDBG-CV funds.

#### **Geographic Distribution**

<b>Target Area</b>	<b>Percentage of Funds</b>
COLONIAS NEIGHBORHOOD	10
Statewide	90

**Table 6 - Geographic Distribution**

#### **Rationale for the priorities for allocating investments geographically**

The Colonias have a variety of housing and community development needs that create opportunities for strategic investment. Regular CDBG funds will be targeted for all communities, but particularly in Colonias communities.

#### **Discussion**

DFA will set aside 10 percent of regular CDBG funds for Colonias neighborhoods.

## AP-55 Affordable Housing – 24 CFR 91.320(g)

### Introduction

The below tables reflect one-year goals for the State's HOME funds.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	24
Special-Needs	0
Total	24

**Table 7 - One Year Goals for Affordable Housing by Support Requirement**

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
Production of New Units	15
Rehab of Existing Units	15
Acquisition of Existing Units	0
Total	30

**Table 8 - One Year Goals for Affordable Housing by Support Type**

### Discussion

The most important impediment to affordable housing revolves around insufficient federal and state resources for affordable housing initiatives. The lack of full funding for programs and resources to reduce excessive rent or mortgage burdens to qualified persons is a key factor. As a result, the State's goals include a variety of housing approaches that attempt to meet the demand for affordable housing to the fullest extent possible given the limited resources.

## **AP-60 Public Housing - 24 CFR 91.320(j)**

### **Introduction**

The State of New Mexico has 17 public housing authorities (PHAs) within the jurisdiction of the State Consolidated Plan. Neither DFA nor MFA operate public housing, therefore, neither agency directly plans resident initiatives. Efforts to collaborate more extensively with PHAs are underway through the State's three Regional Housing Authorities (RHAs), which MFA oversees on behalf of the State. These RHAs are Northern Regional, Western Regional and Eastern Regional.

The actions below encompass the 17 PHAs identified in this plan.

There are three PHAs in New Mexico that are not among the PHAs listed in this plan: the City of Albuquerque Housing Authority, the Housing Authority of the City of Las Cruces and the Santa Fe Civic Housing Authority. All three PHAs are from HUD entitlement communities and plan public housing strategies within their grantee's jurisdiction. This plan does not include information from these three public housing authorities.

Tribal Housing Authorities are also not among the PHAs listed in this plan and are not included in the State's public housing strategy. The 20 Tribal Housing Authorities operate independently within their sovereign nations. This plan does not include information from Tribal Housing Authorities.

### **Actions planned during the next year to address the needs to public housing**

To the extent possible, MFA will make funding available to PHAs pursuing the redevelopment or rehabilitation of low income properties for public housing.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

Neither DFA nor MFA operate public housing, therefore, neither agency directly plans resident initiatives. Local administrators are responsible for these activities. However, MFA is aware that some PHAs provide opportunities for residents to participate in homeownership, including first-time homebuyer counseling.

### **If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

Not applicable to the State directly, however, within the State of New Mexico, the Northern Regional Housing Authority has been designated as "troubled" by HUD. While not directly responsible for the activities and performance of this housing authority, the State is committed to supporting it in improving its operations. The State will assist by providing oversight, training and technical assistance to support the housing authority in its effort to remove the troubled designation.

## **Discussion**

No additional discussion beyond points covered above.

## **AP-65 Homeless and Other Special Needs Activities – 91.320(h)**

### **Introduction**

The State aims to reduce homelessness and address the housing needs of individuals with special needs through the following overall strategies:

- Supporting a continuum of housing and supportive services programs that addresses the needs of the State's most vulnerable residents through homelessness intervention and rapid rehousing as well as by means of integrated services that maintain the housing stability, health and general well-being of "at-risk" populations; and
- Maintaining a strong relationship with the New Mexico Coalition to End Homelessness (NMCEH) to enhance and promote stabilization of individuals and families experiencing homelessness and encourage transition to stable, permanent housing situations.

ESG funds allow MFA to provide emergency assistance as well as rental assistance and in-house case management to ensure efficient client transition from homelessness to self-sustainability. HOPWA funds allow MFA to provide housing assistance for people living with HIV/AIDS.

### **Describe the jurisdiction's one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

As a member of the governing boards of the Albuquerque and Balance of State CoCs, MFA contributes to the CoCs' outreach planning. In addition, MFA requires that outreach be conducted by service providers receiving ESG funds under MFA's Rental Assistance Program (RAP), which provides Rapid Re-Housing services. These outreach efforts may include street outreach, outreach at shelters, outreach to clients receiving services targeted toward those experiencing homelessness and outreach to clients of behavioral health providers. MFA serves on the New Mexico Coordinated Entry System (NMCES) Governing Committees (the two NM CoCs have separate, though parallel, CES systems and administration), which meet quarterly to address issues and strategies for the NMCES, which was launched in June 2014 by the New Mexico Coalition to End Homelessness (NMCEH). The NM Balance of State CoC NMCES supports dedicated administration for both DV and Youth subpopulations. The NMCES has identified and assessed over 70,000 individuals since its inception (appx. 26,000 of these have been prioritized and entered in HMIS), using the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT), which helps to determine each applicant's acuity, relative need for housing and the type of housing that would be most appropriate to assist their needs. The assessments are done at the NMCEH as well as CoC and ESG-funded agencies, health centers, veteran programs, correctional facilities and during street outreach, including youth-focused projects in northern New Mexico and domestic violence programs statewide. The majority of MFA's RAP and EHAP providers are trained in the use of NM Coordinated Entry System. Ongoing training for new staff members and new

agencies will be conducted yearly; domestic violence service providers may elect not to use the NM Coordinated Entry System.

MFA uses ESG funding to support shelter operations, essential services for those residing in shelters, homelessness prevention assistance and rapid rehousing assistance throughout the State. DFA uses CDBG-CV funding to serve number of persons with homelessness prevention assistance. Our goals are to:

- Serve over 6,700 persons with overnight shelter and essential services;
- Serve over 300 persons with homelessness prevention assistance; and
- Serve over 120 households with homelessness prevention assistance.

Note: Goals may be modified upon receipt of allocations as the amount of funding will affect the number of persons that can be served.

### **Addressing the emergency shelter and transitional housing needs of homeless persons**

MFA provides ESG funds for:

- Emergency shelter operating costs;
- Hotel/motel vouchers when shelter beds are unavailable; and
- Eligible essential services to those in shelters, such as case management, childcare, education services, employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment services and transportation.

NMCEH and MFA are working together to find ways to implement a program of diversion as part of the crisis response system in order to lessen the burden on shelters and help some people avoid homelessness all together. NMCEH and MFA are also working on a plan to link the crisis response system more effectively to the system of permanent housing using coordinated entry.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

MFA provides ESG funds for:

- Rapid re-housing assistance for persons experiencing homelessness, including:



- Financial assistance with costs such as rental application fees, security deposits, moving costs, utility deposits, rental payments, landlord incentives, legal services, training, and hazard pay;
- Housing search and placement services;
- Case management to assess, arrange, coordinate and monitor delivery of services to facilitate housing stability; and
- Short- to medium-term rental assistance.

NMCEH is working in the three largest communities of Santa Fe, Albuquerque and Las Cruces to use the by-name lists created through coordinated entry along with regular case conferencing meetings to house chronically homeless persons as quickly as possible and to determine what changes need to be made in existing programs to shorten or facilitate the time between identification of a chronically homeless household and placement into appropriate housing. Likewise, the community of Taos is participating in regular by-name list conferencing with the focus on services to homeless youth. NMCEH is working with programs to lower any artificial barriers that lengthen the time it takes to get housed. They use the by-name lists to help communities plan for additional permanent supportive housing to meet the need. For many years NMCEH has been helping programs adopt a housing first approach that serves to keep people housed by avoiding unhelpful evictions from programs. In FY2019 – FY2020, the system-wide average length of time persons were homeless prior to housing move-in was reduced by 50 days (to 123 days) in the Albuquerque metro area and by 11 days (to 133 days) in the Balance of State. Although the data for FY2021 is preliminary (final report to HUD due in February 2022), this trend appears to continue with further reductions to 78 days in the Albuquerque CoC and 96 days in the Balance of State CoC.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs**

MFA provides ESG funds for:

- Homelessness prevention, including:
  - Financial assistance with costs such as rental application fees, security deposits, moving costs, utility deposits, landlord incentives, legal services, training, and payments;
  - Housing search and placement services;

- Essential services and case management to assess, arrange, coordinate and monitor delivery of services to facilitate housing stability for families and individuals receiving assistance; and
- Short- to medium-term rental assistance.

NMCEH works with the State Housing Leadership group, a committee staffed by the New Mexico Human Services Department that includes other state departments. This group looks at what the State response needs to be to meet the housing needs of people with behavioral health diagnoses, people exiting the correctional system, those exiting foster care and others.

### **Discussion**

NMCEH has noted a 25 percent decrease in the statewide Point in Time count (PIT) between 2011 and 2018. It seems that this is in part due to the efforts being made to expand housing opportunities and to get people into housing more efficiently.

The next unsheltered PIT count was conducted in New Mexico in January 2021 and allowing for bi-annual comparability this trend measure will be updated from client counts at that time. Between 2018 and 2021, the PIT incidence of homelessness increased by a remarkable 225 percent (from 1753 total identified persons statewide in 2018 to 3927 in 2021). Much of this increase is attributed to the social and economic impacts of COVID-19 during this time in our State and is expected to decline as the epidemic resolves. However, the current uncertainties around legal evictions in response to COVID-19 may hedge that expectation.

**AP-70 HOPWA Goals – 91.320(k)(4)**

<b>One year goals for the number of households to be provided housing through the use of HOPWA for:</b>	
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family	150
Tenant-based rental assistance	90
Units provided in permanent housing facilities developed, leased, or operated with HOPWA funds	0
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds	0
Total	240

Note: Goals may be modified upon receipt of allocations as the amount of funding will affect the number of persons that can be served.

## **AP-75 Barriers to Affordable Housing – 91.320(i)**

### **Introduction**

Public policies are meant to address the overall needs of citizens in the State. Yet, there are times where they may have a negative effect on certain aspects of the community, specifically affordable housing and residential investment. Affordable housing and public and private residential investments are key components in furthering fair housing in any community. The primary tool communities have for identifying contributing factors to these barriers to housing is an assessment of fair housing and fair housing choice. In 2020, the State of New Mexico updated the previous 2015 assessment. Analysis from the 2020 update has found:

- The cost of available housing is cited as the most significant barrier experienced or observed according to survey results.
- Analysis in the 2020-2024 Consolidated Plan revealed housing cost exceeds the income of households at 30 percent and 50 percent of median income. These cost burdens tended to fall more heavily on renters than homeowners.

The State plans corresponding actions designed to (1) continue to support and expand development of new affordable housing and preservation of existing affordable housing, which include the CDBG, HOME, LIHTC, HTF and other programs, (2) educate community stakeholders about the benefits of affordable housing and (3) attract affordable housing investment in New Mexico. Elements of those actions appear within the Consolidated Plan and beyond. Additionally, the State anticipates a review of public policies that may impede the development of affordable housing and to improve the understanding of their consequences.

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

As noted, the State plans corresponding actions designed to (1) continue to support and expand development of new affordable housing and preservation of existing affordable housing, which include the CDBG, HOME, LIHTC, HTF and other programs, (2) educate community stakeholders about the benefits of affordable housing and (3) attract affordable housing investment in New Mexico. Elements of those actions appear within this Consolidated Plan and beyond.

### **Discussion**

Though there are several barriers to affordable housing, the main barrier is the cost and availability of affordable housing units. The State will continue its efforts to expand the development of new affordable housing and preservation of existing affordable housing.

## **AP-80 Colonias Actions – 91.320(j)**

### **Introduction**

A qualified Colonias is a rural community with a population of 25,000 or less located within 150 miles of the US-Mexico border that has been designated as a Colonias by the county or municipality due to:

- Lack of potable water;
- Lack of adequate sewage systems;
- Lack of decent, safe and sanitary housing; and
- Has been in existence as a Colonias prior to November 1990.

Many Colonias in New Mexico are not units of local government. As such, these communities do not have the capacity to apply for and implement funding on their own accord. County and local governments that contain Colonias communities are able to apply for funding that can be directed towards needs in these communities.

DFA will target regular CDBG funds for Colonias communities to help ensure that low-income households have access to adequate infrastructure and services. As an advisory member to the Colonias Infrastructure Board (CIB), MFA will continue to advise the CIB on best uses for CIB funds to assist Colonias residents in gaining access to housing infrastructure. County and local governments will be able to apply for funds that will be directed to serve the needs of Colonias.

### **Actions planned to address obstacles to meeting underserved needs**

The greatest obstacle to meeting underserved need in the Colonias is the lack of capacity to apply for and implement funding. In order to meet the needs of Colonias, the State will call upon cities, counties and other eligible entities to assist in aligning and administering funds. These eligible entities will be able to apply for funds that will be directed to serve the needs of Colonias.

### **Actions the state plans to take to reduce the number of poverty-level families**

Colonias communities have a high concentration of low-income households as well as a variety of infrastructure and public service needs. DFA will set aside regular CDBG funds for Colonias to help ensure that low-income households have access to adequate infrastructure and services.

As an advisory member to the Colonias Infrastructure Board (CIB), MFA will continue to advise the CIB on best uses for CIB funds to assist Colonias residents in gaining access to housing infrastructure.

### **Actions the state plans to take to develop the institutional structure**

In order to facilitate a system that will meet the needs of the Colonias, the State will work with cities and counties that contain Colonias communities to administer funding. This will develop the responsiveness of the counties to meet the needs of the Colonias.

**Specific actions the state plans to take to enhance coordination between public and private housing and social service agencies**

MFA will prioritize funding to entities (public, for-profit private and non-profit private) that serve those of lower incomes and coordinate and leverage services and resources.

**Discussion**

DFA will target 10 percent of its regular CDBG allocation for Colonias communities to help ensure that low-income households have access to adequate infrastructure and services. As an advisory member to the Colonias Infrastructure Board (CIB), MFA will continue to advise the CIB on best uses for CIB funds to assist Colonias residents in gaining access to housing infrastructure.

## **AP-85 Other Actions – 91.320(j)**

### **Introduction**

The greatest obstacle to meeting underserved needs in New Mexico is the lack of funding. The need is far greater than the supply. The State will continue to seek additional sources of funding to expand the scope of its activities and implement other improvements as described below.

### **Actions planned to address obstacles to meeting underserved needs**

In New Mexico, some communities outside of the metropolitan areas lack service providers to administer a full range of affordable housing and infrastructure improvement programs. Partners often request resources and training to build capacity in addressing local needs. DFA/MFA allocate and prioritize funds for underserved areas. MFA will seek to apply for additional funds, leverage resources when possible, and ensure funds that are available are used efficiently. As part of our program management, MFA and DFA will provide training workshops during the year and technical assistance on a one-to-one basis to organizations working in underserved areas. Additionally, MFA and DFA will use funds, if available, to provide capacity building via training, operational funding and awards of federal funds.

### **Actions planned to foster and maintain affordable housing**

MFA will continue to fund efforts to create and maintain affordable housing through dedicating HOME and HTF funds to rental development, single-family development combined with homeownership assistance and rehabilitation of owner-occupied housing.

### **Actions planned to reduce lead-based paint hazards**

MFA and DFA will continue to meet all applicable HUD lead-based paint abatement standards in its CDBG, HOME and HTF rehabilitation programs. Through financing new construction of rental units under its HOME and HTF programs, MFA will continue to expand the stock of lead-safe housing units. MFA will also continue to train its partners throughout the State in the Lead-Safe Housing Rule and encourage sub-grantees and professionals statewide to receive formal training and any applicable lead-based paint certifications; in addition, it will seek funding as it becomes available to provide training, educational awareness and testing and abatement of lead-based paint hazards.

### **Actions planned to reduce the number of poverty-level families**

In creating additional affordable housing options and community development opportunities throughout the State, MFA will be a part of the larger network that supports families on the road to self-sufficiency. The State has a variety of programs available to poverty-level families, and the funds administered in this Plan will continue to support efforts to create affordable housing, suitable living environments and economic opportunities for those households. MFA will continue to coordinate and

collaborate with other Participating Jurisdictions (PJs) to focus our efforts in assisting those with the most need.

### **Actions planned to develop institutional structure**

MFA plans on holding bi-annual housing summits which bring providers across the full housing continuum to include private, public and social service agencies. This summit is the preeminent housing summit in the State and serves as a venue to coordinate and collaborate on housing programs and services. Additionally, MFA regularly holds meetings on its various programs to get feedback on how programs can be improved and to highlight best practices among the providers. Due to the COVID-19 pandemic and state public health orders, MFA created virtual trainings and outreach to potential service providers.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

As part of its biannual Housing Summit, MFA will bring together both public and private housing and social service agencies to collaborate and participate in workshops together. The 2022 Housing Summit is set for September 13, 2022 to September 16, 2022 at Hotel Albuquerque. Which will also include a session on the statewide housing strategy to further increase collaboration opportunities with different stakeholders across the industry.

### **Discussion**

Though New Mexico lacks funding to meet all the needs of underserved populations, the State is committed to seeking additional funding and implementing other improvements.



## **AP-90 Program Specific Requirements – 91.320(k)(1,2,3)**

### **Introduction**

In the implementation of programs and activities under the 2022 Action Plan, MFA will follow all HUD regulations concerning the use of program income, forms of investment, overall low- and moderate-income benefit for the CDBG program, recapture requirements for the HOME program, ESG performance standards, HOPWA project goals and HTF evaluation criteria. MFA certifies that it will pursue all resources indicated in this Plan and will not willingly or knowingly hinder the implementation of any planned activities. Grant-specific CDBG, HOME, ESG, HOPWA and HTF requirements are addressed on the following pages.

### **Community Development Block Grant Program (CDBG) Reference 24 CFR 91.320(k)(1)**

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	500,000
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>500,000</b>

### **Other CDBG Requirements**

1. The amount of urgent need activities	0
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2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70 percent of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. 70.00%

Years covered: 2020-2022

**HOME Investment Partnership Program (HOME)  
Reference 24 CFR 91.320(k)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

HOME funding is not being used for any form of investment other than those identified in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

MFA's recapture and affordability guidelines are included in the Grantee Unique Appendices.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

MFA's recapture and affordability are included in the Grantee Unique Appendices.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

MFA may, at its discretion, use HOME funds for refinancing only when needed in order to permit or continue affordability of rental units when rehabilitation is the primary activity. Rehabilitation expenditures must be at least \$7,100 per unit being rehabilitated, indexed annually for inflation. Such investments are permitted to maintain current affordable units, create additional affordable units, or both. MFA's underwriting standards for an initial investment of HOME funds would apply, which include: adequacy of management and owner, feasibility of project to meet operational and debt service requirements, consistency with market and review of total development costs and sources available to meet these needs. In addition, MFA will review management practices to demonstrate that disinvestment in the property has not occurred, that the long-term needs of the

project can be met and that the feasibility of serving the targeted population over an extended affordability period can be demonstrated. The required period of affordability will be at least fifteen years. HOME funds for this purpose may be used statewide. However, HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG. Any unpaid balance of these loans is due in full at maturity or upon the sale or transfer to an ineligible party.

**Emergency Solutions Grant (ESG)  
Reference 91.320(k)(3)**

1. Include written standards for providing ESG assistance (may include as attachment)

MFA's ESG written standards can be found in the Grantee Unique Appendices.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The New Mexico Coalition to End Homelessness (NMCEH) launched a statewide coordinated assessment project, the New Mexico Coordinated Entry System (NMCES), in June 2014 and has identified and assessed over 70,000 individuals since then. The NMCES uses the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT), which helps to determine each applicant's acuity, relative need for housing and the type of housing that would be most appropriate to assist their needs. Assessments are done at the NMCEH as well as CoC- and ESG-funded agencies, health centers, veteran programs, in correctional facilities and during street outreach. The majority of MFA's RAP and EHAP providers are trained in the use of NMCES. Ongoing training for new staff members and new agencies will be conducted yearly; domestic service providers may elect not to use the NMCES.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

Regular ESG funds are currently available to subrecipients through a competitive RFP process. Nonprofit 501(c)(3) organizations are eligible to apply. Selected subrecipients are eligible to receive funds for up to 5 years on an annual basis if the renewal criteria are met each year.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services

funded under ESG.

This requirement does not apply to states.

5. Describe performance standards for evaluating ESG.

MFA's performance standards include placement of homeless individuals into permanent housing, services provided, individuals assisted and efficient utilization of funds. General performance standards are being reported, such as the unduplicated number of persons or households prevented from becoming homeless and the unduplicated number of those exiting homeless shelters into permanent housing.

**Housing Opportunities for Persons with AIDS (HOPWA) Project Sponsors**

HOPWA funding is allocated to project sponsors based upon a competitive Request for Proposals (RFP) including a renewal option. Further, MFA and the City of Albuquerque have signed a Memorandum of Understanding that allows for MFA to administer the City of Albuquerque's HOPWA allocation. MFA issued an RFP for the funding in 2020 for both the City of Albuquerque allocation and the New Mexico non-entitlement allocation, and project sponsors were awarded one-year contracts with the option to renew for two additional years, which will end in 2023. The HOPWA one-year goals are described in AP-20 and AP-70.

The one year goals for program year 2022 include:

- Tenant-based rental assistance / Rapid Rehousing: 90 Households Assisted
- Homelessness Prevention: 150 Households Assisted

**Housing Trust Fund (HTF)**  
**Reference 24 CFR 91.320(k)(5)**

1. How will the grantee distribute its HTF funds? Select all that apply:

- ☒ Applications submitted by eligible recipients
- ☐ Subgrantees that are State Agencies
- ☐ Subgrantees that are HUD-CPD entitlement grantees

2. If distributing HTF funds through grants to subgrantees, describe the method for distributing HTF funds through grants to subgrantees and how those funds will be made available to state agencies and/or units of general local government. If not distributing funds through grants to subgrantees, enter "N/A".

N/A

3. If distributing HTF funds through grants to subgrantees, describe the method for distributing HTF funds through grants to subgrantees and how those funds will be made available to state agencies and/or units of general local government. If not distributing funds through grants to subgrantees, enter "N/A".

N/A

4. If distributing HTF funds by selecting applications submitted by eligible recipients:
- a. Describe the eligibility requirements for recipients of HTF funds (as defined in 24 CFR § 93.2). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Eligible recipients include nonprofit entities, for-profit entities, public housing agencies and tribally designated housing entities. Participating recipients must be approved by MFA and must have demonstrated experience and capacity to conduct eligible activities that meet the requirements of 24 CFR 93.200. To be eligible to receive NHTF assistance:

- Applicant must not currently be suspended, debarred or otherwise restricted by any department or agency of the federal government or state government from doing business with such department or agency because of misconduct or alleged misconduct.
- Applicant and all members of the development team (developer, general partner, contractor, management company, consultant(s), architect, attorney and accountant, etc.) of the proposed project must be in good standing with MFA and all other state and federal affordable housing agencies or departments. For example, debarment from HUD, MFA, or other federal housing programs, bankruptcy, criminal indictments or convictions, poor performance on prior MFA or federally-financed projects (for example, late payments within the 18-month period prior to the application deadline, misuse of reserves and/or other project funds, default, fair housing violations, non-compliance (e.g. with the terms of Land Use Restriction Agreements on other projects), or failure to meet development deadlines or documentation requirements) on the part of any proposed development team member or project owner or other principal may result in rejection of an application by MFA.
- If applicant has an audited financial statement, the following types of audit findings may disqualify applicant from funding:
  - Repeat of unresolved audit findings, as determined by MFA;
  - If applicant has received greater than \$750,000 in federal funds during its most recent fiscal year and its single audit did not meet the requirements of 2 CFR 200 Subpart F;
    - For any such single audit, no proof of Federal Audit Clearinghouse submission (FOR SF-SAC);

- If referenced in audit as a separate communication, no submission of management; response letter and management response to concerns noted in the management letter; and
- If any findings, no submission of management response to findings.

b. Describe the grantee's application requirements for eligible recipients to apply for HTF funds. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Entities seeking HTF dollars for eligible projects may submit MFA's Rental Development Project Application to MFA, which is posted on MFA's website.

Subject to fund availability, final funding decisions will be made by MFA's Board of Directors. Applications must be received no later than 60 days prior to a regularly scheduled meeting of the MFA Board of Directors in order to be considered at that meeting. Meetings of the MFA Board of Directors are generally held every third Wednesday of the month. All applications submitted by the deadline for a particular meeting of MFA Board of Directors will be treated as one funding round and evaluated concurrently. If sufficient funds are not available to fund all projects in a funding round that meets the requirements outlined in this NOFA, the project receiving the highest score will be recommended to the Board for approval, followed by the next highest scoring project, etc. until the remaining funds are no longer sufficient to fulfill the next highest scoring project's requested loan amount.

At a minimum, applications will require information on the following:

- Applicant's development capacity and experience
- Applicant's financial condition
- Capacity and experience of all other members of the development team
- Development cost budget
- Proposed sources of financing
- Unit mix and projected rents
- Operating cost budget
- Cash flow projection
- Narrative description of the project
- Architectural plans

c. Describe the selection criteria that the grantee will use to select applications submitted by eligible recipients. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

All projects must meet the following threshold criteria:

- HTF-assisted units must provide permanent rental housing for ELI families

- HTF-assisted units must remain affordable to ELI families for at least 30 years
- The applicant must certify that HTF-assisted units will comply with all HTF requirements
- The project must be financially feasible
- HTF-assisted rehabilitation projects must comply with the rehabilitation standards found in the 2022 HTF Allocation Plan in the Grantee Unique Appendices.
- The project must include at least four (4) rental units.

All projects that meet the threshold criteria will be evaluated according to the following criteria:

Scoring Criteria	Priority
Geographic diversity <i>No other Low Income Housing Tax Credit, public housing, or federally-subsidized housing projects within:</i> <ul style="list-style-type: none"> <li>• ¼ mile radius</li> <li>• ½ mile radius</li> </ul>	Low
Duration of the affordability period beyond the required 30 years <i>Projects committed to an additional five or more years</i>	Low
Organization type <i>Developer/general partner is a New Mexico nonprofit organization, a Tribal Designated Housing Entity (TDHE), or a public housing authority</i>	Low
Absence of pre-existing project-based rental assistance <i>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</i>	Low
Transit-oriented development <i>Projects within ½-mile radius 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.</i>	Medium
Rural location <i>Projects located in cities with populations of 50,000 or less (per latest U.S. Census)</i>	Medium
Creation of new units serving ELI households, through new construction, adaptive reuse or conversion of market-rate units	Medium
Applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner <i>Projects that have</i> <ul style="list-style-type: none"> <li>(1) evidence of site control</li> <li>(2) evidence that the current zoning of the proposed site does not prohibit multifamily housing</li> <li>(3) evidence of all other non-MFA funding sources <ul style="list-style-type: none"> <li>a.) letters of interest from all other non-MFA funding</li> <li>b.) commitment letters from all other non-MFA funding sources</li> </ul> </li> </ul>	High
Use of state, local and private funding sources <i>Projects that have funding sources outside of federal funding sources, Low Income Housing Tax Credits, bond financing and MFA funding sources</i>	High
Extent to which the project provides permanent supportive housing	High

d. Describe the grantee's required priority for funding based on geographic diversity (as defined by the grantee in the Consolidated Plan). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Points within this scoring criterion are given based on the project's distance from another Low Income Housing Tax Credit, public housing, or federally-subsidized housing project. This scoring criterion falls within the Low Priority category.

e. Describe the grantee's required priority for funding based on the applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner is awarded points based on the following criteria:

- (1) Evidence of site control
- (2) Evidence that the current zoning of the proposed site does not prohibit multifamily housing
- (3) Evidence of all other non-MFA funding sources, such as:
  - a. Letters of interest from all other non-MFA funding
  - b. Commitment letters from all other non-MFA funding sources

This scoring criterion falls within the High Priority category.

f. Describe the grantee's required priority for funding based on the extent to which the rental project has Federal, State, or local project-based rental assistance so that rents are affordable to extremely low-income families. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Applicants are awarded points for projects that either do not have project-based rental assistance or projects that have or will have project-based rental assistance cover less than or equal to 25 percent of the total units. This scoring criterion falls within the Low Priority category.

g. Describe the grantee's required priority for funding based on the financial feasibility of the project beyond the required 30-year period. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Applicants are awarded points if the duration of the affordability period beyond the required 30 years is an additional five (5) years or more. This scoring criterion falls within the Low Priority category.

h. Describe the grantee's required priority for funding based on the merits of the application in meeting the priority housing needs of the grantee (such as housing that is accessible to transit or employment centers, housing that includes green building and sustainable development features, or housing that



serves special needs populations). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

One of the State's priority housing needs, as described in SP-25, is to preserve and develop affordable housing. Applications selected to receive HTF funding will meet this priority housing need and will specifically fulfill the State's goal, associated with that priority need, of developing housing for vulnerable populations.

13. Describe the grantee's required priority for funding based on the extent to which the application makes use of non-federal funding sources. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Applicants whose projects have funding sources outside of federal funding sources, Low Income Housing Tax Credits, bond financing and MFA funding sources are awarded points.

5. Does the grantee's application require the applicant to include a description of the eligible activities to be conducted with HTF funds? If not distributing funds by selecting applications submitted by eligible recipients, select "N/A".

☒ Yes ☐ No ☐ N/A

6. Does the grantee's application require that each eligible recipient certify that housing units assisted with HTF funds will comply with HTF requirements? If not distributing funds by selecting applications submitted by eligible recipients, select "N/A".

☒ Yes ☐ No ☐ N/A

7. **Performance Goals and Benchmarks.** The grantee has met the requirement to provide for performance goals and benchmarks against which the grantee will measure its progress, consistent with the grantee's goals established under 24 CFR 91.315(b)(2), by including HTF in its housing goals in the housing table on the SP-45 Goals and AP-20 Annual Goals and Objectives screens.

☒ Yes ☐ No ☐ N/A

8. **Maximum Per-unit Development Subsidy Amount for Housing Assisted with HTF Funds.** Enter or attach the grantee's maximum per-unit development subsidy limits for housing assisted with HTF funds.

The limits must be adjusted for the number of bedrooms and the geographic location of the project. The limits must also be reasonable and based on actual costs of developing non-luxury housing in the area.

If the grantee will use existing limits developed for other federal programs such as the Low Income Housing Tax Credit (LIHTC) per unit cost limits, HOME's maximum per-unit subsidy amounts and/or Public Housing Development Cost Limits (TDCs), it must include a description of how the HTF maximum

per-unit development subsidy limits were established or a description of how existing limits developed for another program and being adopted for HTF meet the HTF requirements specified above.

MFA will use the maximum per-unit subsidy limits for HUD's HOME program in effect at the time of commitment of HTF funds.

MFA examined the development cost budgets of recent MFA-funded projects and determined that all were well within these subsidy limits, and that these limits would allow cost premiums that may be necessary in developing housing for certain ELI populations.

**9. Rehabilitation Standards.** The grantee must establish rehabilitation standards for all HTF-assisted housing rehabilitation activities that set forth the requirements that the housing must meet upon project completion. The grantee's description of its standards must be in sufficient detail to determine the required rehabilitation work including methods and materials. The standards may refer to applicable codes or they may establish requirements that exceed the minimum requirements of the codes. The grantee must attach its rehabilitation standards below.

In addition, the rehabilitation standards must address each of the following: health and safety; major systems; lead-based paint; accessibility; disaster mitigation (where relevant); state and local codes, ordinances and zoning requirements; Uniform Physical Condition Standards; and Capital Needs Assessments (if applicable).

See attached *HTF Allocation Plan* in the Grantee Unique Appendices for the HTF rehabilitation standards.

**10. Resale or Recapture Guidelines.** Below, the grantee must enter (or attach) a description of the guidelines that will be used for resale or recapture of HTF funds when used to assist first-time homebuyers. If the grantee will not use HTF funds to assist first-time homebuyers, enter "N/A".

N/A

**11. HTF Affordable Homeownership Limits.** If the grantee intends to use HTF funds for homebuyer assistance and does not use the HTF affordable homeownership limits for the area provided by HUD, it must determine 95 percent of the median area purchase price and set forth the information in accordance with §93.305. If the grantee will not use HTF funds to assist first-time homebuyers, enter "N/A".

N/A

**12. Grantee Limited Beneficiaries or Preferences.** Describe how the grantee will limit the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population to serve unmet needs identified in its Consolidated Plan or Annual Action Plan. If the grantee will not limit the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population, enter "N/A."

Any limitation or preference must not violate nondiscrimination requirements in § 93.350, and the grantee must not limit or give preferences to students. The grantee may permit rental housing owners to limit tenants or give a preference in accordance with § 93.303(d)(3) only if such limitation or preference is described in the action plan.

HTF applicants are permitted to limit occupancy to or provide preference to the following populations in accordance with 24 CFR 93.303(d):

- Households or individuals experiencing homelessness;
- Individuals with disabilities;
- Individuals with severe mental illnesses;
- Individuals with alcohol or other addictions;
- Individuals with HIV/AIDS;
- Victims of domestic violence;
- Senior housing;
- Veterans;
- Individuals on public housing waiting lists;
- Youth transitioning out of foster care; and
- Ex-offenders

While not required to limit occupancy or provide preference to the populations described above, owners of HTF-assisted projects who do must do so in accordance with 24 CFR 93.303(d). The intent is merely to allow owners of HTF-assisted projects to limit occupancy to or provide preference to populations identified within this section as well as the priority housing needs identified in the New Mexico Consolidated Plan. Any limitation or preference must not violate nondiscrimination requirements. Federal fair housing requirements, including the duty to affirmatively further fair housing, are applicable to the HTF program. A limitation does not violate nondiscrimination requirements if the project also receives funding from a federal program that limits eligibility to a particular segment of the population (e.g. Housing Opportunity for Persons Living with AIDS program, the Section 202 and Section 811 programs) or the Housing for Older Persons Act.

**13. Refinancing of Existing Debt.** Enter or attach the grantee's refinancing guidelines below. The guidelines describe the conditions under which the grantee will refinance existing debt. The grantee's refinancing guidelines must, at minimum, demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing. If the grantee will not refinance existing debt, enter "N/A."

MFA may, at its discretion, use HTF funds for refinancing only when needed in order to permit or continue affordability of rental units when (1) rehabilitation is the primary activity, (2) the use of HTF funds is proportional to the number of HTF-assisted units in the project, and (3) the

rehabilitation cost attributable to the HTF units is greater than the amount of debt to be refinanced that is attributed to the HTF units. To ensure that refinancing of existing debt with HTF funds meets the requirements of 24 CFR 93.201(b)(1), the rehabilitation cost proportional to the number of HTF-assisted units in the rental project must be greater than the amount of refinanced debt proportional to the number of HTF-assisted units. Rehabilitation expenditures must be at least \$7,100 per unit being rehabilitated, indexed annually for inflation. MFA's minimum affordability period and underwriting standards for an initial investment of HTF funds would apply, which include: adequacy of management and owner, feasibility of project to meet operational and debt service requirements, consistency with the market and review of total development costs and sources available to meet these needs. HTF funds for this purpose may be used statewide.

#### Discussion:

Please see the 2022 HTF Allocation Plan in the Grantee Unique Appendices.

#### Data Sources

1	<b>Data Source Name</b>  2012-2016 ACS 5-Yr Estimates
	<b>List the name of the organization or individual who originated the data set.</b>  US Census Bureau
	<b>Provide a brief summary of the data set.</b>  The American Community Survey (ACS) is an ongoing survey that provides data every year -- giving communities the current information they need to plan investments and services. Information from the survey generates data that help determine how more than \$400 billion in federal and state funds are distributed each year. The ACS is accessed through the American FactFinder website, which provides data about the United States, Puerto Rico and the Island Areas.

	<p><b>What was the purpose for developing this data set?</b></p> <p>Information from the ACS helps determine how more than \$400 billion in federal and state funds are distributed each year to help communities, state governments, and federal programs.</p>
	<p><b>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</b></p> <p>The State of New Mexico</p>
	<p><b>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</b></p> <p>2012-2016 ACS 5-Year Estimates</p>
	<p><b>What is the status of the data set (complete, in progress, or planned)?</b></p> <p>Complete</p>
2	<p><b>Data Source Name</b></p> <p>2011-2015 CHAS</p>
	<p><b>List the name of the organization or individual who originated the data set.</b></p> <p>US Census Bureau, American Community Survey (ACS) and U.S. Department of Housing and Urban Development (HUD)</p>
	<p><b>Provide a brief summary of the data set.</b></p> <p>Each year, the U.S. Department of Housing and Urban Development (HUD) receives custom tabulations of American Community Survey (ACS) data from the U.S. Census Bureau. These data, known as the “CHAS” data (Comprehensive Housing Affordability Strategy), demonstrate the extent of housing problems and housing needs, particularly for low income households.</p>
	<p><b>What was the purpose for developing this data set?</b></p> <p>The CHAS data are used by local governments to plan how to spend HUD funds, and may also be used by HUD to distribute grant funds.</p>

	<p><b>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</b></p> <p>The State of New Mexico</p>
	<p><b>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</b></p> <p>2011-2015 CHAS</p>
	<p><b>What is the status of the data set (complete, in progress, or planned)?</b></p> <p>Complete</p>
3	<p><b>Data Source Name</b></p> <p>2000 Census, 2012-2016 ACS</p>
	<p><b>List the name of the organization or individual who originated the data set.</b></p> <p>US Census Bureau</p>
	<p><b>Provide a brief summary of the data set.</b></p> <p>The US Census 2000 contains detailed tables presenting data for the United States, 50 states, the District of Columbia and Puerto Rico focusing on age, sex, households, families, and housing units. These tables provide in-depth figures by race and ethnicity.</p> <p>The American Community Survey (ACS) is an ongoing survey that provides data every year – giving communities the current information they need to plan investments and services. Information from the survey generates data that help determine how more than \$400 billion in federal and state funds are distributed each year. The ACS is accessed through the American FactFinder website, which provides data about the United States, Puerto Rico and the Island Areas.</p>

	<p><b>What was the purpose for developing this data set?</b></p> <p>Census information affects the numbers of seats a state occupies in the U.S. House of Representatives. An accurate count of residents can also benefit the community. The information the census collects helps to determine how more than \$400 billion dollars of federal funding each year is spent on infrastructure and services. Among other things, Census data is used to advocate for causes, rescue disaster victims, prevent diseases, research markets, locate pools of skilled workers and more.</p> <p>ACS: Information from the ACS help determine how more than \$400 billion in federal and state funds are distributed each year to help communities, state governments, and federal programs.</p>
	<p><b>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</b></p> <p>The State of New Mexico</p>
	<p><b>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</b></p> <p>2000 Census</p> <p>2012-2016 ACS 5-Year Estimates</p>
	<p><b>What is the status of the data set (complete, in progress, or planned)?</b></p> <p>Complete</p>
4	<p><b>Data Source Name</b></p> <p>2011-2015 ACS (Workers), 2015 LEHD (Jobs)</p>
	<p><b>List the name of the organization or individual who originated the data set.</b></p> <p>2011-2015 ACS and 2015 Longitudinal Employee-Household Dynamics: United States Census Bureau</p>

	<p><b>Provide a brief summary of the data set.</b></p> <p>The American Community Survey (ACS) is an ongoing survey that provides data every year -- giving communities the current information they need to plan investments and services. Information from the survey generates data that help determine how more than \$400 billion in federal and state funds are distributed each year. The ACS is accessed through the American FactFinder website, which provides data about the United States, Puerto Rico and the Island Areas.</p> <p>The Longitudinal Employer-Household Dynamics (LEHD) program is part of the Center for Economic Studies at the U.S. Census Bureau. The LEHD program produces new, cost effective, public-use information combining federal, state and Census Bureau data on employers and employees under the Local Employment Dynamics (LED) Partnership.</p>
	<p><b>What was the purpose for developing this data set?</b></p> <p>ACS: Information from the ACS help determine how more than \$400 billion in federal and state funds are distributed each year to help communities, state governments, and federal programs.</p> <p>LEHD: Information from the LEHD helps state and local authorities who increasingly need detailed local information about their economies to make informed decisions. The LEHD Partnership works to fill critical data gaps and provide indicators needed by state and local authorities. LEHD's mission is to provide new dynamic information on workers, employers, and jobs with state-of-the-art confidentiality protections and no additional data collection burden.</p>
	<p><b>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</b></p> <p>The State of New Mexico</p>
	<p><b>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</b></p> <p>2011-2015 ACS (Workers), 2015 LEHD (Jobs)</p>
	<p><b>What is the status of the data set (complete, in progress, or planned)?</b></p> <p>Complete</p>
5	<p><b>Data Source Name</b></p> <p>2018 CoC PIT</p>



	<p><b>List the name of the organization or individual who originated the data set.</b></p> <p>The City of Albuquerque CoC and the Balance of State CoC.</p>
	<p><b>Provide a brief summary of the data set.</b></p> <p>The Point-in-Time (PIT) count is data on the number of sheltered and unsheltered people and their characteristics experiencing homelessness on a given night as reported by the Continuums of Care.</p>
	<p><b>What was the purpose for developing this data set?</b></p> <p>To identify the number and characteristics of homeless individuals and families on a given night in the state to assess the available resources and inform the CoCs of program needs.</p>
	<p><b>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</b></p> <p>The State of New Mexico is covered by the City of Albuquerque CoC and the Balance of State CoC.</p>
	<p><b>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</b></p> <p>January 2018</p>
	<p><b>What is the status of the data set (complete, in progress, or planned)?</b></p> <p>Complete</p>
6	<p><b>Data Source Name</b></p> <p>NM HIV Surveillance &amp; Epidemiology Program, 2016 Annual Report</p>
	<p><b>List the name of the organization or individual who originated the data set.</b></p> <p>New Mexico Department of Health</p>

	<p><b>Provide a brief summary of the data set.</b></p> <p>The New Mexico Department of Health's HIV Surveillance &amp; Epidemiology Program collects, analyzes, and disseminates surveillance data on HIV infection in New Mexico. This data is collected into an HIV surveillance annual report and includes HIV infection population counts, characteristics, regional impacts and yearly trends.</p>
	<p><b>What was the purpose for developing this data set?</b></p> <p>The annual surveillance report summarizes information about diagnosed HIV infections of which this information is used by the New Mexico Department of Health's partners including other agencies, health departments, nonprofits, academic institutions and healthcare providers to help optimize efforts, plan services, allocate resources, develop policy and monitor trends in HIV infection.</p>
	<p><b>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</b></p> <p>The State of New Mexico</p>
	<p><b>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</b></p> <p>2016</p>
	<p><b>What is the status of the data set (complete, in progress, or planned)?</b></p> <p>Complete</p>
7	<p><b>Data Source Name</b></p> <p>2018 HOPWA CAPER</p>
	<p><b>List the name of the organization or individual who originated the data set.</b></p> <p>MFA Community Development Department</p>
	<p><b>Provide a brief summary of the data set.</b></p> <p>The 2018 HOPWA CAPER is an annual report providing program accomplishments for serving persons with HIV/AIDS and is part of the 2018 Consolidated Annual Performance and Evaluation Report that is submitted to HUD 90 days following the end of the program year. The HOPWA CAPER provides beneficiary counts and demographic and economic characteristics.</p>

	<p><b>What was the purpose for developing this data set?</b></p> <p>The 2018 HOPWA CAPER provides annual information on program accomplishments that supports program evaluation and the ability to measure program beneficiary outcomes as related to maintaining housing stability, prevent homelessness and improve access to care and support for persons with HIV/AIDS.</p>
	<p><b>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</b></p> <p>The State of New Mexico</p>
	<p><b>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</b></p> <p>2018</p>
	<p><b>What is the status of the data set (complete, in progress, or planned)?</b></p> <p>Complete</p>
8	<p><b>Data Source Name</b></p> <p>HUD 2019 Fair Market Rents (FMR)</p>
	<p><b>List the name of the organization or individual who originated the data set.</b></p> <p>US Department of Housing and Urban Development (HUD)</p>
	<p><b>Provide a brief summary of the data set.</b></p> <p>Fair Market Rents (FMRs) are set by HUD and used to determine payment standard amounts for HUD Programs. HUD annually estimates FMRs for Office of Management and Budget (OMB) defined metropolitan areas, some HUD defined subdivisions of OMB metropolitan areas and each nonmetropolitan county. FMRs are displayed for efficiency (studio), 1-bedroom, 2-bedroom, 3-bedroom and 4-bedroom units by local counties as there is no statewide FMR.</p>
	<p><b>What was the purpose for developing this data set?</b></p> <p>Fair Market Rents (FMRs) are set by HUD and used to determine payment standard amounts for HUD Programs such as HOME.</p>

	<p><b>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</b></p> <p>The State of New Mexico</p>
	<p><b>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</b></p> <p>2019</p>
	<p><b>What is the status of the data set (complete, in progress, or planned)?</b></p> <p>Complete</p>
9	<p><b>Data Source Name</b></p> <p>HUD 2018 CoC Homeless Assistance Programs, Housing Inventory Count Report</p>
	<p><b>List the name of the organization or individual who originated the data set.</b></p> <p>This data is provided to HUD by the two CoCs in New Mexico: Albuquerque CoC and the New Mexico Balance of State CoC.</p>
	<p><b>Provide a brief summary of the data set.</b></p> <p>The CoC Homeless Assistance Programs, Housing Inventory Count (HIC) Report is a count of all the emergency shelter beds, transitional housing beds and permanent supportive housing beds in the state.</p>
	<p><b>What was the purpose for developing this data set?</b></p> <p>HIC counts provide a snapshot of the homeless housing inventory in the state. The HIC reports from each CoC tally the number of beds and units available on the night designated for the count by program type, and include beds dedicated to serve persons who are homeless as well as persons in Permanent Supportive Housing.</p>
	<p><b>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</b></p> <p>The State of New Mexico</p>

	<p><b>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</b></p> <p>2018</p>
	<p><b>What is the status of the data set (complete, in progress, or planned)?</b></p> <p>Complete</p>

## Grantee Appendices

Part A:	Public Hearings
Part B:	Publication Affidavit
Part C:	Citizen Participation Plan
Part D:	Housing Trust Fund Allocation Plan
Part E:	Design Standards
Part F:	HOME Recapture Affordability Guidelines
Part G:	ESG Written Standards
Part H:	HOME Purchase Price Limits

## PART A

## PART B





**NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD  
FOR THE DRAFT 2022 ANNUAL ACTION PLAN**

New Mexico Mortgage Finance Authority (MFA) and the Department of Finance and Administration, Local Government Division (DFA) are seeking public comment on the proposal of the 2022 Draft Annual Action Plan. The public comment period will begin on March 20, 2022, and end on April 20, 2022. A hybrid virtual and in-person public hearing will be held on April 19, 2022, at 9 a.m. The action plan governs administration of federal funding appropriated for housing and community development activities that benefit low and moderate income persons throughout the State of New Mexico.

This federal funding includes the following programs: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) and Housing Trust Fund (HTF). The state of New Mexico estimates receiving funding levels similar to 2021 year allocations. Once allocations are released the percentages will be proportionately distributed to the programs (CDBG, HOME, ESG, HOPWA, HTF). The 2022 Annual Action Plan outlines one year goals for the period beginning July 1, 2022 and ending June 30, 2023. These funds may be used for activities including but not limited to public facilities, infrastructure improvements, affordable housing development or preservation, economic development, homelessness prevention, rapid rehousing and program administration. The HOME, ESG, HOPWA and HTF programs are administered by MFA, and CDBG program is administered by DFA.

The draft 2022 Annual Action Plan is available on MFA's website at: <https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan>

and on DFA's website at: <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>

If you are unable to download the draft Action Plan, please contact MFA to request a copy (505-843-6880 or toll free 1-800-444-6880). Additionally, the documents can be provided in alternative formats (i.e., Braille/large print, audio tape) for the disabled and may also be translated into Spanish for Limited English Proficient (LEP) Spanish speaking persons, upon request.

Citizens, interested agencies, and for-profit and nonprofit organizations may attend a virtual or in-person public hearing on April 19, 2022, at 9 a.m. via webcast at <https://housingnm.org/meetings-events-notices> or in person at MFA's office provide comments.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, please contact Sherry Stephens at 505-767-2250 or toll free 1-800-444-6880; fax: 505-243-3289; e-mail: [sstephens@housingnm.org](mailto:sstephens@housingnm.org) TTY: 1-800-659-8331 for English and 1-800-327-1857 for Spanish; or mail: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102.

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Journal, March 13, 2022

# DAVIT OF PUBLICATION

## OF NEW MEXICO

f Bernalillo SS

toya, the undersigned, authorized Representative of the Albuquerque Journal, on oath this newspaper is duly qualified to publish legal notices or advertisements within the Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made as court cost; and that the notice, copy of which is hereto attached, was published in the regular daily edition, for 1 time(s) on the following date(s):



**OFFICIAL SEAL**  
**Phyllis A. Santora**

NOTARY PUBLIC - State of New Mexico

My Commission Expires 7-19-2022

*Phyllis A. Santora*

*David Montoya*

and subscribed before me, a Notary Public, in and County of Bernalillo and State of New Mexico this of March of 2022

\$272.75

to come at the end of month.

T NUMBER 1011094

# AFFIDAVIT OF PUBLICATION

## STATE OF NEW MEXICO

County of Bernalillo SS

David Montoya, the undersigned, authorized Representative of the Albuquerque Journal, on oath states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made of assessed as court cost; and that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

03/13/2022



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Phyllis A. Santora

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14 day of March of 2022

PRICE \$272.75

Statement to come at the end of month.

ACCOUNT NUMBER 1011094

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Journal March 13, 2022



**ATENCIÓN DE LA AUDIENCIA PÚBLICA Y PERÍODO  
DE COMENTARIOS PÚBLICOS PARA EL PROYECTO  
DE PLAN DE ACCIÓN ANUAL 2022**

La Autoridad de Financiamiento Hipotecario de Nuevo México (MFA) y el Departamento de Finanzas y Administración, División de Gobierno Local (DFA) están buscando comentarios públicos sobre la propuesta del Borrador del Plan de Acción Anual 2022. El período de comentarios públicos comenzará el 20 de marzo de 2022 y finalizará el 20 de abril de 2022. Una audiencia pública híbrida virtual y en persona se llevará a cabo el 19 de abril de 2022, a las 9 a.m. El plan de acción rige la administración de fondos federales asignados para actividades de vivienda y desarrollo comunitario que benefician a personas de ingresos bajos y moderados en todo el Estado de Nuevo México.

Este financiamiento federal incluye los siguientes programas: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) y Housing Trust Fund (HTF). El estado de Nuevo México estima que recibe niveles de financiamiento similares a las asignaciones del año 2021. Una vez que se liberen las asignaciones, los porcentajes se distribuirán proporcionalmente a los programas (CDBG, HOME, ESG, HOPWA, HTF). El Plan de Acción Anual 2022 describe metas de un año para el período que comienza el 1 de julio de 2022 y finaliza el 30 de junio de 2023. Estos fondos se pueden utilizar para actividades que incluyen, entre otras, instalaciones públicas, mejoras de infraestructura, desarrollo o preservación de viviendas asequibles, desarrollo económico, prevención de personas sin hogar, realojamiento rápido y administración de programas. Los programas HOME, ESG, HOPWA y HTF son administrados por MFA, y el programa CDBG es administrado por DFA.

El borrador del Plan de Acción Anual 2022 está disponible en el sitio web de MFA en: <https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan> y en el sitio web de DFA en: <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>. Si no puede descargar el borrador del Plan de Acción, comuníquese con MFA para solicitar una copia (505-843-6880 o al número gratuito 1-800-444-6880). Además, los documentos se pueden proporcionar en formatos alternativos (es decir, Braille / letra grande, cinta de audio) para discapacitados y también se pueden traducir al español para personas de habla hispana con dominio limitado del inglés (LEP), previa solicitud. Los ciudadanos, las agencias interesadas y las organizaciones con fines de lucro y sin fines de lucro pueden asistir a una audiencia pública virtual o en persona el 19 de abril de 2022, a las 9 a.m. a través de webcast en <https://housingnm.org/meetings-events-notice> o en persona en la oficina de MFA proporcionar comentarios.

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Los ciudadanos, las agencias interesadas y las organizaciones con fines de lucro y sin fines de lucro pueden proporcionar comentarios en cualquier momento durante el período de comentarios públicos, que comenzará el 20 de marzo de 2022 y terminará a las 11:59 p.m. MDT, 20 de abril de 2022. Los comentarios y/o preguntas por escrito pueden dirigirse a Sherry Stephens 505-767-2250 o al número gratuito 1-800-444-6880; fax: 505-243-3289; correo electrónico: [sstephens@housingnm.org](mailto:sstephens@housingnm.org); o correo postal: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. Después de recibir los comentarios públicos, el personal de MFA preparará un resumen de todos los comentarios recibidos por escrito y, en los casos en que no se acepten las opiniones de los ciudadanos, proporcionará las razones de la decisión. Esta documentación se adjuntará al Plan de Acción 2022 que se presentará al HUD.

Journal: March 13, 2022

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OFFICIAL SEAL  
Phyllis A. Santora

NOTARY PUBLIC - State of New Mexico

My Commission Expires 7-19-2022

*Phyllis A. Santora*

and subscribed before me, a Notary Public, in and County of Bernalillo and State of New Mexico this

of March of 2022

\$271.80

to come at the end of month.

T NUMBER 1011094

# AFFIDAVIT OF PUBLICATION

## STATE OF NEW MEXICO

County of Bernalillo

SS

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03/13/2022

ATENCIONDELA AUDI  
ENCIAPUBLICAYPERI  
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AUTORIDADDEFINAN  
CIAMIENTOHIPOTECA  
RIO

David Montoya

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14 day of March of 2022

PRICE \$271.80

Statement to come at the end of month.

ACCOUNT NUMBER 1011094



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Journal: March 13, 2022



47  
AFFIDAVIT OF LEGAL PUBLICATION

Legal 9482

STATE OF NEW MEXICO  
COUNTIES OF CURRY  
AND ROOSEVELT:

The undersigned, being dully sworn, says:

That she is a Legal Clerk of

The Eastern New Mexico News

Newspaper of general circulation,

Published in English at Clovis and Portales,

said counties and state, and that the

hereto attached

Notice of Public Hearing

Legal 9482


was published in The Eastern New Mexico News  
a daily newspaper duly qualified for that purpose  
within the meaning of Chapter 167 of the 1937  
Session Laws of the State of New Mexico for  
3 Days/weeks on the same days as follows:

First Publication     March 16, 2022

Second Publication

Third Publication

Fourth Publication

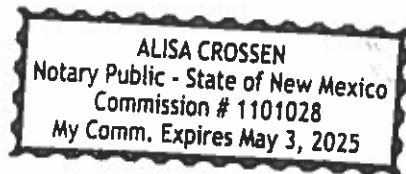
  
\_\_\_\_\_  
Legal Clerk

Subscribed and sworn to before me,

March 16, 2022

  
\_\_\_\_\_  
Notary Public

My commission expires on May 3, 2025



IN THE MATTER OF  
THE ESTATE OF  
Kenneth Dale Vaughan,  
DECEASED.

**NOTICE TO  
CREDITORS**

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of this estate of the decedent. All persons having claims against the estate of the decedent are required to present their claims within four (4) months after the date of the first publication of any published notice to creditors or sixty (60) days after the date of mailing or other delivery of this notice, whichever is later, or the claims will be forever barred. Claims must be presented either to the undersigned personal representative at the address listed below, or filed with the Probate Court of Curry County, New Mexico, located at the following address: 400 Axtell Street, Clovis, NM 88101.

Dated: March 4, 2022

/s/ Kenneth Dale  
Vaughan, Jr.  
Kenneth Dale Vaughan,  
Jr.  
1075 Premier View Dr.  
Fredericksburg, TX  
78624

**Legal 9480  
March 16, 2022**

**NOTICE OF BOND  
SALE AND DELEGA-  
TION OF AUTHORITY**

CLOVIS MUNICIPAL  
SCHOOL DISTRICT NO.  
1  
COUNTY OF CURRY,  
NEW MEXICO  
\$8,425,000  
GENERAL OBLIGATION  
SCHOOL REFUNDING  
BONDS,

Campus, is interested in Adding 120V Panels In (7) Buildings, Add (3) HVAC Split Systems, and Prep for a Propane Generator.

The University reserves the right to waive any irregularities, to reject any or all bids and to select the bid deemed most advantageous to the University.

Eastern New Mexico University is an affirmative action and equal opportunity employer

**Legal 9482  
March 16, 2022**

**NOTICE OF PUBLIC  
HEARING AND PUBLIC  
COMMENT PERIOD  
FOR THE DRAFT 2022  
ANNUAL ACTION  
PLAN**

New Mexico Mortgage Finance Authority (MFA) and the Department of Finance and Administration, Local Government Division (DFA) are seeking public comment on the proposal of the 2022 Draft Annual Action Plan. The public comment period will begin on March 20, 2022, and end on April 20, 2022. A hybrid virtual and in-person public hearing will be held on April 19, 2022, at 9 a.m. The action plan governs administration of federal funding appropriated for housing and community development activities that benefit low and moderate income persons throughout the State of New Mexico.

This federal funding includes the following programs: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG),

notice for non-English speaking participants and individuals with disabilities by calling 505-843-6880.

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**ATENCIÓN DE LA AUDI-  
ENCIA PÚBLICA Y  
PERÍODO DE COMEN-  
TARIOS PÚBLICOS  
PARA EL PROYECTO  
DE PLAN DE ACCIÓN  
ANUAL 2022**

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# Farmington Daily Times

PART OF THE USA TODAY NETWORK

## Affidavit of Publication

Ad # 0005168748

This is not an invoice

NEW MEXICO MORTGAGE FINANCE AU  
344 4 TH ST SW

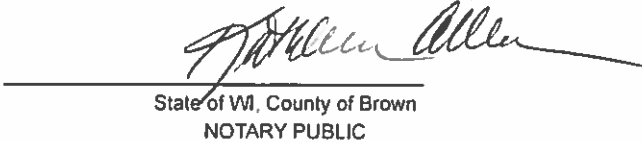
ALBUQUERQUE, NM 87102

I, being duly sworn say: Farmington Daily Times, a daily newspaper of general circulation published in English at Farmington, said county and state, and that the hereto attached Legal Notice was published in a regular and entire issue of the said DAILY TIMES, a daily newspaper duly qualified for the purpose within the State of New Mexico for publication and appeared in the internet at The Daily Times web site on the following day(s):

03/13/2022

  
\_\_\_\_\_  
Legal Clerk

Subscribed and sworn before me this March 14, 2022:

  
\_\_\_\_\_  
State of WI, County of Brown  
NOTARY PUBLIC

1-7-95

My commission expires

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

Ad # 0005168748

PO #:

# of Affidavits 1

This is not an invoice

**NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT  
PERIOD FOR THE DRAFT 2022 ANNUAL ACTION PLAN**

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This federal funding includes the following programs: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) and Housing Trust Fund (HTF). The state of New Mexico estimates receiving funding levels similar to 2021 year allocations. Once allocations are released the percentages will be proportionately distributed to the programs (CDBG, HOME, ESG, HOPWA, HTF). The 2022 Annual Action Plan outlines one year goals for the period beginning July 1, 2022 and ending June 30, 2023. These funds may be used for activities including but not limited to public facilities, infrastructure improvements, affordable housing development or preservation, economic development, homelessness prevention, rapid rehousing and program administration. The HOME, ESG, HOPWA and HTF programs are administered by MFA, and CDBG program is administered by DFA. The draft 2022 Annual Action Plan is available on MFA's website at:

<https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan>

and on DFA's website at:

<https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>

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COMENTARIOS PÚBLICOS PARA EL PROYECTO DE PLAN DE  
ACCIÓN ANUAL 2022**

La Autoridad de Financiamiento Hipotecario de Nuevo México (MFA) y el Departamento de Finanzas y Administración, División de Gobierno Local (DFA) están buscando comentarios públicos sobre la propuesta del Borrador del Plan de Acción Anual 2022. El período de comentarios públicos comenzará el 20 de marzo de 2022 y finalizará el 20 de abril de 2022. Una audiencia pública híbrida virtual y en persona se llevará a cabo el 19 de abril de 2022, a las 9 a.m. El plan de acción rige la administración de fondos federales asignados para actividades de vivienda y desarrollo comunitario que benefician a personas de ingresos bajos y moderados en todo el Estado de Nuevo



#### IV. ACCIÓN.

Este financiamiento federal incluye los siguientes programas: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) y Housing Trust Fund (HTF). El estado de Nuevo México estima que recibe niveles de financiamiento similares a las asignaciones del año 2021. Una vez que se liberen las asignaciones, los porcentajes se distribuirán proporcionalmente a los programas (CDBG, HOME, ESG, HOPWA, HTF). El Plan de Acción Anual 2022 describe metas de un año para el período que comienza el 1 de julio de 2022 y finaliza el 30 de junio de 2023. Estos fondos se pueden utilizar para actividades que incluyen, entre otras, instalaciones públicas, mejoras de infraestructura, desarrollo o preservación de viviendas asequibles, desarrollo económico, prevención de personas sin hogar, realojamiento rápido y administración de programas. Los programas HOME, ESG, HOPWA y HTF son administrados por MFA, y el programa CDBG es administrado por DFA.

El borrador del Plan de Acción Anual 2022 está disponible en el sitio web de MFA en: <https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan> y en el sitio web de DFA en: <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>

Si no puede descargar el borrador del Plan de Acción, comuníquese con MFA para solicitar una copia (505-843-6880 o al número gratuito 1-800-444-6880). Además, los documentos se pueden proporcionar en formatos alternativos (es decir, Braille / letra grande, cinta de audio) para discapacitados y también se pueden traducir al español para personas de habla hispana con dominio limitado del inglés (LEP), previa solicitud. Los ciudadanos, las agencias interesadas y las organizaciones con fines de lucro y sin fines de lucro pueden asistir a una audiencia pública virtual o en persona el 19 de abril de 2022, a las 9 a.m. a través de webcast en <https://housingnm.org/meetings-events-notice> o en persona en la oficina de MFA proporcionar comentarios.

Si usted es una persona con una discapacidad que necesita un lector, amplificador, intérprete calificado de lenguaje de señas o cualquier otra forma de ayuda o servicio auxiliar, comuníquese con Sherry Stephens al 505-767-2250 o al número gratuito 1-800-444-6880; fax: 505-243-3289; correo electrónico: [sstephens@housingnm.org](mailto:sstephens@housingnm.org) TTY: 1-800-659-8331 para inglés y 1-800-327-1857 para español; o correo postal: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. Las adaptaciones se pueden hacer dentro de las 48 horas de aviso para los participantes que no hablan inglés y las personas con discapacidades llamando al 505-843-6880.

Los ciudadanos, las agencias interesadas y las organizaciones con fines de lucro y sin fines de lucro pueden proporcionar comentarios en cualquier momento durante el período de comentarios públicos, que comenzará el 20 de marzo de 2022 y terminará a las 11:59 p.m. MDT, 20 de abril de 2022.

Los comentarios y/o preguntas por escrito pueden dirigirse a Sherry Stephens 505-767-2250 o al número gratuito 1-800-444-6880; fax: 505-243-3289; correo electrónico: [sstephens@housingnm.org](mailto:sstephens@housingnm.org); o correo postal: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. Después de recibir los comentarios públicos, el personal de MFA preparará un resumen de todos los comentarios recibidos por escrito y, en los casos en que no se acepten las opiniones de los ciudadanos, proporcionará las razones de la decisión. Esta documentación se adjuntará al Plan de Acción 2022 que se presentará al HUD.

#5168748, The Daily Times, Mar. 13, 2022

55.

# Las Cruces Sun News.

PART OF THE USA TODAY NETWORK

## Affidavit of Publication

Ad # 0005169013

This is not an invoice

NEW MEXICO MORTGAGE FINANCE - ALBUQ  
344 4 TH ST SW

ALBUQUERQUE, NM 87102


I, a legal clerk of the Las Cruces Sun News, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof in editions dated as follows:

03/13/2022

Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

  
Legal Clerk

Subscribed and sworn before me this March 14, 2022:

  
State of WI, County of Brown  
NOTARY PUBLIC  
1-7-25

My commission expires

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

Ad # 0005169013

PO #

# of Affidavits 1

This is not an invoice

**NOTICE OF PUBLIC HEARING  
AND PUBLIC COMMENT  
PERIOD  
FOR THE DRAFT 2022  
ANNUAL ACTION PLAN**

New Mexico Mortgage Finance Authority (MFA) and the Department of Finance and Administration, Local Government Division (DFA) are seeking public comment on the proposal of the 2022 Draft Annual Action Plan. The public comment period will begin on March 20, 2022, and end on April 20, 2022. A hybrid virtual and in-person public hearing will be held on April 19, 2022, at 9 a.m. The action plan governs administration of federal funding appropriated for housing and community development activities that benefit low and moderate income persons throughout the State of New Mexico.

This federal funding includes the following programs: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) and Housing Trust Fund (HTF). The state of New Mexico estimates receiving funding levels similar to 2021 year allocations. Once allocations are released the percentages will be proportionately distributed to the programs (CDBG, HOME, ESG, HOPWA, HTF). The 2022 Annual Action Plan outlines one year goals for the period beginning July 1, 2022 and ending June 30, 2023. These funds may be used for activities including but not limited to public facilities, infrastructure improvements, affordable housing development or preservation, economic development, homelessness prevention, rapid rehousing and program administration. The HOME, ESG, HOPWA and HTF programs are administered by MFA, and CDBG program is administered by DFA.

The draft 2022 Annual Action Plan is available on

MFA's website at:  
<https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan>

and on DFA's website at:  
<https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>

If you are unable to download the draft Action Plan, please contact MFA to request a copy (505-843-6880 or toll free 1-800-444-6880). Additionally, the documents can be provided in alternative formats (i.e., Braille/large print, audio tape) for the disabled and may also be translated into Spanish for Limited English Proficient (LEP) Spanish speaking persons, upon request.

Citizens, interested agencies, and for-profit and non-profit organizations may attend a virtual or in-person public hearing on April 19, 2022, at 9 a.m. via webcast at <https://housingnm.org/meetings-events-notices> or in person at MFA's office provide comments.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, please contact Sherry Stephens at 505-767-2250 or toll free 1-800-444-6880; fax: 505-243-3289; e-mail: [sstephens@housingnm.org](mailto:sstephens@housingnm.org) TTY: 1-800-659-8331 for English and 1-800-327-1857 for Spanish; or mail: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102.

Accommodations can be made within 48 hours notice for non-English speaking participants and individuals with disabilities by calling 505-843-6880.

Citizens, interested agencies, and for-profit and non-profit organizations may provide comments at any time during the public comment period, which will be-

gin on March 20, 2022, and end at 11:59 p.m. MDT, April 20, 2022. Written comments and/or questions may be directed to Sherry Stephens 505-767-2250 or toll free 1-800-444-6880; fax: 505-243-3289; e-mail: sstephens@housingnm.org; or mail: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. After receipt of public comments, MFA staff will prepare a summary of all comments received in writing and, in cases where any citizen views are not accepted, provide reasons for the decision. This documentation will be attached to the 2022 Action Plan that will be submitted to HUD.

The final amended plan approved by HUD will be available on MFA's website at and at DFA's website at <https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan> and <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>

ATENCIÓN DE LA  
AUDIENCIA PÚBLICA Y  
PERÍODO DE COMENTARIOS  
PÚBLICOS PARA EL  
PROYECTO DE PLAN DE  
ACCIÓN ANUAL 2022

La Autoridad de Financiamiento Hipotecario de Nuevo México (MFA) y el Departamento de Finanzas y Administración, División de Gobierno Local (DFA) están buscando comentarios públicos sobre la propuesta del Borrador del Plan de Acción Anual 2022. El periodo de comentarios públicos comenzará el 20 de marzo de 2022 y finalizará el 20 de abril de 2022. Una audiencia pública híbrida virtual y en persona se llevará a cabo el 19 de abril de 2022, a las 9 a.m. El plan de acción rige la administración de fondos federales asignados para actividades de vivienda y desarrollo comunitario que benefician a personas de ingresos bajos y moderados en todo el Estado de Nuevo México.

Este financiamiento federal

incluye los siguientes programas: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) y Housing Trust Fund (HTF). El estado de Nuevo México estima que recibe niveles de financiamiento similares a las asignaciones del año 2021. Una vez que se liberen las asignaciones, los porcentajes se distribuirán proporcionalmente a los programas (CDBG, HOME, ESG, HOPWA, HTF). El Plan de Acción Anual 2022 describe metas de un año para el periodo que comienza el 1 de julio de 2022 y finaliza el 30 de junio de 2023. Estos fondos se pueden utilizar para actividades que incluyen, entre otras, instalaciones públicas, mejoras de infraestructura, desarrollo o preservación de viviendas asequibles, desarrollo económico, prevención de personas sin hogar, realojamiento rápido y administración de programas. Los programas HOME, ESG, HOPWA y HTF son administrados por MFA, y el programa CDBG es administrado por DFA.

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#5169013, Sun-News, March  
13, 2022





Las Vegas Optic  
2863 W 95th St. Ste 143-152  
Naperville, IL 60564  
507-263-3991

Bill to: Bill to ID: 32516

AL RADICION  
NEW MEXICO MORTGAGE FINANCE  
AUTHORITY  
344 4TH ST. SW  
ALBUQUERQUE, NM 87102

Sold to: Account ID: 32516

AL RADICION  
NEW MEXICO MORTGAGE FINANCE  
AUTHORITY  
344 4TH ST. SW  
ALBUQUERQUE, NM 87102

# Invoice

Invoice # 329283  
Invoice Date: 3/15/2022  
Terms: Net 20  
Rep: CF

## Ad Insertions included in this Invoice

Date	Type	Description	Charge	Disc	Tax	Applied	Total
3/16/22	Sale	22030063 – NMMFA - 2022	\$277.44		\$23.29		\$300.73
3/16/22	Sale	Int	\$13.00		\$1.09		\$14.09

Please make check payable to  
Las Vegas Optic  
Thank you for your business!

Total Charges	\$290.44
Discount	
Tax	\$24.38
Payments Applied	
Total Balance Due by 4/4/2022	\$314.82

Please return this portion with your payment

## Advertising Invoice

Invoice Date: 3/15/2022

Invoice # 329283

Account # 32516

Amount Enclosed \_\_\_\_\_

### Remit Payment to:

Las Vegas Optic  
2863 W 95th St. Ste 143-152  
Naperville, IL 60564

22030063 – 2022 Draft Ann...  
Total Balance Due by 4/4/2022 \$314.82

## AFFIDAVIT OF PUBLICATION

COUNTIES OF SAN MIGUEL and MORA,  
STATE OF NEW MEXICO } ss.

Phil Scherer, Editor, being first duly sworn, on oath states that he is a Manager of the Las Vegas Optic, a semi-weekly newspaper of general paid and general circulation in San Miguel and Mora Counties, New Mexico, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of the provisions of Chapter 167, session Laws of 1937, and that payment therefor has been made and assessed as court costs. That the notice of which a copy as published is hereto attached and hereby made a part hereof was published in said newspaper once each week for 1 consecutive insertion(s). That the first publication being on the 16th day of March, 2022 and the subsequent consecutive publications on the \_\_\_\_na\_\_\_\_ day(s) of \_\_\_\_\_, 20\_\_\_\_.

Price: \$314.82.

Account Number: 32519.



Editor

Subscribed and sworn to before me this  
16th day of March, 2022.



Notary Public

STATE OF NEW MEXICO  
NOTARY PUBLIC  
CYNTHIA MARIE FITCH  
COMMISSION NUMBER 1095967  
EXPIRATION DATE 09-20-2023

NOTICE OF PUBLIC  
HEARING AND  
PUBLIC COMMENT  
PERIOD  
FOR THE DRAFT 2022  
ANNUAL ACTION  
PLAN  
New Mexico Mortgage  
Finance Authority (MFA)  
and the Department of  
Finance and Administration,  
Local Government  
Division (DFA)  
are seeking public comment  
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the 2022 Draft Annual  
Action Plan. The public  
comment period will begin  
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and end on April 20,  
2022. A hybrid virtual  
and in-person public  
hearing will be held on  
April 19, 2022, at 9 a.m.  
The action plan governs  
administration of federal  
funding appropriated  
for housing and community  
development activities  
that benefit low  
and moderate income  
persons throughout the  
State of New Mexico.  
This federal funding  
includes the following  
programs: HOME Investment  
Partnerships  
(HOME), Community  
Development Block  
Grant (CDBG), Emergency  
Solutions Grants  
(ESG), Housing Opportunities  
for Persons  
with AIDS (HOPWA)  
and Housing Trust Fund  
(HTF). The state of New  
Mexico estimates receiving  
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similar to 2021 year alloca-  
tions.  
Once allocations  
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percentages will be propor-  
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limited to public facilities,  
infrastructure improvements,  
affordable  
housing development or  
preservation, economic  
development, homelessness  
prevention,  
rapid rehousing and  
program administration.  
The HOME, ESG,

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are administered  
by MFA, and CDBG program  
is administered by  
DFA.  
The draft 2022 Annual  
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at:  
[https://www.nmdfa.  
state.nm.us/local-government/  
community-development-  
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or toll free 1-800-444-  
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disabled and may also  
be translated into Spanish  
for Limited English  
Proficient (LEP) Spanish  
speaking persons,  
upon request.  
Citizens, interested  
agencies, and for-profit  
and nonprofit organizations  
may attend  
a virtual or in-person  
public hearing on April  
19, 2022, at 9 a.m. via  
webcast at [https://housingnm.  
org/meetingsevents-](https://housingnm.org/meetingsevents-)  
notices or in  
person at MFA's office  
provide comments.  
If you are an individual  
with a disability who  
is in need of a reader,  
amplifier, qualified sign  
language interpreter,  
or any other form of  
auxiliary aid or service,  
please contact  
Sherry Stephens at  
505-767-2250 or toll  
free 1-800-444-6880;  
fax: 505-243-3289; email:  
[sstephens@housingnm.  
org](mailto:sstephens@housingnm.org) TTY: 1-800-  
659-8331 for English  
and 1-800-327-1857  
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New Mexico Mortgage  
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NM 87102.  
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#### ATENCIÓN DE LA AUDIENCIA PÚBLICA Y PERÍODO DE COMENTARIOS PÚBLICOS

PARA EL PROYECTO DE PLAN DE ACCIÓN ANUAL 2022  
La Autoridad de Financiamiento Hipotecario de Nuevo México (MFA) y el Departamento de Finanzas y Administración, División de Gobierno Local (DFA) están buscando comentarios públicos sobre la propuesta del Borrador del Plan de Acción Anual 2022. El período de comentarios públicos comenzará el 20 de marzo de 2022 y finalizará el 20 de abril de 2022. Una audiencia pública híbrida virtual y en persona se llevará

a cabo el 19 de abril de 2022, a las 9 a.m. El plan de acción rige la administración de fondos federales asignados para actividades de vivienda y desarrollo comunitario que benefician a personas de ingresos bajos y moderados en todo el Estado de Nuevo México. Este financiamiento federal incluye los siguientes programas: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) y Housing Trust Fund (HTF). El estado de Nuevo México estima que recibe niveles de financiamiento similares a las asignaciones del año 2021. Una vez que se liberen las asignaciones, los porcentajes se distribuirán proporcionalmente a los programas (CDBG, HOME, ESG, HOPWA, HTF). El Plan de Acción Anual 2022 describe metas de un año para el período que comienza el 1 de julio de 2022 y finaliza el 30 de junio de 2023. Estos fondos se pueden utilizar para actividades que incluyen, entre otras, instalaciones públicas, mejoras de infraestructura, desarrollo o preservación de viviendas asequibles, desarrollo económico, prevención de personas sin hogar, realojamiento rápido y administración de programas. Los programas HOME, ESG, HOPWA y HTF son administrados por MFA, y el programa CDBG es administrado por DFA. El borrador del Plan de Acción Anual 2022 está disponible en el sitio web de MFA en: <https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan> y en el sitio web de DFA en: <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/newmexico-action-plan/> Si

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www.lasvegasoptic.com

LAS VEGAS OPTIC

Classifieds

To place a classified ad or legal, call: 505-425-6796 or email: [lvlegals@orourkemediagroup.com](mailto:lvlegals@orourkemediagroup.com)

To view legals online, go to: [www.newmexicopublicnotices.com](http://www.newmexicopublicnotices.com) • To view classifieds/legals online, go to: [www.lasvegasoptic.com](http://www.lasvegasoptic.com)

155  
Lost

**LOST DOG**  
Small black matted female dog. Lost around Wal-Mart on Saturday. Will have a \$100 reward for return. Please call Sharon Davis at 505-718-2289.

505  
Miscellaneous

I buy old vinyl records! 45's & LP's. Large collections preferred. I make house calls. Also buying vintage recording studio & radio broadcast audio gear. Jason 512-785-8714.

600  
Employment

**LAS VEGAS OPTIC SALES ACCOUNT EXECUTIVE.** Full-Time Position in Sales. Candidate must have good people and computer skills. Must be willing to sell ads to help our business to grow and provide great service to customers. Have reliable transportation. Send your resume to Jim O'Rourke, [jorourke@orourkemediagroup.com](mailto:jorourke@orourkemediagroup.com).

900  
Legal Notices

**NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD FOR THE DRAFT 2022 ANNUAL ACTION PLAN**

New Mexico Mortgage Finance Authority (MFA) and the Department of Finance and Administration, Local Government Division (DFA) are seeking public comment on the proposal of the 2022 Draft Annual Action Plan. The public comment period will begin on March 20, 2022, and end on April 20, 2022. A hybrid virtual and in-person public hearing will be held on April 19, 2022, at 9 a.m. The action plan governs administration of federal funding appropriated for housing and community

development activities that benefit low and moderate income persons throughout the State of New Mexico.

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The draft 2022 Annual Action Plan is available on MFA's website at: <https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan>

And on DFA's website at: <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/> If you are unable to download the draft Action Plan, please contact MFA to request a copy (505-843-6880 or toll free 1-800-444-6880). Additionally, the documents can be provided in alternative formats (i.e., Braille/large print, audio tape) for the disabled and may also

be translated into Spanish for Limited English Proficient (LEP) Spanish speaking persons, upon request.

Citizens, interested agencies, and for-profit and nonprofit organizations may attend a virtual or in-person public hearing on April 19, 2022, at 9 a.m. via webcast at <https://housingnm.org/meetings-events-notices> or in person at MFA's office provide comments. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, please contact Sherry Stephens at 505-767-2250 or toll free 1-800-444-6880; fax: 505-243-3289; e-mail: [sstephens@housingnm.org](mailto:sstephens@housingnm.org) TTY: 1-800-659-8331 for English and 1-800-327-1857 for Spanish; or mail: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. Accommodations can be made within 48 hours notice for non-English speaking participants and individuals with disabilities by calling 505-843-6880.

Citizens, interested agencies, and for-profit and nonprofit organizations may provide comments at any time during the public comment period, which will begin on March 20, 2022, and

end at 11:59 p.m. MDT, April 20, 2022. Written comments and/or questions may be directed to Sherry Stephens 505-767-2250 or toll free 1-800-444-6880; fax: 505-243-3289; e-mail: [sstephens@housingnm.org](mailto:sstephens@housingnm.org); or mail: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. After receipt of public comments, MFA staff will prepare a summary of all comments received in writing and, in cases where any citizen views are not accepted, provide reasons for the decision. This documentation will be attached to the 2022 Action Plan that will be submitted to HUD. The final amended plan approved by HUD will be available on MFA's website at and at DFA's website at <https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan> and <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>

• • •  
**ATENCIÓN DE LA AUDIENCIA PÚBLICA Y PERÍODO DE COMENTARIOS PÚBLICOS PARA EL PROYECTO DE PLAN DE ACCIÓN ANUAL 2022**

La Autoridad de Financiamiento Hipotecario de Nuevo México (MFA) y el Departamento de

Finanzas y Administración, División de Gobierno Local (DFA) están buscando comentarios públicos sobre la propuesta del Borrador del Plan de Acción Anual 2022. El período de comentarios públicos comenzará el 20 de marzo de 2022 y finalizará el 20 de abril de 2022. Una audiencia pública híbrida virtual y en persona se llevará a cabo el 19 de abril de 2022, a las 9 a.m. El plan de acción rige la administración de fondos federales asignados para actividades de vivienda y desarrollo comunitario que beneficiará a personas de ingresos bajos y moderados en todo el Estado de Nuevo México. Este financiamiento federal incluye los siguientes programas: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) y Housing Trust Fund (HTF). El estado de Nuevo México estima que recibe niveles de financiamiento similares a las asignaciones del año 2021. Una vez que se liberen las asignaciones, los porcentajes se distribuirán proporcionalmente a los programas (CDBG, HOME, ESG, HOPWA, HTF). El Plan de Acción Anual 2022 describe metas de

un año para el período que comienza el 1 de julio de 2022 y finaliza el 30 de junio de 2023. Estos fondos se pueden utilizar para actividades que incluyen, entre otras, instalaciones públicas, mejoras de infraestructura, desarrollo o preservación de viviendas asequibles, desarrollo económico, prevención de personas sin hogar, realojamiento rápido y administración de programas. Los programas HOME, ESG, HOPWA y HTF son administrados por MFA, y el programa CDBG es administrado por DFA. El borrador del Plan de Acción Anual 2022 está disponible en el sitio web de MFA en: <https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan> y en el sitio web de DFA en: <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/> Si no puede descargar el borrador del Plan de Acción, comuníquese con MFA para solicitar una copia (505-843-6880 o al número gratuito 1-800-444-6880).

Además, los documentos se pueden proporcionar en formatos alternativos (es decir, Braille / letra grande, cinta de audio) para discapacitados y también se pueden traducir al español para personas de habla hispana con dominio limitado del inglés (LEP), previa solicitud. Los ciudadanos, las agencias interesadas y las organizaciones con fines de lucro y sin fines de lucro pueden asistir a una audiencia pública virtual o en persona el 19 de abril de 2022, a las 9 a.m. a través de webcast en <https://housingnm.org/meetings-events-notices> o en persona en la oficina de MFA proporcionar comentarios. Si usted es una persona con una discapacidad que necesita un lector, amplificador, intérprete calificado de lenguaje de señas o cualquier otra forma de ayuda o servicio auxiliar, comuníquese con Sherry Stephens al 505-767-2250 o al número gratuito 1-800-444-6880; fax: 505-243-3289; correo electrónico: [sstephens@housingnm.org](mailto:sstephens@housingnm.org)

ingnm.org TTY: 1-800-659-8331 para inglés y 1-800-327-1857 para español; o correo postal: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. Las adaptaciones se pueden hacer dentro de las 48 horas de aviso para los participantes que no hablan inglés y las personas con discapacidades llamando al 505-843-6880.

Continue to Page 7

VILLAGE OF WAGON MOUND

NOW HIRING

Utility Assistant

The Village of Wagon Mound is seeking qualified applicants to fill the Utilities Assistant position.

Please contact Village Hall for an application packet at 575-666-2408.

C183262

**SAN MIGUEL COUNTY EMPLOYMENT OPPORTUNITY**

San Miguel County is accepting applications for a full-time position of **Collection Center Operator I** (Kearney site). The Collection Center Operator manages the San Miguel County's Solid Waste Disposal Facility known as a Collection Center. The employee performs under the supervision of the Public Service Operations Director and Public Service Operations Transportation Foreman. The Collection Center Operator monitors the Center, maintains logs which include information of the users and the type of refuse being deposited. This includes assisting users in unloading refuse, sorting particular items such as white goods, metal, batteries, tires and other items. The Collection Center Operator ensures that residents are registered customers with San Miguel County pursuant to the County's Solid Waste Ordinance and provides residents information regarding use of the facility; also works to provide a high level of professionalism, courtesy and convenience for all residents utilizing the facility.

**SALARY RANGE:** \$21,840.00 - \$25,000.00

**Deadline for Applications: March 18, 2022**

Applications and a detailed job description may be picked up from the San Miguel County Human Resource Office located at 500 West National, Suite 202. You may also obtain an application and a job description on the San Miguel County's Website at [www.co.sanmiguel.nm.us](http://www.co.sanmiguel.nm.us). San Miguel County is an Equal Opportunity and Affirmative Action Employer. The County reserves the right to reject any and all applications.

C183376

*The Fourth Judicial Magistrate Court* in Las Vegas, NM is currently recruiting for a Full-Time, PERM position:

**Judicial Specialist 2**  
Job ID: 00033577

To apply go to:  
<https://www.nmcourts.gov/careers.aspx>

C183210

**Direct Support Professional**

*Citizens for the Developmentally Disabled, Inc. is now accepting applications for Full-Time/Part-Time Direct Support Staff*

This position involves assisting the individual in their home with daily living skills, community integration, arranging of medical appointments and assist with self-administration of medications. Must have a valid driver's license, Diploma/GED. Starting pay is \$12.50. Anyone interested in this position must pick up an application at Citizens for the Developmentally Disabled, Inc. 2532 Ridge Runner Rd., Las Vegas, NM 87701.

*CDD is an equal opportunity employer.*

CC182202

JLGRAY FACT SHEET  
**GALLINAS VALLEY APARTMENTS**  
2612 7TH STREET  
LAS VEGAS, NM 87701  
505-425-5060

TDD: 711  
MANAGER: LORRAINE MAESE

To Qualify for Residency:  
**Rent is Based on Income**

RENT: 1-BR: \$465.00 per month (basic rent)  
2-BR: \$595.00 per month (basic rent)  
3-BR: \$745.00 per month (basic rent)

Subsidized units are available, financed by USDA Rural Development (RD)

SECURITY DEPOSIT: Equal to one month's basic rent.

UTILITIES: Paid by Resident except water, sewer, trash

PROPERTY FEATURES:

- Basketball Court
- Refrigerated Air
- Close to Shopping
- Close to Schools
- Appliances Furnished
- Quiet Neighborhood
- Sorry - No Pets
- Laundry Facility On-Site

We are pledged to the letter and spirit of the US policy for achievement of equal opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtain housing because of race, color, religion, sex, national origin, handicap or familial status.

This institution is an equal opportunity provider and employer.



C183249

JLGRAY FACT SHEET  
**SAN MIGUEL SENIOR APART.**  
2710 COLLINS DRIVE  
LAS VEGAS, NM 87701  
505-425-5060

TDD: 711  
MANAGER: LORRAINE MAESE

To Qualify for Residency:  
Head of Household or Spouse must be at least 62 years old, or have a disability at any age.

RENT: 1-BR: \$490.00 per month (basic rent)  
2-BR: \$590.00 per month (basic rent)

Subsidized units are available, financed by USDA Rural Development (RD)

SECURITY DEPOSIT: Equal to one month's basic rent.

UTILITIES: Paid by Resident except water, sewer, trash

PROPERTY FEATURES:

- Community Room
- Laundry Facility On-Site
- Close to Schools
- Close to Shopping
- Appliances Furnished
- Quiet Neighborhood
- Sorry - No Pets
- Close to Public Transportation

We are pledged to the letter and spirit of the US policy for achievement of equal opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtain housing because of race, color, religion, sex, national origin, handicap or familial status.

This institution is an equal opportunity provider and employer.



C183252

JLGRAY FACT SHEET  
**NORTH STAR APARTMENTS**  
333 CHICO DRIVE  
LAS VEGAS, NM 87701  
505-425-5060

TDD: 711  
MANAGER: LORRAINE MAESE

To Qualify for Residency:  
**Rent is Based on Income**

RENT: 1-BR: \$485.00 per month (basic rent)  
2-BR: \$560.00 per month (basic rent)  
3-BR: \$655.00 per month (basic rent)

Subsidized units are available, financed by USDA Rural Development (RD)

SECURITY DEPOSIT: Equal to one month's basic rent.

UTILITIES: Paid by Resident except water, sewer, trash

PROPERTY FEATURES:

- Playground
- Close to Schools
- Basketball Court
- Sorry - No Pets
- Close to Shopping
- Laundry Facility On-Site
- Refrigerated Air

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C183253


**PAYMENT** All classified ads must be paid in full before the first run date. Account holders will be billed. (We accept cash, check, Visa, Master Card and American Express).

**FAIR HOUSING** All real estate classified ads must meet the Fair Housing Act criteria. (A publishers notice has been placed at the bottom of this notice for information on the Fair Housing Act).

**ADJUSTMENTS** Please carefully review your Classified ad for any error in the first day of publication. Make request for corrections by 11 a.m. the day following the first publication. A copy of your ad may be provided at time of payment.

**DEADLINE** All classified ads and legals must be received by 11 a.m. two days before the desired run date.

**PUBLISHERS NOTICE** All real estate advertising in this newspaper is subject to the Fair Housing Act which makes it illegal to advertise "any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination." Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women and people securing custody of children under 18. This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis. To complain of discrimination call HUD toll-free at 1-800-669-9777. The toll-free telephone number for the hearing impaired is: 1-800-927-9275.



EOE



**Classifieds** *Continued...* To place a classified ad or a legal, call: 505-425-6796  
Email: [lvelegals@orourkemediagroup.com](mailto:lvelegals@orourkemediagroup.com)  
or visit: [www.lasvegasoptic.com](http://www.lasvegasoptic.com)

#22030072



**[www.newmexicopublicnotices.com](http://www.newmexicopublicnotices.com)**

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**FOR MORE INFORMATION GO TO**

**[newmexicopublicnotices.com](http://newmexicopublicnotices.com)**

**or call**

**505.275.1377**





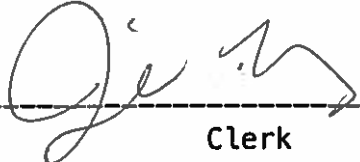
55  
AFFIDAVIT OF PUBLICATION  
STATE OF NEW MEXICO

I, Jennifer Martinez  
Legals Clerk

Of the Roswell Daily Record, a daily  
newspaper published at Roswell, New  
Mexico do solemnly swear that the  
clipping hereto attached was published  
in the regular and entire issue of said  
paper and not in a supplement thereof  
for a period of:

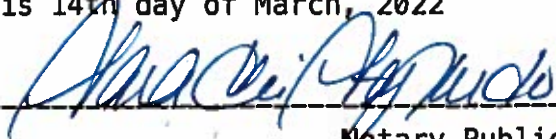
One time with the issue dated

March 13, 2022

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Clerk

Sworn and subscribed to before me

this 14<sup>th</sup> day of March, 2022

  
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Notary Public



## Public Hearing & Comment Period...

Publish March 13, 2022

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If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, please contact Sherry Stephens at 505-767-2250 or toll free 1-800-444-8880; fax: 505-243-3289; e-mail: [sstephens@housingnm.org](mailto:sstephens@housingnm.org) TTY: 1-800-659-8331 for English and 1-800-327-1857 for Spanish; or mail: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102.

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El borrador del Plan de Acción Anual 2022 está disponible en el sitio web de MFA en: <https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan> y en el sitio web de DFA en: <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>. Si no puede descargar el borrador del Plan de Acción, comuníquese con MFA para solicitar una copia (505-843-8880 o al número gratuito 1-800-444-8880). Además, los documentos se pueden proporcionar en formatos alternativos (es decir, Braille / letra grande, cinta de audio) para discapacitados y también se pueden traducir al español para personas de habla hispana con dominio limitado del inglés (LEP), previa solicitud. Los ciudadanos, las agencias interesadas y las organizaciones con fines de lucro y sin fines de lucro pueden asistir a una audiencia pública virtual o en persona el 19 de abril de 2022, a las 9 a.m. a través de webcast en <https://housingnm.org/meetings-events-notices> o en persona en la oficina de MFA proporcionar comentarios.

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Los ciudadanos, las agencias interesadas y las organizaciones con fines de lucro y sin fines de lucro pueden proporcionar comentarios en cualquier momento durante el período de comentarios públicos, que comenzará el 20 de marzo de 2022 y terminará a las 11:59 p.m. MDT, 20 de abril de 2022. Los comentarios y/o preguntas por escrito pueden dirigirse a Sherry Stephens 505-767-2250 o al número gratuito 1-800-444-8880; fax: 505-243-3289; correo electrónico: [sstephens@housingnm.org](mailto:sstephens@housingnm.org); o correo postal: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. Después de recibir los comentarios públicos, el personal de MFA preparará un resumen de todos los comentarios recibidos por escrito y, en los casos en que no se acepten las opiniones de los ciudadanos, proporcionará las razones de la decisión. Esta documentación se adjuntará al Plan de Acción 2022 que se presentará al HUD.

# SANTA FE NEW MEXICAN

Founded 1849

NM MORTGAGE FINANCE  
AUTHORITY  
344 4th St SW  
Albuquerque, NM 871023206

ACCOUNT:	S2041	
AD NUMBER:	29742	
LEGAL NO	89429	P.O.#:
1 TIME(S)	229.60	
AFFIDAVIT	10.00	
TAX	20.22	
TOTAL	259.82	

## AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

I, **Charity Valdez**, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal No 89429 a copy of which is hereto attached was published in said newspaper 1 day(s) between 03/15/2022 and 03/15/2022 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 15th day of March, 2022 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

ISI Charity Valdez  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 16th day of March, 2022

Notary Susan Larine Cahoon  
Commission Expires: 11/30/2024

STATE OF NEW MEXICO  
NOTARY PUBLIC  
SUSAN LARINE CAHOON  
COMMISSION #1132046  
EXPIRES: 11/20/2024



**LEGAL #89429**

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HEARING AND PUBLIC  
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and on DFA's website at:  
[www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/](https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/)

If you are unable to download the draft Action Plan, please contact MFA to request a copy (505-843-6880 or toll free 1-800-444-6880). Additionally, the documents can be provided in alternative formats (i.e., Braille/large print, audio tape) for the disabled and may also be translated into Spanish for Limited English Proficient (LEP) Spanish speaking persons, upon request.

Citizens, interested agencies, and for-profit and nonprofit organizations may attend a virtual or in-person public hearing on April 19, 2022, at 9 a.m. via webcast at [housingnm.org/meetings-events-notices](https://housingnm.org/meetings-events-notices) or

in person at MFA's office provide comments.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, please contact Sherry Stephens at 505-767-2250 or toll free 1-800-444-6880; fax: 505-243-3289; e-mail: [ssstephens@housingnm.org](mailto:ssstephens@housingnm.org) TTY: 1-800-659-8331 for English and 1-800-327-1857 for Spanish; or mail: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102.

Accommodations can be made within 48 hours notice for non-English speaking participants and individuals with disabilities by calling 505-843-6880.

Citizens, interested agencies, and for-profit and nonprofit organizations may provide comments at any time during the public comment period, which will begin on March 20, 2022, and end at 11:59 p.m. MDT, April 20, 2022. Written comments and/or questions may be directed to Sherry Stephens 505-767-2250 or toll free 1-800-444-6880; fax: 505-243-3289; e-mail: [ssstephens@housingnm.org](mailto:ssstephens@housingnm.org); or mail: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. After receipt of public comments, MFA staff will prepare a summary of all comments received in writing and, in cases where any citizen views are not accepted, provide reasons for the deci-

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sion. This documenta-  
tion will be attached to  
the 2022 Action Plan  
that will be submitted  
to HUD.

The final amended  
plan approved by HUD  
will be available on  
MFA's website at and  
at DFA's website at  
[housingnm.org/re-  
sources/plans-and-re-  
ports/nm-annual-actio  
n-plan](http://housingnm.org/resources/plans-and-reports/nm-annual-action-plan) and  
[www.nmdfa.state.nm.  
us/local-govern-  
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velopment-bureau/he  
w-mexico-action-  
plan/](http://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/)

Pub: March 15, 2022

# SANTA FE NEW MEXICAN

Founded 1849

NM MORTGAGE FINANCE  
AUTHORITY  
344 4th St SW  
Albuquerque, NM 871023206

ACCOUNT:	S2041	
AD NUMBER:	29743	
LEGAL NO	89432	P.O.#:
1 TIME(S)	234.50	
AFFIDAVIT	10.00	
TAX	20.63	
TOTAL	265.13	

## AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

I, Charity Valdez, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal No 89432 a copy of which is hereto attached was published in said newspaper 1 day(s) between 03/15/2022 and 03/15/2022 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 15th day of March, 2022 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

ISI Charity Valdez  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 16th day of March, 2022

Notary Susan Larine Cahoon  
Commission Expires: 11/20/2024

STATE OF NEW MEXICO  
NOTARY PUBLIC  
SUSAN LARINE CAHOON  
COMMISSION #1132046  
EXPIRES: 11/20/2024

**LEGAL #89432**

**ATENCIÓN DE LA  
AUDIENCIA PÚBLICA Y  
PERÍODO DE  
COMENTARIOS  
PÚBLICOS PARA EL  
PROYECTO DE PLAN DE  
ACCIÓN ANUAL 2022**

La Autoridad de Financiamiento Hipotecario de Nuevo México (MFA) y el Departamento de Finanzas y Administración, División de Gobierno Local (DFA) están buscando comentarios públicos sobre la propuesta del Borrador del Plan de Acción Anual 2022. El período de comentarios públicos comenzará el 20 de marzo de 2022 y finalizará el 20 de abril de 2022. Una audiencia pública híbrida virtual y en persona se llevará a cabo el 19 de abril de 2022, a las 9 a.m. El plan de acción rige la administración de fondos federales asignados para actividades de vivienda y desarrollo comunitario que benefician a personas de ingresos bajos y moderados en todo el Estado de Nuevo México.

Este financiamiento federal incluye los siguientes programas: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) y Housing Trust Fund (HTF). El estado de Nuevo México estima que recibe niveles de financiamiento similares a las asignaciones del año 2021. Una vez que se liberen

las asignaciones, los porcentajes se distribuirán proporcionalmente a los programas (CDBG, HOME, ESG, HOPWA, HTF). El Plan de Acción Anual 2022 describe metas de un año para el período que comienza el 1 de julio de 2022 y finaliza el 30 de junio de 2023. Estos fondos se pueden utilizar para actividades que incluyen, entre otras, instalaciones públicas, mejoras de infraestructura, desarrollo o preservación de viviendas asequibles, desarrollo económico, prevención de personas sin hogar, reemplazo rápido y administración de programas. Los programas HOME, ESG, HOPWA y HTF son administrados por MFA, y el programa CDBG es administrado por DFA.

El borrador del Plan de Acción Anual 2022 está disponible en el sitio web de MFA en: [housingtonm.org/resources/plans-and-reports/nm-annual-action-plan](https://housingtonm.org/resources/plans-and-reports/nm-annual-action-plan) y en el sitio web de DFA en: <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>. Si no puede descargar el borrador del Plan de Acción, comuníquese con MFA para solicitar una copia (505-843-6880 o al número gratuito 1-800-444-6880). Además, los documentos se pueden proporcionar en formatos alternativos (es decir, Braille / letra grande, cinta de audio) para discapacitados y también se pueden traducir al español para personas de habla hispana con dominio limitado del inglés (LEP), previa solicitud. Los ciudadanos, las agen-

cias interesadas y las organizaciones con fines de lucro y sin fines de lucro pueden asistir a una audiencia pública virtual o en persona el 19 de abril de 2022, a las 9 a.m. a través de webcast en <https://housingnm.org/meetings-events-notices> o en persona en la oficina de MFA proporcionar comentarios.

Si usted es una persona con una discapacidad que necesita un lector, amplificador, intérprete calificado de lenguaje de señas o cualquier otra forma de ayuda o servicio auxiliar, comuníquese con Sherry Stephens al 505-767-2250 o al número gratuito 1-800-444-6880; fax: 505-243-3289; correo electrónico: [sstephens@housingnm.org](mailto:sstephens@housingnm.org) TTY: 1-800-659-8331 para inglés y 1-800-327-1857 para español; o correo postal: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. Las adaptaciones se pueden hacer dentro de las 48 horas de aviso para los participantes que no hablan inglés y las personas con discapacidades llamando al 505-843-6880.

Los ciudadanos, las agencias interesadas y las organizaciones con fines de lucro y sin fines de lucro pueden proporcionar comentarios en cualquier momento durante el período de comentarios públicos, que comenzará el 20 de marzo de 2022 y terminará a las 11:59 p.m. MDT, 20 de abril de 2022. Los comentarios y/o preguntas por escrito pueden dirigirse a Sherry Stephens 505-767-2250 o al número



gratuito 1-800-444-6880; fax:505-243-3289; correo electrónico: sstephens@housingnm.org; o correo postal: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. Después de recibir los comentarios públicos, el personal de MFA preparará un resumen de todos los comentarios recibidos por escrito y, en los casos en que no se acepten las opiniones de los ciudadanos, proporcionará las razones de la decisión. Esta documentación se adjuntará al Plan de Acción 2022 que se presentará al HUD.

Pub: March 15, 2022

## PART C

# **New Mexico Citizen Participation Plan**

## **I. INTRODUCTION**

In 1994, the US Department of Housing and Urban Development (HUD) issued new rules consolidating the planning, application, reporting, and citizen participation processes of four formula grant programs: Community Development Block Grants (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG) and Housing Opportunities for Persons with AIDS (HOPWA). The new planning process was intended to comprehensively fulfill three basic goals: to provide decent housing, to provide a suitable living environment and to expand economic opportunities.

The Consolidated Plan involves a three-part planning process required by HUD. It comprises developing a five-year strategic plan, preparing annual action plans and submitting annual performance reports. These three parts are intended to furnish the framework whereby New Mexico can identify its housing, homeless, community, and economic development needs, identify resources (under the above named HUD programs) that will be utilized and actions to be taken to address the needs, as well as look back and evaluate the state's progress toward achieving its strategic goals. Programs and activities range widely from public facilities to housing development, homeless shelters or services and many other actions designed to meet the strategic goals. Completing these documents on time and in a manner that is acceptable to HUD ensures program funding. In addition, HUD guidelines require New Mexico to analyze impediments to fair housing choice, publish the study and report on actions taken to address those impediments. The Analysis of Impediments to Fair Housing Choice demonstrates the state's efforts to affirmatively further fair housing during a period covered by the Consolidated Plan.

The precursor to the Consolidated Plan is the Citizen Participation Plan (CPP). The objectives of the CPP are to ensure that the citizens of New Mexico, particularly persons of low and moderate income, persons living in slum and blight areas, units of local government, housing agencies and other interested parties, are provided with the opportunity to participate in the planning and preparation of the Consolidated Plan, the Annual Action Plan, any amendments to the Consolidated Plan or Annual Action Plan, and the Consolidated Annual Performance and Evaluation Report, as well as the Analysis of Impediments to Fair Housing Choice.

The CPP sets forth general policies and procedures for implementing and carrying out the Consolidated Plan process and the fair housing study's preparation, such as how the Consolidated Plan will be developed, dates and milestones along which the process will proceed and methods for citizens to offer the state assistance and guidance in the formulation of the Plan. Furthermore, the provisions of the CPP fulfill statutory and regulatory requirements for citizen participation specified in HUD's rules for the Consolidated Plan, the HOME program, the CDBG program, the ESG program, the HOPWA program, and the National Housing Trust Fund (HTF) program. In New Mexico, the New Mexico Mortgage Finance Authority (MFA) administers the HOME, ESG, HOPWA, and HTF funds and the Local Government Division, Community Development Bureau within the New Mexico Department of Finance and Administration (DFA) administers the CDBG resources. MFA is the lead agency for developing the Consolidated Plan.

In order to ensure maximum participation in the Consolidated Plan process among all populations and needs groups, and in order to ensure that their issues and concerns are adequately addressed, MFA and DFA will follow the standards set forth in its adopted Citizen Participation Plan during development of its Consolidated Plan, Action Plan and Annual Performance Report. Those standards of participation will also apply to the Analysis of Impediments to Fair Housing Choice.

The program year for all documents covered by this plan begin annually on July 1 and end on June 30.

## **II. TYPES OF PARTICIPATION**

## A. CONSOLIDATED PLAN AND ANNUAL ACTION PLAN

The Consolidated Plan is a five (5) year plan that identifies the needs of low-income persons and areas of the state of New Mexico and sets forth a five (5) year strategy to address those needs, primarily utilizing federal housing and community development funds. The Annual Action Plan identifies the specific needs to be addressed with that funding each year based on the priorities established in the Consolidated Plan's five (5) year strategy.

### 1. Preparation

In order to identify the needs of low-income persons and areas of the state of New Mexico, priorities must be set in order to decide which of the identified needs should get the highest priority for funding. In order to solicit community input, which is essential to determining these needs and priorities, the state of New Mexico will:

- Create and utilize a survey to obtain community input on the state's housing and community development needs for the Consolidated Plan process.
- Conduct stakeholder interviews for the Consolidated Plan process with local public agencies that assist low-income persons and areas, including MFA and DFA staff and government agencies; as well as with private agencies, including local non-profit service providers and advocates such as health agencies, homeless service providers, non-profit housing developers and social service agencies (including those focusing on services to children, the elderly, persons with disabilities, persons with HIV/AIDS, persons with substance abuse problems, etc.).
- Conduct one (1) or more focus group meetings for the Consolidated Plan process to solicit input on needs and priorities.
- Solicit proposals from local governments for CDBG funded infrastructure projects that meet local community needs based partly on community outreach by applicants for such funding. (Applicants must hold at least two publicly-advertised citizen participation meetings prior to submitting an application to DFA for CDBG infrastructure funds. Public notices must include a print notice published in at least one (1) local newspaper of general circulation or post notices in prominent locations at least ten (10) days prior to the citizen participation meetings.)
- Issue a public notice for a public hearing on the needs of the community to inform the Consolidated Plan and/or Annual Action Plan.
- Develop an assessment of needs in the state of New Mexico as well as a strategic plan to address those needs as part of the Consolidated Plan process.
- Issue a public notice announcing the release of a complete draft of the Consolidated Plan and/or Annual Action Plan, a thirty (30) day review and comment period of the complete draft, and a public hearing to take place during the review and comment period. This second public hearing will be focused on the Strategic Plan and/or the Annual Action Plan.
- Take appropriate actions to encourage the participation of all New Mexico residents, including minorities and non-English speaking persons, as well as persons with disabilities.

### 2. Adoption

As noted above, the state of New Mexico will provide several opportunities for citizen involvement in the Consolidated Plan process prior to adoption. These include:

- One (1) or more focus group meetings on needs and priorities for the Consolidated Plan process.
- A public notice for the public hearing on the needs of the community to inform the Consolidated Plan and/or Annual Action Plan and a separate public notice announcing the release of a complete draft of the Consolidated Plan and/or Annual Action Plan, a thirty (30) day review and comment period of the complete draft, and a public hearing to take place during the review and comment period. Published notices will be in the Albuquerque Journal, the Santa Fe New Mexican, Roswell Daily, Farmington Daily Times, Las Vegas Optic, Eastern New Mexico News and Las Cruces Sun News, and on MFA's website (<http://www.housingnm.org/>) and DFA's website (<https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>) at least seven (7) days in advance of the hearing. The notice will list the locations where the document(s) will be available for review.
- The Draft Consolidated Plan and/or Draft Annual Action Plan will be available at MFA and DFA offices and on MFA's and DFA's websites. Copies of the documents will be mailed upon request.
- The Draft Consolidated Plan and/or Draft Annual Action Plan will be made accessible to persons with disabilities upon request. In addition, a reasonable number of free copies will be provided to citizens or groups requesting copies of the document(s).
- In preparing the Final Consolidated Plan and/or Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearings or submitted in writing during the review and comment period. The final documents will have a section that presents all comments and explains why any comments were not accepted.
- At the end of the thirty (30) day comment period, the state of New Mexico will consider any comments and finalize the Consolidated Plan and/or Annual Action Plan.

### 3. Amendments

The Consolidated Plan and Annual Action Plan will be amended whenever there is a change in one (1) of the priorities presented on the HUD-required Priority Table; a change in the use of money to an activity not mentioned in the final Annual Action Plan; or a change in the purpose, location, scope or beneficiaries of an activity (described more fully later). The public will be notified whenever there is a "substantial" amendment as defined below:

- Changing the priorities contained in the Five (5) Year Strategic Plan of the Consolidated Plan.
- Funding of a goal not described in the Annual Action Plan.
- Any change in the described method of distributing funds in the Annual Action Plan to local governments or nonprofit organizations to carry out activities. Elements of a method of distribution are:
  - Application process;
  - Resource allocation method;
  - Threshold factors
  - Grant size limits; and

- Criteria selection.

Any changes in federal funding level after the Consolidated Plan's draft comment period has expired and the resulting effect on the distribution of funds will not be considered an amendment or a substantial amendment.

There must be reasonable notice of a proposed substantial amendment so that residents of the affected areas of the state will have an opportunity to review it and comment on it. Notice will be made according to the procedures described herein with the addition of the following procedures specifically for substantial amendments:

- Issue a public notice upon release of the proposed substantial amendment announcing a thirty (30) day review and comment period and a public hearing regarding the proposed substantial amendment after the review and comment period. Published notices will be in the Albuquerque Journal, the Santa Fe New Mexican, Roswell Daily, Farmington Daily Times, Las Vegas Optic, Eastern New Mexico News and Las Cruces Sun News, and on MFA's website (<http://www.housingnm.org/>) and DFA's website (<https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>) at least seven (7) days in advance of the hearings.
- Include a section in the final substantial amendment that presents all comments, plus explanations why any comments were not accepted.

In the event of certain disasters, public health orders, or emergencies, HUD may provide waivers and alternative requirements relative to public notification processes. In such events MFA or DFA will follow any waivers to expedite notifications for delivery to the community. It may be necessary to amend the Consolidated Plan or Annual Action Plan in the event of an emergency such as a natural disaster. These amendments may include funding activities outside of the method of distribution process described in the Annual Action Plan and/or reprogramming funds to meet community development needs that have a particular urgency. Therefore, the state of New Mexico, acting through MFA, may utilize its HOME, HTF, ESG and HOPWA funds to meet an urgent need without the normal public comment period, which is otherwise required for substantial amendments. DFA, through its Community Development Bureau, may administer the CDBG funds for urgent needs in a similar fashion.

To comply with the national objective of meeting community development needs having a particular urgency, an activity will alleviate existing conditions that the state of New Mexico certifies:

- Pose a serious and immediate threat to the health and welfare of the community;
- Are of recent origin or recently became urgent;
- The state and MFA or DFA are unable to finance the activity on its own; or
- Other resources of funding are not available to carry out the activity.

A condition will generally be considered to be of recent origin if it is developed or became critical within 18 months preceding MFA's or DFA's certification.

## B. CONSOLIDATED ANNUAL PERFORMANCE REPORT

Every year, the state of New Mexico must submit to HUD a Consolidated Annual Performance and Evaluation Report (CAPER) within ninety (90) days of the close of the program year. In general, the CAPER

must describe how funds were actually used and the extent to which these funds were used for activities that benefited low-income people.

- There will be seven (7) days advance public notice of the availability of the CAPER prior to a public hearing.
- There will be a public hearing regarding the CAPER after a fifteen (15) day public review period.
- The final CAPER will have a section that presents all comments, plus explanations why any comments were not accepted.

### C. ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

HUD guidelines require New Mexico to analyze impediments to fair housing choice, publish the study and report on actions taken to address those impediments. The Analysis of Impediments to Fair Housing Choice demonstrates the state's efforts to affirmatively further fair housing during a period covered by the Consolidated Plan. MFA will publish its Analysis of Impediments and reporting on actions to address those impediments to its website at <http://www.housingnm.org/>.

## III. PUBLIC NOTICE

### A. PUBLIC NOTICE REQUIREMENTS

There shall be advance public notice once any of the following documents are available: the Annual Action Plan or Consolidated Plan, any proposed substantial amendment(s) to the Action Plan or Consolidated Plan and the Consolidated Annual Performance and Evaluation Report (CAPER). Public notice requirements are laid out in the previous section.

### B. FORMS OF PUBLIC NOTICE

Staff will ensure adequate advance notice of all public hearings. Adequate notice will include:

- Printing notices in newspapers representative of the state of New Mexico's population and geography at least seven (7) days prior to the public hearings.
- Posting notices on MFA's website (<https://housingnm.org/meetings-events-notices>) and DFA's website (<https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>).

## IV. PUBLIC HEARINGS

Public hearings are required by law in order to obtain the public's views and to provide the public with the State's responses to public questions and proposals. Public hearings will be held only after there has been adequate notice as described in the Public Notice part of this Citizen Participation Plan. Public hearings will usually be held at MFA's offices at 344 4<sup>th</sup> Street SW in Albuquerque and may be held at other locations throughout the state of New Mexico. However, the final approval and adoption of the Annual Action Plan, Consolidated Plan and CAPER will be conducted at MFA's offices. All public hearings must be held at locations that are accessible to people with disabilities and provisions will be made for people with disabilities when requests are made at least five (5) working days prior to a hearing. Translators will also be provided for people who do not speak English when requests are made at least five (5) working days prior to a hearing.

## V. PUBLIC ACCESS TO INFORMATION

As required by law, the state of New Mexico will provide the public with reasonable and timely access to information and records relating to the data or content of the Consolidated Plan, as well as the proposed, actual, and past use of funds covered by this Citizen Participation Plan in addition to the Analysis of Impediments. Staff will also provide reasonable public access to records about any uses of these funds during the previous five (5) years.

Also, as required by law, the state of New Mexico will provide the public with reasonable and timely access to local meetings relating to the proposed or actual use of funds (such as MFA Board meetings).

### A. HUD DOCUMENTS

HUD Documents described in this section include:

- The Annual Action Plans;
- The Consolidated Plan;
- The Consolidated Annual Performance Evaluation Report (CAPER);
- Substantial amendments to the Annual Action Plans, the Consolidated Plan, the Consolidated Annual Performance and Evaluation Reports or the Citizen Participation Plan; and
- The Analysis of Impediments to Fair Housing Choice.

### B. AVAILABILITY OF HUD DOCUMENTS

In the interest of encouraging public participation, copies of the HUD Documents will be provided to the public at no cost and within one (1) week of a request. These materials will be available in a form accessible to persons with disabilities, when requested.

### C. LOCATION OF DOCUMENTS

HUD Documents will also be available at the following locations during their respective, applicable review periods:

New Mexico Mortgage Finance Authority  
344 Fourth St. SW, Albuquerque, NM 87102  
Telephone: (505) 843-6880  
TTY: 1-800-659-8331 for English and 1-800-327-1857 for Spanish

Copies of the final and draft versions of the HUD Documents are also available at MFA offices.

## VI. COMMENT PROCEDURES

The state of New Mexico will provide a period of at least thirty (30) days to receive comments on the draft Consolidated Plan and on any substantial amendments. The thirty (30) day period may start on the date the document is available to the public. The state of New Mexico must also provide public notice regarding the availability of documents and the dates of the thirty (30) day comment period.

For performance reports, the state of New Mexico will provide at least fifteen (15) days to receive public comments.

The state of New Mexico will consider all comments received, and all comments and responses will be attached to each document.

## VII. COMPLAINTS AND GRIEVANCES



Citizens, administering agencies and other interested parties may submit complaints and grievances regarding the programs MFA and DFA administer. Complaints should be in writing, specific in their subject matter, and include facts to support allegations. The following are considered to constitute complaints to which a response is due:

- The administering agency has purportedly violated a provision of this Citizen Participation Plan.
- The administering agency has purportedly violated a provision of federal CDBG, ESG, HOME, HOPWA or HTF program regulations.
- The administering agency, or any of its contractors, has purportedly engaged in questionable practices resulting in waste, fraud or mismanagement of any program funds.

Residents may also present complaints and grievances orally or in writing at the community meetings and/or public hearings. All public comments, including complaints and grievances, made either orally or in writing within the 30-day public comment period, will be included in the final Consolidated Plan or Annual Action Plan. Such complaints or grievances for HOME, HOPWA, HTF or ESG shall be directed to the Consolidated Plan representative at MFA. Such complaints or grievances regarding CDBG shall be directed to the Bureau Chief by contacting DFA at 505-827-4974 or 505-827-4950. MFA or DFA will respond to all complaints, in writing, within fifteen (15) days.

## VIII. ACCOMMODATION OF PERSONS WITH SPECIAL NEEDS

The state of New Mexico complies with the Americans with Disabilities Act and will make accommodations for persons with special needs. Public hearings and the review of Consolidated Plan documents will be held at the MFA office, which is accessible to people with disabilities, or another accessible location. Additional provisions will be made for people with disabilities when requests are made at least five (5) working days prior to a hearing. Translators will also be provided for people who do not speak English when requests are made at least five (5) working days prior to a hearing.

## Part D

## **State of New Mexico 2022 National Housing Trust Fund Allocation Plan**

The National Housing Trust Fund (NHTF) was established under Title I of the Housing and Economic Recovery Act of 2008, Section 1131. In December 2014, the Federal Housing Finance Agency directed Fannie Mae and Freddie Mac to begin setting aside and allocating funds to the NHTF. On January 30, 2015, HUD published an interim rule (24 CFR Parts 91 and 93) providing guidelines for states to implement the NHTF. New Mexico's 2021 allocation is expected to be \$3 million. New Mexico Mortgage Finance Authority (MFA) will distribute these funds in accordance with 24 CFR Parts 91 and 93, as well as the following Allocation Plan.

For purposes of the Allocation Plan, MFA Mandatory Design Standards for Multifamily Housing (MFA's Design Standards) will mean the MFA Design Standards in effect at the time application requesting NHTF funds is made.

### **1. Distribution of Funds**

Up to 10 percent of MFA's allocation and of future program income will be used for eligible administrative and planning costs, in accordance with 24 CFR 93.202. MFA will distribute the remaining NHTF funds directly to recipients; no funds will be distributed to sub-grantees. Funds will be distributed in the form of loans and/or grants, in accordance with the guidelines set forth in this plan as well as any priority housing needs identified in the State's Consolidated Plan. The attached NHTF Notice of Funding Availability (NOFA) provides further detail on application requirements and selection criteria. Funds will be available statewide.

### **2. Eligibility Requirements**

Eligible activities are the production, preservation and rehabilitation of rental housing projects containing units for households whose annual incomes do not exceed 30% of the Area Median Income (AMI), as determined by HUD, or the federal poverty line (hereinafter collectively defined as Extremely Low Income or "ELI" households). Projects may include permanent housing for the homeless, Single Room Occupancy (SRO) projects, senior projects and other special needs projects. Student dormitories and transient housing (e.g. emergency shelters for homeless persons and families) are ineligible. NHTF funds may be used for new construction or rehabilitation of public housing units only as described in 24 CFR 93.203. Given the high need for rental housing among ELI families and individuals, MFA does not intend to fund any homebuyer activities at this time but will revisit the feasibility of funding homebuyer activities in the future.

Eligible costs are the following: development hard costs, refinancing costs, acquisition costs, related soft costs, operating cost assistance/reserves and relocation costs, as defined in 24 CFR 93.201.

Eligible recipients include nonprofit entities, for-profit entities, public housing agencies, and tribally designated housing entities. Participating recipients must be approved by MFA and have demonstrated experience and capacity to conduct eligible activities that meet the requirements of 24 CFR 93.2.

### **3. Application Requirements**

Entities seeking NHTF dollars for eligible projects may submit applications for funding to MFA using the application posted on MFA's website.

Subject to fund availability, final funding decisions will be made by MFA's Board of Directors. Applications must be received no later than 60 days prior to a regularly scheduled meeting of the MFA Board of Directors in order to be considered at that meeting. Meetings of the MFA Board of Directors are generally held every third Wednesday of the month, but applicants are advised to consult MFA's website for updates. All applications submitted by the deadline for a particular meeting of the MFA Board of Directors will be treated as one funding round and evaluated concurrently. If sufficient funds are not available to fund all projects in a funding round that meets the requirements outlined in this NOFA, the project receiving the highest score will be recommended to the Board for approval, followed by the next highest scoring project, etc. until the remaining funds are no longer sufficient to fulfill the next highest scoring project's requested loan amount.

At a minimum, applications will require information on the following:

- Applicant's development capacity and experience;
- Applicant's financial condition;
- Capacity and experience of all other members of the development team;
- Development cost budget;
- Proposed sources of financing;
- Unit mix and projected rents;
- Operating cost budget;
- Cash flow projection;
- Narrative description of the project; and
- Architectural plans.

#### **4. Selection Criteria**

All projects must meet the following threshold criteria:

- NHTF-assisted units must provide permanent rental housing for ELI families;
- NHTF-assisted units must remain affordable to ELI families 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: MFA's Design Standards; and
- The project must include at least four (4) rental units.

All projects that meet the threshold criteria will be evaluated according to the following criteria:

	Scoring Criteria	Priority
	<p>Geographic diversity</p> <p><i>No other Low Income Housing Tax Credit, public housing, or federally-subsidized housing projects within:</i></p> <ul style="list-style-type: none"> <li>• ¼ mile radius</li> <li>• ½ mile radius</li> </ul>	Low
	<p>Duration of the affordability period beyond the required 30 years</p> <p><i>Projects committed to an additional five or more years</i></p>	Low
	<p>Organization type</p> <p><i>Developer/general partner is a New Mexico nonprofit organization, a Tribally Designated Housing Entity (TDHE) or Tribal Housing Authority, or a public housing authority</i></p>	Low
	<p>Absence of project-based rental assistance</p> <p><i>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</i></p>	Low
	<p>Transit-oriented development</p> <p><i>Projects within 1/2-mile radius of public transportation.</i></p>	Medium
	<p>Rural location</p> <p><i>Projects located in cities with populations of 50,000 or less (per latest U.S. Census)</i></p>	Medium
	<p>Creation of new units serving ELI households, through new construction, adaptive reuse or conversion of market-rate units</p>	Medium
	<p>Applicant's ability to obligate NHTF funds and undertake eligible activities in a timely manner</p> <p><i>Projects that have</i></p> <ul style="list-style-type: none"> <li>(1) evidence of site control</li> <li>(2) evidence that the current zoning of the proposed site does not prohibit multifamily housing</li> <li>(3) evidence of all other non-MFA funding sources <ul style="list-style-type: none"> <li>a.) firm letters of interest from all other non-MFA funding</li> <li>b.) commitment letters from all other non-MFA funding sources</li> </ul> </li> </ul>	High
	<p>Use of state, local and private funding sources</p> <p><i>Projects that have funding sources outside of federal funding sources, low-income housing tax credits, bond financing, and MFA funding sources</i></p> <p><i>For each non-MFA funding source for which points are being requested, application must include a firm letter of interest including terms.</i></p>	High
	<p>Extent to which the project provides permanent supportive housing</p>	High

## 5. Per-Unit Subsidy Limits

To allow maximum flexibility in the first five years of the program while MFA and its partners gain experience using NHTF to finance rental housing affordable to ELI households, the maximum per-unit

subsidy limits for NHTF will be set at HUD's applicable limits for the HOME Program effective at the time of commitment of NHTF funds.

MFA examined the development cost budgets of recent MFA-funded projects and determined that all were well within the HOME subsidy limits, and that these limits would allow cost premiums that may be necessary in developing housing for certain ELI populations. For example, projects that will include accommodations for individuals with disabilities are likely to have higher development costs. Projects will be evaluated separately for cost efficiency.

## **6. Performance Goals and Benchmarks**

Based on an assumed 2020 New Mexico allocation of \$3 million and the per-unit subsidy limits described in Section 4 above, it is estimated that 2021 NHTF dollars will assist a minimum of 9 units affordable to ELI households (in the unlikely event that the highest per-unit subsidy limits are used), with the possibility of assisting up to 30 units affordable to ELI households if costs are far lower than the subsidy limits.

## **7. Rehabilitation Standards**

All NHTF-assisted rehabilitation projects must comply with the rehabilitation standards found in Attachment A: MFA's Design Standards.

## **8. Limitation on Beneficiaries or Preferences**

Preferences defined in the Allocation Plan or the NOFA may not violate nondiscrimination requirements in the NHTF interim rule at 24 CFR 93.350. Projects may not limit occupancy to or provide preference to students.

For the NHTF-funded, units, owners of NHTF-assisted projects are permitted to limit occupancy to or provide preference to the following populations:

- Households or individuals experiencing homelessness;
- Individuals with disabilities;
- Individuals with severe mental illnesses;
- Individuals with alcohol and other addictions;
- Individuals with HIV/AIDS;
- Victims of domestic violence;
- Seniors;
- Veterans;
- Individuals on public housing waiting lists;
- Youth transitioning out of foster care; and
- Ex-offenders.

While not required to limit occupancy or provide preferences to the populations described above, owners of NHTF-assisted projects who do must do so in accordance with 24 CFR 93.303(d). The intent is merely to allow owners of NHTF-assisted projects to limit occupancy to or provide preference to populations identified within this section as well as the priority housing needs identified in the NM Consolidated Plan. Any limitation or preference must not violate nondiscrimination requirements. Federal fair housing requirements, including the duty to affirmatively further fair housing, are applicable to the NHTF program. A limitation does not violate nondiscrimination requirements if the

project also receives funding from a federal program that limits eligibility to a particular segment of the population (e.g. Housing Opportunity for Persons Living with AIDS program, the Section 202 and Section 811 programs) or the Housing for Older Persons Act.

#### **9. Refinancing Guidelines**

MFA may, at its discretion, use NHTF funds for refinancing only when needed in order to permit or continue affordability of rental units when (1) rehabilitation is the primary activity, (2) the use of NHTF funds is proportional to the number of NHTF-assisted units in the project, and (3) the rehabilitation cost attributable to the NHTF units is greater than the amount of debt to be refinanced that is attributable to the NHTF units. MFA's minimum affordability period and underwriting standards for an initial investment of NHTF funds would apply, which include: adequacy of management and owner, feasibility of project to meet operational and debt service requirements, consistency with market, and review of total development costs and sources available to meet these needs.

## PART E



# Attachment A to National Housing Trust Fund Allocation Plan MFA 2020 Mandatory Design Standards for Multifamily Housing

## Part A

The following Design Standards, including the MFA 2020 Submission Instructions for Preliminary Architectural Documentation for Multifamily Housing Applications, contained herein as **Part B**, represent the minimum requirements for New Mexico Mortgage Finance Authority (MFA) financed rental housing and are herewith incorporated by reference into MFA's 2020 Qualified Allocation Plan (QAP). Capitalized terms are defined either herein or in the QAP.

MFA values excellence in design because well designed housing meets the needs of tenants, attracts market tenants and promotes community acceptance of housing financed by MFA. All Projects shall meet or exceed each of these standards, as well as the minimum requirements of all applicable building codes (hereinafter referred to as "Code"), regulations, and local zoning ordinances. In addition, Projects shall meet Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) requirements as applicable. Depending on the funding sources and other partners' requirements, the Project may also be subject to Uniform Federal Accessibility Standards (UFAS) requirements. Projects receiving HOME funding must meet the property standards of 24 CFR 92.251. Projects receiving National Housing Trust Funds must meet the property standards of 24 CFR 93.301 (f) (1) and (2). The development team is responsible to know and meet all accessibility requirements for their Project. MFA will not be reviewing submissions with the intent to identify compliance with these various laws, codes, and ordinances governing the design of the projects. Should we find a discrepancy in a design that does not meet a law, code, or ordinance, we will, as a courtesy, inform the designer of our findings. Our review does not constitute nor represent the project's compliance with all applicable laws, codes, or ordinances; and development team members may not rely on MFA or its agents for final determination. In light of the complexity of adherence to all various code requirements, some developers may find it beneficial to hire third-party consultants to provide additional review. Each Project Owner and architect will be required to certify at Application that the Project design meets these Design Standards, and at completion will be required to certify that the Project was built in compliance with these Design Standards. The Design Standards have been arranged into three sections: "New Construction," "Rehabilitation," and "Special Projects" and shall be used as applicable for each type of Project or each portion of a Project.

Generally: Each Project must satisfy the desires and demands of the rental market. The physical characteristics of Projects will vary and depend on such matters as rentals, characteristics of population served, size of households, and comparable Projects. While it is expected that all projects meet the Design Standards applicable to their form of construction, these Design Standards are not intended to add unnecessary burden to the project. In cases where it is not technically and/or economically feasible to adhere strictly to all design or submission requirements, individual requirements may be waived at

MFA's discretion. The applicant must complete and submit the Waiver Procedure for Design Requirements form found in the 2020 LIHTC Application Package. This request will be reviewed with the application and determination of approval given following the design review process. Waiver Requests made after the project is awarded tax credits and/or any MFA funding are considered changes to the Project, and a \$500 fee payment will be required.

Design: Housing rental Projects must provide a continuing market appeal. Amenities, space and aesthetics must be competitive with other properties serving the same market segment. The Project must be visually pleasing, well suited to the needs of the residents, and of good design reflecting the architectural standards of the neighborhood and of the community in which it is situated. Site, building and dwelling unit designs must be practical and use space effectively.

Cost Concerns: The design should incorporate proven construction cost-saving techniques, durable cost-effective materials suitable for the intended use, energy saving features, and cost-efficient mechanical systems. Minimizing initial construction costs and continuing operation and maintenance costs are essential to MFA's affordable housing programs.

For purposes of this document, the ANSI A 117.1 standard means the then-current version of the ANSI A.117.1 standard adopted by the state of New Mexico as same applies to the Project at the time of construction.

## **NEW CONSTRUCTION**

### **A. GENERAL DESIGN**

1. New construction Projects shall conform to the following provisions and requirements as described in the New Construction section of this Standard unless specific site conditions make compliance technically infeasible, in which case the Application must contain a detailed explanation of why a provision or requirement cannot be met.
2. Provisions shall be made for ACCESSIBILITY for people with disabilities in conformance with the requirements of federal and state law including the FHA and the ADA, as applicable. A minimum 5 percent of the units on a Project site shall meet the provisions of a Type A accessible unit as described in the ANSI A117.1 standard. An additional 2 percent of the units shall meet the provisions of a "hearing impaired unit." Depending on the funding sources and other partners' requirements, the Project may also be subject to UFAS requirements. The development team is responsible to know and meet all accessibility requirements for their Project.
  - a. Site elements, accessible routes, buildings, and units shall be constructed in accordance with the ANSI A117.1 standard.
  - b. An accessible route shall be provided to all accessible units, to all public use spaces, to all common use spaces, and to site amenities (such as mail centers and dumpsters).
  - c. All common areas, including playgrounds and exercise rooms, shall be made accessible in accordance with FHA and ADA requirements.
  - d. Not less than one of the Type A units provided shall be fitted with a roll-in shower which shall be constructed in conformance with the ANSI A117.1 standard.

- e. A van accessible parking space shall be provided for each designated Type A accessible unit and for the Community Building at the ratios required by ADA.
3. Provisions shall be made for ADAPTABILITY for people with disabilities in conformance with the requirements of federal and state law including the FHA and the ADA. All units located on an accessible path shall meet the provisions of either a Type A or Type B accessible unit as described in the ANSI A117.1 standard. An accessible route shall be provided to all ground floor units (unless noted through exception as found within the FHA and ANSI standards based on site configuration – See FHA Design Manual and ANSI A117.1 for additional information.)
4. New construction properties shall be designed and constructed in such a way as to provide greater energy efficiency, decreased water usage, and increased durability over a similarly sized minimum Code compliant Project.
  - a. New construction units shall achieve a HERS certification of 55 or less.
  - b. New construction units shall utilize plumbing fixtures with flow rates and flush rates at the following rates: Toilets less than 1.6 GPF; Lav Faucets less than 2.0 GPM, Kitchen Faucets less than 2.5 GPM; Shower Heads not more than 2.0 GPM. .
  - c. The Project team shall implement durability measures intended to extend the livability and to decrease maintenance costs of the property.

## **B. SITE DESIGN AND DEVELOPMENT**

1. Sites shall be designed, constructed, monitored and maintained in accordance with the federal Clean Water Act. See EPA's "Managing Your Environmental Responsibilities: A Planning Guide for Construction and Development" for additional information and requirements.  
<http://water.epa.gov/polwaste/npdes/stormwater/upload/myerguide.pdf>.
2. Sites shall be constructed to drain away from buildings. Storm water recharge of groundwater is a goal. Ponding areas shall be made attractive but reduce risk to tenants.
3. Parking shall be provided at the minimum numbers as defined by local Zoning Ordinance.
4. Parking for bicycles shall be provided at all properties at the ratio of .5 bicycle parking space per unit.
  - a. Senior properties so designated by the U.S. Department of Housing and Urban Development (HUD) funding definitions applicable to the property and/or the Housing for Older Persons Act (HOPA) shall be required to provide bicycle parking at the ratio of .25 spaces per unit.
  - b. Bicycle parking should be provided in secure areas outside of the unit and in locations that do not compromise building safety or exiting. Bicycle parking at exterior locations shall be placed in highly visible locations and adjacent to the units the spaces serve. Bicycle parking may be congregate. Multiple spaces may be accomplished on a single rack. Bicycle parking racks should be fixed and permanent in nature.
5. Common use site areas shall include refuse collection, mail distribution, laundry, recreation, and congregation. All such areas shall be connected with an accessible route.
  - a. Refuse collection areas shall be convenient to the units, shall be screened on all four sides, and shall offer room for recycling activities if such service is available in that municipality.

- b. Mail distribution areas shall be well lit and secure but shall remain open to the tenants at all times.
  - c. Unless washers and dryers are provided in each individual unit, laundry facilities shall be provided for tenant use at all properties with more than 20 units on the site as follows:
    - i. One each washer and dryer shall be provided for every 12 units.
    - ii. Laundry facilities shall be secured and well-lit from dusk until dawn.
    - iii. An accessible clothes folding table or counter shall be provided in each laundry facility.
  - d. Site recreational areas shall be provided at all properties.
    - i. Site recreational facilities shall be provided on an accessible route, and shall encourage physical activity and community interaction.
    - ii. Site recreational facilities shall include accessible play areas, shall be provided for different age groups, and shall encourage physical activity. Activities/play areas for different age groups may be combined within a common play area as appropriate.
      - a) All play areas shall be located away from high automobile traffic and shall be situated for maximum visibility from the dwelling units.
      - b) A play area for children under age 5 shall be provided within direct visibility of common spaces.
      - c) A play area for children ages 5 – 12 shall be provided.
      - d) For children over age 12 an area of congregation that encourages physical activity shall be provided.
      - e) Visible warning signs describing play area rules and warning that use is at one's own risk shall be provided at each play area.
      - f) An accessible, weather resistant, permanently-mounted bench shall be provided at each separate play area.
      - g) Senior properties so designated by HUD funding definitions applicable to the property and/or the HOPA shall be exempt from the requirement to provide play areas, but shall provide areas of congregation that encourage physical activity.
6. Landscaping shall be required at all properties:
- a. A complete landscape plan which maximizes existing natural features or otherwise enhances open space is required.
  - b. Native, semi-native, or drought tolerant plants shall be used.
  - c. Low water use irrigation systems shall be used.
7. Interior community spaces and business offices shall be provided at all properties.
- a. All properties shall have an on-site business office of at least 200 square feet and a maintenance room of at least 100 square feet.
  - b. Accessible public restrooms, at the ratios required by Code, shall be provided.
  - c. Unless required by local building code, properties containing 20 or fewer units shall be exempt from the requirement to provide interior community spaces, public restrooms and business offices.

## C. BUILDING DESIGN AND CONSTRUCTION

### 1. Exterior Building Design

- a. Buildings shall be designed to meet the local zoning requirements for that Project site, including requirements for unit densities, building heights, building setbacks, massing, colors, and materials.
- b. Definitions: The following specific terms as used in this document shall be defined as following:
  - i. Building Façade: The “Building Façade” shall be defined to be: “Any elevation of a building facing a public way or space.” A Building Façade shall be inclusive of all building elements compiled to create a visual impression. This is much more inclusive than just the building skin.
  - ii. Building Shape: The “Building Shape” shall be defined to be: “The primary rectilinear volume of the building structure.”
  - iii. Building Shape Variations: “Building Shape Variations” shall be defined to be: “any deviation in plane from the Building Shape.”
- c. Unless more stringent local zoning requirements apply, the following minimum design requirements shall be met:
  - i. Building Façades shall be multi-faced.
    - a) In no case shall a Building Shape be confined to a straight rectangle. Building Shape Variations shall be required at a ratio of not less than the number bedrooms situated on the ground floor plane.
  - ii. Building Façades shall utilize not less than three different building materials.
    - a) Changes in building materials may also satisfy the requirements for shape changes if the materials are not in the same plane.
    - b) Exterior building materials exposed to the elements shall be low maintenance relative to the Project’s geographic location.
  - iii. Building Façades shall be multi-colored.
    - a) Each Building Façade shall include not less than two distinct colors.
    - b) Colors may be from the same hue family, but shall be distinct from each other.
  - iv. Building Façades shall be complementary to the form and massing of existing buildings throughout the community.
  - v. Building Façades shall be unique to the location and shall be of attractive design.
- d. Buildings shall be individually marked with visible, contrasting identifying signage to minimize the response time of emergency personnel. Building identifying signs shall be illuminated so as to be clearly visible from dusk until dawn.

### 2. Integrated Pest Management

- a. Building construction shall also include sealing all walls, floor and joint penetrations with low-VOC caulking or other appropriate nontoxic sealing methods to prevent pest entry.

#### **D. UNIT DESIGN AND CONSTRUCTION**

1. All units shall be constructed to meet Code requirements and the following minimum bedroom areas and dimensions requirements:
  - a. The primary bedroom in each unit shall be not less than 120 square feet.
  - b. Secondary bedrooms shall not be less than 100 square feet.
  - c. No bedroom shall have a dimension less than nine linear feet.
  - d. Bedroom areas shall not include wall thicknesses, closets, hallways, or adjoining rooms, but shall be the area immediately surrounding the intended bed location.
2. All units shall meet the following minimum storage requirements:
  - a. A clothes closet in each bedroom shall be provided. Bedroom closets shall not be dual purposed to meet other storage requirements.
  - b. A mechanical closet (as appropriate for the system to be utilized) shall be provided. Mechanical closets shall not be dual purposed to meet other storage requirements.
  - c. A laundry room or utility closet (if included in the unit design with the intent to provide washer and dryer hook ups) shall be provided.
  - d. A multi-use storage closet or closets which total not less than 8 square feet in area shall be provided. Multi-use closets shall be equipped with shelving at multiple heights.
  - e. Larger units (three bedrooms or more) shall be provided with an entry or coat closet in addition to the multi-use closet(s).
3. Three- and four-bedroom units shall be provided with not less than 1.75 baths.
4. Single lever deadbolts and eye viewers are required on all entry doors to residential units.
5. Interior finishes shall be easily cleanable and durable.
6. Carpet shall not be installed in high moisture areas including: entryways, bathrooms, kitchens, and laundry rooms/closets. All carpet shall be CRI Green Label Plus and hard surface flooring shall be SCS Floorscore certified.
7. Units shall be individually marked with visible contrasting identifying signage that shall be illuminated so that it is clearly visible from dusk until dawn, as well as daylight hours.
8. Every room and space intended for human occupancy shall be equipped with permanent, hardwired, energy efficient light fixtures. Switched outlets will not satisfy this requirement.
9. Sites shall be developed and units constructed so as to include wiring and infrastructure needed to allow for access to high speed broadband internet<sup>1</sup>, telephone, and cable/satellite television.

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<sup>1</sup> Under the final HUD rule governing installation of broadband, any new and substantially rehabilitated “public housing project” of four or more units must include infrastructure capable of supporting broadband access to residents as of January 19, 2017, unless the federal fund recipient can document one of the following three grounds for waiver:

- Location of property makes it infeasible;
- Costs of broadband infrastructure deployment changes the nature of the project or is an undue financial burden; or
- Nature of the structure being rehabbed makes installation infeasible.

Under the new regulation, “broadband infrastructure” is defined to include cable and fiber optic wiring, as well as wireless infrastructure, that is capable of meeting the FCC’s definition of “advanced telecommunication

10. Interior paints and sealants shall be low volatile organic compounds (VOC) or no VOC.
11. All appliances, including laundry equipment, shall be Energy Star rated. (Cooking appliances are exempt from this requirement).

## REHABILITATION

### A. GENERAL DESIGN

Rehabilitation Projects shall conform to the following provisions and requirements as described in the Rehabilitation section of this standard unless specific building and/or site conditions make compliance technically infeasible, in which case the Application must contain a Waiver of Procedure for Design Requirements, which can be found in the 2020 LIHTC Application Package. If the housing is occupied at the time of rehabilitation, any and all life-threatening deficiencies must be identified and addressed immediately. See Appendix A for a list of Inspectable Items and Observable Deficiencies, including the identification of life-threatening deficiencies (highlighted in orange) for the property site, building exterior, building systems, common areas, and units.

1. In addition, for Projects receiving federal funding, rehabilitation Projects must comply with HUD's Uniform Physical Condition Standards and all units shall be decent, safe, sanitary, and in good repair, as described in 24 CFR 5.703.

It is not the intent to burden a project with unnecessary work; however we do expect the project to have a minimum 20-year life expectancy after the work is completed.

2. Provisions shall be made for ACCESSIBILITY for people with disabilities in conformance with the requirements of federal and state law including the FHA and the ADA. At minimum 5 percent of the units on a Project site shall meet the provisions of a Type A accessible unit as described in the ANSI A117.1 standard. An additional 2 percent of the units shall meet the provisions of a "hearing impaired unit." Depending on the funding sources and other partner requirements, the Project may also be subject to Uniform Federal Accessibility Standards (UFAS) requirements. The development team is responsible to know and meet all accessibility requirements for their Project.
  - a. Site elements, accessible routes, buildings and units shall be constructed in accordance with the ANSI A117.1 standard.
  - b. An accessible route shall be provided to all accessible units, to all public use spaces, to all common use spaces and to site amenities (such as mail centers and dumpsters).
  - c. All common areas, including playgrounds and exercise rooms shall be made accessible in accordance with FHA and ADA requirements.
  - d. Not less than one of the Type A units provide shall be fitted with a roll-in shower which shall be constructed in conformance with the ANSI A117.1 standard.

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capability." The FCC currently defines that term as broadband with at least 25 Mbps of downstream capability and 4 Mbps of upstream capability.



- e. An accessible parking space shall be provided for each designated Type A accessible unit and for the community building at the ratios required by ADA. At least one “van accessible” parking space shall be provided near the Business Office.
3. Rehabilitation properties shall be designed and constructed in such a way as to provide greater energy efficiency, decreased water usage, and increased durability to the buildings, units and site elements.
    - a. Rehabilitation units shall achieve a post-construction HERS score of 65 or less.
    - b. Plumbing fixtures to be replaced as part of the rehabilitation scope shall be replaced with fixtures utilizing flow rates and flush rates at the following rates: Toilets less than 1.6 GPF; Lav Faucets less than 2.0 GPM, Kitchen Faucets less than 2.5 GPM; Shower Heads not more than 2.0 GPM..
  4. Hazardous materials assessment and remediation must be completed in accordance with EPA requirements and best practices.
    - a. Asbestos – project will be assessed for the existence of asbestos-containing building materials by qualified professionals:
      - i. National Emission Standards for Hazardous Air Pollutants (NESHAP) apply.
      - ii. Removal of asbestos must be carried out per federal EPA and state regulations and rules.
    - b. Lead - Health and Safety and Lead Safe Housing:
      - i. Lead-Based Paint
        - Federal and state regulations related to lead-based paint apply to target housing, which is defined as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child of less than six years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.
        - Rehabilitation of target housing must be completed in a manner which ensures the health and safety of workers and residents, especially children. A number of regulations apply when lead painted surfaces are disturbed in residential properties, primarily requiring the appropriate training of workers and the use of safe work practices. In some cases, use of federal funds for rehabilitation will trigger a higher level of lead paint treatments based on the amount of federal money being used. The following regulations must be adhered to during all rehabilitation of target housing:
      - ii. Federal Regulations:
        - HUD Lead Safe Housing Rule (Title 24, Part 35) requires various levels of evaluation and treatment of lead paint hazards when federal money is used for rehabilitation of target housing. More information is available at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes/e\\_nforcement/lshr](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/e_nforcement/lshr)
        - EPA Renovation Repair and Painting Rule (40 CFR Part 745) – Requires contractors conducting renovation, repair or maintenance that disturbs paint in target housing or child-occupied facilities to be licensed by EPA and use lead- safe work practices to complete the work. Developers must ensure



contractors are properly trained and licensed. More information is available at: <http://www2.epa.gov/lead>

- HUD/EPA Disclosure Regulations (Title 24, Part 35, Subpart A) – Requires owners of target housing to disclose all lead paint records and related information to potential buyers and/or tenants. More information is available at: [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12347.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12347.pdf)
- OSHA Lead in Construction Rule (29 CFR Part 1926.62) - Proscribes personal protection measures to be taken when workers are exposed to any lead during construction projects. More information is available at: [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10641](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10641)

***Note: Projects utilizing National Housing Trust Fund funding are also subject to the requirements of Supplement A: State of New Mexico National Housing Trust Fund Rehabilitation Standards.***

## **B. SITE DESIGN AND DEVELOPMENT**

1. Sites shall be improved, constructed, and monitored in accordance with the federal Clean Water Act.
2. Sites shall be constructed to drain away from buildings. Storm water recharge of groundwater is a goal. Ponding areas shall be made attractive but reduce risk to residents.
3. Parking for bicycles shall be provided at all properties at the ratio of .25 bicycle parking spaces per unit.
  - a. Senior properties so designated by HUD funding definitions applicable to the property and/or the HOPA shall be required to provide bicycle parking at the ratio of .15 spaces per unit.
  - b. Bicycle parking should be provided in secure areas outside of the unit area and in locations that do not compromise building safety or exiting. Bicycle parking at exterior locations shall be placed in highly visible locations and adjacent to the units the spaces serve. Bicycle parking may be congregate. Multiple spaces may be accomplished on a single rack. Bicycle parking racks should be fixed and permanent in nature.
4. Common use site areas shall include refuse collection, mail distribution, laundry, recreation and congregation. All such areas shall be connected with an accessible route.
  - a. Refuse collection areas shall be screened on all four sides, and shall offer room for recycling if such service is available in that municipality.
  - b. Mail distribution areas shall be well lit and secure but shall remain open to the tenants at all times.
  - c. If an existing Project proposed for rehabilitation has washers and dryers and/or washer/dryer hook-ups provided in each unit, then no laundry facility is required as part of the proposed rehabilitation. If existing units do not contain washer/dryer hook-ups, then laundry facilities shall be provided for tenant use at all properties with more than 20 units on the site as follows:
    - i. One each washer and dryer for every 12 units.
    - ii. Laundry facilities shall be secured and well-lit from dusk until dawn.
    - iii. An accessible clothes folding table or counter shall be provided in each laundry facility.
  - d. Site recreational areas shall be provided at all properties.

- i. Site recreational facilities shall be provided on an accessible route, shall encourage physical activity, and shall encourage community interaction.
  - ii. Site recreational facilities shall include accessible play areas, shall be provided for different age groups, and shall encourage physical activity. Activities for different age groups may be combined within a common play area as appropriate.
    - a) All play areas shall be located away from high automobile traffic and shall be situated for maximum visibility from the dwelling units.
    - b) A play area for children under age 5 shall be provided within direct visibility of common spaces.
    - c) A play area for children ages 5 – 12 shall be provided.
    - d) For children over age 12 an area of congregation that encourages physical activity shall be provided.
    - e) Visible warning signs describing playground rules and warning that use is at one's own risk shall be provided at each play area.
    - f) An accessible, weather resistant, permanently mounted bench shall be provided at each play area.
    - g) Senior properties so designated by HUD funding definitions applicable to the property and/or the HOPA shall be exempt from the requirement to provide play areas, but shall provide areas of congregation that encourage physical activity.
5. Landscaping shall be required at all properties:
- a. A complete landscape plan which maximizes existing natural features or otherwise enhances open space is required.
  - b. Native, semi-native, or drought tolerant plants shall be used.
  - c. Low water use irrigation systems shall be used.
6. Interior community spaces and business offices shall be provided at all properties.
- a. All developments shall have an on-site business office of at least 200 square feet and a maintenance room of at least 100 square feet.
  - b. Accessible public restrooms, at ratios required by Code, shall be provided.

*Unless required by local building codes, properties containing 20 or fewer units shall be exempt from the requirement to provide interior community spaces, public restrooms and business offices.*

## **C. BUILDING DESIGN AND CONSTRUCTION**

1. Exterior Building Design
- a. Unless more stringent local zoning requirements apply, the following minimum design requirements shall be met:
    - i. Building Façades shall utilize not less than three different building materials.
      - a) Exterior building materials exposed to the elements shall be low maintenance relative to the Project's geographic location.
    - ii. Building Façades shall be multi-colored.
      - a) Each Building Façade shall include not less than two distinct colors.
      - b) Colors may be from the same hue family, but shall be distinct from each other.

- iii. Buildings shall be individually marked with visible, contrasting identifying signage to minimize the response time of emergency personnel. Building identifying signs shall be illuminated so as to be clearly visible from dusk until dawn.

#### **D. UNIT DESIGN AND CONSTRUCTION**

1. Single lever deadbolts and eye viewers are required on all entry doors to residential units.
2. Interior finishes shall be easily cleanable and durable.
3. Carpet shall not be installed in high moisture areas including: entryways, bathrooms, kitchens, and laundry rooms/closets. All carpet shall be CRI Green Label Plus and hard surface flooring shall be SCS Floorscore certified. (Applies to new flooring only.)
4. All hot water lines exposed as a result of the construction shall be insulated and sealed in additional rigid pipe insulation to the insulation values required by ASHRAE standards.
5. Bathrooms shall be equipped with exhaust vents that vent directly to the exterior of the building unless equipped with operable exterior windows with screens.
6. Units shall be individually marked with visible contrasting identifying signage that shall be illuminated so that it is clearly visible from dusk until dawn, as well as daylight hours.
7. Heating and cooling systems shall be sized in accordance with ACCA Manual J and Manual D requirements or in accordance with ASHRAE standards.
8. Sites shall be developed and units constructed so as to include wiring and infrastructure needed to allow for access to high speed broadband internet<sup>2</sup>, telephone, and cable/satellite television.
9. Interior paints and sealants shall be low VOC or no VOC.
10. All appliances, including laundry equipment, proposed to be replaced as part of the scope of work for rehabilitation, shall be Energy Star rated.

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<sup>2</sup> Under the final HUD rule governing installation of broadband, any new and substantially rehabilitated “public housing project” of four or more units must include infrastructure capable of supporting broadband access to residents as of January 19, 2017, unless the federal fund recipient can document one of the following three grounds for waiver:

- Location of property makes it infeasible;
- Costs of broadband infrastructure deployment changes the nature of the project or is an undue financial burden; or
- Nature of the structure being rehabbed makes installation infeasible.

Under the new regulation, “broadband infrastructure” is defined to include cable and fiber optic wiring, as well as wireless infrastructure, that is capable of meeting the FCC’s definition of “advanced telecommunication capability.” The FCC currently defines that term as broadband with at least 25 Mbps of downstream capability and 4 Mbps of upstream capability.

## **SPECIAL PROJECTS**

### **A. SINGLE ROOM OCCUPANCY (SRO) DEVELOPMENTS**

1. Tenant rooms (units) shall be 140 square feet minimum gross heated area with a maximum size of 500 square foot gross heated area.
2. Each unit shall be provided with at least one full size bed, a lockable storage compartment or chest of drawers, and a vertical clothes closet measuring at minimum 36 inches wide.
3. Each building containing units shall provide bathroom facilities.
  - a. A bathroom facility shall be provided for every 16 units or fraction thereof in that building.
  - b. Each bathroom facility shall provide bathroom fixtures at a ratio of the number of units it serves.
    - i. One sink, one shower with curtain or door and one toilet with a door shall be provided for every four units.
4. Each building containing units shall include a food preparation area unless provided within all units within that building.
  - a. The food preparation area shall be adequately sized for the number of units it serves.
5. A community center, community living area or meeting room shall be provided on the property.
6. Laundry facilities shall be provided for tenant use at all properties with more than 20 units.
  - a. Laundry facilities shall be secured and well-lit from dusk until dawn.
  - b. One each washer and dryer shall be provided for every 20 units.
  - c. An accessible clothes folding table or counter shall be provided in each laundry facility.

### **B. ADAPTIVE REUSE PROJECTS**

1. Adaptive reuse Projects shall be subject to the full provisions of the Mandatory Design Standards for new construction unless it is demonstrated to MFA's satisfaction that specific elements or requirements are technically infeasible to accomplish, in which case the Application must contain a detailed explanation of why a provision or requirement cannot be met.

## Part B: MFA 2020 Submission Instructions for Preliminary Architectural Documentation for Multifamily Housing Applications

All Applications shall provide at the time of submission the preliminary architectural documentation of the proposed Project. This submission shall be provided to demonstrate the intent of the Project to comply with the MFA 2020 Mandatory Design Standards for Multifamily Housing, New Mexico building Codes, the FHA, the National Housing Trust Fund Rehabilitation Standards, and the 2010 ADA Standards for Accessible Design as applicable. Additionally, if applicable, provide the completed Waiver Procedure for Design Requirements form or any preliminary approval granted prior to submission of the Application.

All Applicants will be required to sign a certification stating that there have been no Material Design Changes, as defined in the QAP, between the plans and specifications submitted at Application and those contained in final construction documents. In the event there are Material Design Changes between the plans and specifications submitted at Application and those contained in final construction documents, MFA will require Applicant to submit a detailed narrative (at time of submission of final construction documents) of the changes made to the final construction documents and the reason(s) for the change(s). Changes made to the original Application may require additional MFA approval and payment of the applicable fees as described in the QAP. **Significant changes in the scope could result in the rescoring of the Application and the potential loss of tax credits.**

### SITE INFORMATION

The Preliminary Architectural Documentation shall include the following:

1. City or jurisdiction map and detailed directions to the site.
2. Legal description of site.
3. Aerial view or satellite view of the site. The view shall show the areas adjacent to the site within a half mile of the site.
4. Location and Linkages map
  - a. The map shall be scaled to show the roadways within at least a half mile radius of the site.
  - b. The map shall indicate bus and/or commuter rail stops or stations within a half mile of the site.
  - c. If any of the above services are not available within the half mile radius, the map shall so state.
5. Color Photos

Current color photographs of the Project site (images obtained from a website are not acceptable); include images looking out toward each of the cardinal directions. If a rehabilitation Project, include images of each façade of the existing structure(s) as well as existing amenities.
6. Preliminary Site Plan
  - a. The site plan shall show the extents of the site and shall label adjacent roadways.
  - b. The site plan shall include a north arrow and scale.
  - c. The site plan shall show the buildings and identify the number of units to be included in each building.

- d. The site plan shall include a unit matrix giving the number, type and sizes of units to be included in the Project.
  - e. The site plan shall show the preliminary parking layout and enumerate the number and type of parking spaces to be provided.
  - f. The site plan shall show the locations of bicycle parking spaces.
  - g. The site plan shall show the locations of site elements if required or provided, including but not limited to:
    - i. Monument signs
    - ii. Recreational and/or play areas with required features
    - iii. Community areas
    - iv. Garbage enclosures
    - v. Mail centers
    - vi. Laundry facilities
    - vii. Office spaces
    - viii. Maintenance room
    - ix. Accessible features, including but not limited to:
      - a) Accessible units
      - b) Accessible routes
      - c) Accessible parking spaces
7. Preliminary Landscape Plan
- a. The Landscape plan shall show tree and plant locations and relative sizes.
  - b. The Landscape plan shall show the plant types anticipated for use.
  - c. The Landscape plan shall describe the irrigation system to be used.
8. Preliminary Building Plans
- a. Building plans shall be provided showing the ground floor layouts for each building type to be included in the Project.
  - b. Building plans shall be provided showing the typical upper floor layouts for each building type to be included in the Project.
  - c. Building plans shall call out the following spaces, if required or provided, and show their locations relative to the remainder of the building elements on that floor:
    - i. Laundry facilities
    - ii. Community rooms
    - iii. Accessible units
    - iv. Leasing/program/special services offices
    - v. Maintenance rooms
    - vi. Elevators
9. Preliminary Building Exterior Elevations
- a. Building elevations shall be provided for each building type.
  - b. Building elevations shall describe the following attributes:
    - i. Building height
    - ii. Exterior materials
    - iii. Colors and/or color schemes

- iv. Building signage
- v. Building lighting
- vi. Vertical circulation if provided

10. Preliminary Unit Plans

- a. Unit plans shall be provided for each typical unit type.
- b. Unit plans shall be provided for all accessible units.
- c. Unit plans shall describe the following attributes:
  - i. The overall layout of the rooms or spaces
  - ii. Bedroom locations, numbers and square footage
  - iii. Linear dimensions for bedrooms
  - iv. Storage closets
  - v. Mechanical systems to be used with space requirements and space locations
  - vi. Lighting layout
  - vii. Kitchen cabinetry and appliances
  - viii. Doors and swings
  - ix. Laundry equipment and/or hook ups if provided
  - x. Accessible features, clear floor spaces and clear turning spaces

11. Preliminary Specifications:

- a. Preliminary specifications shall be provided for all Projects.
- b. The preliminary specifications shall describe the following aspects of the work:
  - i. Proposed building systems, including but not limited to:
    - a) The exterior envelope including windows, doors, roofing and wall surface finishes
    - b) The building insulation systems
    - c) The structural systems
    - d) The mechanical systems
    - e) The plumbing and hot water systems
    - f) The electrical systems
    - g) The lighting systems
  - i. Proposed interior fixtures, finishes and installations, including but not limited to:
    - a) Cabinetry
    - b) Appliances
    - c) Wall and ceiling finishes
    - d) Floor finishes
    - e) Plumbing fixtures and trim
    - f) Electrical fixtures and trim
    - g) Interior doors

12. Rehabilitation Scope of Work Narrative: (Required for all rehabilitation projects)

- a. A rehabilitation scope of work shall be provided for all rehabilitation Projects.
- b. The rehabilitation scope of work shall describe the following:
  - i. Proposed changes to the site to remove barriers to accessibility
  - ii. Proposed changes to the buildings to provide a minimum 5 percent accessible units
  - iii. Proposed strategy to achieve a maximum HERS certification of 75 or better

- iv. Proposed changes to the site to meet the requirements of the Mandatory Design Standards: Rehabilitation Section B
  - v. Proposed changes to the buildings to meet the requirements of the Mandatory Design Standards: Rehabilitation Section C
  - vi. Proposed changes to the units to meet the requirements of the Mandatory Design Standards: Rehabilitation Section D
  - vii. A detailed description of all demolition activities
13. For projects utilizing National Housing Trust Fund funding, a certification that the design is in compliance with all of the requirements of the State of New Mexico National Housing Trust Fund Rehabilitation Standards.

### **CAPITAL NEEDS ASSESSMENT (CNA) REQUIREMENTS**

As required by the 2020 QAP, all rehabilitation and adaptive reuse projects must provide a CNA with the Application if requesting an exception from the 20-year requirement, prior to the issuance of the letter of determination for tax-exempt bond finance projects, or at carryover for all other projects.

Professionals performing the CNA must meet the following minimum qualification/certification requirements set forth by MFA.

- ◆ Must be prepared by an independent, third-party professional not involved in the design or preparation of drawings and specifications for the project.
- ◆ Must have no financial interest in the Project, and must have no identity of interest with the Developer or Co-Developer or personal interest with respect to the parties involved.
- ◆ Preparer must demonstrate a minimum of five years' experience performing CNAs. Experience may be demonstrated by submitting a resume', list of projects, applicable AIA form, or other documentation containing information on the project and year the CNA was completed.
- ◆ The preparer must submit the Certification of Qualified Professional – CNA form found in the 2020 LIHTC Application Package.



## **Supplement A**

### **State of New Mexico National Housing Trust Fund Rehabilitation Standards**

#### **I. PURPOSE OF STANDARDS**

- A. This supplement combined with the 2020 MFA Mandatory Design Standards for Multifamily Housing shall comprise the National Housing Trust Fund Rehabilitation Standards (known herein as the “NHTF Standards”).
- b. The NHTF Standards are designed to outline the requirements for building rehabilitation for all New Mexico Mortgage Finance Authority (MFA) National Housing Trust Fund (NHTF) funded multifamily housing projects. All renovation activities performed on an NHTF-funded project must conform to these rehabilitation standards.
- B. The goal of the MFA NHTF program is to provide functional, safe, affordable, and durable housing that meets the needs of the tenants and communities in which the housing is located throughout its affordability period.
- C. Through use of the NHTF Standards, all health and safety deficiencies must be addressed and corrected.

#### **II. QUALITY OF WORK**

- A. Quality of Work: Grantees and developers will ensure that all rehabilitation work is completed in a thorough and workmanlike manner in accordance with industry practice and contractually agreed upon plans and specifications, as well as subsequent mutually agreed upon change orders during the construction process. Grantees and developers will employ best practice industry standards relating to quality assurance to verify all work completed.
- B. Project Design Professionals
  - 1. Projects will be designed by licensed professionals per 14.5.2 New Mexico Administrative Codes (NMAC) – Permits.
  - 2. The project developer will formally contract with licensed architectural and engineering design professionals to provide appropriate professional services for each project. It is the responsibility of each licensed professional to assure that the scope of work is done in accordance with the generally accepted practices in their discipline, as well as designing the project to be in full conformance with all the applicable federal, state and local codes. (See Section III below.)
  - 3. In addition, the architect or engineer will provide contract specifications which stipulate quality standards, materials choices, installation methods and standards. Such specifications may reference other appropriate standards set by different trades associations and testing agencies such as ASTM, Underwriters Laboratory (U/L), Tile Council of America, Gypsum National Roofing Contractors Association (NRCA), Architectural Woodwork Institute (AWI), Sheet Metal and Air Conditioning Contractors’ National Association (SMACNA), and AFME.
- C. By meeting the various code requirements as a minimum standard, together with the other standards herein or in attendant MFA policies, each building rehabilitation project is assured to be brought up to an acceptable level of rehabilitation.
- D. Warranties will be required per the standard construction contracts on all materials, equipment and workmanship.

#### **III. SCOPE OF WORK DETERMINATION**

- A. In developing scopes of work, grantees and developers will work with MFA staff to ensure that all requirements under the NHTF Standards are satisfied and that the proposed scope of work meets the goals of Part I above. MFA approval of all scopes of work is required.

#### **IV. EXPECTED USEFUL LIFE / REHABILITATION SCOPE & CAPITAL PLANNING**

- A. In developing scopes of work on housing rehabilitation projects, MFA NHTF grantees and developers will consider the remaining expected useful life of all building components with regard to building long-term sustainability and performance. Specifically, each building component with a remaining expected useful life of less than the applicable NHTF period of affordability (30 years) will be considered for replacement, repair or otherwise updated. Additionally, new building components with an expected useful life of less than 30 years will be considered for future replacement.
- B. Project CNAs will be required. The industry standard period for CNAs is 20 years; however, project CNAs must be updated every five years during the life of the project to ensure projected capital needs through the 30 year NHTF affordability period are anticipated and planned for. The initial CNA will cover years 1-20. The first five year update will be done in year 5 and cover years 6-25. The second 5-year update will be done in year 10 and will cover years 11-30.
- C. Once a scope of work has been developed by the grantee and their development team, the grantee must also develop a Capital Plan. Whether or not a particular building component has been replaced, repaired or otherwise updated as part of the rehabilitation scope of work, all building components and major systems must demonstrate adequate funding to be viable for at least 20 years, the length of the capital plan, with subsequent updates every five years during the 30-year affordability period.
  - Example #1: Kitchen cabinets with a remaining useful life of eight years may be permitted to be left in place and not included in the rehabilitation scope. However, adequate funding must be demonstrated in the building capital plan to replace those cabinets in year 8 of the post-rehabilitation capital plan.
  - Example #2: If a building component such as a new roof is installed during the rehabilitation and this roof has an expected useful life of 25 years, it will not show up on the initial CNA as needing replacement during that 20-year period. However, since MFA requires updates of CNA's for NHTF projects to be performed every 5 years, it will show up on the next 20-year CNA which will be performed in year 5 of the project and cover years 6 to 25. During these 5- year CNA updates, the project reserve contributions will be reviewed to ensure all future capital expenditures articulated in the CNA are adequately funded through the 30-year affordability period.
- D. Annual replacement reserves contributions of at least \$250 per unit per year (pupy) for senior projects and \$300 pupy for general occupancy projects are required through the 30-year affordability period. If the initial 20-year CNA and capital plan (and/or any subsequent five year updates) indicate that replacement costs for the period exceed the amount generated by the respective pupy contributions, a higher pupy contribution will be required.
- E. Grantees and their development teams should ensure that all site and building systems and components are analyzed to ensure that they will remain viable and serviceable throughout the affordability period. The analysis of some systems (the structural system for example), may require professional investigation, review and documentation.

#### **VII. DISASTER MITIGATION**

- A. To the extent applicable/relevant, the housing must be improved to mitigate the potential

- impact of potential disasters (e.g. earthquakes, floods, wildfires) in accordance with state or local codes, ordinances and requirements or such other requirements that HUD may establish.
- B. Specifically regarding flood hazards:
1. Projects must meet FEMA federal regulation, and HUD's floodplain management requirements at 24 CFR 55, including the 8-Step Floodplain Management Process (when applicable) at 24 CFR 55.20.
  2. Projects must meet fluvial erosion prevention requirements per local municipality regulations.
- C. Specifically regarding earthquakes:
1. Projects located in earthquake prone regions must be assessed by a registered structural engineer for compliance with Section 707 of the 2009 International Existing Building Code.
  2. Projects located in earthquake-prone regions must further complete soils testing and grading of the soils by a registered soils engineer in accordance with the 2009 International Building Code Requirements. Such soils classifications will be used to determine if voluntary improvements of the seismic force-resisting system (Section 707.6 2009 IEBC) will be voluntary or compulsory.
- D. Specifically regarding wildfires:
1. Projects located in wildfire-prone areas or which are located next to large expanses of forest, brush, open fields, or within predominantly natural landscapes will make efforts to reduce exposure to wildfires.
  2. Projects located in wildfire-prone areas will utilize best practices to protect the project including readily available information provided through the U.S. Forest Service and NFPA Firewise Community Program. Such efforts toward preparation will include basics of defensible space and sound landscaping techniques. Additional information can be found at [www.firewise.org/wildfire-preparedness.aspx](http://www.firewise.org/wildfire-preparedness.aspx).

## **MFA 2022 Mandatory Design Standards for Multifamily Housing Part A**

The following Design Standards, including the MFA 2022 Submission Instructions for Preliminary Architectural Documentation for Multifamily Housing Applications, contained herein as **Part B**, represent the minimum requirements for New Mexico Mortgage Finance Authority (MFA) financed rental housing and are herewith incorporated by reference into MFA's 2022 Qualified Allocation Plan (QAP). Capitalized terms are defined either herein or in the QAP.

MFA values excellence in design because well designed housing meets the needs of tenants, attracts market tenants and promotes community acceptance of housing financed by MFA. All Projects shall meet or exceed each of these standards, as well as the minimum requirements of all applicable building codes (hereinafter referred to as "Code"), regulations, and local zoning ordinances. In addition, Projects shall meet Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) requirements as applicable. Depending on the funding sources and other partners' requirements, the Project may also be subject to Uniform Federal Accessibility Standards (UFAS) requirements. Projects receiving HOME funding must meet the property standards of 24 CFR 92.251. Projects receiving National Housing Trust Funds must meet the property standards of 24 CFR 93.301 (f) (1) and (2). The development team is responsible to know and meet all accessibility requirements for their Project. MFA will not be reviewing submissions with the intent to identify compliance with these various laws, codes, and ordinances governing the design of the projects. Should we find a discrepancy in a design that does not meet a law, code, or ordinance, we will, as a courtesy, inform the designer of our findings. Our review does not constitute nor represent the project's compliance with all applicable laws, codes, or ordinances; and development team members may not rely on MFA or its agents for final determination. In light of the complexity of adherence to all various code requirements, some developers may find it beneficial to hire third-party consultants to provide additional review. Each Project Owner and architect will be required to certify at Application that the Project design meets these Design Standards, and at completion will be required to certify that the Project was built in compliance with these Design Standards. The Design Standards have been arranged into three sections: "New Construction," "Rehabilitation," and "Special Projects" and shall be used as applicable for each type of Project or each portion of a Project.

Generally: Each Project must satisfy the desires and demands of the rental market. The physical characteristics of Projects will vary and depend on such matters as rentals, characteristics of population served, size of households, and comparable Projects. **While it is expected that all projects meet the Design Standards applicable to their form of construction, these Design Standards are not intended to add unnecessary burden to the project. In cases where it is not technically and/or economically feasible to adhere strictly to all design or submission requirements, individual requirements may be waived at MFA's discretion.** The applicant must complete and submit the Waiver Procedure for Design

Requirements form found in the 2022 Universal Rental Development Application Package. This request will be reviewed with the Application and determination of approval given following the design review process. Waiver Requests made after the project is awarded tax credits and/or any MFA funding are considered changes to the Project, and a \$500 fee payment will be required.

Design: Housing rental Projects must provide a continuing market appeal. Amenities, space and aesthetics must be competitive with other properties serving the same market segment. The Project must be visually pleasing, well suited to the needs of the residents, and of good design reflecting the architectural standards of the neighborhood and of the community in which it is situated. Site, building and dwelling unit designs must be practical and use space effectively.

Cost Concerns: The design should incorporate proven construction cost-saving techniques, durable cost-effective materials suitable for the intended use, energy saving features, and cost-efficient mechanical systems. Minimizing initial construction costs and continuing operation and maintenance costs are essential to MFA's affordable housing programs.

For purposes of this document, the ANSI A 117.1 standard means the then-current version of the ANSI A.117.1 standard adopted by the state of New Mexico as same applies to the Project at the time of construction.

## **NEW CONSTRUCTION**

### **A. GENERAL DESIGN**

1. New construction Projects shall conform to the following provisions and requirements as described in the New Construction section of this Design Standard unless specific site conditions make compliance technically infeasible, in which case the Application must contain a detailed explanation of why a provision or requirement cannot be met.
2. Provisions shall be made for ACCESSIBILITY for people with disabilities in conformance with the requirements of federal and state law including the FHA and the ADA, as applicable. A minimum 5 percent of the units on a Project site shall meet the provisions of a Type A accessible unit as described in the ANSI A117.1 standard. An additional 2 percent of the units shall meet the provisions of a "hearing impaired unit." Depending on the funding sources and other partners' requirements, the Project may also be subject to UFAS requirements. The development team is responsible to know and meet all accessibility requirements for their Project.
  - a. Site elements, accessible routes, buildings, and units shall be constructed in accordance with the ANSI A117.1 standard.
  - b. An accessible route shall be provided to all accessible units, to all public use spaces, to all common use spaces, and to site amenities (such as mail centers and dumpsters).
  - c. All common areas, including playgrounds and exercise rooms, shall be made accessible in accordance with FHA and ADA requirements.
  - d. Not less than one of the Type A units provided shall be fitted with a roll-in shower which shall be constructed in conformance with the ANSI A117.1 standard.
  - e. A van accessible parking space shall be provided for each designated Type A accessible unit and for the Community Building at the ratios required by ADA.

3. Provisions shall be made for ADAPTABILITY for people with disabilities in conformance with the requirements of federal and state law including the FHA and the ADA. All units located on an accessible path shall meet the provisions of either a Type A or Type B accessible unit as described in the ANSI A117.1 standard. An accessible route shall be provided to all ground floor units (unless noted through exception as found within the FHA and ANSI standards based on site configuration – See FHA Design Manual and ANSI A117.1 for additional information.)
4. New construction properties shall be designed and constructed in such a way as to provide greater energy efficiency, decreased water usage, and increased durability over a similarly sized minimum Code compliant Project.
  - a. New construction units shall achieve a HERS certification of 55 or less.
  - b. New construction units shall utilize plumbing fixtures with flow rates and flush rates at the following rates or better:
    - Toilets at 1.28 GPF;
    - Lavatory Faucets 1.0 GPM;
    - Kitchen Faucets 1.2 GPM;
    - Shower Heads 2.0 GPM.
  - c. The Project team shall implement durability measures intended to extend the livability and to decrease maintenance costs of the property.

## **B. SITE DESIGN AND DEVELOPMENT**

1. Sites shall be designed, constructed, monitored and maintained in accordance with the federal Clean Water Act. See EPA's "Managing Your Environmental Responsibilities: A Planning Guide for Construction and Development" for additional information and requirements.  
<http://water.epa.gov/polwaste/npdes/stormwater/upload/myerguide.pdf>.
2. Sites shall be constructed to drain away from buildings. Storm water recharge of groundwater is a goal. Ponding areas shall be made attractive but reduce risk to tenants.
3. Parking shall be provided at the minimum numbers as defined by local Zoning Ordinance.
4. Parking for bicycles shall be provided at all properties at the ratio of .5 bicycle parking space per unit.
  - a. Senior properties so designated by the U.S. Department of Housing and Urban Development (HUD) funding definitions applicable to the property and/or the Housing for Older Persons Act (HOPA) shall be required to provide bicycle parking at the ratio of .25 spaces per unit.
  - b. Bicycle parking should be provided in secure areas outside of the unit and in locations that do not compromise building safety or exiting. Bicycle parking at exterior locations shall be placed in highly visible locations and adjacent to the units the spaces serve. Bicycle parking may be congregate. Multiple spaces may be accomplished on a single rack. Bicycle parking racks should be fixed and permanent in nature.
5. Common use site areas shall include refuse collection, mail distribution, laundry, recreation, and congregation. All such areas shall be connected with an accessible route.
  - a. Refuse collection areas shall be convenient to the units, shall be screened on all four sides, and shall offer room for recycling activities if such service is available in that municipality.

- b. Mail distribution areas shall be well lit and secure but shall remain open to the tenants at all times.
  - c. Unless washers and dryers are provided in each individual unit, laundry facilities shall be provided for tenant use at all properties with more than 20 units on the site as follows:
    - i. One each washer and dryer shall be provided for every 12 units.
    - ii. Laundry facilities shall be secured and well-lit from dusk until dawn.
    - iii. An accessible clothes folding table or counter shall be provided in each laundry facility.
  - d. Site recreational areas shall be provided at all properties.
    - i. Site recreational facilities shall be provided on an accessible route and shall encourage physical activity and community interaction.
    - ii. Site recreational facilities shall include accessible play areas, shall be provided for different age groups, and shall encourage physical activity. Activities/play areas for different age groups may be combined within a common play area as appropriate.
      - a) All play areas shall be located away from high automobile traffic and shall be situated for maximum visibility from the dwelling units.
      - b) A play area for children under age 5 shall be provided within direct visibility of common spaces.
      - c) A play area for children ages 5 – 12 shall be provided.
      - d) For children over age 12 an area of congregation that encourages physical activity shall be provided.
      - e) Visible warning signs describing play area rules and warning that use is at one's own risk shall be provided at each play area.
      - f) An accessible, weather resistant, permanently-mounted bench shall be provided at each separate play area.
      - g) Senior properties so designated by HUD funding definitions applicable to the property and/or the HOPA shall be exempt from the requirement to provide play areas, but shall provide areas of congregation that encourage physical activity.
6. Landscaping shall be required at all properties:
- a. A complete landscape plan which maximizes existing natural features or otherwise enhances open space is required.
  - b. Native, semi-native, or drought tolerant plants shall be used.
  - c. Low water use irrigation systems shall be used.
7. Interior community spaces and business offices shall be provided at all properties.
- a. All properties shall have an on-site business office of at least 200 square feet and a maintenance room of at least 100 square feet.
  - b. Accessible public restrooms, at the ratios required by Code, shall be provided.
  - c. Unless required by local building code, properties containing 20 or fewer units shall be exempt from the requirement to provide interior community spaces, public restrooms and business offices.



## C. BUILDING DESIGN AND CONSTRUCTION

### 1. Exterior Building Design

- a. Buildings shall be designed to meet the local zoning requirements for that Project site, including requirements for unit densities, building heights, building setbacks, massing, colors, and materials.
- b. Definitions: The following specific terms as used in this document shall be defined as following:
  - i. Building Façade: The “Building Façade” shall be defined to be: “Any elevation of a building facing a public way or space.” A Building Façade shall be inclusive of all building elements compiled to create a visual impression. This is much more inclusive than just the building skin.
  - ii. Building Shape: The “Building Shape” shall be defined to be: “The primary rectilinear volume of the building structure.”
  - iii. Building Shape Variations: “Building Shape Variations” shall be defined to be: “any deviation in plane from the Building Shape.”
- c. Unless more stringent local zoning requirements apply, the following minimum design requirements shall be met:
  - i. Building Façades shall be multi-faced.
    - a) In no case shall a Building Shape be confined to a straight rectangle. Building Shape Variations shall be required at a ratio of not less than the number bedrooms situated on the ground floor plane.
  - ii. Building Façades shall utilize not less than three different building materials.
    - a) Changes in building materials may also satisfy the requirements for shape changes if the materials are not in the same plane.
    - b) Exterior building materials exposed to the elements shall be low maintenance relative to the Project’s geographic location.
  - iii. Building Façades shall be multi-colored.
    - a) Each Building Façade shall include not less than two distinct colors.
    - b) Colors may be from the same hue family but shall be distinct from each other.
  - iv. Building Façades shall be complementary to the form and massing of existing buildings throughout the community.
  - v. Building Façades shall be unique to the location and shall be of attractive design.
- d. Buildings shall be individually marked with visible, contrasting identifying signage to minimize the response time of emergency personnel. Building identifying signs shall be illuminated so as to be clearly visible from dusk until dawn.

### 2. Integrated Pest Management

- a. Building construction shall also include sealing all walls, floor and joint penetrations with low-VOC caulking or other appropriate nontoxic sealing methods to prevent pest entry.



#### **D. UNIT DESIGN AND CONSTRUCTION**

1. All units shall be constructed to meet Code requirements and the following minimum bedroom areas and dimensions requirements:
  - a. The primary bedroom in each unit shall be not less than 120 square feet.
  - b. Secondary bedrooms shall not be less than 100 square feet.
  - c. No bedroom shall have a dimension less than nine linear feet.
  - d. Bedroom areas shall not include wall thicknesses, closets, hallways, or adjoining rooms, but shall be the area immediately surrounding the intended bed location.
2. All units shall meet the following minimum storage requirements:
  - a. A clothes closet in each bedroom shall be provided. Bedroom closets shall not be dual purposed to meet other storage requirements.
  - b. A mechanical closet (as appropriate for the system to be utilized) shall be provided. Mechanical closets shall not be dual purposed to meet other storage requirements.
  - c. A laundry room or utility closet (if included in the unit design with the intent to provide washer and dryer hook ups) shall be provided.
  - d. A multi-use storage closet or closets which total not less than 8 square feet in area shall be provided. Multi-use closets shall be equipped with shelving at multiple heights.
  - e. Larger units (three bedrooms or more) shall be provided with an entry or coat closet in addition to the multi-use closet(s).
3. Three- and four-bedroom units shall be provided with not less than 1.75 baths.
4. Single lever deadbolts and eye viewers are required on all entry doors to residential units.
5. Interior finishes shall be easily cleanable and durable.
6. Carpet shall not be installed in high moisture areas including entryways, bathrooms, kitchens, and laundry rooms/closets. All carpet shall be CRI Green Label Plus and hard surface flooring shall be SCS Floorscore certified.
7. Units shall be individually marked with visible contrasting identifying signage that shall be illuminated so that it is clearly visible from dusk until dawn, as well as daylight hours.
8. Every room and space intended for human occupancy shall be equipped with permanent, hardwired, energy efficient light fixtures. Switched outlets will not satisfy this requirement.
9. Sites shall be developed, and units constructed so as to include wiring and infrastructure needed to allow for access to high-speed broadband internet<sup>1</sup>, telephone, and cable/satellite television.

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<sup>1</sup> Under the final HUD rule governing installation of broadband, any new and substantially rehabilitated “public housing project” of four or more units must include infrastructure capable of supporting broadband access to residents as of January 19, 2017, unless the federal fund recipient can document one of the following three grounds for waiver:

- Location of property makes it infeasible;
- Costs of broadband infrastructure deployment changes the nature of the project or is an undue financial burden; or
- Nature of the structure being rehabbed makes installation infeasible.

Under the new regulation, “broadband infrastructure” is defined to include cable and fiber optic wiring, as well as wireless infrastructure, that is capable of meeting the FCC’s definition of “advanced telecommunication

10. Interior paints and sealants shall be low volatile organic compounds (VOC) or no VOC.
11. All appliances, including laundry equipment, shall be Energy Star rated. (Cooking appliances are exempt from this requirement).

## REHABILITATION

### A. GENERAL DESIGN

Rehabilitation Projects shall conform to the following provisions and requirements as described in the Rehabilitation section of this standard unless specific building and/or site conditions make compliance technically infeasible, in which case the Application must contain a Waiver of Procedure for Design Requirements, which can be found in the 2022 Universal Rental Development Application Package. If the housing is occupied at the time of rehabilitation, any and all life-threatening deficiencies must be identified and addressed immediately. See Appendix A for a list of Inspectable Items and Observable Deficiencies, including the identification of life-threatening deficiencies (highlighted in orange) for the property site, building exterior, building systems, common areas, and units.

- 1) In addition, for Projects receiving federal funding, rehabilitation Projects must comply with HUD's Uniform Physical Condition Standards and all units shall be decent, safe, sanitary, and in good repair, as described in 24 CFR 5.703.

It is not the intent to burden a project with unnecessary work; however, we do expect the project to have a minimum 20-year life expectancy after the work is completed.

- 2) Provisions shall be made for ACCESSIBILITY for people with disabilities in conformance with the requirements of federal and state law including the FHA and the ADA. At minimum 5 percent of the units on a Project site shall meet the provisions of a Type A accessible unit as described in the ANSI A117.1 standard. An additional 2 percent of the units shall meet the provisions of a "hearing impaired unit." Depending on the funding sources and other partner requirements, the Project may also be subject to Uniform Federal Accessibility Standards (UFAS) requirements. The development team is responsible to know and meet all accessibility requirements for their Project.
  - a. Site elements, accessible routes, buildings and units shall be constructed in accordance with the ANSI A117.1 standard.
  - b. An accessible route shall be provided to all accessible units, to all public use spaces, to all common use spaces and to site amenities (such as mail centers and dumpsters).
  - c. All common areas, including playgrounds and exercise rooms shall be made accessible in accordance with FHA and ADA requirements.
  - d. Not less than one of the Type A units provide shall be fitted with a roll-in shower which shall be constructed in conformance with the ANSI A117.1 standard.

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capability." The FCC currently defines that term as broadband with at least 25 Mbps of downstream capability and 4 Mbps of upstream capability.

- e. An accessible parking space shall be provided for each designated Type A accessible unit and for the community building at the ratios required by ADA. At least one “van accessible” parking space shall be provided near the Business Office.
- 3) Rehabilitation properties shall be designed and constructed in such a way as to provide greater energy efficiency, decreased water usage, and increased durability to the buildings, units and site elements.
- a. Rehabilitation units shall achieve a post-construction HERS score of 65 or less. (MFA will consider waiver requests where it presents an undue cost burden or is wasteful to achieve this standard, e.g., where furnaces were replaced in the last seven years and it would require replacing them with a slightly more efficient unit to achieve a 65 HERS score; or where the local climate does not require heating).
  - b. Plumbing fixtures to be replaced as part of the rehabilitation scope shall be replaced with fixtures utilizing flow rates and flush rates at the following given rates or better:
    - Toilets at 1.28 GPF;
    - Lavatory Faucets 1.0 GPM;
    - Kitchen Faucets 1.2 GPM;
    - Shower Heads 2.0 GPM.
- 4) Hazardous materials assessment and remediation must be completed in accordance with EPA requirements and best practices.
- a. Asbestos – project will be assessed for the existence of asbestos-containing building materials by qualified professionals:
    - i. National Emission Standards for Hazardous Air Pollutants (NESHAP) apply.
    - ii. Removal of asbestos must be carried out per federal EPA and state regulations and rules.
  - b. Lead - Health and Safety and Lead Safe Housing:
    - i. Lead-Based Paint
      - Federal and state regulations related to lead-based paint apply to target housing, which is defined as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child of less than six years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.
      - Rehabilitation of target housing must be completed in a manner which ensures the health and safety of workers and residents, especially children. A number of regulations apply when lead painted surfaces are disturbed in residential properties, primarily requiring the appropriate training of workers and the use of safe work practices. In some cases, use of federal funds for rehabilitation will trigger a higher level of lead paint treatments based on the amount of federal money being used. The following regulations must be adhered to during all rehabilitation of target housing:
    - ii. Federal Regulations:
      - HUD Lead Safe Housing Rule (Title 24, Part 35) requires various levels of evaluation and treatment of lead paint hazards when federal money is used

for rehabilitation of target housing. More information is available at:

[https://www.hud.gov/program\\_offices/healthy\\_homes/enforcement/lshr](https://www.hud.gov/program_offices/healthy_homes/enforcement/lshr)

- EPA Renovation Repair and Painting Rule (40 CFR Part 745) – Requires contractors conducting renovation, repair or maintenance that disturbs paint in target housing or child-occupied facilities to be licensed by EPA and use lead- safe work practices to complete the work. Developers must ensure contractors are properly trained and licensed. More information is available at: <http://www2.epa.gov/lead>
- HUD/EPA Disclosure Regulations (Title 24, Part 35, Subpart A) – Requires owners of target housing to disclose all lead paint records and related information to potential buyers and/or tenants. More information is available at: [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12347.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12347.pdf)
- OSHA Lead in Construction Rule (29 CFR Part 1926.62) - Proscribes personal protection measures to be taken when workers are exposed to any lead during construction projects. More information is available at: <https://www.osha.gov/Publications/OSHA3142.pdf>

***Note: Projects utilizing National Housing Trust Fund funding are also subject to the requirements of Supplement A: State of New Mexico National Housing Trust Fund Rehabilitation Standards.***

## **B. SITE DESIGN AND DEVELOPMENT**

1. Sites shall be improved, constructed, and monitored in accordance with the federal Clean Water Act.
2. Sites shall be constructed to drain away from buildings. Storm water recharge of groundwater is a goal. Ponding areas shall be made attractive but reduce risk to residents.
3. Parking for bicycles shall be provided at all properties at the ratio of .25 bicycle parking spaces per unit.
  - a. Senior properties so designated by HUD funding definitions applicable to the property and/or the HOPA shall be required to provide bicycle parking at the ratio of .15 spaces per unit.
  - b. Bicycle parking should be provided in secure areas outside of the unit area and in locations that do not compromise building safety or exiting. Bicycle parking at exterior locations shall be placed in highly visible locations and adjacent to the units the spaces serve. Bicycle parking may be congregate. Multiple spaces may be accomplished on a single rack. Bicycle parking racks should be fixed and permanent in nature.
4. Common use site areas shall include refuse collection, mail distribution, laundry, recreation and congregation. All such areas shall be connected with an accessible route.
  - a. Refuse collection areas shall be screened on all four sides and shall offer room for recycling if such service is available in that municipality.
  - b. Mail distribution areas shall be well lit and secure but shall remain open to the tenants at all times.
  - c. If an existing Project proposed for rehabilitation has washers and dryers and/or washer/dryer hook-ups provided in each unit, then no laundry facility is required as part of the proposed

rehabilitation. If existing units do not contain washer/dryer hook-ups, then laundry facilities shall be provided for tenant use at all properties with more than 20 units on the site as follows:

- i. One each washer and dryer for every 12 units.
    - ii. Laundry facilities shall be secured and well-lit from dusk until dawn.
    - iii. An accessible clothes folding table or counter shall be provided in each laundry facility.
  - d. Site recreational areas shall be provided at all properties.
    - i. Site recreational facilities shall be provided on an accessible route, shall encourage physical activity, and shall encourage community interaction.
    - ii. Site recreational facilities shall include accessible play areas, shall be provided for different age groups, and shall encourage physical activity. Activities for different age groups may be combined within a common play area as appropriate.
      - a) All play areas shall be located away from high automobile traffic and shall be situated for maximum visibility from the dwelling units.
      - b) A play area for children under age 5 shall be provided within direct visibility of common spaces.
      - c) A play area for children ages 5 – 12 shall be provided.
      - d) For children over age 12 an area of congregation that encourages physical activity shall be provided.
      - e) Visible warning signs describing playground rules and warning that use is at one's own risk shall be provided at each play area.
      - f) An accessible, weather resistant, permanently mounted bench shall be provided at each play area.
      - g) Senior properties so designated by HUD funding definitions applicable to the property and/or the HOPA shall be exempt from the requirement to provide play areas but shall provide areas of congregation that encourage physical activity.
5. Landscaping shall be required at all properties:
  - a. A complete landscape plan which maximizes existing natural features or otherwise enhances open space is required.
  - b. Native, semi-native, or drought tolerant plants shall be used.
  - c. Low water use irrigation systems shall be used.
6. Interior community spaces and business offices shall be provided at all properties.
  - a. All developments shall have an on-site business office of at least 200 square feet and a maintenance room of at least 100 square feet.
  - b. Accessible public restrooms, at ratios required by Code, shall be provided.

*Unless required by local building codes, properties containing 20 or fewer units shall be exempt from the requirement to provide interior community spaces, public restrooms and business offices.*

## **C. BUILDING DESIGN AND CONSTRUCTION**

1. Exterior Building Design
  - a. Unless more stringent local zoning requirements apply, the following minimum design requirements shall be met:

- i. Building Façades shall utilize not less than three different building materials.
  - a) Exterior building materials exposed to the elements shall be low maintenance relative to the Project's geographic location.
- ii. Building Façades shall be multi-colored.
  - a) Each Building Façade shall include not less than two distinct colors.
  - b) Colors may be from the same hue family but shall be distinct from each other.
- iii. Buildings shall be individually marked with visible, contrasting identifying signage to minimize the response time of emergency personnel. Building identifying signs shall be illuminated so as to be clearly visible from dusk until dawn.

#### **D. UNIT DESIGN AND CONSTRUCTION**

1. Single lever deadbolts and eye viewers are required on all entry doors to residential units.
2. Interior finishes shall be easily cleanable and durable.
3. Carpet shall not be installed in high moisture areas including entryways, bathrooms, kitchens, and laundry rooms/closets. All carpet shall be CRI Green Label Plus and hard surface flooring shall be SCS Floorscore certified. (Applies to new flooring only.)
4. All hot water lines exposed as a result of the construction shall be insulated and sealed in additional rigid pipe insulation to the insulation values required by ASHRAE standards.
5. Bathrooms must be ventilated in accordance with building codes.
6. Units shall be individually marked with visible contrasting identifying signage that shall be illuminated so that it is clearly visible from dusk until dawn, as well as daylight hours.
7. Sites shall be developed, and units constructed so as to include wiring and infrastructure needed to allow for access to high-speed broadband internet<sup>2</sup>, telephone, and cable/satellite television.
8. Interior paints and sealants shall be low VOC or no VOC.
9. All appliances, including laundry equipment, proposed to be replaced as part of the scope of work for rehabilitation, shall be Energy Star rated.

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<sup>2</sup> Under the final HUD rule governing installation of broadband, any new and substantially rehabilitated "public housing project" of four or more units must include infrastructure capable of supporting broadband access to residents as of January 19, 2017, unless the federal fund recipient can document one of the following three grounds for waiver:

- Location of property makes it infeasible;
- Costs of broadband infrastructure deployment changes the nature of the project or is an undue financial burden; or
- Nature of the structure being rehabbed makes installation infeasible.

Under the new regulation, "broadband infrastructure" is defined to include cable and fiber optic wiring, as well as wireless infrastructure, that is capable of meeting the FCC's definition of "advanced telecommunication capability." The FCC currently defines that term as broadband with at least 25 Mbps of downstream capability and 4 Mbps of upstream capability.

## **SPECIAL PROJECTS**

### **A. SINGLE ROOM OCCUPANCY (SRO) DEVELOPMENTS**

1. Tenant rooms (units) shall be 140 square feet minimum gross heated area with a maximum size of 500 square foot gross heated area.
2. Each unit shall be provided with at least one appropriately sized bed, a lockable storage compartment or chest of drawers, and a vertical clothes closet measuring at minimum 36 inches wide.
3. Each building containing units shall provide bathroom facilities.
  - a. A bathroom facility shall be provided for every 16 units or fraction thereof in that building.
  - b. Each bathroom facility shall provide bathroom fixtures at a ratio of the number of units it serves.
    - i. One sink, one shower with curtain or door and one toilet with a door shall be provided for every four units.
4. Each building containing units shall include a food preparation area unless provided within all units within that building.
  - a. The food preparation area shall be adequately sized for the number of units it serves.
5. A community center, community living area or meeting room shall be provided on the property.
6. Laundry facilities shall be provided for tenant use at all properties with more than 20 units.
  - a. Laundry facilities shall be secured and well-lit from dusk until dawn.
  - b. One each washer and dryer shall be provided for every 20 units.
  - c. An accessible clothes folding table or counter shall be provided in each laundry facility.

### **B. ADAPTIVE REUSE PROJECTS**

1. Adaptive reuse Projects shall be subject to the full provisions of the Mandatory Design Standards for new construction unless it is demonstrated to MFA's satisfaction that specific elements or requirements are technically infeasible to accomplish, in which case the Application must contain a detailed explanation of why a provision or requirement cannot be met.

## Part B: MFA 2022 Submission Instructions for Preliminary Architectural Documentation for Multifamily Housing Applications

All Applications shall provide at the time of submission the preliminary architectural documentation of the proposed Project. This submission shall be provided to demonstrate the intent of the Project to comply with the MFA 2022 Mandatory Design Standards for Multifamily Housing, New Mexico building Codes, the FHA, the National Housing Trust Fund Rehabilitation Standards, and the 2010 ADA Standards for Accessible Design as applicable. Additionally, if applicable, provide the completed Waiver Procedure for Design Requirements form or any preliminary approval granted prior to submission of the Application.

All Applicants will be required to sign a certification stating that there have been no Material Design Changes, as defined in the QAP, between the plans and specifications submitted at Application and those contained in final construction documents. In the event there are Material Design Changes between the plans and specifications submitted at Application and those contained in final construction documents, MFA will require Applicant to submit a detailed narrative (at time of submission of final construction documents) of the changes made to the final construction documents and the reason(s) for the change(s). Changes made to the original Application may require additional MFA approval and payment of the applicable fees as described in the QAP. **Significant changes in the scope could result in the rescoring of the Application and the potential loss of tax credits.**

### SITE INFORMATION

The Preliminary Architectural Documentation shall include the following:

1. City or jurisdiction map and detailed directions to the site.
2. Legal description of site.
3. Aerial view or satellite view of the site. The view shall show the areas adjacent to the site within a half mile of the site.
4. Location and Linkages map
  - a. The map shall be scaled to show the roadways within at least a half mile radius of the site.
  - b. The map shall indicate bus and/or commuter rail stops or stations within a half mile of the site.
  - c. If any of the above services are not available within the half mile radius, the map shall so state.
5. Color Photos

Current color photographs of the Project site (images obtained from a website are not acceptable); include images looking out toward each of the cardinal directions. If a rehabilitation Project, include images of each façade of the existing structure(s) as well as existing amenities.
6. Preliminary Site Plan
  - a. The site plan shall show the extents of the site and shall label adjacent roadways.
  - b. The site plan shall include a north arrow and scale.
  - c. The site plan shall show the buildings and identify the number of units to be included in each building.



- d. The site plan shall include a unit matrix giving the number, type and sizes of units to be included in the Project.
  - e. The site plan shall show the preliminary parking layout and enumerate the number and type of parking spaces to be provided.
  - f. The site plan shall show the locations of bicycle parking spaces.
  - g. The site plan shall show the locations of site elements if required or provided, including but not limited to:
    - i. Monument signs
    - ii. Recreational and/or play areas with required features
    - iii. Community areas
    - iv. Garbage enclosures
    - v. Mail centers
    - vi. Laundry facilities
    - vii. Office spaces
    - viii. Maintenance room
    - ix. Accessible features, including but not limited to:
      - a) Accessible units
      - b) Accessible routes
      - c) Accessible parking spaces
7. Preliminary Landscape Plan
- a. The Landscape plan shall show tree and plant locations and relative sizes.
  - b. The Landscape plan shall show the plant types anticipated for use.
  - c. The Landscape plan shall describe the irrigation system to be used.
8. Preliminary Building Plans
- a. Building plans shall be provided showing the ground floor layouts for each building type to be included in the Project.
  - b. Building plans shall be provided showing the typical upper floor layouts for each building type to be included in the Project.
  - c. Building plans shall call out the following spaces, if required or provided, and show their locations relative to the remainder of the building elements on that floor:
    - i. Laundry facilities
    - ii. Community rooms
    - iii. Accessible units
    - iv. Leasing/program/special services offices
    - v. Maintenance rooms
    - vi. Elevators
9. Preliminary Building Exterior Elevations
- a. Building elevations shall be provided for each building type.
  - b. Building elevations shall describe the following attributes:
    - i. Building height
    - ii. Exterior materials
    - iii. Colors and/or color schemes

- iv. Building signage
- v. Building lighting
- vi. Vertical circulation if provided

10. Preliminary Unit Plans

- a. Unit plans shall be provided for each typical unit type.
- b. Unit plans shall be provided for all accessible units.
- c. Unit plans shall describe the following attributes:
  - i. The overall layout of the rooms or spaces
  - ii. Bedroom locations, numbers and square footage
  - iii. Linear dimensions for bedrooms
  - iv. Storage closets
  - v. Mechanical systems to be used with space requirements and space locations
  - vi. Lighting layout
  - vii. Kitchen cabinetry and appliances
  - viii. Doors and swings
  - ix. Laundry equipment and/or hook ups if provided
  - x. Accessible features, clear floor spaces and clear turning spaces

11. Preliminary Specifications:

- a. Preliminary specifications shall be provided for all Projects.
- b. The preliminary specifications shall describe the following aspects of the work:
  - i. Proposed building systems, including but not limited to:
    - a) The exterior envelope including windows, doors, roofing and wall surface finishes
    - b) The building insulation systems
    - c) The structural systems
    - d) The mechanical systems
    - e) The plumbing and hot water systems
    - f) The electrical systems
    - g) The lighting systems
  - i. Proposed interior fixtures, finishes and installations, including but not limited to:
    - a) Cabinetry
    - b) Appliances
    - c) Wall and ceiling finishes
    - d) Floor finishes
    - e) Plumbing fixtures and trim
    - f) Electrical fixtures and trim
    - g) Interior doors

12. Rehabilitation Scope of Work Narrative: (Required for all rehabilitation projects)

- a. A rehabilitation scope of work shall be provided for all rehabilitation Projects.
- b. The rehabilitation scope of work shall describe the following:
  - i. Proposed changes to the site to remove barriers to accessibility
  - ii. Proposed changes to the buildings to provide a minimum 5 percent accessible units
  - iii. Proposed strategy to achieve a maximum HERS certification of 65 or better

- iv. Proposed changes to the site to meet the requirements of the Mandatory Design Standards: Rehabilitation Section B
  - v. Proposed changes to the buildings to meet the requirements of the Mandatory Design Standards: Rehabilitation Section C
  - vi. Proposed changes to the units to meet the requirements of the Mandatory Design Standards: Rehabilitation Section D
  - vii. A detailed description of all demolition activities
13. For projects utilizing National Housing Trust Fund funding, a certification that the design is in compliance with all the requirements of the State of New Mexico National Housing Trust Fund Rehabilitation Standards.

## **CAPITAL NEEDS ASSESSMENT (CNA) REQUIREMENTS**

As required by the 2022 QAP, all rehabilitation and adaptive reuse projects must provide a CNA with the Application if requesting an exception from the 20-year requirement, prior to the issuance of the letter of determination for tax-exempt bond finance projects, or at carryover for all other projects, and may be required at MFA's discretion for any project requesting MFA financing. The CNA must be dated no earlier than 12 months prior to Carryover Application for 9% Projects and six months of initial Application for Private Activity Bond Volume Cap Projects.

Professionals performing the CNA must meet the following minimum qualification/certification requirements set forth by MFA.

- ◆ Must be prepared by an independent, third-party professional not involved in the design or preparation of drawings and specifications for the project.
- ◆ Must have no financial interest in the Project and must have no identity of interest with the Developer or Co-Developer or personal interest with respect to the parties involved.
- ◆ Preparer must demonstrate a minimum of three years' experience performing CNAs. Experience may be demonstrated by submitting a resumé, list of projects, applicable AIA form, or other documentation containing information on the project and year the CNA claimed for experience was completed.
- ◆ The preparer must submit the Certification of Qualified Professional – CNA form found in the 2022 Universal Rental Development Application Package.

## **ARCHITECTURAL REVIEW AND INSPECTION REQUIREMENTS**

All projects will be subject to a minimum of four design reviews by MFA (upon completion of the construction documents, twice during construction and upon full completion of the Project) to determine compliance with the Design Standards. Design review will require periodic site visits to determine compliance with Design Standards. Applicants shall not commence construction on a Project prior to receipt of MFA's written approval of complete construction documents for each form of MFA funding, including approval of any program-required environmental review clearances. Applicants are

required to post MFA-provided signs/banners in English and Spanish featuring MFA's fraud hotline at the Project work site(s) throughout duration of construction. In the event there are material design changes/differences between those plans and specifications submitted at Application and those contained in the final construction documents, MFA will require Applicant to submit a detailed narrative of material design changes made to final plans and specifications. MFA staff will make a good faith effort to perform an initial review of construction documents within 10 business days of submission of complete construction documents. Final approval will occur upon receipt of an approval recommendation from MFA's architect that all outstanding issues, if any, have been resolved.

## **QUARTERLY PROGRESS REPORTS**

All 9% Projects must submit a quarterly progress report to MFA on or before March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup>, and December 31<sup>st</sup> each year, beginning with March 31<sup>st</sup> after the allocation year, and continuing until the Final Allocation Application has been submitted. All 4% Projects must submit a quarterly progress report to MFA following the issuance of a Final Determination letter, starting with the next quarter end, March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup>, and December 31<sup>st</sup> each year. The information to be covered in the progress reports will be provided on MFA's website. Any failure to provide a timely progress report, or failure to provide a complete and accurate report containing the required information, may result in a loss of tax credits.

## PART F

## **MFA RECAPTURE/AFFORDABILITY GUIDELINES**

When necessary, MFA will require repayment of the outstanding amount of HOME funds in the event of noncompliance with HOME affordability requirements. Noncompliance occurs when, if at any time during the period of affordability: 1) the original HOME-assisted homebuyer fails to occupy the unit as the principal residence (i.e., the unit is rented or vacant), or 2) the home is sold and the recapture provisions are not enforced. Affordability is ensured through the recordation of restrictive covenants accompanied by a lien filed on the property.

### **Maintaining Affordability**

In general, all HOME activities require the borrower or beneficiary to execute, at a minimum, a Restrictive Covenants Agreement or Tribal Land Award Agreement. Loans are due upon sale or transfer of the property, with some exceptions in owner-occupied rehabilitation. In the case of the DPA program, mortgage liens are placed in second position behind MFA's first-time homebuyer mortgage backed security (MBS) program loans. In MFA's Owner-Occupied Rehabilitation program, these liens can assume a variety of positions, including first. Finally, in the case of MFA's Rental New Construction and Rehabilitation programs, a Land Use Restriction Agreement is executed along with the note and mortgage to ensure long term compliance with HUD guidelines. All guidelines under which repayment must be made are spelled out in the note, mortgage and/or restrictive covenant documents, depending upon the activity.

MFA ensures long-term affordability of assisted properties as follows:

For homebuyer properties, MFA has chosen the recapture provision over the resale option as discussed in HOME regulations at 24 CFR 92.254(a)(5). This is discussed in more detail in the following subsection.

For Rental Projects, the length of the affordability period is based on the amount of HOME funds invested in the property, as well as on the nature of the activity funded.

<b>RENTAL Activity</b>	<b>Average Per-Unit HOME</b>	<b>Minimum Affordability Period</b>
Rehabilitation or Acquisition of Existing Housing	<\$15,000 15,000 - \$40,000 >\$40,000	5 years 10 years 15 years
Refinance of Rehabilitation Project	Any dollar amount	15 years
New Construction or Acquisition of New Housing	Any dollar amount	20 years

In the case of foreclosure on the property during the period of affordability, MFA files an answer and monitors the foreclosure. If there are any excess funds at the foreclosure sale, MFA will file a claim for those funds. This demonstrates that MFA has made every effort to recover the HOME funds on behalf of HUD. For all homeowner activities, recapture provisions must be limited to net proceeds, and MFA's repayment obligation is limited to the amount of the HOME subsidy, if any, that it is able to recover. For rental activities, per §92.252(e)(4), the termination of the restrictions on the project does not terminate the participating jurisdiction's repayment obligation under §92.503(b). However, in §92.252(e)(2), though, "the participating jurisdiction may use purchase options, rights of first refusal or other preemptive rights to purchase the housing before foreclosure or deed in lieu of foreclosure in order to preserve affordability." After the period of affordability, MFA files a disclaimer to the property.

In the case of a bankruptcy during the period of affordability, MFA files an answer and proof of claim on the property thus establishing MFA's interest in the property. After the period of affordability, a disclaimer is filed.

### **Recapture guidelines:**

Under the Down Payment Assistance Program, homebuyer projects are subject to a Note and Mortgage with a recapture provision. The length of the affordability period is based on the amount of HOME funds provided as a direct subsidy to the homebuyer, as shown in the table below.

<b>Amount of HOME Subsidy to the Buyer</b>	<b>Minimum Affordability Period</b>
<\$15,000	5 years
15,000 - \$40,000	10 years
>\$40,000	15 years

A direct subsidy is funding that makes a home more affordable to a homebuyer, and includes down payment and closing cost assistance as well as the difference between fair market value and the sale price, or the amount of a soft second mortgage that makes the home affordable to the buyer.

The borrower executes notes and mortgages for these loans as well as a HOME written agreement (i.e. MFA Disclosure to Buyer). The HOME-assisted homebuyer may sell the unit to any person, at any price the market will bear, at any time during the period of affordability. However, if the property is sold or transferred during the period of affordability, these recapture provisions apply:

In the event there are sufficient net proceeds from the sale to repay the total amount of the borrower's initial investment (down payment) and the outstanding HOME balance, then both parties shall recover their investments. The borrower will pay to lender the entire

balance due on the loan. Additional proceeds will be shared between the borrower and the lender.

In the event, however, the net proceeds from the sale or transfer of the property are **not** sufficient for the borrower to recover its initial investment and repay the outstanding HOME loan balance, then MFA will permit the borrower to recover its down payment first, and the remaining amount of net proceeds from the sale will then be recaptured. Upon recapture, the borrower's loan will be considered satisfied. MFA will never recapture more than the amount of net proceeds than are available. If there are no net proceeds from the sale or transfer, then no HOME funds will be recaptured and the loan will be considered satisfied. The term "Net Proceeds" means the sales price of the property, less the amount necessary to repay any loans superior to the HOME mortgage secured by the property, and less any closing costs associated with such sale or transfer. (That is: Net proceeds are defined as: Sales Price - Superior (non-HOME) debt - Closing costs = Net Proceeds). The amount to be recaptured will be limited to the available net proceeds.

Homebuyers must agree to reside in the HOME-assisted property for the duration of the period of affordability, or until there is a sale or other transfer of ownership of the property. MFA will monitor principal residency throughout the period of affordability. First, as a lien holder, MFA will be notified upon a sale of the property, and second, MFA is a loss payee on the hazard insurance and would be advised of any change in the insurance coverage. Should the homebuyer cease to reside in the home as its principal residence by vacating or renting the unit during the period of affordability, then the outstanding amount of the down payment assistance loan will be due and payable immediately, and the lender will take legal action to enforce the residency requirement.

Any variation on this recapture provision must be submitted to the State of New Mexico for review and approval by the State and by HUD.



## PART G

# MFA Emergency Solutions Grant (ESG) Written Standards



**MFA**

| *Housing New Mexico*

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## INTRODUCTION

In accordance with Title 24 of the Code of Federal Regulations, specifically 24 CFR 91.220(l)(4)(i) and 576.400(e)(1), New Mexico MFA (MFA) and the Albuquerque and Balance of State Continuums of Care (NM CoCs) have developed the following written standards for the provision and prioritization of Emergency Solutions Grant (ESG) funding. The following standards are intended as basic, minimum standards to which individual ESG recipients may add additional and more stringent standards applicable only to their own projects. These required minimum standards help to ensure that the ESG program is administered fairly and methodically. MFA and the NM CoCs will continue to build upon and refine this document.

## BACKGROUND

MFA is awarded ESG funds annually from the Department of Housing and Urban Development (HUD) as part of the Annual Action Plan Process. These funds are designed to identify sheltered and unsheltered homeless persons, as well as those at risk of homelessness, and provide the services necessary to help those persons quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) significantly amended the McKinney-Vento Homeless Assistance Act, including major revisions to the Emergency Shelter Grants program, which was renamed the Emergency Solutions Grants program. The HEARTH Act, and implementation of the applicable federal regulations by HUD, incorporated many of the lessons learned from the implementation of the Homelessness Prevention and Rapid Re-Housing Recovery Act Program (HPRP) into the new ESG program, including placing a stronger emphasis on rapid re-housing assistance.

## PROGRAM OVERVIEW

The ESG Program allows MFA to set priorities based on the individualized needs of communities across the state of New Mexico as identified in MFA's Consolidated Plan. These standards serve to outline the specific guidelines and priorities that will be used by MFA in awarding and administering ESG funding. Currently, eligible program components that are prioritized under MFA's ESG Program are emergency shelter, homeless prevention, rapid re-housing, housing stability case management, housing search and placement and HMIS. MFA and NM CoCs may revise ESG component priority in subsequent years based on the needs of the community.

## STANDARDS APPLICABLE TO ALL PROGRAMS

The following standards are intended as basic, minimum standards that apply to all ESG projects.

## **PROGRAM ELIGIBILITY BY HOMELESS STATUS**

Every participant served with ESG funds must qualify for assistance according to HUD standards. Sub-recipients are responsible for determining eligibility status for all ESG program participants and are required to obtain documentation at intake of homelessness, imminent risk or at-risk of homelessness status. This documentation must show that the “Order of Priority for Obtaining Evidence of Homelessness” was followed at intake, as defined in Appendix D and in 24 CFR 576.500. A copy of the documentation must be kept in the participant file and made available to MFA, the NM CoCs and HUD for monitoring or risk analysis purposes. Complete details regarding participant eligibility for ESG-funded programs are outlined in Appendix B and C.

### **STREET OUTREACH**

Street Outreach services shall target unsheltered, homeless individuals and families, defined as those with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

### **EMERGENCY SHELTER**

Individuals and families eligible for Emergency Shelter assistance must meet HUD’s Definition of Homelessness. (See Appendix B)

### **RAPID RE-HOUSING**

Individuals and families eligible for Rapid Re-Housing assistance must meet HUD’s Definition of Homelessness. (See Appendix B)

There is no income limit upon intake for this program. All participants must meet the ESG income limits of at or below 30% of the area median income (AMI) for the area upon annual recertification

### **HOMELESS PREVENTION**

Individuals and families eligible for Homeless Prevention assistance must meet HUD’s Definition of Imminent Risk or At-Risk of Homelessness. (See Appendix C)

Additionally, Homeless Prevention projects must only serve individuals and families that meet the ESG income limits of below 30% of the area median income (AMI) for the area.

Income limits can be found at <https://www.huduser.gov/portal/datasets/fmr.html>



## THE NEW MEXICO COORDINATED ENTRY SYSTEM (NMCES)

To ensure homeless households receive immediate housing and to minimize barriers to housing access, all sub-recipients will be required to assist program participants in accessing resources through the New Mexico Coordinated Entry System (NMCES) and accept (where applicable) all referrals for housing from the NMCES. Coordinated Entry is a state-wide process for facilitating access to all resources designated for individuals and families experiencing homelessness. This system ensures that every homeless individual or family is known by name and is provided assistance based on the individual or family's unique needs and matches them to the most appropriate service strategy or housing intervention. The NMCES ensures system coordination among emergency shelters, essential service providers, homeless prevention providers, rapid re-housing providers, other homeless assistance providers, and mainstream services and housing providers.

Sub-recipients will have, at a minimum, one staff member who is trained and certified in conducting the common assessment tool used by the NMCES. The NMCES uses the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT) as its common assessment tool. To the maximum extent practicable, households presenting for assistance will be assessed using the VI-SPDAT. All completed assessments must be entered into the NMCES, in accordance with NMCES Policies and Procedures. (See [nmceh.org](http://nmceh.org) or email [info@nmceh.org](mailto:info@nmceh.org) for more information.)

Where the sub-recipient is unable to administer the VI-SPDAT, households that present for service will be provided appropriate referrals to NMCES.

Note: A victim services provider may choose not to use the CoC's centralized or coordinated assessment system. (24 CFR 576.400(d))

## FAIR HOUSING

Sub-recipients will not prohibit access to ESG funded programs to anyone who would otherwise be eligible for assistance based on race, color, religion, national origin, sex, age, familial status, disability type, actual or perceived sexual orientation, gender identity or marital status. Sub-recipients will post publicly a HUD-issued Fair Housing notice, in a place that is visible to all program participants and persons who present for assistance or services.

## **EQUAL ACCESS**

Units of general local government and nonprofit organizations shall make it known that facilities and services supported by this grant are available to any person (who otherwise meets the eligible criteria for the program) in accordance with the Equal Access Rule (24 CFR 5.105(a)(2)) which prohibits discriminatory eligibility determinations in HUD-assisted or HUD-insured housing programs based on actual or perceived sexual orientation, gender identity, or marital status, including any projects funded by ESG Programs. The ESG Interim Rule also contains a Fair Housing Provision at 24 CFR 576.407(a)(b).

It is allowable for shelters or housing programs to exclusively serve families with children, but they must serve all types of families with children including both male and female headed households. The housing or shelter may also be limited to one sex where such housing consists of a single structure with shared bedrooms or bathing facilities such that the considerations of personal privacy and the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex.

Providers that operate single-sex projects must provide all individuals, including transgender individuals and other individuals who do not identify with the sex they were assigned at birth, with access to programs, benefits, services, and accommodations in accordance with their gender identity without being subjected to intrusive questioning or being asked to provide documentation.

## **AFFIRMATIVE OUTREACH**

Sub-recipients must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. To this end, the sub-recipient must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities. Consistent with Title VI and Executive Order 13166, sub-recipients are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.

Sub-recipients will market their program in an ongoing effort to assure that potential participants who are least likely to access the program, (without regard to race, color, national origin, sex, religion, familial status, sexual orientation, and disability) have access to the program. Sub-recipients will document efforts to conduct outreach to educate those least likely to access resources. Affirmative marketing strategies will include efforts to communicate information regarding services and resources available through the program, eligibility requirements, and information about how the program participates in the NMCES.

Methods outlined in the sub-recipient's marketing strategy may include:

- Distributed printed materials
- Postings to agency website and/or social media accounts
- Public listings through community resource services
- Education provided to community partners

## **COORDINATION WITH OTHER TARGETED HOMELESS SERVICES**

ESG-funded programs must coordinate and integrate, to the maximum extent practicable, eligible activities with other programs targeted to homeless people in their geographical region. Efforts to coordinate with other targeted homeless services must be documented by sub-recipients. These programs may include, but are not limited to:

- Continuum of Care Program (24 CFR 578)
- Section 8 Moderate Rehabilitation Program for Single Room Occupancy Program for Homeless Individuals (24 CFR 882)
- HUD—Veterans Affairs Supportive Housing (HUD—VASH) (division K, title II, Consolidated Appropriations Act, 2008, Pub. L. 110–161 (2007), 73 FR 25026 (May 6, 2008))
- Education for Homeless Children and Youth Grants for State and Local Activities (title VII–B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.))
- Grants for the Benefit of Homeless Individuals (section 506 of the Public Health Services Act (42 U.S.C. 290aa– 5))
- Healthcare for the Homeless (42 CFR part 51c)
- Programs for Runaway and Homeless Youth (Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.))
- Projects for Assistance in Transition from Homelessness (part C of title V of the Public Health Service Act (42 U.S.C. 290cc–21 et seq.))
- Services in Supportive Housing Grants (section 520A of the Public Health Service Act)
- Emergency Food and Shelter Program (title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.))
- Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (section 40299 of the Violent Crime Control and Law Enforcement Act (42 U.S.C. 13975))
- Homeless Veterans Reintegration Program (section 5(a)(1)) of the Homeless Veterans Comprehensive Assistance Act (38 U.S.C. 2021)
- Domiciliary Care for Homeless Veterans Program (38 U.S.C. 2043)
- VA Homeless Providers Grant and Per Diem Program (38 CFR part 61)
- Health Care for Homeless Veterans Program (38 U.S.C. 2031)
- Homeless Veterans Dental Program (38 U.S.C. 2062)

- Supportive Services for Veteran Families Program (38 CFR part 62)
- Veteran Justice Outreach Initiative (38 U.S.C. 2031)

## **OTHER FEDERAL, STATE, LOCAL, AND PRIVATE ASSISTANCE**

ESG-funded programs must support each program participant, as needed, in obtaining other federal, state, local, and private assistance, the end goal being housing stability. Assistance provided to program participants must be documented by sub-recipients. Assistance programs include:

- Medicaid
- Supplemental Nutrition Assistance Program (SNAP)
- Women, Infants and Children (WIC)
- Federal-State Unemployment Insurance Program
- Social Security Disability Insurance (SSDI)
- Supplemental Security Income (SSI)
- Child and Adult Care Food Program
- Public housing programs
- Housing programs receiving tenant-based or project-based assistance
- Supportive Housing for Persons with Disabilities
- HOME Investment Partnerships Program
- Temporary Assistance for Needy Families (TANF)
- Health Center Program
- State Children's Health Insurance Program
- Mental Health and Substance Abuse Block Grants
- Services funded under the Workforce Investment Act

## **HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) 24 CFR 576.107**

All ESG funded programs are required to enter participants in the NM Homeless Management Information System (NM-HMIS) at first contact, reassessment, and exit, per current HMIS Data Standards. Programs that are specifically forbidden by other statutes or regulations to participate in HMIS, (e.g., victim service providers) must participate utilizing an approved comparable database to meet reporting requirements. New Mexico victim service providers currently utilize the Osnium database for this purpose.

All participating agencies must collect and maintain common data fields as determined by current HUD data standards and as applicable to all relevant federal regulations. This requirement helps to ensure coordination between service providers through NMCES while avoiding duplication of services and client data and provides an opportunity to document eligibility for assistance. Sub-recipients must enter and maintain all data required to complete all reporting requirements established by HUD, MFA, and the NM CoCs. All NM-HMIS participating agencies must also adhere to the policies and procedures outlined in the

NM-HMIS Standard Operating Procedures, including timely, accurate, and complete data quality management.

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## CONFIDENTIALITY OF RECORDS

All ESG-funded programs must uphold all privacy protection standards established by the NM-HMIS Standard Operating Procedures and relevant federal and state of New Mexico confidentiality laws and regulations that protect client records. Confidential client records may only be released with the participant's or the participant's guardian's consent, unless otherwise provided for in the pertinent laws and regulations. All required HMIS forms can be found within the NM-HMIS database program.

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## VERBAL EXPLANATION

Prior to every participant's initial assessment, ESG-funded programs must provide a verbal explanation to the participant of how their personal information will be entered into an electronic database that stores client information. The participant must also be given a verbal explanation of the NM-HMIS Client Consent Form terms.

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## WRITTEN CONSENT

After being provided a verbal explanation, each participant who agrees to have their personally identifiable information (PII) entered into the NM-HMIS must sign the NM-HMIS Client Consent Form. (Exception: verbal consent to enter PII into the NM-HMIS may be obtained during a phone screening, outreach, or diversion, provided that the sub-recipient obtains the participant's written consent at the next available opportunity.) Participants must be informed that they may be removed from the database at any time at their request. Those who do not sign the Consent Form are entered into NM-HMIS using only an identifier number.

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## TERMINATION OF ASSISTANCE

Sub-recipients may terminate assistance to participants who violate program requirements as outlined below, in accordance with 24 CFR 576.402(a)(b)(c).

If a program participant violates written program requirements, the sub-recipient may terminate assistance in accordance with a formal process established by the sub-recipient that recognizes the rights of individuals affected. The sub-recipient must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases.

When terminating rental assistance or housing relocation and stabilization services, the required formal process shall minimally consist of:

- A written notice to the program participant containing a clear statement of the reasons for termination; and
- A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
- Prompt written notice of the final decision to the program participant.

Termination does not bar the sub-recipient from providing further assistance at a later date to the same family or individual.

## **GRIEVANCE PROCEDURES**

All ESG sub-recipients must create a formal standardized grievance process which they must incorporate into their internal policies and procedures and at a minimum include:

- An established escalation process if no resolution is found through initial efforts
- A designated grievance liaison within the agency
- A standard grievance form that can be filled out and returned to a grievance liaison

Participants are informed, at initial intake, of their right to file a grievance and that no services will be denied based on complaints or grievances. In the event that a grievance is filed, participants must be provided with contact information for the agency's director, the MFA program manager, and/or a HUD representative, if applicable. The signed grievance form is to be kept in the participant's permanent file. (Refer to the MFA Performance Agreement (contract), Article 20, "Maintenance of Grievance System).

## **FAITH-BASED ACTIVITIES**

Minimum standards for faith-based activities (24 CFR 576.406) are:

- Providers receiving ESG funding shall not engage in inherently religious activities as part of the ESG-funded programs or services. Such activities must be offered separately from ESG-funded programs and services and participation must be voluntary.
- A religious organization receiving ESG funding retains independence from the government and may continue with its mission provided that ESG funds are not used to support inherently religious activities. An ESG-funded organization retains its authority over its internal governance.
- An organization receiving ESG funding shall not discriminate against a participant or prospective participant based on religion or religious beliefs.
- ESG funding shall not be used for the rehabilitation of structures used specifically for religious activities but may be used for rehabilitating structures that are used for ESG eligible activities.

## HOMELESS REPRESENTATION

Sub-recipients must ensure that, to the maximum extent practicable, not less than one homeless individual or formerly homeless individual participates on the board of directors or other equivalent policymaking entity of the agency, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive ESG funds. (24 CFR 576.405)

If the sub-recipient is unable to meet requirements outlined in the above paragraph, it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive ESG funds. This plan must be included in the annual action plan, as required at 24 CFR 91.220.

To the maximum extent practicable, the provider must also involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG. This involvement may include employment or volunteer services.

## PROGRAM EVALUATION

MFA will provide assistance to NMCEH in developing annual performance standards for evaluating the effectiveness of ESG program funded activities. Sub-recipient performance will be evaluated annually, and performance outcomes will be considered in allocating funding.

At a minimum, the performance standards will address the degree to which ESG sub-recipients are succeeding in:

- Targeting those who most need assistance; and
- Reducing the number of people living on the streets or in emergency shelter; and
- Reducing the time people spend homeless; and
- Reducing program participants' housing barriers or housing stability risks; and
- Improving HUD System Performance Measures; and
- Submitting an accurate and timely annual CAPER

## STREET OUTREACH STANDARDS

Street Outreach should be principally focused on one goal: supporting persons experiencing homelessness in achieving some form of permanent, sustainable housing. While Street Outreach teams may use incentives to encourage trust and build relationships, or to ensure that homeless households' emergency needs are met, the awards should be used with permanent housing as the end goal rather than simply seeking to alleviate the burden of living on the streets.

ESG street outreach funds may be used for the costs of providing essential services necessary to reach out to unsheltered persons, connecting them with emergency shelter, housing, or critical services and providing urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. Individuals and families shall be offered the following eligible Street Outreach activities, as needed and appropriate: engagement, case management, emergency health services, mental health services and transportation (24 CFR 576.101).

## TARGET POPULATION

Providers of Street Outreach services shall target unsheltered homeless individuals and families, meaning those with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including but not limited to a car, park, abandoned building, bus or train station, airport, or camping ground, and who would not otherwise access homeless services.

## NM COORDINATED ENTRY SYSTEM

All individuals and families served through street outreach programs should be assessed using a comprehensive, universal assessment tool, the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT), in order to make an informed and objective decision on the level of need of each family and streamline eligibility determinations. All completed assessments must be submitted to the NMCES program or entered into the NM-HMIS database in accordance with NMCES Policies and Procedures.

## EMERGENCY SHELTER STANDARDS

ESG funds may be used for the following costs:

- Essential Services
- Shelter Operations
- HMIS/Osnum

An emergency shelter is any facility with the primary purpose of providing temporary shelter for the homeless in general or for a specific population of the homeless. Emergency shelters will not require occupants to sign leases or occupancy agreements.



Shelter stays should be avoided, if possible, and when not possible, limited to the shortest time necessary to help participants regain permanent housing. Households should only be referred to ESG-funded emergency shelters after exhausting all available options for diversion. Emergency shelter programs should be closely linked to the New Mexico Coordinated Entry System (NMCES) to ensure residents are referred to the most appropriate housing resources including, but not limited to, rapid re-housing and permanent supportive housing

## **ELIGIBLE PARTICIPANTS**

ESG-funded emergency shelter programs serve individuals and families who meet the Definition of Homelessness as defined in 24 CFR 576.2 (see also Appendix B). This includes those who lack a fixed, regular, and adequate nighttime residence; cannot be served by other programs or resources; and have no other options for overnight shelter.

## **ADMISSION**

Sub-recipients must develop clear and standard policies and procedures regarding admission to the shelter when need exceeds available resources. Admission policies and procedures must be applied consistently for all households presenting for assistance and take into account the varying needs of people who are homeless. Emergency shelters will prioritize individuals/families in the following situations:

- Those who cannot be diverted; and
- Those who are literally homeless; and
- Those who can be safely accommodated in the shelter; and
- Those who are not in need of emergency medical or psychiatric services, including those who do not appear to pose a danger to themselves or others

No shelter may deny entry based on disability status. Victims of domestic violence who are actively fleeing a domestic violence situation should be referred to a specialized domestic violence shelter, when possible, regardless of where they first access the shelter system.

## **RECORDKEEPING REQUIREMENTS**

Sub-recipients may document homeless status through a certification by the individual or head of household as the primary method of establishing homeless eligibility. (See Appendix D for complete list of requirements)

## **NMCES**

Sub-recipients must offer all individuals/families that enter the shelter an opportunity to complete the common assessment tool for the NM Coordinated Entry System (NMCES) within the first seven days of their stay. The NMCES uses the VI-SPDAT as its common assessment tool. This will allow shelters to connect families and individuals experiencing homelessness to the most appropriate long-term housing option available through the Coordinated Entry System. All ESG-funded programs must also post notice providing information about the NMCES in a place that is visible to all persons presenting for services.

## **PROHIBITION AGAINST INVOLUNTARY FAMILY SEPARATION**

Any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, is considered to be a family and must be served together as such. Further, any shelter receiving funds under the ESG programs, including faith-based organizations, cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or adults only), the age of any family member, the disability status of any member of the family, marital status, actual or perceived sexual orientation, or gender identity. Further, the age and gender of a child under age 18 must not be used as a basis for denying any family admission to any shelter receiving ESG funds.

### **Child School Enrollment and Connection to Services**

Emergency Shelters will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including Title 1, early childhood programs such as Head Start, and parts B and C of the Individuals with Disabilities Education Act. Sub-recipients that serve households with children will post publicly, and/or provide for households with children at intake, notice of education services available within the community, and document efforts to verify that children are enrolled in school and connected to appropriate services.

## **SAFETY AND SECURITY**

Emergency Shelter programs must create policies and procedures that minimize barriers and follow harm-reduction methods to the maximum extent practicable, while also creating a safe environment for shelter participants and staff. Policies and procedures may vary depending on the shelter population being served.

## **LENGTH OF STAY**

Emergency shelters must develop clear, standard policies and procedures regarding length of stay. Policies and procedures must be applied consistently for all program participants and take into account the varying needs of people who are homeless. When possible, people with long-term, serious disabilities should be allowed to stay until they are able to access permanent supportive housing.

## **SUPPORTIVE SERVICES**

While shelter staff may encourage trust and build relationships by discussing non-housing related topics with shelter residents, the primary purpose and ultimate goal of all resident interactions should be to ensure that participants obtain permanent housing as quickly as possible. Emergency shelter programs will connect shelter residents to other federal, state, local, and private assistance as outlined under “Standards Applicable to All Programs.” Interactions that include discussion of setting or making progress towards housing goals and connection to other resources must be documented by the emergency shelter and kept in the participant file.

## **HABITABILITY STANDARDS FOR EMERGENCY SHELTERS**

Shelters receiving ESG program funds must meet HUD’s Minimum Habitability Standards for Emergency Shelters. A Minimum Habitability Standards Inspection must be conducted at the shelter annually. The inspection may be completed by a shelter employee and documentation provided to MFA. This may be done prior to contract renewal or as a part of an on-site monitoring visit.

## **LEAD-BASED PAINT REQUIREMENTS**

All ESG-funded housing programs must incorporate lead-based paint remediation and disclosure requirements. Generally, these provisions require the sub-recipient to screen for, disclose the existence of, and take reasonable precautions against the presence of lead-based paint in buildings built prior to 1978. However, there are specific requirements for shelters that are outlined in detail in the EHAP Program Manual as well as the annual EHAP Performance Agreement. Shelters must have a detailed policy to ensure that this process is followed and meets all applicable federal guidelines.

## **HOMELESS PREVENTION & RAPID RE-HOUSING STANDARDS**

Homeless Prevention (HP) assistance includes housing relocation and stabilization services and/or short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph 1 of the homeless definition in 24 CFR 576. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant’s current permanent housing or move into other permanent housing and achieve stability in that housing.

Rapid Re-Housing (RRH) assistance includes housing relocation and stabilization services and short- and/or medium-term rental assistance to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing.

Financial assistance cannot be provided to a program participant who is receiving the same type of assistance through other public sources or to a program participant who has been provided with replacement housing payments under the Uniform Relocation Act (URA), during the period of time covered by the URA payments.

ESG-CV funding must be used to prevent, prepare for, and respond to Coronavirus. The act of keeping individuals and families out of shelters or out of places not meant for human habitation by providing Homeless Prevention assistance meets the funding requirements.

Housing those that are literally homeless also meets the ESG-CV for the same reasons.

## PRIORITIZATION

### HOMELESS PREVENTION

Programs must target households at greatest risk of homelessness and assist participants to increase household income during enrollment. Households must be prioritized using a standardized assessment policy that is applied consistently for all households presenting for need.

### RAPID RE-HOUSING

Assistance targets and prioritizes homeless families who are most in need of temporary assistance and are most likely to achieve and maintain stable housing, whether subsidized or unsubsidized, after the program concludes. All sub-recipients are required to select program participants through the NMCES, in accordance with the prioritization system outlined in CoC RRH Written Standards that cover their program area.

## ELIGIBLE PARTICIPANTS

### HOMELESSNESS PREVENTION

- Individuals or families who meet HUD's definition of imminent risk or at-risk of homelessness. (See Appendix C)
- Homeless Prevention sub-recipients must only serve individuals and families that meet the ESG income limits of **below** 30% of the area median income (AMI) for the area. The income limit for ESG-CV recipients is at or below 50% of the area median income

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## RAPID RE-HOUSING

- Individuals or families who meet HUD's definition of homelessness. (See Appendix B)
- Income limits are not imposed for Rapid Re-Housing individuals or families upon intake however they must be **at or below** 30% of the area median income (AMI) for the area at annual recertification. The income limit for ESG-CV recipients is at or below 50% of area median income at annual recertification.
- ESG-CV assistance is limited to 12 months therefore an annual recertification would not apply to participants using this funding source.

## RECORD KEEPING REQUIREMENTS

Sub-recipients must establish and follow written intake procedures to ensure compliance with HUD's Definition of Homelessness, Imminent Risk and At-Risk of Homelessness and recordkeeping requirements.

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## EVIDENCE OF HOMELESS STATUS

Sub-recipients must make effort to obtain documentation providing evidence of homeless status as stated in the Order of Priority for Obtaining Evidence of Homelessness (see Appendix D)

1. Individuals Residing in an Institution: For individuals residing in an institution (including a jail, substance abuse or mental health treatment facility, or hospital) for fewer than 90 days, acceptable evidence includes:
  - a) Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution that demonstrates the person resided there for less than 90 days. All oral statements must be recorded by the intake worker; or
  - b) Certification from the person seeking assistance. Where the evidence above is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in the paragraph above and a certification by the individual seeking assistance that states that they are exiting or have just exited an institution where they resided for less than 90 days: and
  - c) Evidence of literally homeless status prior to entry. Evidence that the individual was homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter, and was chronically homeless prior to entry into the institutional care facility (as defined in paragraph (1) of 25 CFR 578.3) (acceptable documentation listed above).

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## EVIDENCE OF AT-RISK OR IMMINENT RISK OF HOMELESSNESS STATUS

Sub-recipients must make effort to obtain documentation providing evidence of at-risk or imminent risk of homeless status in the order of priority listed below:

1. Source Documents: Notice of termination from employment, unemployment compensation statement, bank statement, health care bill showing arrears, utility bill showing arrears, a Notice to Quit or Notice to Terminate (see MFA RAP Program Manual).
2. Third Party Documentation: To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., former employer, public administrator, relative) or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of “at risk of homelessness.”
3. Intake Worker Observation: If source documents and third-party verification are unobtainable, a written statement by intake staff describing the efforts taken to obtain the required evidence.

## SECURING AND MAINTAINING HOUSING

Sub-recipients will assist participants, to the maximum extent practicable, in reducing barriers to securing or maintaining housing, including connection to appropriate resources, efforts to resolve matters related to poor rental history or bad credit, and obtaining identification.

Sub-recipients will follow Housing First Principles. Participants will not be screened out for having too little or no income, a history of or active substance abuse, a criminal record (except for state mandated restrictions, or a history of victimization from domestic violence, sexual assault, or childhood abuse. Participants will not be terminated from the program for failure to participate in supportive services outside of the required monthly meeting with a case manager, failure to make progress on a service plan, loss of income or failure to improve income, or any other activity not covered in a lease agreement typically found for unassisted persons in the area.

## RAPID RE-HOUSING

Sub-recipients will assist rapid re-housing program participants, to the maximum extent practicable, in identifying potential housing opportunities. Participants will select their own housing. Sub-recipients will not restrict housing choices, or deny assistance or services based on the participant’s choice to accept or deny a housing opportunity.

Sub-recipients will establish clear and consistent policies and procedures that outline length of time that rapid rehousing program participants have to secure housing after program intake. Sub-recipients may grant extensions for a specific amount of time, for program participants that are actively addressing barriers to securing housing.

At program intake, sub-recipients will provide rapid re-housing program participants, in writing, of time limits for securing housing. If program participants do not secure housing within the established timeframe, they will be terminated from the program, in accordance with the sub-recipient's termination policy.

### CONTINUED ELIGIBILITY

At a minimum, Homeless Prevention sub-recipients must re-evaluate program participant's eligibility and the types and amounts of assistance the program participant receives prior to the end of the second full month of rental assistance, and then not less than once every three months for the remainder of program enrollment.

The re-evaluation period for HP has been extended to not less than once every six months for the remainder of the program enrollment.

Rapid Re-Housing sub-recipients must re-evaluate program participant's eligibility and the types and amounts of assistance the program participant needs at least once annually. Annual re-evaluation for rapid rehousing will occur prior to the end of the eleventh full month of rental assistance. To continue to receive assistance, a program participant's re-evaluation must demonstrate eligibility based on:

### LACK OF RESOURCES AND SUPPORT NETWORKS

The program participant's household must continue to lack sufficient resources and support networks to retain housing without ESG program assistance.

### INCOME LIMITS

In addition, both HP & RRH re-evaluation must demonstrate that the program participant's annual household income is at or below the ESG limits of **below** 30% of the AMI for Homeless Prevention and **at or below** 30% of AMI for Rapid Re-Housing.

If ESG-CV funds are used for HP or RRH assistance, the income limit is at or below 50% AMI.

If a household is determined to be able to maintain permanent housing without assistance from the RRH program, the program will provide written and verbal notice to both the household and the landlord at a minimum of 30 days prior to program assistance ending.

### CASE MANAGEMENT

Homelessness Prevention and Rapid Re-Housing program participants must meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability. Additional case management will be provided on a case-by-case basis based on demonstrated need. (24 CFR 576.401)

Case managers should work with the program participant to develop a plan to assist the program participant in retaining permanent housing after the assistance ends, taking into account all relevant considerations, such as the program participant's current or expected income and expenses, other public or private assistance for which the program participant will be eligible and likely to receive, and the relative affordability of available housing in the community. Identification of housing goals outlined in their plan should be led by the participant, with support and information provided by the case manager.

While case managers may encourage trust and build relationships by discussing non-housing related topics with participants, the primary purpose and ultimate goal of all participant interactions should be to ensure that the participant maintains permanent housing once assistance ends. Case managers will connect HP & RRH program participants to other federal, state, local, and private assistance as outlined under Standards Applicable to All Programs. Interactions with participants will be documented in participant files and include details about progress towards housing goals and connection to other resources.

If program participants do not meet with a case manager not less than once per month, it is the responsibility of the sub-recipient to continue to attempt in engaging with the participant, in an effort to identify the cause and begin meeting with the participant. If efforts to engage the participant are unsuccessful, this must be documented in the participant's file.

Case management assistance may not exceed 30 days during the period in which the program participant is seeking permanent housing and may not exceed 24 months during the period in which the program participant is living in permanent housing. Case management assistance will also be documented in NM-HMIS, in accordance with the NM-HMIS Standard Operating Procedures, or in the Osnum database (victim service providers).

## **CHILD SCHOOL ENROLLMENT AND CONNECTION TO SERVICES**

Sub-recipients will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including Title 1, early childhood programs such as Head Start, and parts B and C of the Individuals with Disabilities Education Act. Sub-recipients that serve households with children will post publicly, and/or provide for households with children at intake, notice of education services available within the community, and document efforts to verify that children are enrolled in school and connected to appropriate services.

Rapid Re-Housing programs will also take the educational needs of children into account when families are placed in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education.



## **RENTAL ASSISTANCE**

Sub-recipients may provide program participants with up to 24 months of tenant-based or project-based rental assistance during any 3-year period. No program participant shall receive more than 24 months of rent during any 3-year period, administered by any CoC or ESG program within the state of New Mexico. Assistance may include any combination of short-term rental assistance (up to 3 months) and medium-term rental assistance (more than 3 months but less than 24 months). Applicants can return for rental assistance if they have received less than 24 months of rent during any 3-year period. In addition, program participants may receive funds for security deposits in an amount not to exceed two months of rent.

Assistance limits when using ESG-CV funds is limited to 12 months.

Each sub-recipient must meet the RFP or renewal criteria set by MFA each program year therefore funding is not automatically awarded beyond June 30. This should be taken into consideration when providing assistance that crosses over between program years.

Program participants receiving rental assistance may move to another unit or building and continue to receive rental assistance, as long as they continue to meet the program requirements.

Financial assistance cannot be provided to a program participant who is already receiving the same type of assistance through other public sources however, ESG funds may be used to provide different types of assistance from that being provided to the program participant. Program participants must still meet all of the eligibility requirements for ESG HP & RR.

Note: Rental arrears can be paid on behalf of a household receiving a subsidy from another public source (e.g., Section 8) because it represents a different time period and cost type than the rental subsidy (i.e., the arrears represent a back payment of the household portion, and the current rental assistance is a forward payment).

## **AMOUNT OF RENTAL ASSISTANCE**

It is expected that the level of assistance will be based on the goal of providing only what is necessary for each household to achieve housing stability in the long-term. Sub-recipients may provide up to 100% of the cost of rent to program participants and the maximum share of rent a program participant may pay is 100%.

## **INCOME VERIFICATION**

All program participants will provide proof of income, or to certify that they have no income at program enrollment, when they provide notice that their income has changed, or at re-evaluation of program eligibility. HP & RRH sub-recipients will complete the HUD rent calculation form to determine the maximum portion that the participant may pay toward rent, to meet utility reimbursement requirements, and to

support the completion of a needs assessment. Sub-recipients must follow guidelines found under 24 CFR 5.609 when calculating income.

Sub-recipients must require program participants to notify them regarding changes in their income or other circumstances that affect their need for assistance (e.g., changes in household composition, stability, or support).

## **RECORD KEEPING REQUIREMENTS**

The following order of priority will be followed in collecting documentation to verify income:

1. **Source Documents.** Source documents for the assets held by the program participant and income received over the most recent period for which representative data is available before the date of the evaluation (e.g., wage statement, unemployment compensation statement, public benefits statement, bank statement).
2. **Third Party Verification.** A written statement by the relevant third party (e.g., employer, government benefits administrator, or the written certification by the sub-recipient's intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period for which representative data is available.
3. **Self-Certification.** If source documents and third-party verification are unobtainable, a written certification by the program participant of the amount of income the program participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.

## **PARTICIPANT CONTRIBUTION TOWARD RENT**

Program participants that have income are expected to contribute 30% of their monthly adjusted income (adjustment factors include the number of people in the family, age of family members) toward the rent. However, if the first month's rent is prorated, clients are not required to contribute 30% towards the rent. It is acceptable for service providers to contribute the full amount of the prorated rent. This only applies to Rapid Rehousing clients.

If a household has a monthly income that covers more than the entire rental amount, they should be graduated from the program.

Sub-recipients must establish clear policies and procedures for determining the participant's contribution toward rent. Policies and procedures must be applied consistently to all program participants.

## **VAWA EMERGENCY TRANSFER PLAN**

In accordance with HUD VAWA protections (24 CFR 5.2005), sub-recipients will develop a written VAWA Emergency Transfer Plan, based on HUD's [model emergency transfer plan](#) (HUD form 5381), that provides

participants who report that they are under actual or imminent threat with the opportunity to secure safe housing. The VAWA Emergency Transfer Plan must include the following:

1. Unit Transfer - Program participants who have complied with all program requirements during their residence and who have been a victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believe they are imminently threatened by harm from further domestic violence, dating violence, sexual assault, or stalking (which would include threats from a third party, such as a friend or family member of the perpetrator of the violence), if they remain in the assisted unit, and are able to document the violence and basis for their belief, may retain the rental assistance and will be moved, at their request, to another unit as quickly as possible. See recordkeeping requirements to ensure proper documentation of imminent threat of harm (24 CFR 5.2005).
2. Notice of Occupancy Rights - Program participants must be provided with a “Notice of Occupancy Rights under the Violence Against Women Act” under the following circumstances:
  - a) at the time the applicant is denied assistance or admission under a covered housing program;
  - b) At the time the individual is provided assistance or admission under the covered housing program;
  - c) With any notification of eviction or notification of termination of assistance.(The “Notice of Occupancy Rights under the Violence Against Women Act” must be made available in multiple languages).
3. Prohibited Basis for Denial or Termination of Assistance or Eviction - An applicant for assistance through an ESG housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or participant otherwise qualifies for admission, assistance, participation, or occupancy.
4. Program participants may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if:
  - a) The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, and
  - b) The tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault or stalking.

## **FAIR MARKET RENT**

Household rent for participants receiving ESG-funded rental assistance must not exceed the Fair Market Rent established by HUD. Current FMR and guidelines for calculating rent are available online through the following link: <https://www.huduser.gov/portal/datasets/fmr.html>.

FMR requirements do not apply when a program participant receives only financial assistance or services under HUD's Housing Stabilization and Relocation Services. This includes rental application fees, security deposits, an initial payment of "last month's rent," utility payments/deposits, and/or moving costs, housing search and placement and housing stability case management.

The FMR requirement has been waived by HUD for until 9/30/2022 however all units must meet Rent Reasonableness

## **RENT REASONABLENESS**

For participants receiving assistance rental assistance including rental arrears, household rent must comply with HUD's standard of rent reasonableness, meaning that the rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units. These rent restrictions are intended to help ensure that program participants can remain in their housing after their assistance ends. To make the determination, sub-recipients must consider (a) the location, quality, size, and age of the unit and (b) any amenities, housing services, maintenance and utilities provided by the owner. Sub-recipients will evaluate rent reasonableness at program intake and at least once annually. Documentation of rent reasonableness evaluations must be kept in participant files. (24 CFR 576.106(d)). This requirement applies to HP and RR assistance.

As with FMR, rent reasonableness requirements do not apply when a program participant receives only financial assistance or services under HUD's ESG Housing Stabilization and Relocation Services.

## **MINIMUM HABITABILITY STANDARDS**

Housing for all program participants receiving any type of ESG assistance to move into or remain in housing must meet HUD Minimum Habitability Standards for Permanent Housing. Sub-recipients must document compliance with this standard by signing and completing a current Minimum Habitability Standards Checklist before the participant signs the lease and before the sub-recipient provides any ESG rental assistance or services specific to the unit. In addition, sub-recipients must inspect all units at least annually upon recertification to ensure that the units continue to meet the minimum habitability standards. Inspection forms must be kept in the participant file. MFA may also inspect the unit as part of the monitoring process. (24 CFR 576.403(a))

## **LEAD-BASED PAINT REQUIREMENTS**

All HUD-funded housing programs occupied by program participants are required to incorporate lead-based paint remediation and disclosure requirements. Generally, these provisions require the recipient to screen for, disclose the existence of, and take reasonable precautions for the presence of lead-based paint in leased or assisted units constructed prior to 1978. (24 CFR 576.403(a))

ESG-funded programs are required to incorporate the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4846), and 24 CFR part 35, subparts A, B, H, J, K, M, and R in the unit.

## **LEASE AGREEMENT**

Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit. The program participant must be the tenant on a lease and is renewable and terminable only for cause. The lease must be renewable for terms that are a minimum of one month. (24 CFR 576.106(g))

## **RENTAL ASSISTANCE AGREEMENT**

In addition to a lease between the program participant and the owner, the ESG interim rule also requires a Rental Assistance Agreement between the sub-recipient and the property owner. The sub-recipient may make rental assistance payments only to an owner with whom the sub-recipient has entered into a rental assistance agreement. (24 CFR 576.106(e))

The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements of ESG assistance. In addition, the rental assistance agreement must provide the following:

1. During the term of the agreement, the owner gives the sub-recipient a copy of any notice to the program participant to vacate the housing unit, or any complaint used under state or local law to commence an eviction against the program participant.
2. Agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:
  - a) The program participant moves out of the housing unit for which the program participant has a lease; or
  - b) The lease terminates and is not renewed; or
  - c) The program participant becomes ineligible to receive ESG rental assistance.

## RENT PAYMENTS

Program participants receiving rental assistance funds pay their portion of rent directly to the landlord. The difference between the total rent and the amount paid by the program participant is then paid by the sub-recipient. Sub-recipients may not use ESG funds to cover the cost of the program participant's rent, if the program participant fails to pay his or her portion of rent.

Sub-recipients must make timely payments to each landlord or property owner in accordance with the rental assistance agreement. All rent payments must go directly to a third-party (directly to landlord). ESG funds may not be used for late penalties incurred by the sub-recipient or the participant once they are in the program.

## APPENDIX A: ELIGIBLE ACTIVITIES BY ESG COMPONENT

### STREET OUTREACH

#### ENGAGEMENT

Unsheltered persons are engaged for the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and housing programs. Eligible engagement activities include:

- Making an initial assessment of needs and eligibility using the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT)
- Providing crisis counseling
- Addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries
- Actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs, including emergency shelter, transitional housing, community-based services, permanent supportive housing, and rapid re-housing programs

#### CASE MANAGEMENT

Case management includes assessing housing and service needs, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant. Eligible services and activities include:

- Utilizing the NMCES
- Conducting the initial VI-SPDAT

- Verifying and documenting program eligibility
- Counseling
- Developing, securing, and coordinating services
- Obtaining federal, state, and local benefits
- Monitoring and evaluating program participant progress
- Providing information and referrals to other providers
- Developing an individualized housing and service plan, including planning a path to permanent housing stability.
- If service workers use their own vehicles, mileage reimbursement is allowed to visit or assist program participants with eligible program activities.

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## SERVICES FOR SPECIAL POPULATIONS

Services for special populations include services for homeless youth, victim services, and services for people living with HIV/AIDS, as long as the costs of providing these services are one of the above eligible Street Outreach activities. The term “victim services” refers to services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

## ESSENTIAL SERVICES

ESG funds may be used for the costs of providing essential services to homeless families and individuals in emergency shelters and may include:

### Case Management

Case management includes assessing housing and service needs, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant. Eligible services and activities include:

- Utilizing the NMCES
- Conducting the initial VI-SPDAT
- Verifying and documenting program eligibility
- Counseling
- Developing, securing, and coordinating services
- Obtaining federal, state, and local benefits
- Monitoring and evaluating program participant progress
- Providing information and referrals to other providers
- Developing an individualized housing and service plan, including planning a path to permanent housing stability

## **Child Care**

Childcare includes the costs of providing meals and snacks and comprehensive and coordinated sets of appropriate developmental activities. Children must be under the age of 13 unless they have a disability. Children with a disability must be under the age of 18. In addition, the childcare center must be licensed by the jurisdiction in which it operates in order for its costs to be eligible.

## **Education Services**

When necessary for the program participant to obtain and maintain housing, the costs of improving knowledge and basic educational skills are eligible. Services include instruction or training in consumer education, health education, substance abuse prevention, literacy, English as a Second Language, and General Educational Development (GED).

Eligible services or activities may include:

- Screening
- Assessment and testing
- Individual or group instruction
- Tutoring
- Provision of books, supplies, and instructional material
- Counseling
- Referral to community resources

## **Employment Assistance and Job Training**

- Classroom, online, and/or computer instruction
- On-the-job instruction
- Services that assist individuals in securing employment including:
  - Employment screening, assessment, or testing
  - Structured job skills and job-seeking skills
  - Special training and tutoring, including literacy training and pre-vocational training
  - Books and instructional material
  - Counseling or job coaching
  - Referral to community resources
  - Acquiring learning skills that can be used to secure and retain a job, including the acquisition of vocational licenses and/or certificates
  - Increasing earning potential
  - Reasonable stipends to program participants in employment assistance and job training



## **Outpatient Health Services**

Outpatient health services include the direct outpatient treatment of medical conditions that are provided by licensed medical professionals. ESG funds may be used only for these services to the extent that other appropriate health services are unavailable within the community. Eligible treatment options may include:

- Assessing a program participant's health problems and developing a treatment plan
- Assisting program participants to understand their health needs
- Providing directly or assisting program participants to obtain appropriate medical treatment, preventative care, and health maintenance services, including emergency medical services
- Providing medication and follow-up services
- Providing preventative and non-cosmetic dental care

## **Legal Services**

Legal services include the hourly fees for legal advice and representation by attorneys licensed and in good standing with the bar association of the state in which the services are provided, and by person(s) under the supervision of the licensed attorney, regarding matters that interfere with the program participant's ability to obtain and retain housing. ESG funds may be used only for these services to the extent that other appropriate legal services are unavailable or inaccessible within the community. Eligible subject matters include:

- Child support
- Guardianship
- Paternity
- Emancipation
- Legal separation
- Orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking,
- Appeal of veterans and public benefit claim denials
- Resolution of outstanding criminal warrants

Eligible services or activities may include:

- Client intake
- Preparation of cases for trial
- Provision of legal advice
- Representation at hearings
- Counseling

Fees based on the actual service performed (i.e., fee for service) are also eligible, but only if the cost would be less than the cost of hourly fees. Filing fees and other necessary court costs are also eligible. If the sub-

recipient is a legal services provider and performs the services itself, the eligible costs are the sub-recipient's employee salaries and other costs necessary to perform the services. Legal services for immigration and citizenship matters and issues relating to mortgages are ineligible costs. Retainer fee arrangements and contingency fee arrangements are ineligible costs.

### **Life Skills Training**

Life skills training includes the costs of teaching critical life management skills that may never have been learned or have been lost during the course of physical or mental illness, domestic violence, substance use, and homelessness. These services must be necessary to assist the program participant to function independently in the community. Life skills training options may include:

- Budgeting resources
- Managing money
- Managing a household
- Resolving conflict
- Shopping for food and needed items
- Improving nutrition
- Using public transportation
- Parenting

### **Mental Health Services**

Mental health services include the direct outpatient treatment by licensed professionals of mental health conditions. ESG funds may only be used for these services to the extent that other appropriate mental health services are unavailable or inaccessible within the community. Mental health services are the application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances. Problem areas may include family and marital relationships, parent-child problems, or symptom management. Eligible treatment options include:

- Crisis interventions
- Individual, family, or group therapy sessions
- The prescription of psychotropic medications or explanations about the use and management of medications
- Combinations of therapeutic approaches to address multiple problems

### **Substance Abuse Treatment Services**

Substance abuse treatment services are designed to prevent, reduce, eliminate, or deter relapse of substance abuse or addictive behaviors and are provided by licensed or certified professionals. ESG funds

may only be used for these services to the extent that other appropriate substance abuse treatment services are unavailable or inaccessible within the community. Eligible treatment options include:

- Client intake and assessment
- Outpatient treatment for up to 30 days.

Group and individual counseling and drug testing are eligible costs. Inpatient detoxification and other inpatient drug or alcohol treatment are not eligible costs.

### **Services for Special Populations**

ESG funds may be used to provide services for homeless youth, victim services, and services for people living with HIV/AIDS, as long as the costs of providing these services are one of the eligible Emergency Shelter essential services listed above. The term “victim services” refers to services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

### **Salaries**

Salary for shelter employee whose hours are spent directly associated with the shelter clients, supervision of shelter employees or shelter office employees.

## **SHELTER OPERATIONS**

Eligible expenses under Shelter Operations include:

- The costs of maintenance to the shelter building (including minor or routine repairs)
- Rent
- Security
- Office equipment/supplies
- Insurance
- Utilities
- Food
- Furnishings
- Supplies necessary for the operation of the shelter
- Salary for shelter employee that provides maintenance/security

Where no appropriate emergency shelter is available for a homeless family or individual, eligible costs may also include a hotel or motel voucher for that family or individual.

### **Transportation**

Eligible transportation costs include a program participant's travel to and from medical care, employment, childcare, or other eligible essential services facilities. These costs include the following:

- The cost of a program participant's travel on public transportation, as well as travel to use public transportation
- If shelter employees use their own vehicles for this use, mileage reimbursement is allowed
- The cost of gas, insurance, taxes, and maintenance/repair for the shelter's vehicle used to transport program participants and/or staff serving program participants

## HOMELESS PREVENTION AND RAPID-REHOUSING

Homeless Prevention assistance includes housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph 1 of the "homeless definition" in 24 CFR 576. The costs of homeless prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participants current permanent house or move into other permanent housing and achieve stability in that housing

Rapid Re-Housing assistance includes housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing.

## HOUSING RELOCATION AND STABILIZATION SERVICES – FINANCIAL ASSISTANCE COSTS

Subject to the general conditions under the Homelessness Prevention Component (24 CFR 576.103) and the Rapid Re-Housing Assistance Component (24 CFR 576.104), ESG funds may be used to pay housing owners, utility companies, and other third parties for the following costs:

- Rental Application Fees: ESG funds may pay for the rental housing application fee that is charged by the owner to all applicants.
- Security Deposits: ESG funds may pay for a security deposit that is equal to no more than 2 months' rent.
- Last Month's Rent: If necessary to obtain housing for a program participant, the last month's rent may be paid from ESG funds to the owner of that housing at the time the owner is paid the security deposit and the first month's rent. This assistance must not exceed one month's rent and must be included in calculating the program participant's total rental assistance, which cannot exceed 24 months during any 3-year period.
- Utility Deposits: ESG funds may pay for a standard utility deposit required by the utility company for all customers for the utilities listed below (under utility payments)
- Utility Payments: ESG funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service. A

partial payment of a utility bill counts as one month. This assistance may only be provided if the program participant or a member of the same household has an account in his or her name with a utility company or proof of responsibility to make utility payments. Eligible utility services are gas, electric, water, and sewage. No program participant shall receive more than 24 months of utility assistance within any 3-year period.

- Moving Costs: ESG funds may pay for moving costs, such as truck rental or hiring a moving company. This assistance may include payment of temporary storage fees for up to 3 months, provided that the fees are accrued after the date the program participant begins receiving housing stabilization services and before the program participant moves into permanent housing. Payment of temporary storage fees in arrears is not eligible.

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## HOUSING SEARCH AND PLACEMENT SERVICES

Assist participants in locating, obtaining, and retaining suitable permanent housing, including:

- Housing search
- Tenant counseling
- Understanding leases
- Arranging for utilities
- Making moving arrangements
- Assessment of housing barriers, needs and preferences
- Development of an action plan for locating housing
- Outreach to and negotiation with owners
- Assessment of housing for compliance with ESG requirements for habitability, lead-based paint, and rent reasonableness
- Assistance with submitting rental applications

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## HOUSING STABILITY CASE MANAGEMENT

Assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining housing by, for example:

- Conducting the initial VI-SPDAT or F-VI-SPDAT assessment, including verifying and documenting eligibility
- Using the Coordinated Entry System (NMCES)
- Counseling
- Developing, securing, and coordinating services
- Obtaining Federal, State, and local benefits
- Monitoring and evaluating program participant progress

- Providing information and referrals to other providers
- Developing an individualized housing and service plan, including planning a path to permanent housing stability
- Conducting re-evaluations

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## MEDIATION

Mediation between the program participant and the owner or person(s) with whom the program participant is living, provided that the mediation is necessary to prevent the program participant from losing permanent housing in which the program participant currently resides.

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## CREDIT REPAIR

Credit counseling and other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems.

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## SHORT-TERM AND MEDIUM-TERM RENTAL ASSISTANCE

Subject to the general conditions in 24 CFR 576.103 and 24 CFR 576.104, the recipient or sub-recipient may provide a program participant with up to 24 months of rental assistance during any 3-year period. This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance. Rental assistance may be tenant-based or project-based.

- Short-Term Rental Assistance: Short-term rental assistance is assistance for up to 3 months of rent.
- Medium-Term Rental Assistance: Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent.
- Rental Arrears: Payment of rental arrears consists of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears.

## HMIS/OSNIUM

These activities are designed to fund ESG sub-recipient participation in the HMIS collection and analyses of data on individuals and families who are homeless or at risk of homelessness. This includes data collected by victim service providers through Osnium. Eligible costs include:

- Purchasing or leasing hardware
- Purchasing software or software licenses
- Obtaining technical support
- Leasing office space

- Paying costs for electricity, gas, water, phone service, and high-speed data transmission necessary to operate or contribute data to the HMIS
- Paying salaries for staff operating HMIS and/or completing data entry
  - a) Monitoring and reviewing data quality
  - b) Completing data analysis
  - c) Reporting to the HMIS Lead training staff on using the HMIS or comparable database; and
  - d) Implementing and complying with all applicable HMIS requirements
- Paying costs of staff to travel to and attend HUD-sponsored and HUD-approved training
- Salary for employee(s) whose hours can be tracked for entering data into the HMIS/Osnum database

## **APPENDIX B: HUD DEFINITION OF HOMELESSNESS 24 CFR 576.2**

### **Category 1: Literally Homeless**

Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- Has a primary nighttime residence that is a public or private place not meant for human habitation; or
- Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, and local government programs); or
- Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

### **Category 2: Imminent Risk of Homelessness**

Individual or family who will imminently lose their primary nighttime residence, provided that:

- Residence will be lost within 14 days of the date of application for homeless assistance; OR
- No subsequent residence has been identified; OR
- The individual or family lacks the resources or support networks needed to obtain other permanent housing

### **Category 3: Homeless Under Other Federal Statutes**

Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

- Are defined as homeless under the other listed federal statutes;
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;

- Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and
- Can be expected to continue in such status for an extended period of time due to special needs or barriers

#### **Category 4: Fleeing/Attempting to Flee DV**

Any individual or family who:

- Is fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking;
- Has no other residence; and
- Lacks the resources or support networks to obtain other permanent housing

### **APPENDIX C: HUD DEFINITION OF “AT RISK OF HOMELESSNESS”**

#### **Category 1: Individuals and Families**

An individual or family who:

- Has an annual income below 30% (50% for ESG-CV) of the median family income for the area; AND
- Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition; and

Meets one or more of the following risk factors:

- Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for assistance; or
- Is living in the home of another because of economic hardship; or
- Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; or
- Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; or
- Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; or
- Is exiting a publicly funded institution or system of care



## **Category 2: Unaccompanied Children and Youth**

A child or youth who does not qualify as homeless under the homeless definition but qualifies as homeless under another federal statute.

## **Category 3: Families with Children and Youth**

An unaccompanied youth who does not qualify as homeless under the homeless definition but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) or that child or youth if living with him or her.

The standards set in this document comply with ESG regulations.

## **APPENDIX D: ORDER OF PRIORITY FOR OBTAINING EVIDENCE OF HOMELESSNESS**

The recordkeeping requirements found in 24 CFR 576.500(a)(b) require sub-recipients to maintain and follow written intake procedures to determine whether potential program participants meet the homeless definition found in 24 CFR 576.2. These procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status. However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations if the HMIS retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made; and if the HMIS prevents overrides or changes of the dates on which entries are made.

The procedures that must be followed to establish the order of priority for obtaining evidence of homelessness are as follows:

1. Third-party documentation, including written and source documentation, and HMIS records;
2. Intake worker observations;
3. Certification from individual seeking assistance

For emergency shelters, sub-recipients are required to document eligibility at program entry. HUD recognizes that third-party documentation at the emergency shelter level is not feasible in most cases. For shelters where program participants may stay only one night and must leave in the morning, documentation must be obtained each night. If program participants may stay more than one night, then documentation must be obtained on the first night the household stays in the shelter. Emergency shelters can document homeless status through self-certification by the individual or head of household as the primary method of establishing homeless eligibility. In these instances, one method of meeting this standard would be to require households to complete a sign-in sheet, with a statement at the top informing the individual or head of household that by signing, they certify that they are homeless.

## APPENDIX E: ESG-CV FUNDING

ESG CARES Act (ESG-CV) funding must be used to prevent, prepare for, and respond to coronavirus among individuals and families who are homeless or receiving homeless assistance. The only ESG regulation pertaining to emergency shelters that does not apply to ESG-CV funding is the requirement for shelters to match the funding they receive.

### ESG CV – Waivers and Exclusions for Rapid Re-Housing and Homeless Prevention

HUD has granted waivers on specific regulations due to COVID-19. The waivers are in place until 9/30/2022.

Emergency Solutions Grant CARES Act funding must be used to prevent, prepare for, and respond to coronavirus among individuals and families who are homeless or receiving homeless assistance and to support additional homeless assistance and homeless prevention activities to mitigate the impacts created by coronavirus.

All ESG CARES Act funds must be expended by September 30, 2022. Funds not expended in a timely manner may be redirected to another area/service provider.

### INCOME LIMITS

If assistance is provided with ESG-CV funds, the income limit has been increased to the Very Low-Income Limit of 50% of the area median income for those at-risk of homelessness (definition at 24 CFR 576.2). Income limits do not apply to Rapid Re-housing clients upon entry into the program however they do apply at annual recertification.

### RE-EVALUATION FREQUENCY

The required frequency of re-evaluations for homeless prevention assistance under section 576.401(b) is waived for up to 2 years beginning 3/31/2020 so long as the subrecipient conducts the required re-evaluation not less than once every 6 months. This waiver expires 9/30/2022.

### LANDLORD INCENTIVES

The limitations on eligible activities under section 415(a) of the McKinney-Vento Act and 24 CFR 576.105 are waived and alternative requirements are established to the extent necessary to authorize ESG-CV funds to be used under 24 CFR 576.105 to add the eligible cost of paying for landlord incentives as reasonable and necessary to obtain housing for individuals and families experiencing homelessness and at risk of homelessness. However, a recipient may not use ESG-CV funds to pay the landlord incentives set forth below in an amount that exceeds three times the rent charged for the unit. Waiving the limitation on eligible costs under housing relocation and stabilization services to pay for the costs of landlord incentives will increase the number of housing units available to people experiencing homelessness or at risk of

homelessness, especially in tight rental markets and obtaining and maintaining housing is critical to preventing the spread of coronavirus and helping mitigate the economic impact of the crisis. The limitation to three times the rent charged for each unit ensures enough ESG-CV funds remain available to provide other eligible activities necessary to prevent the spread of coronavirus. Eligible landlord incentive costs include:

- a) Signing bonuses equal to up to 2 months of rent;
- b) Security deposits equal to up to 3 months of rent;
- c) Paying the cost to repair damages incurred by the program participant not covered by the security deposit or that are incurred while the program participant is still residing in the unit; and,
- d) Paying the costs of extra cleaning or maintenance of a program participant's unit or appliances.

The incentive is for use with new units only and should not be used for clients that are already housed.

Sub-recipients must consult local and state laws to determine if the incentives align with laws governing what can be charged by property owners/landlords.

To support these costs, the sub-recipient must determine and document that each of these costs is reasonable under the program participants particular circumstances, and not more than is necessary to house the program participant.

#### FAIR MARKET RENT

The requirement at 24 CFR 576.106(d) that prohibits rental assistance where the rent for the unit exceeds the Fair Market Rent established by HUD, as provided under 24 CFR Part 888, is waived so long as the rent complies with HUD's standards of rent reasonableness, as established under 24 CFR 982.507. Waiving this requirement will allow recipients to help program participants move quickly into housing or retain their existing housing, which is especially critical at reducing the spread of coronavirus and responding to coronavirus. This waiver provides additional flexibility beyond the waiver made available to the ESG Program on March 31, 2020, and extended to ESG-CV funds on September 30, 2022, by permitting ESG recipients to provide rental assistance for program participants, whose current rent exceeds FMR and by allowing recipients to use this waiver as needed throughout the period they are providing rental assistance to prevent, prepare for, and respond to coronavirus.

#### ASSISTANCE LIMITS

In order to ensure current program participants receiving homelessness prevention and rapid re-housing assistance do not lose their housing during the coronavirus public health crisis and the subsequent economic downturn caused by the crisis, the requirements in 24 CFR 576.105(c) and 576.106(a) are waived and alternative requirements are established as follows:

- a. The requirement at 24 CFR 576.105(c) limiting the total period of time for which any program participant may receive the services under paragraph (b) to 24 months during any 3-year period is

waived solely for those program participants who reach their 24-month maximum assistance during the period beginning on the presumed start of this crisis, January 21, 2020 – the date the first confirmed case was reported in the United States, and ending 6 months from the date of publication of this Notice, provided that the services are only extended for these program participants for up to a maximum of an additional 6 months; and

- b. The requirement at 24 CFR 576.106(a) limiting the total number of months a program participant can receive rental assistance to 24 months in a 3-year period is waived solely for those program participants who reach their 24-month maximum during the period beginning on the presumed start of this crisis, January 21, 2020 – the date the first confirmed case was reported in the United States, and ending 6 months from the date of publication of this Notice, provided that the rental assistance is only extended for these program participants for up to a maximum of an additional 6 months.

## RENTER INSURANCE

The limitations on eligible activities provided in 24 CFR 576.105(a) are waived to the extent necessary to authorize ESG-CV funds to pay for renters insurance for program participants receiving rapid re-housing or homelessness prevention assistance. In order to pay for renters insurance for program participants, the recipient or subrecipient must:

- (i) demonstrate that the payment of renters insurance is necessary to obtain or maintain housing (e.g., the landlord requires renters to have renters insurance to reside in the unit); and
- (ii) pay the renters insurance directly to the insurance company on behalf of the program participant.

Recipients and subrecipients report that some landlords require their renters to carry renters insurance and many program participants do not have the funds available to pay for renters assistance. Therefore, in these cases when renters insurance is required by a landlord, this waiver and alternative requirement is necessary to help program participants obtain and maintain housing, which is necessary to both prevent the spread of coronavirus and help program participants obtain and maintain housing in tight rental markets during the economic downturn caused by coronavirus.

## TRAINING

As permitted by the CARES Act, ESG-CV funds may be used for training on infectious disease prevention and mitigation for staff working directly to prevent, prepare for, and respond to coronavirus among persons who are homeless or at risk of homelessness and the use of funding shall not be considered administrative costs for purposes of the 10 percent cap. In addition, the limitations on eligible activities provided in section 415(a) of the McKinney-Vento Homeless Assistance Act and 24 CFR part 576, subpart B are waived, and alternative requirements are established to the extent necessary to authorize ESG-CV funds to be used for training on infectious disease prevention and mitigation for homeless assistance providers, including those who do not receive funding through the CARES Act, to help them best prevent,

prepare for and respond to coronavirus among persons who are homeless or at risk of homelessness. These training costs are eligible as a standalone activity and are not to be charged to an activity under 24 CFR 576.101 to 24 CFR 576.109.

#### VACCINE INCENTIVES

The limitations on eligible activities provided in Section 415(a) of the McKinney-Vento Homeless Assistance Act and 24 CFR Part 576, Subpart B are waived to the extent necessary to authorize recipients and subrecipients to make direct, cash payments of up to \$50 per dose to people experiencing homelessness as an incentive for receiving a coronavirus vaccine. ESG-CV funds may only be used for vaccine incentives to the extent that other vaccine incentives are inaccessible or unavailable to people experiencing homelessness within the community. Receiving the vaccine is critical to preventing the spread of coronavirus. However, getting vaccinated, including following up with the second dose required by some of the available vaccines, can be particularly challenging for people who do not have a stable place to call home. Research has demonstrated that providing incentives to people, including those experiencing homelessness, to receive vaccines increases the uptake of vaccination. Therefore, this waiver and alternative requirement is necessary to assure people experiencing homelessness receive vaccination and prevent the spread of coronavirus.

#### VOLUNTEER INCENTIVES

The limitations on eligible activities provided in section 415(a) of the McKinney-Vento Homeless Assistance Act and 24 CFR part 576, subpart B are waived and alternative requirements are established to the extent necessary to authorize ESG-CV funds to be used under 24 CFR 576.101(a), 24 CFR 576.102(a)(1), and 24 CFR 576.105(b) for the cost of providing reasonable incentives to volunteers (e.g., cash or gift cards) who have been and are currently helping to provide necessary street outreach, emergency shelter, essential services, and housing relocation and stabilization services during the coronavirus outbreak. Waiving this requirement to allow the payment of reasonable costs of volunteer incentives will increase the number of people available to provide the needed services and connections to housing to individuals and families experiencing homelessness to prevent the spread of coronavirus.

#### LEGAL SERVICES

Legal services established in 24 CFR 576.102(a)(1)(vi) and 24 CFR 576.105(b)(4) are limited to those services necessary to help program participants obtain housing or keep a program participant from losing housing where they currently reside.

#### HAZARD PAY

As permitted by the CARES Act, funds may be used to pay hazard pay for recipient- or subrecipient-staff working directly to prevent, prepare for, and respond to coronavirus among persons who are homeless or at risk of homelessness. Examples of recipient or subrecipient staff working directly in support of coronavirus response include emergency shelter intake staff, street outreach teams, emergency shelter maintenance staff, emergency shelter security staff, staff providing essential services (e.g., outpatient health or mental health, housing navigators), and staff in proximity to persons with coronavirus or working in locations with a high likelihood of contracting coronavirus.

## Eligibility for Hazard Pay

ESG-CV funds can be used to provide hazard pay for new or existing staff who provide direct services to program participants. This includes:

- Street outreach and emergency shelter staff
- Staff providing essential services (e.g., housing navigators, mental health staff)
- Those who work in proximity to COVID (e.g., maintenance, kitchen, and security staff)

Staff are eligible for hazard pay regardless of whether their salary is funded by ESG, ESG-CV, or CoC funds.

### Administering Hazard Pay:

- Adding it to an employee's base pay
- Giving it as a one-time bonus

### Budgeting:

- Eligible under ESG Street Outreach, Emergency Shelter, Homelessness Prevention and Rapid Rehousing components

### Record Keeping Requirements:

- Timesheets
- Job Descriptions
- Updated Written Compensation Policies

### Hazard Pay Policy Requirements:

Written policies must include:

- Amount
- Length of Time
- Who is eligible
- How is this determined
- Record keeping procedures

Hazard Pay must also:

- Be reasonable and equitable (e.g., allocated to all related activities, including federal awards)
- Reflect your written compensation policies

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## HOUSING STABILITY CASE MANAGEMENT

As required by 24 CFR 576.401(a) and (c), the recipient and its subrecipient must determine the available services and assistance that each ESG-CV program participant will need to achieve independent living and avoid further housing instability or homelessness, and the recipient and its subrecipient must assist each ESG-CV program participant, as needed, to obtain those services and

assistance. However, HUD is making an across-the-board waiver of the ESG requirement in 24 CFR 576.401(e)(1) that housing stability case managers to meet not less than once per month with each program participant receiving homelessness prevention or rapid re-housing assistance.

HUD is waiving this requirement for all program participants receiving this assistance after qualifying as homeless, in order to be consistent with the CARES Act prohibition stated in section III.F.10. Additionally, HUD is waiving the requirement for all program participants receiving assistance after qualifying as at risk of homelessness, in order to prevent the spread of coronavirus and reduce the barriers to providing the homelessness prevention that is necessary to respond to coronavirus. This waiver provides additional regulatory relief beyond the waiver HUD made available on March 31, 2020, for annual ESG funds and extended on September 30, 2022 for annual ESG funds and ESG-CV funds, by lifting the 3-month limitation established May 22, 2020, and making the waiver of 24 CFR 576.401(e)(1) apply throughout the period the recipient or subrecipient uses funds to prevent, prepare for, and respond to coronavirus.

## PART H



## Proposed HOME Median Area Purchase Prices - 2022

County Name	<u>1-Unit Existing Home Sales</u>			<u>1-Unit New Home Sales</u>		
	HUD Limits*	MFA Median	MFA 95% of Median	HUD Limits*	MFA Median	MFA 95% of Median
Los Alamos County	\$323,000	\$260,000	\$247,000	\$323,000	no sales	no sales
Rio Arriba County	\$170,000	\$189,000	\$179,550	\$243,000	no sales	no sales
Santa Fe County	\$295,000	\$525,555	\$499,277	\$295,000	\$769,900	\$731,405
Taos County	\$271,000	\$470,000	\$446,500	\$271,000	\$459,000	\$436,050

Median area purchase prices proposed by MFA are in yellow highlight.

HOME Purchase Price Limits

Los Alamos County

Existing homes

Three months of sold data (November 2021– January 2022)

Median price indicated in red

MLS #	Type	Status	Status Date	Price	Address #/Dir/Street Name	Area
202105021	Condo	Sold	1/21/2022	\$166,374	505 Oppenheimer Dr.	51-Eastern Area
202105436	Condo	Sold	1/23/2022	\$180,000	3055 Trinity Dr	51-Eastern Area
202105496	Single Family	Sold	12/30/2021	\$183,500	424 Kiva	51-Eastern Area
202105317	Condo	Sold	1/11/2022	\$200,000	1001 Oppenheimer 505 OPPENHEIMER DR	51-Eastern Area
202105025	Condo	Sold	12/22/2021	\$225,400	#109	51-Eastern Area
202200035	Condo	Sold	2/1/2022	\$230,000	505 OPPENHEIMER DR	51-Eastern Area
202105114	Condo	Sold	1/30/2022	\$245,000	3055 TRINITY DR	51-Eastern Area
202105239	Condo	Sold	1/27/2022	\$246,000	505 Oppenheimer	51-Eastern Area
202104850	Condo	Sold	12/7/2021	\$260,000	1300 Iris	51-Eastern Area
202105030	Townhouse	Sold	12/21/2021	\$260,000	1379 45th	52-West Area-
202105111	Single Family	Sold	1/21/2022	\$312,000	614 47TH ST	West
202105123	Townhouse	Sold	1/14/2022	\$312,000	4469 A FAIRWAY DR	52-West Area-
202105264	Single Family	Sold	1/22/2022	\$355,000	1063 OPAL ST	West
202105188	Townhouse	Sold	1/24/2022	\$357,000	424 OPPENHEIMER DR	51-Eastern Area
202105269	Townhouse	Sold	1/28/2022	\$360,000	484 OPPENHEIMER DR	51-Eastern Area
202105304	Condo	Sold	1/19/2022	\$375,000	505 OPPENHEIMER DR	51-Eastern Area
202104825	Townhouse	Sold	12/20/2021	\$454,000	47 TIMBER RIDGE RD	51-Eastern Area

HOME Purchase Price Limits

Rio Arriba County

Existing homes

Three months of sold data (November 2021– January 2022)

Median price indicated in red

MLS #	Type	Status	Status Date	Price	Address #/Dir/Street Name	Area	New/Ex
202200232	Manufactured Home	Sold	1/27/2022	\$143,250	2231 N McCurdy Rd	32- Fairview	Existing
202105018	Mobile Home	Sold	1/19/2022	\$155,000	1313 N. Orchard 1905 Avenida	32- Fairview	Existing
202105078	Single Family	Sold	11/24/2021	\$160,000	Canada 11 Private Drive	41- Fairview	Existing
202104854	Single Family Manufactured	Sold	1/3/2022	\$189,000	17931	Chama 32-	Existing
202105450	Home	Sold	12/22/2021	\$215,000	0 EL LLANO	32- Fairview	Existing
202104881	Single Family Manufactured	Sold	12/28/2021	\$225,000	722 Las Vegas St	36- Fairview	Existing
202104907	Home	Sold	1/13/2022	\$245,000	12 Rincon de la Jolla 25 County Road	34-La Velarde	Existing
202104866	Manufactured Home	Sold	1/26/2022	\$246,000	126A	Mesilla	Existing

HOME Purchase Price Limits

Santa Fe County

Existing homes

Three months of sold data (November 2021– January 2022)

Median price indicated in red

MLS #	Type	Status	Status Date	Price	Address #/Dir/Street Name	Area	New/Existing
202104858	Single Family	Sold	12/30/2021	\$166,000	62 Camino Cerro Chato	12-Madrid/Cerrillos	Existing
202105042	Condo	Sold	12/20/2021	\$179,500	2600 W Zia Road	4S-SF City Limit SWS	Existing
202104988	Condo	Sold	12/14/2021	\$180,000	941 CALLE MEJIA	2-SF City Limits NW	Existing
202104921	Condo	Sold	12/2/2021	\$182,000	812 CAMINO DE MONTE REY	4S-SF City Limit SWS	Existing
202104929	Condo	Sold	11/24/2021	\$186,500	2501 W Zia	4S-SF City Limit SWS	Existing
202105387	Condo	Sold	1/26/2022	\$205,000	2501 W Zia	4S-SF City Limit SWS	Existing
202104891	Townhouse	Sold	12/15/2021	\$206,000	1604 CALLE DE ORIENTE NORTE	4S-SF City Limit SWS	Existing
202104941	Condo	Sold	1/14/2022	\$224,000	1157 CALLE AMANDA	13-Airport Road Area	Existing
202104876	Single Family	Sold	1/1/2022	\$233,000	94 Aspen Road	17-Far SSF Cnty Area	Existing
202104936	Condo	Sold	1/3/2022	\$234,500	941 CALLE MEJIA	1-SF City Limits NE	Existing
202105299	Condo	Sold	1/12/2022	\$237,000	1145 CALLE AMANDA	13-Airport Road Area	Existing
202104893	Manufactured Home	Sold	1/28/2022	\$237,000	54 PINE 2210	11-Hwy 14/CR 42 E	Existing
202105400	Condo	Sold	1/22/2022	\$245,000	MIGUEL CHAVEZ	3S-SF City SE South	Existing
202200051	Condo	Sold	2/1/2022	\$252,000	941 Calle Mejia	2-SF City Limits NW	Existing
202105233	Condo	Sold	1/28/2022	\$255,000	2501 W Zia Rd Unit 11-101	4N-SF City Limit SWN	Existing
202105125	Condo	Sold	12/23/2021	\$260,000	941 Calle Mejia	2-SF City Limits NW	Existing
202104841	Condo	Sold	12/30/2021	\$260,000	941 CALLE MEJIA	2-SF City Limits NW	Existing
202105227	Townhouse	Sold	12/22/2021	\$265,000	2210 MIGUEL CHAVEZ	3S-SF City SE South	Existing

202104943	Manufactured Home	Sold	1/14/2022	\$274,000	1299 Vegas Verdes	4N-SF City Limit SWN	Existing
202105091	Manufactured Home	Sold	1/11/2022	\$275,000	12 LUCERITO 2412 CALLE LOMA BONITA	6-La Cienega Area	Existing
202105293	Single Family	Sold	12/22/2021	\$280,500	17 Via Sagrada	4S-SF City Limit SWS	Existing
202200100	Single Family	Sold	1/14/2022	\$300,000	3760 Academy	027RV - Rancho Viejo	Existing
202104925	Condo	Sold	12/13/2021	\$300,000	1629 CALLE DE ORIENTE NORTE	13-Airport Road Area	Existing
202105218	Townhouse	Sold	1/21/2022	\$317,000	1344 Pacheco	4S-SF City Limit SWS	Existing
202105465	Condo	Sold	1/28/2022	\$320,000	1103 Willow Way	4S-SF City Limit SWS	Existing
202105007	Single Family	Sold	1/12/2022	\$321,000	320 ARTIST #66	13-Airport Road Area	Existing
202105070	Condo	Sold	1/15/2022	\$321,000	56 COUNTY RD 84	1-SF City Limits NE	Existing
202105165	Manufactured Home	Sold	1/13/2022	\$325,000	1342 Pacheco St	16-Pojoaque Valley	Existing
202105028	Condo	Sold	1/25/2022	\$326,000	934 Shoofly	4S-SF City Limit SWS	Existing
202105314	Condo	Sold	12/13/2021	\$328,500	1026 AVENIDA DE LAS CAMPANAS	4N-SF City Limit SWN	Existing
202104899	Single Family	Sold	1/19/2022	\$329,000	3228 LA PAZ	4S-SF City Limit SWS	Existing
202105121	Condo	Sold	12/26/2021	\$330,000	3062 FLORAS DEL SOL	4N-SF City Limit SWN	Existing
202200184	Single Family	Sold	1/24/2022	\$338,000	4305 CALLE GUILLERMO	13-Airport Road Area	Existing
202104879	Single Family	Sold	1/30/2022	\$343,000	4812 Solecito Circle	13-Airport Road Area	Existing
202105232	Single Family	Sold	1/28/2022	\$345,944	2074 CALLE ENSENADA	4S-SF City Limit SWS	Existing
202105023	Single Family	Sold	12/30/2021	\$349,000	128 Carson Valley Way	11-Hwy 14/CR 42 E	Existing
202105244	Single Family	Sold	1/21/2022	\$350,000			Existing



2021050						601 W San		
44	Townhouse	Sold	12/20/2021	\$350,000	171	Mateo Unit	4S-SF City	Existing
2021050					1717		Limit SWS	
88	Condo	Sold	11/23/2021	\$350,000	MONTANO		2-SF City	Existing
					131		Limits NW	
2021051	Single				CARSON		11-Hwy	
09	Family	Sold	12/26/2021	\$352,000	VALLEY		14/CR 42 E	Existing
2021050					1405 Vegas		4S-SF City	
40	Condo	Sold	12/29/2021	\$355,000	Verdes		Limit SWS	Existing
					1405			
2021049					VEGAS		4S-SF City	
08	Condo	Sold	1/28/2022	\$355,000	VERDES		Limit SWS	Existing
2021048	Single				56 Sunset		11-Hwy	
86	Family	Sold	12/30/2021	\$355,000	Canyon		14/CR 42 E	Existing
2021052					601 W San		4S-SF City	
55	Townhouse	Sold	1/20/2022	\$357,500	Mateo		Limit SWS	Existing
2021051					2986 PLAZA		4S-SF City	
94	Townhouse	Sold	1/19/2022	\$359,375	AZUL		Limit SWS	Existing
					6513			
2021048	Single				Winding		13-Airport	
12	Family	Sold	12/7/2021	\$360,000	Ridge Loop		Road Area	Existing
2022002					2180		4N-SF City	
10	Condo	Sold	1/26/2022	\$360,000	ALAMEDA		Limit SWN	Existing
2021048	Single				3 Monte		16-Pojoaque	
47	Family	Sold	12/16/2021	\$377,000	Enebro		Valley	Existing
					4553			
2021051	Single				CAMINO		13-Airport	
78	Family	Sold	12/30/2021	\$380,000	VERDE		Road Area	Existing
					2726			
2021053	Single				Camino		4S-SF City	
79	Family	Sold	1/31/2022	\$389,900	Lazo		Limit SWS	Existing
					4416			
2022002	Single				Autumn		4S-SF City	
14	Family	Sold	1/26/2022	\$392,000	Leaf Ln.		Limit SWS	Existing
2021048	Single				154 Carson		11-Hwy	
30	Family	Sold	12/20/2021	\$394,000	Valley Way		14/CR 42 E	Existing
					4615			
2021048	Single				SUNSET		13-Airport	
61	Family	Sold	1/20/2022	\$395,000	RIDGE		Road Area	Existing
					4205			
2021054	Single				Coyote		13-Airport	
06	Family	Sold	1/27/2022	\$395,000	Lane		Road Area	Existing
					1712			
2021051	Single				Callejon		4N-SF City	
26	Family	Sold	1/20/2022	\$397,500	Emilia		Limit SWN	Existing
2021053							1-SF City	
93	Condo	Sold	1/21/2022	\$400,000	749 Alto		Limits NE	Existing

2021052	51	Townhouse	Sold	12/15/2021	\$400,000	110 Del Rio 4089	2-SF City Limits NW	Existing
2021051	92	Single Family	Sold	1/13/2022	\$405,000	MONTANA VERDE 6821	4S-SF City Limit SWS	Existing
2021054	13	Single Family	Sold	1/21/2022	\$410,000	Sunset Circle 858 VIENTO	13-Airport Road Area	Existing
2021048	53	Townhouse	Sold	12/10/2021	\$411,000	SEGUNDO 2732	2-SF City Limits NW	Existing
2021049	30	Single Family	Sold	12/10/2021	\$411,662	Alamosa 5 Buffalo	4N-SF City Limit SWN	Existing
2021054	27	Single Family	Sold	1/14/2022	\$412,343	Draw 11	27-South of I- 25	Existing
2021051	24	Single Family	Sold	1/5/2022	\$414,000	VICTORIO PEAK 6424	027RV - Rancho Viejo	Existing
2021048	59	Single Family	Sold	12/8/2021	\$416,000	CERROS GRANDES	13-Airport Road Area	Existing
2021052	95	Townhouse	Sold	1/24/2022	\$425,000	102 Del Rio 4748	2-SF City Limits NW	Existing
2021051	83	Single Family	Sold	12/16/2021	\$425,000	HIGHLANDS 2710 CALLE	13-Airport Road Area	Existing
2021051	98	Single Family	Sold	1/5/2022	\$425,000	CEDRO 15	4S-SF City Limit SWS	Existing
2021048	96	Single Family	Sold	12/15/2021	\$425,000	ESQUINA 2957 Camino	14-Eldorado	Existing
2021049	18	Single Family	Sold	11/24/2021	\$425,000	Piedra Lumbre 2320	4S-SF City Limit SWS	Existing
2021049	80	Single Family	Sold	12/20/2021	\$429,000	CEDROS 2928	4S-SF City Limit SWS	Existing
2021050	39	Single Family	Sold	1/7/2022	\$430,000	Camino Del Gusto 63 REATA	4S-SF City Limit SWS	Existing
2021048	84	Single Family	Sold	12/26/2021	\$434,500	ROAD	6-La Cienega Area	Existing
2021050	68	Single Family	Sold	1/19/2022	\$435,000	408 La Joya 3079 Floras	4N-SF City Limit SWN	Existing
2021050	35	Single Family	Sold	12/29/2021	\$435,000	del Sol 1012	13-Airport Road Area	Existing
2021050	17	Condo	Sold	1/12/2022	\$440,000	Marquez Place	3N-SF City SE North	Existing
2021049	99	Single Family	Sold	12/16/2021	\$440,000	20 Garbosa	14-Eldorado	Existing

2021051	Single				6340		
43	Family	Sold	1/10/2022	\$443,464	Avenida	13-Airport	Existing
2021048	Single				Chamisa	Road Area	
80	Family	Sold	12/10/2021	\$454,000	1550	4S-SF City	Existing
					Sipapu	Limit SWS	
2021050					324 CALLE		
86	Condo	Sold	1/14/2022	\$460,000	LOMA	1-SF City	Existing
2021048	Single				NORTE	Limits NE	
60	Family	Sold	12/1/2021	\$470,000	2862 PLAZA	4S-SF City	Existing
					VERDE	Limit SWS	
2022001					624		
01	Condo	Sold	1/14/2022	\$475,000	Galisteo,	3S-SF City SE	Existing
					Unit 25	South	
2021048					624		
70	Condo	Sold	12/7/2021	\$475,000	Galisteo	3N-SF City SE	Existing
					#30	North	
2021051	Single				2		
62	Family	Sold	1/17/2022	\$475,000	BRIMHALL	027RV -	Existing
					WASH	Rancho Viejo	
2021049	Single				117		
64	Family	Sold	1/12/2022	\$480,000	Candelario	1-SF City	Existing
2021048	Single				Street	Limits NE	
13	Family	Sold	12/22/2021	\$481,000	2003 Kiva	4N-SF City	Existing
2022002					Rd	Limit SWN	
48	Condo	Sold	1/28/2022	\$498,625	17 PUEBLO	15-Tesuque	Existing
2021051	Single				DE CIELO	Area	
40	Family	Sold	1/5/2022	\$500,000	2913 VIALE	4S-SF City	Existing
2021052	Single				TRESANA	Limit SWS	
14	Family	Sold	12/30/2021	\$525,000	26		Existing
2021048					HERRADA	14-Eldorado	
98	Condo	Sold	11/22/2021	\$525,000	320 ARTIST	1-SF City	Existing
					509	Limits NE	
2021049	Single				Escudero	4N-SF City	
01	Family	Sold	12/21/2021	\$525,000	St.	Limit SWN	Existing
2021048	Single				620 ONATE	4N-SF City	
94	Family	Sold	12/6/2021	\$525,555	PL	Limit SWN	Existing
					527		
2021048	Single				Franklin	4N-SF City	
17	Family	Sold	12/23/2021	\$525,867	Avenue	Limit SWN	Existing
2021053	Single				2704 SOL Y	4S-SF City	
92	Family	Sold	1/26/2022	\$540,379	LUZ LOOP	Limit SWS	Existing
					1000		
2021049	Single				Canyon	1-SF City	
82	Family	Sold	12/10/2021	\$549,000	Road	Limits NE	Existing
2021054	Single				107 Paseo	2-SF City	
94	Family	Sold	12/30/2021	\$550,000	Nopal	Limits NW	Existing

2022000	Single					2 FAJADA	027RV -	
72	Family	Sold	1/28/2022	\$550,000	WASH	997 Calle	Rancho Viejo	Existing
2021049	Single					997 Calle	4N-SF City	
61	Family	Sold	12/14/2021	\$557,390	Carmilita	811 W	Limit SWN	Existing
2021049						811 W	1-SF City	
97	Condo	Sold	12/9/2021	\$558,000	Manhattan	112	Limits NE	Existing
2021050	Single					BOSQUECIL	27-South of I-	
85	Family	Sold	1/4/2022	\$558,000	LO	2180 West	25	Existing
2021052						2180 West	2-SF City	
97	Condo	Sold	1/20/2022	\$565,000	Alameda	316 Artist	Limits NW	Existing
2021050	Single					316 Artist	1-SF City	
10	Family	Sold	11/18/2021	\$570,000	Road	232	Limits NE	Existing
2021054						CAMINO DE	1-SF City	
86	Townhouse	Sold	12/29/2021	\$587,500	LA SIERRA	9 Recado	Limits NE	Existing
2021050	Single					9 Recado		
79	Family	Sold	1/14/2022	\$588,500	Road		14-Eldorado	Existing
2021048	Single							
97	Family	Sold	12/10/2021	\$599,000	8 LOBO	20 Calle	14-Eldorado	Existing
2021050	Single					20 Calle	6-La Cienega	
82	Family	Sold	1/12/2022	\$600,000	Milpa	1420 Santa	Area	Existing
2021053	Single					1420 Santa	4S-SF City	
52	Family	Sold	12/14/2021	\$605,000	Cruz Drive	2713 VIA	Limit SWS	Existing
2021050	Single					CABALLERO	4S-SF City	
92	Family	Sold	1/14/2022	\$605,000	DEL SUR	12	Limit SWS	Existing
2021052	Single					Mescalero	7-South AND	
53	Family	Sold	12/15/2021	\$615,000	Ridge	4 LOBO	West of I-25	Existing
2021052	Single					4 LOBO		
37	Family	Sold	1/12/2022	\$620,000	LANE	125 Camino	14-Eldorado	Existing
2021049	Single					de las	2-SF City	
39	Family	Sold	12/30/2021	\$625,000	Crucitas		Limits NW	Existing
2021049	Single							
22	Family	Sold	2/1/2022	\$625,000	4 Verano Ct	32 Juego	14-Eldorado	Existing
2021050	Single					32 Juego		
27	Family	Sold	1/12/2022	\$630,000	Road	1324	14-Eldorado	Existing
2021051	Single					1324	4N-SF City	
39	Family	Sold	1/13/2022	\$632,110	Hickox St	1500	Limit SWN	Existing
2021050						AVENIDA	2-SF City	
06	Condo	Sold	12/23/2021	\$650,000	RINCON	52	Limits NW	Existing
2021050	Single					VICTORIO	027RV -	
65	Family	Sold	12/7/2021	\$651,000	PEAK		Rancho Viejo	Existing

2022000	Single					2723 VIA		
34	Family	Sold	1/31/2022	\$660,000		CABALLERO	4S-SF City	
2021050	Single					DEL SUR	Limit SWS	Existing
43	Family	Sold	12/26/2021	\$665,000		7 VISTA	25S- NW	
2021048	Single					PRECIOSO	Quadrant-S	Existing
57	Family	Sold	12/14/2021	\$668,701		2 RABBIT	27-South of I-	
2021054						RUN W	25	Existing
10	Condo	Sold	1/19/2022	\$695,700		3101 Old	3S-SF City SE	
						Pecos Trail	South	Existing
						4149		
2021053	Single					Soaring	4S-SF City	
85	Family	Sold	1/27/2022	\$700,000		Eagle Lane	Limit SWS	Existing
						3101 Old		
2021052						Pecos Trail	3S-SF City SE	
76	Condo	Sold	1/14/2022	\$700,000		#519	South	Existing
						1010		
2021053						Marquez	3N-SF City SE	
03	Condo	Sold	2/1/2022	\$714,600		Place	North	Existing
2021050	Single					12 Calle	25S- NW	
20	Family	Sold	12/22/2021	\$725,000		Vecinos	Quadrant-S	Existing
						610		
2022002	Single					CAMINITO	3S-SF City SE	
31	Family	Sold	1/27/2022	\$725,000		DEL SOL	South	Existing
2021053	Single					1116 S	2-SF City	
83	Family	Sold	12/15/2021	\$732,815		Luna Circle	Limits NW	Existing
						780 ASPEN		
2021050	Single					COMPOUN	1-SF City	
22	Family	Sold	12/10/2021	\$746,000		D	Limits NE	Existing
						1205		
2021050	Single					Gonzales	1-SF City	
38	Family	Sold	12/23/2021	\$750,000		Court	Limits NE	Existing
						6		
2021049	Single					Camerada		
70	Family	Sold	12/29/2021	\$753,000		Road	14-Eldorado	Existing
2021048	Single					405 Greg	2-SF City	
89	Family	Sold	12/17/2021	\$770,000		Avenue	Limits NW	Existing
2021048	Single					129 W	3N-SF City SE	
26	Family	Sold	11/19/2021	\$770,000		Berger	North	Existing
2021051	Single					1721 Ridge	2-SF City	
01	Family	Sold	11/24/2021	\$776,984		Pointe Loop	Limits NW	Existing
						67		
2021052	Single					AVENIDA		
89	Family	Sold	1/31/2022	\$779,000		DE LA PAZ	10-Hwy 285	Existing
						11 East		
2021051	Single					Chili Line	027RV -	
29	Family	Sold	1/14/2022	\$780,000		Road	Rancho Viejo	Existing
2021052	Single					25 ARROYO	25S- NW	
43	Family	Sold	12/23/2021	\$815,000		PRIVADO	Quadrant-S	Existing

2021048	Single					2225 CALLE	3N-SF City SE	
82	Family	Sold	12/18/2021	\$820,126		ALVARADO	North	Existing
2021052	Single					11 Cagua		
31	Family	Sold	12/28/2021	\$825,000		Road	14-Eldorado	Existing
2021048	Single					2363 Brunn	3S-SF City SE	
71	Family	Sold	12/30/2021	\$825,000		School Lane	South	Existing
2021049	Single					75 La	27-South of I-	
12	Family	Sold	1/25/2022	\$825,000		Pradera	25	Existing
2021049	Single					20 AGUA		
66	Family	Sold	12/9/2021	\$826,800		VIVIENDO	10-Hwy 285	Existing
2021048	Single					31 Herrada		
64	Family	Sold	12/10/2021	\$840,000		Road	14-Eldorado	Existing
2021048	Single					8 COYOTE	11-Hwy	
23	Family	Sold	12/14/2021	\$849,000		LOCO	14/CR 42 E	Existing
2021052	Single					200 CALLE	3S-SF City SE	
79	Family	Sold	1/22/2022	\$850,000		SAN SIMON	South	Existing
2021054						624 E	3N-SF City SE	
04	Condo	Sold	12/17/2021	\$850,000		ALAMEDA	North	Existing
2021052	Single					477 Calle	3N-SF City SE	
73	Family	Sold	12/29/2021	\$860,000		Volver	North	Existing
2021048	Single					1521 Calle	3N-SF City SE	
27	Family	Sold	12/3/2021	\$860,000		Preciosa	North	Existing
						17		
2021053	Single					Longhorn	25N- NW	
88	Family	Sold	1/27/2022	\$875,000		Lane	Quadrant-N	Existing
						2		
2021051	Single					REDONDO	027RV -	
42	Family	Sold	1/26/2022	\$895,000		PEAK	Rancho Viejo	Existing
2021053	Single					5 Los	7-South AND	
51	Family	Sold	12/14/2021	\$910,500		Pinoneros	West of I-25	Existing
						1004		
2021050	Single					Camino San	3N-SF City SE	
09	Family	Sold	12/22/2021	\$950,000		Acacio	North	Existing
2021054	Single					38 Blue Jay	25S- NW	
53	Family	Sold	12/23/2021	\$1,065,000		Drive	Quadrant-S	Existing
						1520		
2021052	Single					Canyon	1-SF City	
80	Family	Sold	12/28/2021	\$1,075,000		Road	Limits NE	Existing
2021049	Single					13 DREAM	25S- NW	
40	Family	Sold	12/17/2021	\$1,085,000		CATCHER	Quadrant-S	Existing
2021049	Single					19 Vuelta	25N- NW	
11	Family	Sold	12/15/2021	\$1,100,000		Sabio	Quadrant-N	Existing
2021048	Single					2 Rain	24-Las	
14	Family	Sold	12/8/2021	\$1,107,980		Dance Ct	Campanas	Existing
2021051						4A Lodge	15-Tesuque	
95	Condo	Sold	12/29/2021	\$1,115,000		Circle	Area	Existing

2021051	Single			\$1,200,0	26 Camino		
03	Family	Sold	1/14/2022	00	Los		
2021049	Single			\$1,200,0	Angelitos	10-Hwy 285	Existing
72	Family	Sold	12/10/2021	00	100 W	3N-SF City SE	
2021050	Single			\$1,212,2	Barcelona	North	Existing
56	Family	Sold	1/12/2022	85	1396 Hyde	1-SF City	
					Park Road	Limits NE	Existing
					43 PASEO		
2021051	Single			\$1,250,0	ENCANTAD	15-Tesuque	
41	Family	Sold	11/29/2021	00	O SW	Area	Existing
					1901		
2021050	Single			\$1,294,0	Cerros	1-SF City	
52	Family	Sold	12/2/2021	00	Colorados	Limits NE	Existing
					13		
2021052	Single			\$1,295,0	Hawthorne	24-Las	
88	Family	Sold	1/18/2022	00	Circle	Campanas	Existing
					1008		
2021050	Single			\$1,325,0	Foothills	3N-SF City SE	
63	Family	Sold	1/20/2022	00	Trail	North	Existing
2021052	Single			\$1,339,0	71	24-Las	
87	Family	Sold	12/15/2021	00	Wildhorse	Campanas	Existing
2021048	Single			\$1,350,0	218 E	3N-SF City SE	
95	Family	Sold	12/4/2021	00	Buena Vista	North	Existing
2021052	Single			\$1,355,0	821 Los	1-SF City	
01	Family	Sold	12/21/2021	00	Arboles Ln	Limits NE	Existing
2021049	Single			\$1,375,0	3165 Vista	25N- NW	
59	Family	Sold	1/28/2022	00	Sandia	Quadrant-N	Existing
					49 and 55		
2022001	Single			\$1,375,0	Zambra	15-Tesuque	
41	Family	Sold	1/19/2022	00	Way	Area	Existing
2021050	Single			\$1,400,0	14 Sendero	25S- NW	
45	Family	Sold	1/5/2022	00	de la Vida	Quadrant-S	Existing
2021050	Single			\$1,455,0	415 Camino	3N-SF City SE	
55	Family	Sold	1/25/2022	00	Delora	North	Existing
					1861 Sun		
2021053	Single			\$1,491,5	Mountain	3N-SF City SE	
98	Family	Sold	1/18/2022	00	Drive	North	Existing
					1069		
2021050	Single			\$1,610,0	Camino	1-SF City	
34	Family	Sold	12/22/2021	00	Manana	Limits NE	Existing
2021049	Single			\$1,695,0	16 Cloud	25S- NW	
81	Family	Sold	12/28/2021	00	March E	Quadrant-S	Existing
2021053	Single			\$1,959,1	28 Aloe	24-Las	
69	Family	Sold	1/28/2022	70	Circle	Campanas	Existing
2021050	Single			\$1,997,5	13 Astor	24-Las	
80	Family	Sold	1/18/2022	00	Circle	Campanas	Existing
2021049	Single			\$2,250,0	2300	3N-SF City SE	
56	Family	Sold	12/20/2021	00	Wilderness	North	Existing

					Heights Road 3961/3963		
2022002	Single			\$2,346,7	Old Santa	3N-SF City SE	
70	Family	Sold	1/31/2022	25	Fe Trail	North	Existing
2021052	Single			\$2,393,0	906 Canyon	1-SF City	
86	Family	Sold	1/6/2022	00	Rd	Limits NE	Existing
2021049	Single			\$2,600,0	6 Shorthorn	25N- NW	
54	Family	Sold	1/4/2022	00	Ln	Quadrant-N	Existing
					588 Camino		
2021051	Single			\$2,700,0	del Monte	3N-SF City SE	
91	Family	Sold	1/27/2022	00	Sol	North	Existing
2021051	Single			\$2,800,0	611 Garcia	3N-SF City SE	
32	Family	Sold	12/10/2021	00	St	North	Existing
2021048	Single			\$3,150,0		3N-SF City SE	
55	Family	Sold	11/3/2021	00	805 Garcia	North	Existing
2021054	Single			\$3,360,0	7 Bluestem	24-Las	
61	Family	Sold	12/23/2021	00	Drive	Campanas	Existing
					1422		
2021051	Single			\$3,640,0	Bishops	15-Tesuque	
13	Family	Sold	1/20/2022	00	Lodge Rd	Area	Existing



HOME Purchase Price Limits

Santa Fe County

New homes

Three months of sold data (November 2021– January 2022)

Median price indicated in red

MLS #	Type	Status	Status Date	Price	Address #/Dir/Street Name	Area	New/Existing
20220014	Single				18 VIA	25S- NW	
3	Family	Sold	1/19/2022	\$380,950	SUMMA	Quadrant-S	New
20210511	Single				23 Craftsman	27-South of	
5	Family	Sold	1/11/2022	\$655,000	Rd	I-25	New
20210506	Single				6 Pinon	27-South of	
1	Family	Sold	12/30/2021	\$719,900	Doblado	I-25	New
20210516	Single				3 Pinon	27-South of	
9	Family	Sold	12/23/2021	\$729,900	Doblado	I-25	New
20210513	Single				1 Pinon	27-South of	
8	Family	Sold	1/7/2022	\$769,900	Doblado	I-25	New
20210550	Single				46 Balsa		
0	Family	Sold	12/30/2021	\$785,000	Road	14-Eldorado	New
20210525	Single						
4	Family	Sold	1/21/2022	\$835,000	1 GARBOSA	14-Eldorado	New
					82 PASEO		
20210508	Single				LAS	24-Las	
7	Family	Sold	11/23/2021	\$856,308	TERRAZAS	Campanas	New
20220017	Single					25S- NW	
2	Family	Sold	1/21/2022	\$869,000	15 VIA VITAE	Quadrant-S	New
20210487	Single				1513 CALLE	3N-SF City	
2	Family	Sold	12/13/2021	\$925,000	PRECIOSA	SE North	New

HOME Purchase Price Limits

Taos County

Existing homes

Three months of sold data (November 2021– January 2022)

Median price indicated in red

MLS #	Asking Price	Sold Price	Closing Date	Address	City	New/Existing
106791	\$89,900	\$89,900	11/15/2021	2715 State Road 76	Chamisa	Existing
107603	\$119,000	\$100,000	1/31/2022	427 Herdner	Taos	Existing
107081	\$119,000	\$119,000	11/23/2021	507 Calle Unida	Taos	Existing
104162	\$160,000	\$120,000	11/19/2021	150 Coyote Moon	Piedras	Existing
104928	\$147,500	\$139,000	12/15/2021	10 Third Street	El Prado	Existing
106326	\$164,900	\$140,000	12/1/2021	70 Ranchos Plaza	de Taos	Existing
107361	\$149,000	\$149,000	11/19/2021	316 Center Court	Red River	Existing
107555	\$176,000	\$167,000	12/10/2021	22 Luna Madre	Questa	Existing
105131	\$169,900	\$169,900	12/30/2021	4904 Highway 518	Tres Ritos	Existing
107115	\$185,000	\$185,000	11/15/2021	365 Avenida de Veronica	El Prado	Existing
107490	\$210,000	\$207,500	1/21/2022	56 Lookout Drive	Taos	Existing
107581	\$232,000	\$222,000	1/12/2022	125 Monte Vista	Carson	Existing
107439	\$259,000	\$265,000	12/30/2021	Road	Red River	Existing
107745	\$265,000	\$265,000	1/11/2022	38 Bitter Creek Rd	Taos	Existing
107094	\$280,000	\$270,000	11/15/2021	920 Calle del Llano	El Prado	Existing
104122	\$350,000	\$275,000	1/20/2022	54 Lower Las Colonias Road	Red River	Existing
107485	\$269,000	\$280,000	1/6/2022	14 Black Copper	El Prado	Existing
106872	\$325,000	\$283,000	12/7/2021	7 Camino Coyote	Questa	Existing
107838	\$239,000	\$290,000	1/14/2022	103 Embargo Road	Taos	Existing
107467	\$265,000	\$292,000	12/28/2021	55 Vista Linda	Taos	Existing
107552	\$335,000	\$293,500	11/9/2021	1245 Rainbow Street	Taos	Existing
107536	\$300,000	\$300,000	1/19/2022	824 Witt Road	Taos	Existing
107756	\$325,000	\$302,500	12/28/2021	19 Red Sky Road	El Prado	Existing
106607	\$330,000	\$320,000	12/10/2021	7 Shadow Mountain	Taos	Existing
106870	\$359,000	\$330,000	12/11/2021	27 Cactus Flower Rd	Questa	Existing
107401	\$349,000	\$342,500	11/2/2021	2697 Hwy 522	Questa	Existing
106959	\$339,900	\$349,900	12/3/2021	6 Dulcimer Road	El Prado	Existing
106991	\$349,000	\$352,101	12/23/2021	23 Camino Coyote	Taos	Existing
106670	\$399,000	\$352,500	11/12/2021	127 Oakley Lane	taos	Existing
107450	\$375,000	\$356,000	11/16/2021	619 salazar	El Prado	Existing
107050	\$399,000	\$370,000	11/2/2021	1 Bullsake rd	Taos	Existing
99466	\$397,000	\$380,000	1/4/2022	703 Don Roberto	Costilla	Existing
107158	\$375,000	\$381,000	11/3/2021	Road	Taos	Existing
107771	\$389,700	\$389,700	1/10/2022	00 Old HWY 540	Taos	Existing
107104	\$450,000	\$395,000	12/20/2021	423 Ranchitos Road	Arroyo	Existing
106768	\$410,000	\$400,000	1/19/2022	619 Chapel Lane	Seco	Existing
				26 Lobo Road	Taos	Existing
				40 Leyba		

107236	\$499,000	\$417,500	12/20/2021	30 Ace Barnes Road	Red River	Existing
106579	\$435,000	\$425,000	12/29/2021	907 Tenderfoot Ct	Red River	Existing
106271	\$429,000	\$429,000	11/1/2021	217 Este Es Rd	Taos	Existing
107319	\$449,000	\$437,000	11/2/2021	245 Morgan Rd	Taos	Existing
103781	\$459,000	\$442,000	1/11/2022	208 Montoya St	Taos	Existing
107310	\$435,000	\$445,000	12/1/2021	1 Alison Road	Taos	Existing
107362	\$460,000	\$455,000	1/19/2022	85 Camino del Medio	San Cristobal	Existing
107615	\$430,000	\$470,000	11/15/2021	29 Las Animas	Arroyo Seco	Existing
				48 B Hondo Seco	Arroyo	
107472	\$525,000	\$508,000	11/22/2021	Road	Hondo	Existing
107827	\$485,000	\$509,675	1/14/2022	225 Ranchitos Road	Taos	Existing
107295	\$549,000	\$530,000	11/5/2021	209 Adobe Rd	Taos	Existing
106918	\$564,000	\$530,000	1/5/2022	612 Critcher Rd	Taos	Existing
					Ranchos	
107522	\$525,000	\$535,000	11/12/2021	65 Vista Linda Rd	de Taos	Existing
108036	\$549,000	\$549,000	1/13/2022	102 Martyrs Lane	Taos	Existing
107460	\$519,000	\$550,000	12/1/2021	9 Calle Angelo	Taos	Existing
				130A Upper		
107627	\$559,700	\$550,000	1/4/2022	Ranchitos	Taos	Existing
107500	\$599,000	\$565,000	12/8/2021	5 Rova Drive	Taos	Existing
				743 Camino de la		
106741	\$549,900	\$580,500	12/30/2021	Finca	Taos	Existing
				125A Lower Las		
107424	\$585,000	\$590,000	11/19/2021	Colonias Rd	El Prado	Existing
107420	\$595,000	\$600,000	12/31/2021	1305 Amador Lane	Taos	Existing
				265 Los Cordovas	Ranchos	
107314	\$635,000	\$619,500	12/28/2021	Road	de Taos	Existing
107117	\$585,000	\$626,000	11/5/2021	61 Clint Road	Taos	Existing
107560	\$625,000	\$635,500	11/30/2021	4 Gina Lane	El Prado	Existing
				24C Upper Las		
107492	\$699,000	\$650,000	12/30/2021	Colonias	El Prado	Existing
107383	\$650,000	\$650,000	12/7/2021	45 Monte Vista	Red River	Existing
105990	\$688,000	\$665,000	12/13/2021	1102 E High St	Red River	Existing
107032	\$725,000	\$670,000	11/8/2021	150 Cerrito Colorado	Valdez	Existing
					Taos Ski	
107269	\$695,000	\$685,000	11/22/2021	1304 State Hwy 150	Valley	Existing
					Ranchos	
107324	\$680,000	\$696,000	12/23/2021	44 Vista Linda Road	De Taos	Existing
107516	\$747,000	\$705,000	1/13/2022	122 Upper Ranchitos	Taos	Existing
107776	\$725,000	\$725,000	1/20/2022	1206 Salida del Sol	Taos	Existing
				168 172 West	Ranchos	
106833	\$799,000	\$745,000	11/9/2021	Romero Rd	de Taos	Existing
106888	\$799,000	\$775,000	1/7/2022	58 Valley of the Pines	Red River	Existing

107483	\$800,000	\$800,000	1/20/2022	610 Claim Jumper Street	Red River	Existing
101181	\$832,500	\$810,000	11/22/2021	61 Blueberry Hill	Taos	Existing
107478	\$850,000	\$850,000	12/23/2021	57 Baird Dr	Ranchos de Taos	Existing
107812	\$949,000	\$875,000	1/21/2022	06 Bad Dog Lane	El Prado	Existing
104247	\$950,000	\$950,000	12/13/2021	1521 Youngs Ranch Road	Red River	Existing
106977	\$1,150,000	\$950,000	1/17/2022	PD 1080 Rio Arriba County Road 57	El Guique Ranchos	Existing
107779	\$879,821	\$989,821	1/21/2022	43 Vista Linda Road	de Taos	Existing
107052	\$995,000	\$995,000	12/10/2021	37 Upper Red River Valley Rd	Red River	Existing
107501	\$998,000	\$998,000	12/2/2021	615 Ranchitos Rd	Taos	Existing
106705	\$1,250,000	\$1,100,000	12/20/2021	63A Torres Road	Taos	Existing
105741	\$1,150,000	\$1,150,000	11/5/2021	1619 Weimer Rd	Taos	Existing
107248	\$1,250,000	\$1,200,000	1/31/2022	55 Paseo de la Barranca	Ranchos de Taos	Existing
107285	\$1,295,000	\$1,300,000	1/5/2022	19 Nacoma Road	El Prado	Existing
107997	\$1,495,000	\$1,339,000	12/23/2021	7 Paw A Suki	Arroyo Seco	Existing
107529	\$1,480,000	\$1,630,000	1/10/2022	61 La Canada	El Prado	Existing
104262	\$1,800,000	\$1,679,000	12/3/2021	48 Mariposa	Arroyo Seco	Existing
107376	\$1,745,000	\$1,700,000	12/22/2021	506 Vista del Canon	Taos	Existing
107647	\$2,225,000	\$2,175,000	1/31/2022	350 Duval Rd	Taos	Existing

HOME Purchase Price Limits

Taos County

New homes

Three months of sold data (November 2021– January 2022)

Median price indicated in red

MLS #	Asking Price	Sold Price	Closing Date	Address	City	New/Existing
106807	\$469,000	\$459,000	12/23/2021	27 Medina Ln	Ranchos De Taos	New
107315	\$459,000	\$459,000	1/6/2022	29 Medina Ln	Ranchos De Taos	New
107291	\$577,000	\$577,000	1/27/2022	212 Las Olas 48 Entrada	Taos	New
105651	\$799,000	\$799,000	12/14/2021	Atalaya	Taos	New



Tab 11



# MEMO

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TO: MFA Board of Directors

Through: Contracted Services Committee – April 12, 2022

Through: Policy Committee – April 5, 2022

FROM: Julie Halbig, Compliance Manager

DATE: April 5, 2022

**Recommendation:**

The compliance officer is responsible for communicating with the Board of Directors regarding compliance matters. The compliance activities report is intended to provide information to the Board regarding compliance management activities and the results of related oversight of MFA's single-family mortgage lending and servicing departments, including subservicing oversight. During this reporting period, no significant compliance concerns were identified.

**Background:**

The compliance officer is responsible for maintaining a comprehensive compliance program to address legal, regulatory, and internal requirements for MFA's single family mortgage lending and servicing functions, ensure MFA is meeting regulatory compliance requirements related to mortgage operations, and maintain oversight of MFA's contracted subservicer performance.

**Discussion:**

The following is a summary of compliance activities related to vendor management, subservicing oversight, loan quality control, and tracking of regulatory compliance and consumer complaints from October 2021 through March 2022.

**Vendor Management**

Vendor management and oversight is an ongoing function within the compliance management system and is conducted according to the underlying vendor management policy. Staff identifies vendors who provide services to MFA which are subject to regulation and oversight by the Consumer Financial Protection Bureau (CFPB), or any entity contracted to provide services that would cause MFA to face risk if the vendor or service provider fails to meet contractual obligations, regulatory requirements, or engages in activities that could adversely impact MFA consumers.

Vendors are evaluated for inherent risk, compliance systems and controls, and business performance. This evaluation is completed by the compliance manager, in cooperation with appropriate department directors. All vendors are now on a

schedule based on their risk assessment. The most recent vendor reviews did not identify any vendors with critical weaknesses which present a significant risk of violating the law and causing consumer harm.

Risk ratings are assigned to vendors based on the below criteria and the Vendor Management Policy dictates the level and frequency of vendor reviews.

Risk Ratings:

- High – full operational reliance, access to MFA consumer NPPI (non-public personal information), access to MFA consumers, access to MFA systems.
- Medium – limited operational reliance, limited access to MFA consumer NPPI, no access to MFA consumers, no access to MFA systems.
- Low – no operational reliance, no access to MFA consumer NPPI, no access to MFA consumers, no access to MFA systems.

Vendor Review:

Vendor Name	Function	Risk Rating
IHFA	Sub-servicer	High
Loan Protector	Loan Protection Insurance	Medium
Dark Trace	Cyber Security – Email Monitoring	Medium
NCP	Mortgage Coupon Book	Medium

#### Subservicing Oversight

Staff continues to monitor service level performance to ensure our contracted sub-servicer provider, Idaho Housing and Finance Association (IHFA), maintains regulatory compliance, that staffing levels support MFA needs and that controls over data integrity are in place. There are no significant compliance concerns.

IHFA provides several monthly loan portfolio reports, including servicing quality control, advances and reimbursements, loss mitigation and foreclosure activity reports. All reports are reviewed, reconciled, and analyzed for any negative trends or ongoing issues. Monthly calls are held with IHFA to discuss operational processes, reconcile reporting, and provide current updates.

During the reporting period, staff completed the Annual Subservicing Oversight review of IHFA. The annual review entails a deep dive review of regulatory compliance, financial review, loan servicing and loan origination procedures, and a review of IHFA third party vendor assessments. Staff reviews regulatory compliance audits conducted by Ginnie Mae, Fannie Mae, and/or FHA. From these audit reports, staff can determine if there are any operational deficiencies that may impact the sub-servicer portfolio and how those issues are being addressed. Staff reviews the most recent audited financial statements and SOC (service organization controls) reports to determine if the sub-

servicer is financially stable and if the operational controls described in the policies and procedures are functioning appropriately. There were no significant compliance concerns following the annual review.

As previously reported in October 2021, MFA was in the process of reviewing IHFA responses to loan level findings in which our internal auditors, REDW, had inquired about regarding the sub-servicer portfolio. REDW reviewed the following areas:

- Timely outreach to borrower upon delinquency as well as evaluating the means in which IHFA attempted that outreach and how often.
- Property inspections to ascertain if property had been abandoned or vacated
- Review of late fees
- Proper coding of the files per FHA guidelines
- Timely filing of conveyance claims to HUD
- Proper cancellation of hazard insurance

IHFA's loan level responses were reviewed and discussed with MFA staff and proved to be satisfactory.

Per regulatory mandates in place from HUD, IHFA continues to evaluate owner-occupied borrowers for numerous Home Retention Options if the borrower is impacted by COVID-19. Per FHA regulations, no COVID-19 forbearance period may extend beyond June 30, 2022, for COVID-impacted borrowers.

Borrowers exiting forbearance can take advantage of loan modifications and partial claim processes to bring their loan current, lower interest rates and monthly payments, in order to achieve affordability. These options result in a recast of the loan terms and/or a soft second lien on the property that is due at the time of transfer of title or refinancing of the property.

While partial claims do not require repurchase from GNMA pools, modifications do require repurchase from the GNMA pool. Another benefit of these options is that loans can be modified to adjust interest rates and repayment terms so that affordability is achieved for those experiencing a permanent loss of income. As a result, borrowers are more likely to maintain homeownership.

MFA is closely watching the rise in foreclosures and monitoring delinquency rates. MFA continues to see delinquency rates decline in the subserviced portfolio, which reached the highest total delinquency in February 2021 of 18.70%. Rates continue to remain stable and, in some instances, declined. The March 2022 delinquency rate is 11.60% and the seriously delinquent rate is 6.19%. See Chart 1 – Subserviced Portfolio Delinquency Trends on the last page of the report.

### Loan Quality Control

Loan quality control reports and portfolio management reports received from IHFA alert MFA staff to loan level issues with MFA's approved lenders. These reports provide insight regarding trends and performance of specific lenders and loan officers. MFA staff takes a proactive approach in communicating with our partner lenders to mitigate the risk of material findings or repurchase.

Every month, MFA's quality control vendor, IHFA, selects and reviews post-funded loans based on a random sampling of 10% of loans purchased during the previous month. MFA staff then completes a 10% oversight review of the vendor's selected sample of Fannie Mae loans. The sample includes a cross-section of the approved lenders as well as MFA's overall book of business being sold or securitized by Fannie Mae.

The post-purchase review examines includes, but is not limited, to the following:

- Original loan application;
- Underwriting process;
- Employment and Income data;
- Tax Returns;
- Assets;
- Credit history;
- Compliance documents initialed by borrower as having received; and
- Closing documentation

Issues related to the loan file are classified as minor, moderate or serious defects. The below table represents the MFA loan origination defect trend data of cases with serious exceptions (defects). The Gross Defect Rate include all preliminary serious exceptions and the Net Defect Rate represents only unresolved, serious exceptions. According to MFA's Quality Control plan, the Net Defect Rate should be 4% or less for serious and moderate findings in a reporting month. As you can see, MFA's Net Defect rate remains under the 4% Target Rate. Staff did not identify any issues in the loan quality reviews.

## MFA DEFECT TREND REPORT

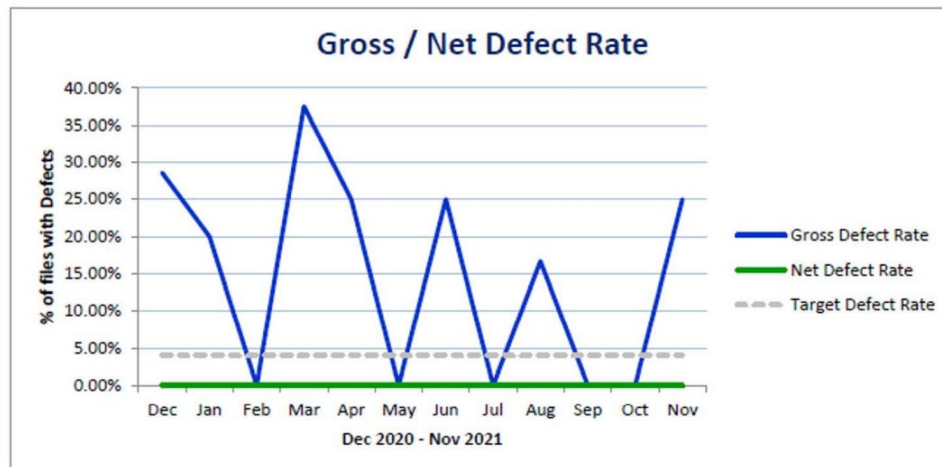
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CASES WITH SERIOUS EXCEPTION(S) - COMPLIANCE EXCLUDED

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Year	Month	Target Defect Rate	Cases Audited	Defective Cases (Gross)	Defective Cases (Net)	Gross Defect Rate	Net Defect Rate
2020	Dec	4.0%	7	2	0	28.57%	0.00%
2021	Jan	4.0%	5	1	0	20.00%	0.00%
2021	Feb	4.0%	5	0	0	0.00%	0.00%
2021	Mar	4.0%	8	3	0	37.50%	0.00%
2021	Apr	4.0%	4	1	0	25.00%	0.00%
2021	May	4.0%	4	0	0	0.00%	0.00%
2021	Jun	4.0%	8	2	0	25.00%	0.00%
2021	Jul	4.0%	4	0	0	0.00%	0.00%
2021	Aug	4.0%	6	1	0	16.67%	0.00%
2021	Sep	4.0%	5	0	0	0.00%	0.00%
2021	Oct	4.0%	4	0	0	0.00%	0.00%
2021	Nov	4.0%	4	1	0	25.00%	0.00%
Sub-total			64	11	0	17.19%	0.00%



### Regulatory and Legal Compliance

Tracking regulatory information related to federal consumer financial law, and implementation of new processes resulting from changing requirements is completed by the compliance officer and mortgage operations staff and management.

As discussed in the Subservicing Oversight section of the report, IHFA, MFA's sub-servicer, has been actively contacting borrowers to make sure that borrowers have a meaningful opportunity to be reviewed for loss mitigation options if the borrower is still experiencing COVID-related issues with respect to their mortgage payment.

All options must be explored before the servicer can make the first notice filing required for foreclosure on certain mortgages. As part of these efforts, MFA and IHFA are actively coordinating outreach to borrower's regarding the Homeowner Assistance Fund (HAF).

Borrowers may use HAF funds in conjunction with FHA's loss mitigation options. MFA did a soft launch of the HAF program at the end of February. These grants are to fund mortgage payments, taxes, and insurance up to \$20,000 per household, to maintain housing and/or to reduce housing cost delinquency. Applicants still experiencing hardship that did not receive the household maximum of \$20,000 on their initial request during the HAF Pilot Program (May 18, 2021 – August 16, 2021) are eligible to reapply for the difference.

Therefore, the priority has been to reach out to those homeowners who had previously contacted MFA seeking assistance but were not able to take part in the pilot and prior awardees from the pilot. Approximately, 3,800 homeowners were on this list. To date, MFA has received 679 completed applications with 916 more in process but not fully submitted. Beginning in April, additional marketing of the HAF program will take place.

In addition, the State of New Mexico has the following protections for homeowners due to rules adopted by the New Mexico Supreme Court. Before filing a foreclosure case, the rules require that:

- Homeowners are given information about loan modification and loss mitigation options,
- Homeowners are provided with a list of resources where they can get help to avoid foreclosure, including legal services and possible financial assistance, and
- The foreclosing party must certify to the court that the required information was provided. The certification also requires that the foreclosing lender attest that it complied with the Consumer Financial Protection Bureau's (CFPB) rule that provides additional pre-foreclosure protections to borrowers during the COVID-19 pandemic.

Before a court will enter a foreclosure judgment, a certification must be submitted about loss mitigation and loan modification negotiations with the homeowner. These rules apply to foreclosure cases filed on or after September 7, 2021.

MFA and IHFA communicate monthly regarding the pipeline of potential foreclosures to ensure that foreclosures are kept to a minimum. In almost all cases, foreclosures that are moving forward are due to the property being abandoned or vacant or the borrower refuses to communicate with IHFA despite repeated means and attempts to make the borrower aware of their options.

#### **New Mexico Eviction Prevention and Diversion Program for Renters and Landlords**

Beginning February 1, 2022, landlords and tenants in Curry and Roosevelt counties were eligible to participate in the Eviction Prevention and Diversion program (EPD). EPD is a program available to New Mexico households who need help paying for rent, utilities, or relocation assistance during the COVID-19 pandemic. EPD is a program for both Landlord/Tenant and Mobile Home Park cases involving non-payment of rent. EPD

navigators and facilitators work to get financial assistance to landlords and tenants to preserve a defendant's tenancy, prevent eviction, and compensate the owner, landlord, or management.

Both parties must agree to participation in the program. Once both parties agree, the court case will be put on hold for a minimum of 60 days to allow time to submit a rental assistance application. The 60-day hold allows time for review of the application and hopefully approval for payment and facilitation of an out-of-court settlement. The program expanded statewide in March.

### Training

The entire Mortgage Operations team took part in a Fair Lending/Fair Housing training in February.

### Consumer complaints

Tracking, investigating, and responding to consumer complaints is a function of the Compliance Management System. No consumer complaints were received in the current reporting cycle.

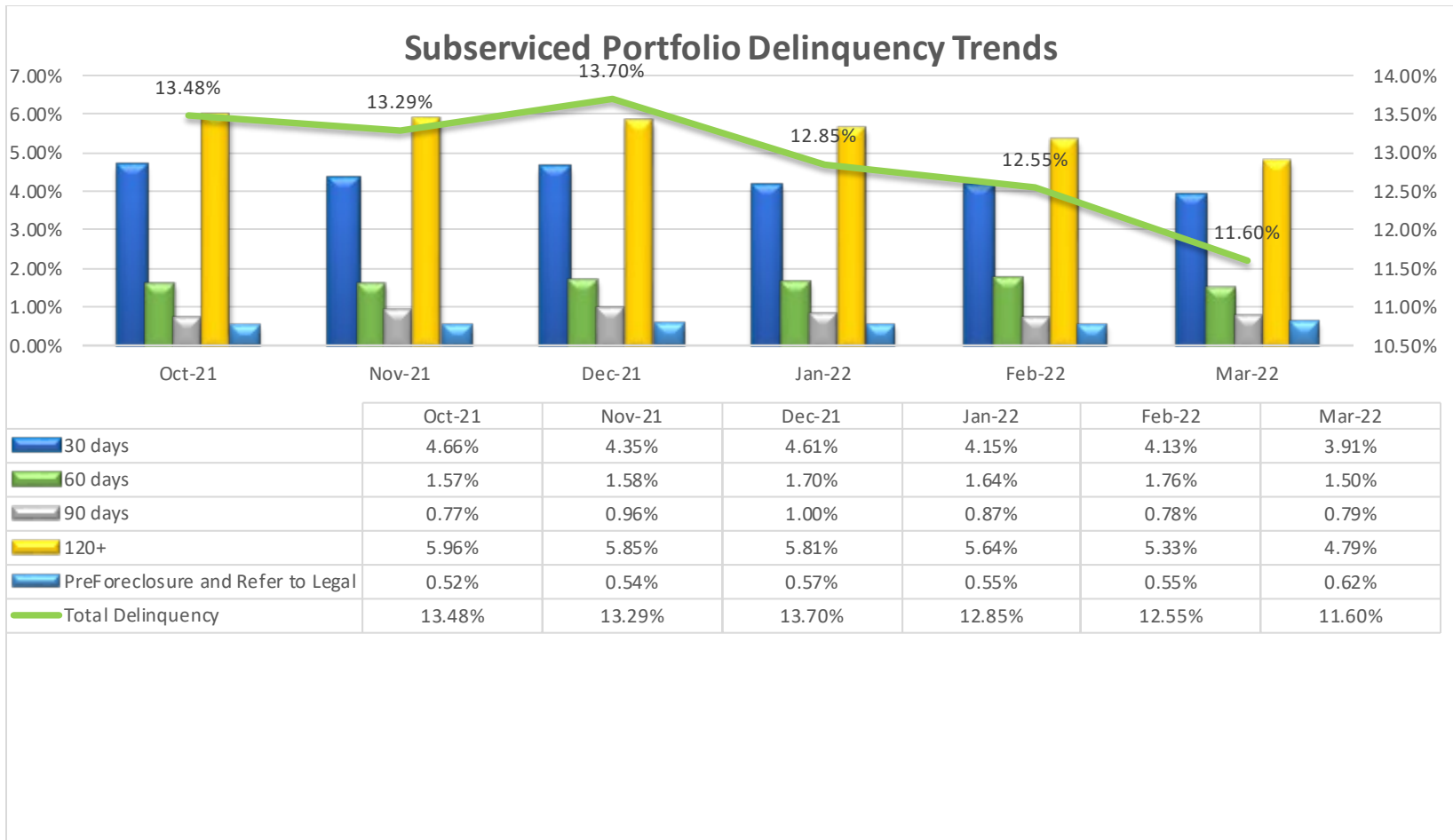
### **Summary:**

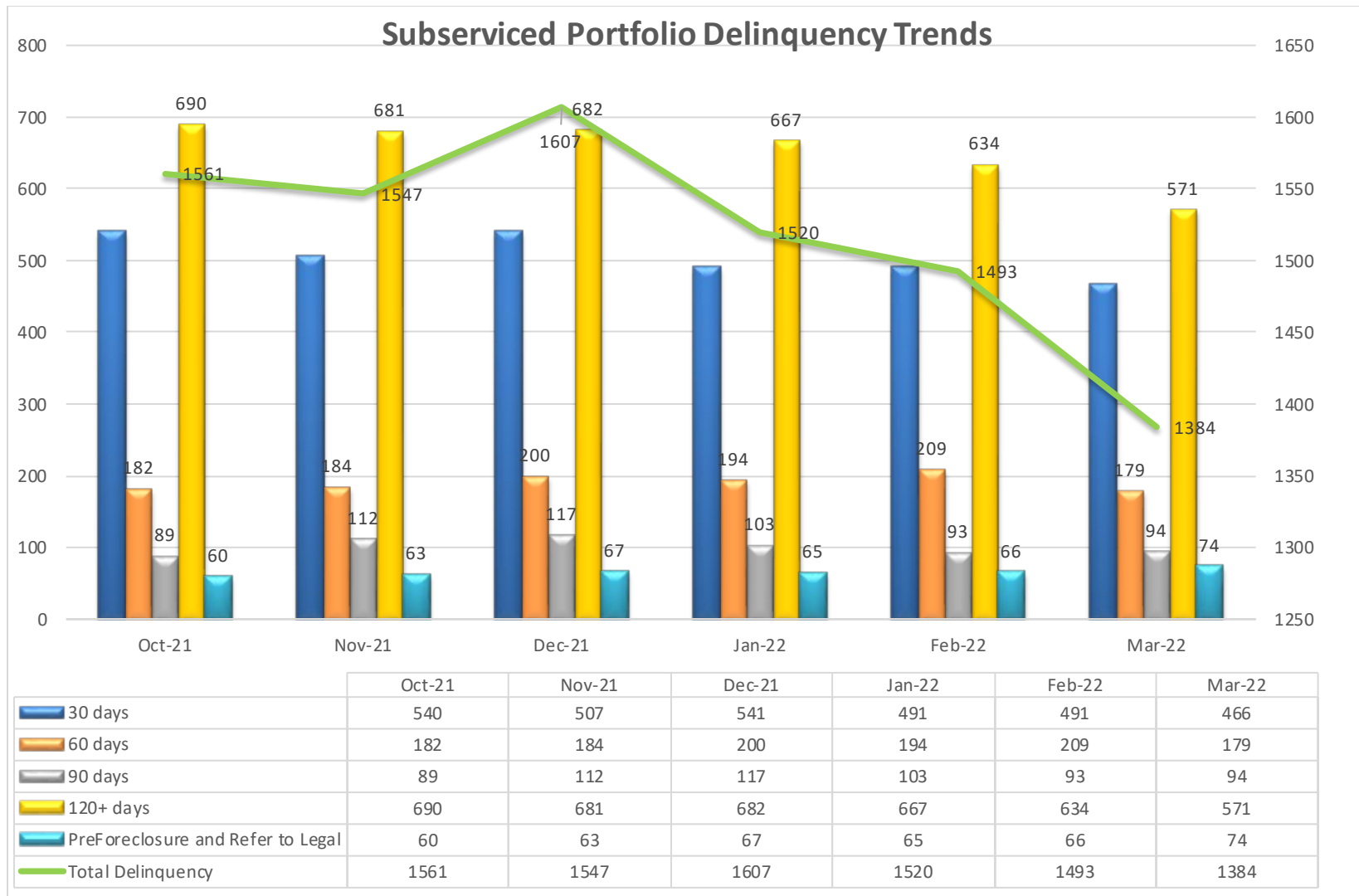
The activities described in this report are intended to provide the Board of Directors with assurance that MFA is effectively managing compliance with Federal and State consumer financial laws applicable to the products and services being provided by MFA and mitigating related risk.

Compliance activities will be reported to the Board through the Contracted Services/Credit Committee no less than twice per year, and as needed to fulfill the compliance department's responsibility to inform the Board of any critical compliance issues. There were no significant compliance concerns identified during this reporting period.



Chart 1





# Tab 12



## **Nominating Committee**

### **April 20, 2022**

Angel Reyes (Chair)

Lieutenant Governor, Howie Morales

Attorney General, Hector Balderas

- (a) The Nominating Committee shall be responsible for presenting nominations for officers, other than the Chairman and the Executive Director, including without limitation the Vice Chairman, the Secretary, the Assistant Secretary, the Treasurer and the Assistant Treasurer.
- (b) The Chairman shall appoint a Nominating Committee during or prior to April of each year. The Nominating Committee shall consist of three members of the Authority.
- (c) The nominations shall be presented and elections held no later than the June meeting of the board of directors held in such year. The vote for officers shall be held in such manner as the directors may determine.

# Tab 13

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Recognition  
Senator Nancy  
Rodriguez

# Tab 14

**Staff Actions Requiring Notice to Board  
During the Period of March 2022**

<b>Department and Program</b>	<b>Project</b>	<b>Action Taken</b>	<b>Comments / Date Approved</b>
Marketing and Communications	2022 Housing Summit Event Planning Services	Approval of the limited source procurement for event planning services provided by Kesselman Jones for the 2022 Housing Summit in the amount of \$52,862.62.	Approved by Policy Committee on March 1, 2022
Servicing Department	Quarterly Quality Control Review Loan Servicing for January 2022	Approval of report issued by REDW – no findings.	Approved by Policy Committee on March 14, 2022
Programs – Neighborhood Stabilization Program (NSP)	NSP 1 Assignment of Award	Approval of the assignment of award in the amount or \$145,514.06 from Tierra del Sol to Homewise Inc	Approved by Policy Committee on March 29, 2022
Community Development-Linkages	Linkages Award Reallocation	Approval to adjust Linkages award to ensure the Housing Administrators have adequate funds to support the number of allotted vouchers. Upon approval, Behavioral Health will award an additional \$44,250 to MFA.	Approved by Policy Committee on March 29, 2022
Community Development-Rehab	Repayment of HUD Funds by Tierra Del Sol	Approval of repayment for HUD HOME funds owed by Tierra Del Sol Housing Corporation (TDS) in the amount of \$13,063.09 paid to HUD with MFA general funds and a repayment plan be setup with TDS to reimburse MFA.	Approved by Policy Committee on March 29, 2022



**COVID-19**  
**Staff Actions Requiring Notice to Board**  
**During the Period of March 14, 2022 - current**

Department and Program	Project	Action Taken	Comments / Date Approved

# Tab 15

New Mexico Mortgage Finance Authority

Combined Financial Statements  
and Schedules

February 28, 2022

**NEW MEXICO MORTGAGE FINANCE AUTHORITY**  
**FINANCIAL REVIEW**  
For the five-month period ended February 28, 2022

COMPARATIVE YEAR-TO-DATE FIGURES (Dollars in millions):		5 month 2/28/2022	5 month 2/28/2021	% Change Year / Year	Forecast 2/28/2022	Actual to Forecast	Forecast/Target 9/30/22
<b>PRODUCTION</b>							
1	Single family issues (new money):	\$199.9	\$55.0	263.5%	\$199.9	0.0%	\$225.0
2	Single family loans sold (TBA):	\$48.7	\$177.2	-72.5%	\$48.7	0.0%	\$150.0
3	Total Single Family Production	\$248.6	\$232.2	7.1%	\$248.6	0.0%	\$375.0
4	Multifamily issues (new money):	\$11.0	\$0.0	0.0%	\$10.0	10.0%	\$20.0
5	Single Family Bond MBS Payoffs:	\$71.3	\$63.7	12.0%	\$58.7	21.4%	\$140.9
<b>STATEMENT OF NET POSITION</b>							
6	Avg. earning assets:	\$1,490.3	\$1,399.9	6.5%	\$1,528.1	-2.5%	\$1,528.1
7	General Fund Cash and Securities:	\$94.9	\$97.4	-2.6%	\$84.8	11.9%	\$84.8
8	General Fund SIC FMV Adj.:	\$1.08	\$1.9	-43.0%	\$0.0	N/A	\$0.0
9	Total bonds outstanding:	\$1,286.4	\$1,105.1	16.4%	\$1,241.1	3.6%	\$1,241.1
<b>STATEMENT OF REVENUES, EXPENSES AND NET POSITION</b>							
10	General Fund expenses (excluding capitalized assets):	\$9.4	\$8.4	11.9%	\$10.4	-9.6%	\$24.9
11	General Fund revenues:	\$11.4	\$20.0	-43.0%	\$12.3	-7.3%	\$30.0
12	Combined net revenues (all funds):	(\$1.2)	\$12.7	-109.6%	\$1.1	-214.2%	\$2.6
13	Combined net revenues excluding SIC FMV Adj. (all funds):	\$0.5	\$10.7	-95.7%	\$1.1	-56.6%	\$2.6
14	Combined net position:	\$284.7	\$276.0	3.2%	\$288.5	-1.3%	\$288.5
15	Combined return on avg. earning assets:	-0.20%	2.18%	-109.0%	0.17%	-214.9%	0.17%
16	Combined return on avg. earning assets excluding SIC FMV Adj. (all funds):	0.07%	1.84%	-96.0%	0.17%	-56.4%	0.17%
17	Net TBA profitability:	1.40%	2.29%	-38.9%	0.50%	180.0%	0.50%
18	Combined interest margin:	0.51%	0.69%	-25.4%	0.55%	-5.7%	0.55%
<b>MOODY'S BENCHMARKS</b>							
19	Net Asset to debt ratio (5-yr avg):	27.09%	28.39%	-4.6%	26.82%	1.0%	26.82%
20	Net rev as a % of total rev (5-yr avg):	10.02%	13.36%	-25.0%	11.25%	-10.9%	11.25%
<b>SERVICING</b>							
21	Subserviced portfolio	\$1,798.0	\$1,589.0	13.2%	\$1,930.4	-6.9%	\$1,930.4
22	Servicing Yield (subserviced portfolio)	0.42%	0.40%	4.0%	0.41%	1.4%	0.41%
23	Combined average delinquency rate (MFA serviced)	8.67%	9.15%	-5.2%	9.00%	-3.7%	9.00%
24	DPA loan delinquency rate (all)	8.71%	9.08%	-4.1%	N/A	N/A	N/A
25	Default rate (MFA serviced-annualized)	0.53%	0.53%	-0.4%	2.00%	-73.6%	2.00%
26	Subserviced portfolio delinquency rate (first mortgages)	12.55%	18.70%	-32.9%	N/A	N/A	N/A
27	Purchased Servicing Rights Valuation Change (as of 12/31/21)	\$4.0	\$0.1	3900.0%	N/A	N/A	N/A

**Legend:**

Positive Trend    Caution    Negative Trend    Known Trend/Immaterial

**NEW MEXICO MORTGAGE FINANCE AUTHORITY**  
**FINANCIAL REVIEW**  
**For the five-month period ended February 28, 2022**

**SUMMARY OF BOND ISSUES:**

Single Family Issues:

\$99.99 mm Series 2021D (November)

\$100.00 mm Series 2022A (February)

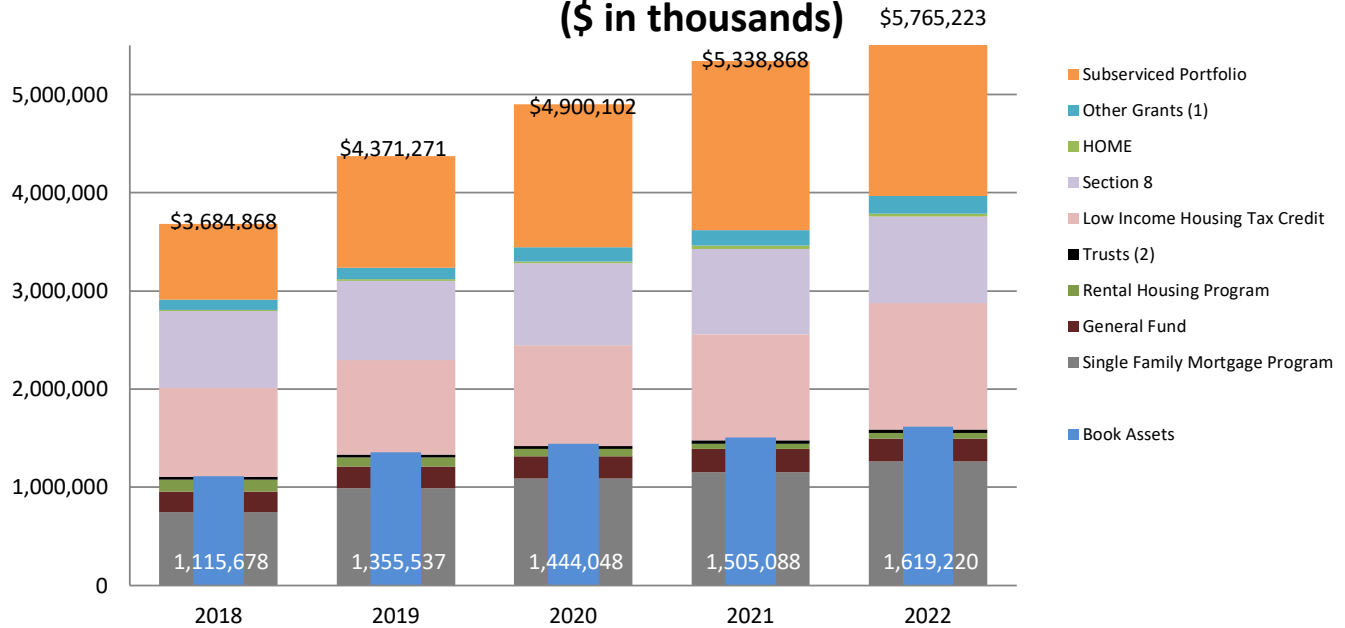
Multi-family Issues:

\$11.0 mm Series 2021 JLG Central (October)

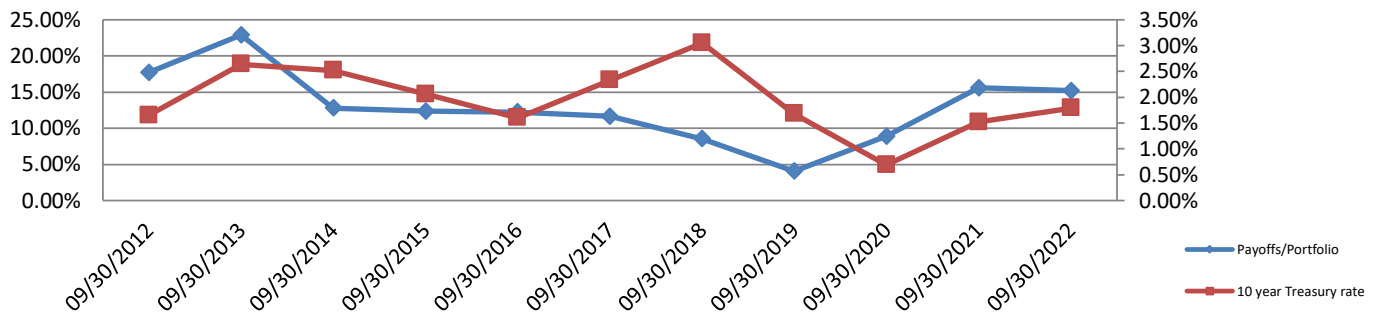
**CURRENT YEAR FINANCIAL TRENDS & VARIANCES:**

- The single-family production has increased and higher by 7.1% through February than the same period last year. TBA loans sold to date were 72.5% lower than last year since the Bond execution was more favorable than it was at the beginning of FY21, and MFA issued the 2021D Series for \$99.9 million in November and 2022 A Series for \$100.00 mm in February 2022. Payoffs remain stronger than this time last year, a 12% increase, although less than the year-over-year change for the end of FY21 of 78.9%. MFA also issued Series B refunding for \$33.5 million in February. MFA continues to monitor market situations closely in consultation with its financial advisors, and it appears more favorable conditions persist for the issuance of bonds than TBA.
- The multifamily JLG Central bond issue closed in October for \$11 million. This was the first MF issue since the 2019 Series JLG North & South totaling \$18.7 million.
- With five months of activity, the Return on Average earnings assets was at negative 0.20% which is lower than last year, due to the effect of HAF awards made through the NM Housing Trust Fund on consolidated revenues (funds to be replenished with HAF grant). This, along with the Cost of Issuance of 2022 A&B Series bonds (\$1.3 m) and FMV adjustments (\$1.1m) of SIC Investments and lower TBA profitability resulting from market changes, has also affected general fund revenues and Moody's net revenue benchmark.
- Interest margins are lower compared to last year at this same time, and there has been significant volatility in the market given seven anticipated increases in interest rates at the federal level for the year. The combined interest margin of 0.51% is a decrease from the FY21 year-end mark of 0.62%. The State Investment Council (SIC) General Fund portfolio valuation decreased by \$778K and has been in a losing streak since January 2022. While the FMV changes are non-operating, they do impact General Fund revenues, combined net revenues, and Return on Average Earning Assets.
- The Servicing Department continues to monitor delinquencies and defaults to identify reduction strategies and refer borrowers to available loss mitigation programs. Of the 12.55% Sub-serviced Portfolio delinquency rate, 4.29% represents loans in forbearance; and of these 3.71% are delinquent forbearance loans. The sub-serviced portfolio is approximately 85% FHA insured loans. The Mortgage Bankers Association quarterly survey as of December 31, 2021, indicates that the delinquency rate for FHA loans nationally is 10.76% and for New Mexico 9.14%. FHA Single Family Loan Performance Trends for December 2021 showed 13.92% delinquency (for purchase loans only) down from 19.20% in December 2020.
- The fair market value for purchased servicing rights as of December 2021 is \$22.0 million, an increase of about \$4.0 million over cost. GASB requires MFA to record the value of servicing rights at the 'lower of cost or market'. Decreases in FMV related to the pandemic have been recovered. The current recorded cost of the asset is \$18.0 million. Valuations are obtained on a quarterly basis.
- Based on Moody's issuer credit rating scorecard, MFA's 27.09% net asset to debt ratio (5-year average), which measures balance sheet strength, indicates a strong and growing level of resources for maintaining HFA's creditworthiness under stressful circumstances (> 20 %). The net revenue as a percent of total revenue measures performance and profitability; we take caution as MFA's 10.02% ratio (5-year average) is barely within the optimal range (10-15%) because of varied reasons including the NMHTF activity on consolidated revenues, cost of issuance of 2022 A&B series bonds and decreased FMV of SIC investments .
- Moody's Investor Services completed an updated credit opinion on MFA's Issuer Rating in June 2020. They reaffirmed the Aa3/stable rating. Comments included high asset to debt ratio, good profitability, and low-risk profile due to mortgage-backed security structure, multifamily Risk Sharing Program, and no exposure to variable-rate debt. Additionally, Moody's reaffirmed the Aaa/stable rating on the single-family indenture in April 2021, noting a growing asset to debt ratio and stabilizing profitability.

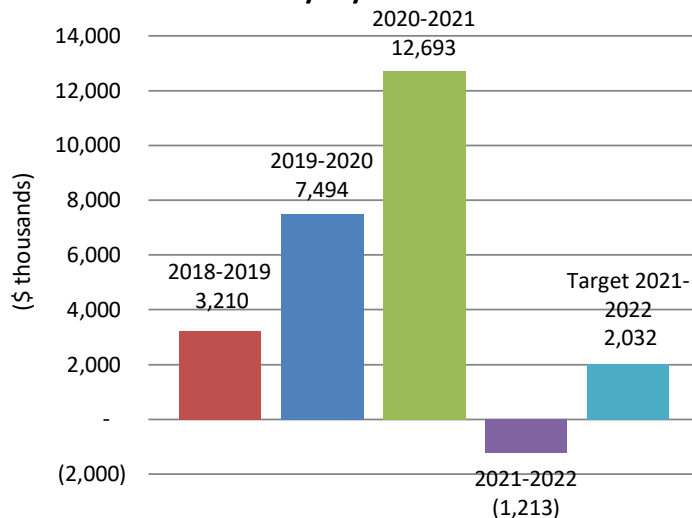
## Assets Under Management as of 9/30/2022 (\$ in thousands)



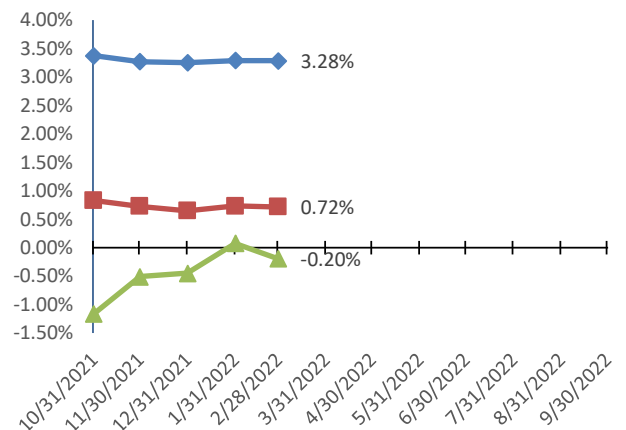
## YTD Annualized Payoffs as a Percentage of Single Family Mortgage Portfolio as of 9/30/2022



## YTD Excess Revenues over Expenses as of 2/28/2022



## Yield Targets 9/30/2022



	2021	2022	Target
Loans Effective yield	3.58%	3.50%	
Cash & Investments Effective yield	0.88%	1.20%	
Rate of Return on Average Earning Assets	1.56%	0.17%	

(1) Weatherization Assistance Programs; Emergency Shelter Grant; State Homeless; Housing Opportunities for People With Aids; NM State Tax Credit; Governor's Innovations; EnergySaver; Tax Credit Assistance Program; Tax Credit Exchange; Neighborhood Stabilization Program; Section 811 PRA; Homeownership Preservation Program (2) NM Affordable Housing Charitable Trust Fund; Land Title Trust Fund; Housing Trust Fund

NEW MEXICO MORTGAGE FINANCE AUTHORITY  
COMBINED STATEMENT OF NET POSITION  
FEBRUARY 2022  
(THOUSANDS OF DOLLARS)

	<u>YTD 2/28/22</u>	<u>YTD 02/28/21</u>
<u>ASSETS:</u>		
<u>CURRENT ASSETS:</u>		
CASH & CASH EQUIVALENTS	\$44,277	\$46,045
RESTRICTED CASH HELD IN ESCROW	10,245	8,915
SHORT-TERM INVESTMENTS	-	1,242
ACCRUED INTEREST RECEIVABLE	4,251	4,314
OTHER CURRENT ASSETS	4,120	7,552
ADMINISTRATIVE FEES RECEIVABLE (PAYABLE)	0	-
INTER-FUND RECEIVABLE (PAYABLE)	(0)	0
TOTAL CURRENT ASSETS	<u>62,893</u>	<u>68,067</u>
 CASH - RESTRICTED	 144,759	 64,503
LONG-TERM & RESTRICTED INVESTMENTS	66,260	68,254
INVESTMENTS IN RESERVE FUNDS	11,001	-
FNMA, GNMA, & FHLMC SECURITIZED MTG. LOANS	1,118,627	1,016,242
MORTGAGE LOANS RECEIVABLE	201,945	212,173
ALLOWANCE FOR LOAN LOSSES	(9,431)	(6,997)
NOTES RECEIVABLE	-	-
FIXED ASSETS, NET OF ACCUM. DEPN	1,818	1,965
OTHER REAL ESTATE OWNED, NET	2,755	740
OTHER NON-CURRENT ASSETS	-	-
INTANGIBLE ASSETS	18,386	16,176
TOTAL ASSETS	<u>1,619,013</u>	<u>1,441,123</u>
 <u>DEFERRED OUTFLOWS OF RESOURCES</u>		
REFUNDINGS OF DEBT	208	251
TOTAL ASSETS & DEFERRED OUTFLOWS OF RESOURCES	<u>1,619,220</u>	<u>1,441,374</u>
 <u>LIABILITIES AND NET POSITION:</u>		
<u>LIABILITIES:</u>		
<u>CURRENT LIABILITIES:</u>		
ACCRUED INTEREST PAYABLE	\$7,214	\$8,489
ACCOUNTS PAYABLE AND ACCRUED EXPENSES	14,682	9,231
ESCROW DEPOSITS & RESERVES	10,072	8,987
TOTAL CURRENT LIABILITIES	<u>31,968</u>	<u>26,707</u>
 BONDS PAYABLE, NET OF UNAMORTIZED DISCOUNT	 1,286,360	 1,105,098
MORTGAGE & NOTES PAYABLE	15,765	33,441
ACCRUED ARBITRAGE REBATE	-	-
OTHER LIABILITIES	135	148
TOTAL LIABILITIES	<u>1,334,229</u>	<u>1,165,394</u>
DEFERRED INFLOWS	305	
TOTAL LIAB/DEFERRED INFLOWS	<u>1,334,534</u>	
 <u>NET POSITION:</u>		
NET INVESTED IN CAPITAL ASSETS	1,818	1,965
UNAPPROPRIATED NET POSITION (NOTE 1)	61,331	67,091
APPROPRIATED NET POSITION (NOTE 1)	221,538	206,924
TOTAL NET POSITION	<u>284,687</u>	<u>275,980</u>
TOTAL LIABILITIES & NET POSITION	<u>1,619,220</u>	<u>1,441,374</u>

NEW MEXICO MORTGAGE FINANCE AUTHORITY  
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION  
FOR THE FIVE MONTHS ENDED FEBRUARY 2022  
(THOUSANDS OF DOLLARS)

	<u>YTD 2/28/22</u>	<u>YTD 02/28/21</u>
<b><u>OPERATING REVENUES:</u></b>		
INTEREST ON LOANS	\$17,724	\$19,185
INTEREST ON INVESTMENTS & SECURITIES	697	776
LOAN & COMMITMENT FEES	1,525	619
ADMINISTRATIVE FEE INCOME (EXP)	3,222	8,761
RTC, RISK SHARING & GUARANTY INCOME	144	81
HOUSING PROGRAM INCOME	755	710
LOAN SERVICING INCOME	3,392	2,939
OTHER OPERATING INCOME	-	-
SUBTOTAL OPERATING REVENUES	<u>27,459</u>	<u>33,070</u>
<b><u>NON-OPERATING REVENUES:</u></b>		
ARBITRAGE REBATE INCOME (EXPENSE)	-	-
GAIN(LOSS) ASSET SALES/DEBT EXTINGUISHMENT	(1,516)	2,679
OTHER NON-OPERATING INCOME	13	3
GRANT AWARD INCOME	22,355	44,543
SUBTOTAL NON-OPERATING REVENUES	<u>20,852</u>	<u>47,226</u>
<b>TOTAL REVENUES</b>	<u>48,312</u>	<u>80,296</u>
<b><u>OPERATING EXPENSES:</u></b>		
ADMINISTRATIVE EXPENSES	10,059	7,424
INTEREST EXPENSE	15,225	15,953
AMORTIZATION OF BOND/NOTE PREMIUM(DISCOUNT)	(1,267)	(1,138)
PROVISION FOR LOAN LOSSES	137	(6)
MORTGAGE LOAN & BOND INSURANCE	-	-
TRUSTEE FEES	64	58
AMORT. OF SERV. RIGHTS & DEPRECIATION	1,293	1,018
BOND COST OF ISSUANCE	1,892	535
SUBTOTAL OPERATING EXPENSES	<u>27,403</u>	<u>23,844</u>
<b><u>NON-OPERATING EXPENSES:</u></b>		
CAPACITY BUILDING COSTS	23	38
GRANT AWARD EXPENSE	22,099	43,485
OTHER NON-OPERATING EXPENSE	-	236
SUBTOTAL NON-OPERATING EXPENSES	<u>22,122</u>	<u>43,759</u>
<b>TOTAL EXPENSES</b>	<u>49,525</u>	<u>67,603</u>
<b>NET REVENUES</b>	(1,213)	12,693
<b>OTHER FINANCING SOURCES (USES)</b>	-	-
<b>NET REVENUES AND OTHER FINANCING SOURCES(USES)</b>	(1,213)	12,693
<b>NET POSITION AT BEGINNING OF YEAR</b>	<u>285,900</u>	<u>263,288</u>
<b>NET POSITION AT 2/28/22</b>	<u>284,687</u>	<u>275,980</u>



NOTES TO FINANCIAL STATEMENTS  
(For Informational Purposes Only)  
(in Thousands of Dollars)

(Note 1) MFA Net Position as of February 28, 2022:

UNAPPROPRIATED NET POSITION:

\$ 27,215	is held by Bond Program Trustees and is pledged to secure repayment of the Bonds.
\$ 33,182	is held in Trust for the NM Housing Trust Fund and the NM Land Title Trust Fund.
\$ 934	is held for New Mexico Affordable Housing Charitable Trust.
<b>\$ 61,331</b>	Total Unappropriated Net Position

APPROPRIATED NET POSITION: GENERAL FUND

By actions of the Board of Directors on various dates, General Fund net assets have been appropriated as follows:

\$ 116,629	for use in the Housing Opportunity Fund (\$107,324 in loans plus \$9,305 unfunded, of which \$4,550 is committed).
\$ 49,381	for future use in Single Family & Multi-Family housing programs.
\$ 1,166	for loss exposure on Risk Sharing loans.
\$ 1,818	invested in capital assets, net of related debt.
\$ 18,367	invested in mortgage servicing rights.
\$ 17,819	for the future General Fund Budget year ending 09/30/22 (29,325 total budget less 11,506 expended budget through 02/28/22.)
<b>\$ 205,180</b>	Subtotal - General Fund

APPROPRIATED NET POSITION: HOUSING

\$ 18,176	for use in the federal and state housing programs administered by MFA.
<b>\$ 18,176</b>	Subtotal - Housing Program
<b>\$ 223,356</b>	Total Appropriated Net Position
<b>\$ 284,687</b>	Total Combined Net Position at February 28, 2022

Total combined Net Position, or reserves, at February 28, 2022 was \$284.7 million, of which \$61.3 million was pledged to the bond programs, Affordable Housing Charitable Trust and fiduciary trusts. \$223.4 million of available reserves, with \$94.9 million primarily liquid in the General Fund and in the federal and state Housing programs and \$128.5 million illiquid in the programs of the General Fund, have been:

- for use in existing and future programs
- for coverage of loss exposure in existing programs
- to meet servicing requirements, and
- for support of operations necessary to carry out the programs.

MFA's general plan for bond program reserves as they may become available to MFA over the next 30 years is to use the reserves for future programs, loss exposure coverage, servicing requirements and operations.

**GENERAL FUND**  
**Fiscal Year 2021-2022 Budget**  
**For the five months ended 2/28/2022**

	One Month Actual	Year to Date Actuals	Year to Date ProRata Budget	Annual Budget	YTD Budget Under/(Over)	Annual Budget Under/(Over)	Expended Annual Budget %
<b>Revenue</b>							
Interest Income	565,623	2,785,739	3,101,774	7,444,257	316,035	4,658,518	37.42%
Interest on Investments & Securities	89,984	466,475	493,589	1,184,614	27,114	718,139	39.38%
Loan & Commitment Fees	17,999	74,226	76,057	182,537	1,832	108,311	40.66%
Administrative Fee Income (Exp)	950,286	4,750,674	4,816,893	11,560,542	66,219	6,809,868	41.09%
Risk Sharing/Guaranty/RTC fees	7,444	141,907	34,669	83,207	(107,238)	(58,701)	170.55%
Housing Program Income	70,770	755,460	457,509	1,332,863	(297,952)	577,403	56.68%
Loan Servicing Income	682,038	3,392,145	3,405,412	8,172,989	13,267	4,780,844	41.50%
Other Operating Income			-	-	-	-	
<b>Operating Revenues</b>	2,384,144	12,366,625	12,385,903	29,961,009	19,277	17,594,384	41.28%
Gain (Loss) Asset Sale/Debt Ex	(1,118,352)	(929,787)	-	-	929,787	929,787	
Other Non-operating Income			42	100	42	100	
<b>Non-Operating Revenues</b>	(1,118,352)	(929,787)	42	100	929,828	929,886	-929786.54%
<b>Revenue</b>	1,265,792	11,436,839	12,385,944	29,961,109	949,106	18,524,270	38.17%
Salaries	503,657	2,470,776	2,962,891	7,090,697	492,115	4,619,921	34.85%
Overtime	751	4,519	12,549	30,181	8,030	25,662	14.97%
Incentives	3,101	165,494	248,958	595,931	83,465	430,438	27.77%
Payroll taxes, Employee Benefits	235,299	1,158,184	1,455,806	3,529,179	297,621	2,370,994	32.82%
Compensation	742,808	3,798,973	4,680,204	11,245,988	881,231	7,447,015	33.78%
Business Meals Expense	-	676	2,029	4,870	1,353	4,194	13.88%
Public Information	3,742	49,771	152,865	366,875	103,094	317,104	13.57%
In-State Travel	6,272	27,106	54,755	131,412	27,649	104,306	20.63%
Out-of-State Travel	-	2,352	78,681	188,834	76,328	186,482	1.25%
Travel & Public Information	10,015	79,905	288,330	691,991	208,425	612,086	11.55%
Utilities/Property Taxes	5,424	33,771	31,796	76,311	(1,974)	42,540	44.25%
Insurance, Property & Liability	16,865	84,326	85,081	204,194	755	119,868	41.30%
Repairs, Maintenance & Leases	142,029	751,592	515,552	1,237,325	(236,040)	485,733	60.74%
Supplies	2,470	9,039	15,917	38,200	6,878	29,161	23.66%
Postage/Express mail	4,026	18,713	22,917	55,000	4,204	36,287	34.02%
Telephone	260	4,718	9,459	22,701	4,741	17,983	20.78%
Janitorial	3,069	15,477	15,208	36,500	(269)	21,023	42.40%
Office Expenses	173,786	914,292	694,647	1,667,152	(219,645)	752,861	54.84%
Dues & Periodicals	4,172	21,533	24,175	58,020	2,642	36,487	37.11%
Education & Training	1,050	23,865	62,441	149,859	38,576	125,994	15.93%
Contractual Services	50,064	422,162	661,668	1,588,004	239,506	1,165,842	26.58%
Professional Services-Program	5,731	28,907	28,500	68,400	(407)	39,493	42.26%
Direct Servicing Expenses	519,041	2,479,594	2,100,786	5,041,886	(378,808)	2,562,292	49.18%
Program Expense-Other	(6,436)	20,081	26,258	63,019	6,177	42,938	31.86%
Rebate Analysis Fees			-	-	-	-	
Other Operating Expense	573,623	2,996,142	2,903,828	6,969,188	(92,314)	3,973,046	42.99%

**GENERAL FUND**  
**Fiscal Year 2021-2022 Budget**  
**For the five months ended 2/28/2022**

	One Month Actual	Year to Date Actuals	Year to Date ProRata Budget	Annual Budget	YTD Budget Under/(Over)	Annual Budget Under/(Over)	Expended Annual Budget %
Interest Expense	5,160	31,473	174,093	417,824	142,621	386,351	7.53%
Non-Cash Expenses	206,657	1,428,699	1,409,273	3,382,254	(19,427)	1,953,555	42.24%
Expensed Assets	17,912	124,061	49,938	119,850	(74,123)	(4,211)	103.51%
<b>Operating Expenses</b>	1,729,960	9,373,544	10,200,312	24,494,247	826,768	15,120,703	38.27%
Program Training & Tech Asst	2,400	7,474	68,708	164,900	61,234	157,426	4.53%
Program Development	535	15,453	85,209	204,502	69,756	189,049	7.56%
Capacity Building Costs	2,935	22,927	153,918	369,402	130,990	346,475	6.21%
<b>Non-Operating Expenses</b>	2,935	22,927	153,918	369,402	130,990	346,475	6.21%
<b>Expenses</b>	1,732,895	9,396,471	10,354,230	24,863,649	957,758	15,467,178	37.79%
<b>Excess Revenue over Expenses</b>	(467,103)	2,040,367	2,031,715	5,097,459	(8,653)	3,057,092	40.03%

**GENERAL FUND CAPITAL BUDGET**  
**Fiscal Year 2021-2022 Budget**  
**For the five months ended 2/28/2022**

	One Month Actual	Year to Date Actuals	Year to Date ProRata Budget	Annual Budget	YTD Budget Under/(Over)	Annual Budget Under/(Over)	Expended Annual Budget %
<b>2690 PURCHASED SERVICING RIGHTS</b>	351,382	2,110,355	1,747,188	4,193,250	(363,167)	2,082,895	50.33%
<b>2950 COMPUTER HARDWARE</b>	-	-	76,802	184,324	76,802	184,324	0.00%
<b>2960 SOFTWARE LICENSES</b>	-	-	-	-	-	-	
<b>2920 FURNITURE &amp; EQUIPMENT-10 YR</b>	-	-	34,958	83,900	34,958	83,900	0.00%
<b>2930 FURNITURE &amp; EQUIP, 5 YR.</b>	-	-	-	-	-	-	
<b>2860 BUILDING</b>	-	-	-	-	-	-	
<b>Capital Budget</b>	351,382	2,110,355	1,858,948	4,461,474	(251,407)	2,351,119	47.30%