

## City of Madison

### Community Development Division

Suite 300, 215 Martin Luther King, Jr. Blvd.

Madison, WI 53703-3348



## REQUEST FOR PROPOSALS

**RFP # XXXXX-2024**

**Affordable Housing Fund:  
Rental Housing Development Proposals  
Seeking 2025 WHEDA Tax Credits  
(AHF-TC)**

**Release Date: June XX, 2024**

**Due Date: 12:00 p.m., NOON  
Tuesday, August XX, 2024**

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## RFP SUMMARY

<b>RFP NUMBER</b>	<b>RFP # XXXX-2024</b>
<b>RFP TITLE</b>	<b>Affordable Housing Fund: Developers Seeking 2025 WHEDA Tax Credits for Rental Housing Development</b>
<b>DEADLINE FOR BID SUBMISSIONS</b>	<b>12:00 P.M. (NOON) CDT, August XX, 2024</b> <b>Proposals received after the deadline will not be considered.</b>
<b>SCOPE</b>	<p>The City of Madison Community Development Division (CDD) is offering gap financing for development proposals from qualified development teams seeking WHEDA Low Income Housing Tax Credits to accomplish the following three objectives:</p> <ol style="list-style-type: none"> <li>1. Increase the supply of safe, quality, affordable rental housing, especially units affordable to households with incomes at or below 30% of area median income, that ensure long-term affordability and sustainability.</li> <li>2. Preserve existing income- and rent-restricted rental housing to ensure long-term affordability and sustainability.</li> <li>3. Improve the existing rental housing stock through acquisition/rehab to create long-term affordability and sustainability.</li> </ol>
<b>FUNDS AVAILABLE:</b>	The CDD anticipates having approximately \$10 million available from the City's Affordable Housing Fund to support 2-4 proposals through this process.
<b>APPLICATION FORM AND GUIDELINES</b>	<b>Available at:</b> <a href="#">Community Development Division Funding Opportunities Website</a>
<b>E-MAIL PROPOSAL TO:</b>	<a href="mailto:CDDapplications@cityofmadison.com">CDDapplications@cityofmadison.com</a> All proposals must be submitted electronically via email in the Word and Excel Workbook documents provided. Please submit <u>one</u> combined PDF of the application materials, if possible. Please put <b>Affordable Housing Fund-TC Application</b> in email subject line.
<b>DIRECT ALL INQUIRES TO:</b>	<b>Julie Spears</b> , Community Development Specialist & RFP Point of Contact <a href="mailto:jspears@cityofmadison.com">jspears@cityofmadison.com</a> (E-mail preferred) 608-267-1983

**RFP CALENDAR**

These dates represent the City's anticipated timeline for providing a commitment of funds to selected projects. Any revision to the due date for submission of proposals will be made by addendum. All other dates are for planning purposes and may be adjusted without notice, as needs and circumstances dictate.

Date	RFP Activity
June XX, 2024	Release of RFP
9:30 a.m. – 11 a.m. July XX, 2024	RFP Application Workshop <a href="#">Link for Pre-Registration (Required)</a>
July XX, 2024	Deadline for Initial Staff Contact
12:00 p.m. NOON (CDT) August XX, 2024	<b>DEADLINE FOR SUBMISSION OF PROPOSALS</b>
August XX, 2024	Deadline to Contact Common Council Office to Schedule Neighborhood Meeting
August X <sup>th</sup> week, 2024	CDD sends request for Supplemental Application information
August XX, 2024	– Development Assistance Team (DAT) Deadline – Neighborhood Meeting Deadline
August XX, 2024	Applicants to submit Supplemental Application
Sept. XX <sup>th</sup> week, 2024	Applicant Presentations to Staff
Sept. X, 2024	Applicant Presentations to CDBG Committee
October XX, 2024	– Land Use Application Deadline for Projects Requiring a Zoning Map Amendment or Urban Design Commission Action – Focus on Energy Bundle Requirements Doc
October 29, 2024	Introduction to Common Council
November 7, 2024	CDBG Committee – Staff Recommendations
November XX, 2024*	Land Use Application Deadline for Projects <b>NOT</b> Requiring a Zoning Map Amendment
November 18, 2024	Finance Committee Consideration
November 26, 2024	Common Council Approval
Dec 2024/Jan 2025	Commitment Letter (Notification of Award)
January XX, 2025	WHEDA Application Deadline
By Late 2025 - Mid 2026	Anticipated contract effective date(s)/ Start of Construction

*\*[Development Review Schedule](#) Submittal Deadlines after October XX, 2024 are projected and subject to change.*

## SECTION 1: SCOPE OF WORK

### 1.1 Introduction

The City of Madison (City) Community Development Division (CDD) is seeking proposals from developers that would utilize the City's Affordable Housing Fund (AHF) to leverage Low-Income Housing Tax Credits (LIHTC) administered by the Wisconsin Housing and Economic Development Authority (WHEDA) for projects that will increase, preserve, or improve the supply of affordable rental housing in Madison, with an emphasis on the primary objective of increasing supply. The City will accept proposals from both non-profit and for-profit developers, with a preference toward non-profit developers and proposals that reflect strategic partnerships with non-profit developers and service providers.

### 1.2 Goals and Objectives

The goal of the Affordable Housing Fund – Tax Credit Request for Proposals (AHF-TC RFP) is to provide local gap financing that solidifies the feasibility of development proposals submitted to WHEDA and maximize the receipt of tax credits for projects in Madison that seek to accomplish the following three objectives:

1. Increase the supply of safe, quality, affordable rental housing, especially units affordable to households with incomes at or below 30% of area median income, that ensure long-term affordability and sustainability.
2. Preserve existing income- and rent-restricted rental housing to ensure long-term affordability and sustainability.
3. Improve the existing rental housing stock through acquisition/rehab to ensure long-term affordability and sustainability.

In addition to these primary objectives, the AHF-TC RFP aims to:

- Implement the Goals, Strategies and Actions outlined in [Imagine Madison](#), the City of Madison's Comprehensive Plan, particularly prioritizing well-sited infill development.
- Incentivize new development in areas of the city with excellent proximity to amenities such as public transit, employment opportunities, a full-service grocery store, health facilities, schools, parks and other key amenities.
- Create opportunities for residents to remain in neighborhoods impacted by current or projected rapid housing cost increases.
- Achieve a wider dispersion of affordable rental housing throughout the city and discourage development of additional supply of income- and rent-restricted units in areas with already high concentrations of assisted housing *without* access to frequent transit service.
- Align CDD-assisted development and property management practices with the City's [Racial Equity and Social Justice Initiative](#) (RESJI) through inclusive development partnerships with BIPOC developers, providing opportunities to Associates in

Commercial Real Estate (ACRE) students and graduates, and racially and culturally-inclusive property management and marketing practices.

- Embrace the City's commitment to energy efficiency, renewable energy, decarbonization, and/or sustainable building design techniques that contribute to the [City's goal](#) to achieve 100% renewable energy and net-zero carbon emissions community-wide by 2050.

The City of Madison intends to select development proposals based on proposals that (1) are most responsive to the Goals and Objectives found in Section 1.2 and Requirements and Preferences found in Section 1.7 of the RFP; and (2) contain the combination of features and attributes offering the best overall value to the City. The City will determine the potential best overall value by analyzing project features and feasibility in combination with development team attributes, striking the most advantageous balance for achieving the City's goals.

### **1.3 Funding Availability**

CDD anticipates having approximately \$10 million available from the City's Affordable Housing Fund to support 2-4 proposals through this RFP process. The City's primary objective is to add at least 250 units to the supply of affordable rental housing in Madison.

At its discretion, and in consultation with applicants, the City may also opt to draw from other City-administered sources (including HOME and/or CDBG) in order to maximize its capacity to support development proposals. Federal funds will be reserved for proposals from non-profit applicants with a controlling interest in the development. Eligible non-profit applicants should review [Attachment E](#) for more information on federal funding requirements. Additional funds may become available if previously awarded AHF projects do not progress.

CDD may require the submission of additional information about the development team and/or project in order to determine eligibility with other funding sources. Projects proposed within active tax increment financing (TIF) districts may also qualify for assistance from that resource, which is managed by the City's Economic Development Division (EDD). City staff will work to coordinate the award of multiple sources of City financial assistance where applicable.

Assistance offered from City Affordable Housing Funds will be contingent upon their authorization during the 2025 Budget process, which concludes in November of 2024. All funding awards offered to a project by the City are made contingent upon applicant's receipt of LIHTCs for that project, applicant's ability to secure other financing necessary, and obtaining all necessary land use approvals. Funds awarded through this RFP are expected to be secured by a Loan Agreement no later than December 31, 2025. Payment schedules will be negotiated at point of contract with 10% of CDD funds reserved until project completion, including submission of all final documentation in a form acceptable to the City.

#### Prior AHF-TC Applicants Re-applying for LIHTC Award

Applicants previously awarded 2023 AHF-TC, who did not receive a 2024 LIHTC award and will seek 2025 LIHTCs, must re-apply through this RFP process.

#### AHF-TC Applicants with LIHTC Award

The primary intent of this RFP is to support applicants applying for WHEDA tax credits during their next competitive application process. Proposals already in receipt of an award of 2024 LIHTCs that secured site control after the deadline for the 2023 AHF-TC RFP and that have not yet applied for Affordable Housing Funds must:

1. Be located in a 2024 Preferred Transit Oriented Development (TOD) Area.
2. Demonstrate evidence of engaging with the alder(s) and community in the design of the development prior to the submission of the tax credit application to WHEDA through which LIHTCs were awarded.
3. Follow the pre- and post-application process outlined in Section 2; including presenting to the City's Development Assistance Team and submitting the Land Use Application as soon as reasonably feasible after alder and community engagement, even if permissively zoned.
4. Be of extraordinary merit, responding to an overwhelming majority of preferences listed in Section 1.7 of this RFP, with particular attention to developer fee funded supportive service partnerships for Integrated Supportive Housing Units, partnering with BIPOC developers and/or ACRE graduates, and partnering with an identified first floor community-based commercial tenant(s), where applicable, that meets known neighborhood needs, e.g., community space, childcare, youth/or senior-oriented programming, or other community-based services or amenities that benefit the neighborhood and surrounding community.

Applicant bears the risk of proceeding with LIHTC application in advance of securing City financial assistance. Furthermore, the Affordable Housing Targeted Area Map is subject to change annually based on numerous factors.

### **1.4 Financing Amounts and Terms**

CDD anticipates offering gap financing awards in the range of approximately \$20,000-\$50,000 per unit of affordable housing. The amount of subsidy and terms offered will reflect the extent to which proposals match the City's overall goals, objectives and preferences as described in this RFP; the scale of the project; the extent to which all other available financing sources are pursued; and the availability of funds. CDD stresses the gap financing nature of these funds, while discouraging focus on per unit subsidy amounts. Projects that demonstrate catalytic community impact, multi-phase/multi-tenure components, and/or other significant alignment with key City initiatives may be considered for higher funding levels. The City will secure its funding with promissory notes and a mortgage in the form of a non-recourse loan.

#### **A. New Construction Proposals**

##### **Shared Appreciation Long-Term Deferred Promissory Note**

At least 50% of the funds offered to any project will be provided in the form of a 30-year loan, at 0% interest, payable upon sale, transfer, or change in use of the property. The Long Term Deferred promissory note will require repayment of the CDD-administered funds invested in the project or an amount equal to the percentage of the restricted rent appraised value after construction (“Shared Appreciation”), whichever is greater. Non-profit applicants or applicants with a non-profit controlling member may be eligible to receive a higher percentage of City financial assistance offered in the form of a long-term deferred loan, upon request.

#### *Alternative Financing Terms for Permanent Affordability*

Applicants committing to permanent affordability on the subject property through a recorded Land Use Restriction Agreement (LURA) can request to waive the Shared Appreciation terms in the Long Term Deferred note in favor of terms that provide a zero percent, long-term deferred loan payable upon sale, transfer, or change in use of the property. The LURA on the affordable units shall remain in place **permanently** notwithstanding repayment of the loan. The LURA will reflect requirements to maintain a comparable distribution of units by bedroom sizes (e.g., 1, 2, 3 BR’s).

#### **Cash Flow Promissory Note**

CDD further anticipates that up to 50% of the funds offered will be provided in the form of a 16-year term loan, amortized over 30 years. The interest rate will be set at 2.75% or the annual long-term Applicable Federal Rate, whichever is lower. Annual payments will commence on April 1<sup>st</sup> of the year following final disbursement of funds, contingent upon sufficient cash flow to support the project. In the event that cash flow is insufficient to pay all or a portion of the annual payment, the balance of the loan must be repaid at the end of the 16-year term. Funds awarded under this RFP will be loaned directly to the project's ownership entity (e.g., single-purpose LLC) in most instances.

#### **B. Acquisition/Rehabilitation or Preservation Proposals**

For Acquisition/Rehabilitation or Preservation proposals undertaken by a non-profit organization that assumes the role of both developer and owner, the CDD will consider a request to structure the loan to maximize the non-profit organization’s ability to provide or arrange for supportive services to vulnerable populations.

For these projects, at least 50% of loan funds will be provided in the form of a Shared Appreciation Long-Term Deferred Promissory Note as described above. A portion of the remaining balance may be offered in the form of a 15-year forgivable loan at zero percent interest requiring no repayment so long as there is no sale, transfer, or change in the use of the property within 15 years of the date of final City disbursement of funds. Each year after the final City disbursement in which the project continues to operate as the intended use, a portion of the loan amount will be forgiven. After year 15, no repayment is required and the balance of the note is forgiven. CDD will consider a request for alternative loan structures to maximize the ability to rehabilitate or preserve affordable units in alignment with other available funding sources.



**Park Impact Fee Exemption Process**

In addition to direct financial assistance offered as part of this RFP, applicants may also qualify for an exemption from payment of Park Impact Fees for development of low-cost rental housing units. A low-cost unit is defined as one reserved for households with incomes less than or equal to 60% Area Median Income (AMI) and for which rents are restricted to amounts not greater than 30% of income for households at or below 60% AMI with a LURA for at least 30 years. Applicant may request an estimate of the fees due for non-qualifying units at the Development Assistance Team meeting for the purposes projecting total development costs. Units not specifically restricted for households at or below 60% AMI are not eligible for a park fee exemption, including LIHTC projects utilizing income averaging.

**1.5 Initial and Ongoing Project Requirements; Period of Affordability**

Applicants offered financial support will be required to enter into a minimum 40-year Land Use Restriction Agreement, recorded in first position following the first mortgage for the period of affordability, unless otherwise deemed acceptable by the City. A permanent LURA will be utilized for applicants requesting to waive shared appreciation as described above.

The City will require Borrower, or its representative, to submit detailed compliance reports and other periodic reports on the project during the period of affordability. Due dates and specific requirements will be established within the Loan Agreement. See Sample Loan Agreement on RFP Website. The City reserves the right to schedule site visits to verify compliance with the terms of the City agreement.

**1.6 2023 Affordable Housing Targeted Area Map**

The 2024 Affordable Housing Targeted Area Map is included in this RFP as Attachment A. A larger version of the map may be printed from the link at: [Community Development Division Funding Opportunities Website](#). A searchable version of the map where applicants can enter specific addresses may be found on the [City's Open Data Portal](#). Also available are searchable versions of the [Zoning Map](#) and [Generalized Future Land Use Map](#).

Development projects must adhere to the following location requirements:

Type of Development	Location
New construction or redevelopment of existing properties into rental housing	Must be located in Preferred TOD or Eligible Core Transit Areas
Acquisition/rehab of existing rental housing and preservation of income- and rent restricted rental housing	May be citywide, with a preference for Preferred TOD or Eligible Core Transit Areas
Any new construction that will serve populations that may need intensive case management or ongoing supportive services	Must be located in Preferred TOD or Eligible Core Transit Areas with excellent proximity to key amenities

- 1. Preferred Transit-Oriented Development (TOD) Areas** are within a ¼ mile of the City’s Frequent Transit areas with Madison Metro bus routes on which service is provided at

least every 15 minutes at noon on weekdays and at least 30 minute weekend service in most areas. Please note that not all sites in Preferred TOD Areas can be found suitable for multifamily residential development.

2. **Eligible Areas** are within a ¼ mile of the City’s Core Transit areas with service every 30 minutes, at noon on weekdays. Please note that not all sites in Eligible Areas can be found suitable for multifamily residential development.
3. **Preservation & Rehab Areas** are those which are not in Core or Frequent Transit Areas but are still eligible for funding. New construction proposals will not be considered for funding in Preservation & Rehab Areas in order to align with the City's objective to prioritize excellent transit for new construction of affordable housing. Acquisition/rehab and Preservation projects are preferenced in Preferred TOD or Eligible Core Transit Areas, though allowable anywhere in the City. Preservation projects involving demolition of existing units and new construction are also preferenced in Preferred TOD or Eligible Core Transit Areas, though allowable anywhere in the City.
4. **Limited Eligibility Areas** are areas that may be eligible for funding based on certain criteria and conditions.
  - a. Neighborhood and Special Area Plans. These areas include properties that are currently under study as part of a [Plan](#). Such properties may be found eligible to apply for funding if the applicant can successfully demonstrate that the proposal: a) is consistent with the Comprehensive Plan; b) has or will provide adequate public street frontage; and c) will not preclude the development of future public streets or street connections likely to be recommended. (Note: No Special Area or Neighborhood Plans are included as a component of this 2023 RFP.)
  - b. Airport Vicinity & Principal Arterial Roads. These areas include properties that are located within the 65-70 decibel contour model around the Dane County Regional Airport depicted in the Airport’s [Noise Exposure Map Update](#) (December 2022), Figure ES-2. Future Conditions (2027) Noise Exposure Map. This analysis was conducted subsequent to the U.S. Air Force's final [Environmental Impact Statement](#) (February 2020) of the selected site of the F-35 operation. Proposals within the 65-70 decibel area around the airport, and any proposed site for CDD financial assistance measuring 65+ decibels, will be required to implement adequate noise attenuation measures.

Furthermore, any site in direct proximity of a Principal Arterial Interstate (I-90/94), or Principal Arterial Freeways (The Beltline Highways 12/18/14 and 30) or their respective access ramps must incorporate adequate site and building design techniques and noise attenuation measures to ensure for safe, quality, affordable housing. [For Reference See Comprehensive Plan [Functional Classification of Roads Map](#), pg. 158]
  - c. Explosive Hazard Buffer. These areas include properties that may require mitigating safety measures from an explosive hazard, i.e., any stationary container, such as a large propane tank, which stores, handles, or processes hazardous substances of an explosive or fire prone nature.

For sites in a Limited Eligibility area, presentation of the proposed project at a Development Assistance Team (DAT) meeting in advance of the AHF-TC application deadline is required. See Section 2.2 for more information.

## 1.7 Requirements and Preferences

### A. Requirements

The CDD has identified the following conditions of eligibility:

#### **Project Affordability Requirements**

1. Applicants must seek 2025 LIHTCs, have an ownership interest in the development, and meet the following income and rent restrictions:
  - a. At least 20% of the proposed affordable units must be reserved for households with incomes at or below 30% AMI and those units must be distributed proportionately across proposed unit sizes (e.g., one-, two- and three- or more bedroom units).
  - b. At least 20% of the proposed total units must be designated as supportive housing units; Proposals must ensure adequate supportive services are available and sufficiently financially supported for the selected target populations in accordance with Section C below.

Proposals that otherwise meet eligibility requirements listed in Section 1.7.E. will be accepted.
2. Proposals awarded City funds must agree to a minimum of a 40-year period of affordability, secured by a Land Use Restriction Agreement (LURA).
3. Proposals are expected to take full advantage of leveraging other available financial resources, including but not limited to:
  - a. Federal Home Loan Bank's Affordable Housing Program, Dane Workforce Housing Fund, and/or other available federal, state, and local funds;
  - b. Deferment of the maximum feasible amount of developer fee. Less than maximum deferment may be acceptable if supportive service provider will receive a portion of the developer fee.
4. Proposals must agree to record and reflect the City's loan in the senior-most position (after the first mortgage) ahead of any other junior and soft debts that may be secured by the applicant, unless otherwise authorized by the City.
5. Proposals seeking tax credits through the WHEDA Supportive Housing set-aside may be considered under this RFP in limited circumstances pending consult with CDD staff.
6. Proposals must demonstrate ability to achieve a reasonably competitive WHEDA score, e.g., typically at least 70% of points available.
7. Proposals with non-profit and/or BIPOC developer non-lead partners must be invited to actively participate in project development and implementation from the earliest feasible stage including participating in pre-application meetings, neighborhood and alder meetings, DAT, staff presentations, CDBG, etc.

#### **Site & Design Requirements**

1. Proposed sites for New Construction must be located in a Preferred TOD or Eligible Area as identified on the map. Acquisition/Rehab or Preservation re-development are

preferenced in Preferred TOD/Eligible Core areas though may be proposed at any location within the City of Madison, except areas designated as Ineligible. Refer to Section 1.5 above or the map listed as RFP Attachment A.

2. Applicant must demonstrate site control at the time of application, unless the site is already owned or controlled by the City, the Community Development Authority, or Dane County.
3. Proposals in non-senior developments must have a unit mix containing at least 5% of the units as having three or more bedrooms as a component of the development.
4. Proposals must demonstrate a commitment to incorporating extraordinary energy efficiency, renewable, decarbonization and/or sustainable building design techniques that contribute to the City's goal to achieve 100% renewable energy and zero-net carbon emissions community-wide by 2050, as described in Section D. below.
5. Proposals for new construction must incorporate WHEDA's Universal Design components to the greatest extent feasible into the first-floor units, leasing and supportive service offices, common areas, community spaces, patios, etc.; A minimum 50% of the units must be designed to align with WHEDA's Universal Design requirements, increased from 20%. Where WHEDA requires less than 20% percent of units to meet a requirement, the City's requirement is double the percent of the WHEDA requirement, e.g., 5% WHEDA requirement would be increased to 10%.
6. Proposals for new construction must be designed to maximize accessibility and visitability. Elevator accessible units must be 100% visitable. At least half of the total units must be Type A units or convertible to Type A units as needed.
7. Proposals must submit an Initial Application to Focus on Energy's New Construction Energy Design Assistance program and meet the requirements outlined in Section D below. Schematic plans are required for this submission. Proposals for rehabilitation or preservation must apply to Focus on Energy's Multi-family offerings.
8. Proposals must provide a non-smoking environment throughout the property.
9. Proposals must include in-unit internet service at low or no cost to residents.

### **Property Management Requirements**

1. Demonstrated commitment of Development Team, including Property Management, to implement a Tenant Selection Plan (TSP) that provides ample access to stable and affordable housing opportunities for low-income households. TSPs must be especially designed to screen-in prospective tenants from the relevant Supportive Housing target population(s) through use of inclusive, low barrier screening criteria. To ensure this, applicants must submit a TSP consistent with the CDD's TSP Standards outlined in Attachment B-1, subject to CDD approval.
2. Demonstrated commitment of Development Team, including Property Management, to implement an Affirmative Marketing Plan (AMP) that provides ample outreach to populations least likely to apply. To ensure this, applicants must submit an AMP consistent with the CDD's AMP Standards outlined in Attachment B-2, subject to CDD approval.
3. Rent increases will be limited to 2% per year for lease renewals. Security deposits will be limited to one month's rent. Non-renewals may only be issued for good cause with notification. Refer to sample Loan Agreement for details.

**B. Preferences**

In addition to the conditions of eligibility listed above, preference will be given to:

**Applicant Preferences**

1. Proposals that commit to permanent affordability for the AHF Units.
2. Proposals designed to obtain the maximum number of points in WHEDA Serves Lowest Income Families category.
3. Proposals from a non-profit entity that assumes the roles of both Developer and Owner or a partnership where the non-profit has a majority ownership interest in the property and a General Partner Purchase Option, Right of First Refusal, or a controlling interest in the ownership entity.
4. Proposals that align with the City's Racial Equity and Social Justice Initiative (RESJI) by providing partnership opportunities to BIPOC developers, co-developers and/or ACRE students and graduates that have at least 24% stake in all aspects of the development including but not limited to ownership, cash flow, and voting rights (i.e., memorialized in organizational agreement documents).
5. Proposals must demonstrate a commitment to embracing the City's Racial Equity and Social Justice Initiative in all aspects of the project, including but not limited to bidding, construction, marketing, tenant selection, and property management.
6. Proposals from Development Teams with no more than one application for this funding cycle. Applicants submitting more than one proposal should put forth projects that are significantly different from one another, including, for example, with respect to location, target populations, project partners, etc.

**Project Affordability Preferences**

1. Proposals in which at least 25% of the proposed affordable units are made available for households with incomes at or below 40% AMI representing a proportional mix across proposed unit sizes (e.g., one-, two- and three- or more bedroom units).
2. Proposals in which some allotment of the affordable units are made available for households with incomes greater than 31% but at or below 40% AMI representing a proportional distribution across proposed unit sizes (e.g., one-, two- and three- or more bedroom units).
3. Proposals in which at least 40% of the proposed affordable units are made available for households with incomes at or below 50% AMI representing a proportional mix across proposed unit sizes (e.g., one-, two- and three- or more bedroom units).
4. Proposals in which at least 25% of the proposed affordable units in non-senior developments contain three and four+ bedrooms.
5. Proposals that model initial rents for 50 and 60% units at the lowest feasible level, e.g., a maximum of 90% of projected LIHTC rents.
6. For proposals that secure Project-Based Vouchers (PBVs), PBVs shall be placed on 50% or 60% AMI units to maintain the minimum required proportion of 30% units while maximizing the affordability benefits to prospective tenants in vouchered units, unless

PBV units are targeted to supportive housing units for households experiencing homelessness.

7. Proposals that reflect an Integrated Supportive Housing approach, as described in Section C. below, *in addition to* meeting the supportive housing requirements outlined in WHEDA's QAP and Appendix S targeting veterans and/or people with disabilities.

#### **Property Management Preferences**

1. Proposals where Development Teams, including Property Management, demonstrate a commitment to implementing a Tenant Selection Plan that provides maximum access to housing opportunities exceeding that which is described in the TSP Standards attached to this RFP, especially for the Supportive Housing target population(s).
2. Proposals where Development Teams, including Property Management, demonstrate a commitment to implementing an Affirmative Marketing Plan that goes above and beyond to conduct racially, culturally and linguistically inclusive outreach to populations least likely to apply.
3. Proposals where Development Teams, including Property Management, demonstrate a commitment to utilizing alternatives to eviction, both pre- and post- filing, such as payment plans, mediation, etc. (Question 58).

#### **Site & Design Preferences**

1. Proposals with a site located in a Preferred TOD Area as identified on the map listed as Attachment A.
2. Proposals that include a dedicated year-round indoor play space and an outdoor playground on the premises or in close proximity, for non-senior developments.
3. Proposals that include additional common spaces and/or lounges on each floor.
4. Proposals designed as mixed-use with neighborhood enhancing first-floor commercial tenant(s), e.g., childcare center, community-based service provider, or other commercial or community-based service component providing a neighborhood service or amenity. Further preference will be given to proposals providing low or no-cost space to a neighborhood enhancing first-floor commercial tenant as well as proposals that disincentivize lengthy periods with vacant commercial spaces.
5. Proposals that provide on-site space for supportive services/case management with adequate space for children to accompany parent(s) while maintaining confidentiality.
6. New construction that incorporates missing middle/small scale building forms, e.g., row houses, townhomes, etc., as a component of the site design.
7. Proposals that go above and beyond WHEDA's Universal Design accessibility requirements by incorporating Universal Design to the greatest extent feasible into the first-floor units, leasing and supportive service offices, common areas, community spaces, patios, etc. and in 100% of the total units.

#### ***C. Integrated Supportive Housing Units Preference***

The CDD seeks to expand the supply of housing opportunities, with supportive services, for individuals or families who face common obstacles obtaining housing (e.g. negative rental histories and/or evictions, poor credit, criminal conviction records, etc.) and may require access to supportive services to maintain housing in locations that are well-served by transit

e.g., preferably TOD Preferred Areas. To be successful, the City recognizes the need to improve the coordination between CDD-assisted affordable housing developments and local agencies providing supportive services designed to achieve housing stability and/or prevent homelessness.

Preference will be given to proposals that target one or more of the following population(s) benefiting from Integrated Supportive Housing:

1. **Individuals and/or families experiencing homelessness** selected from the Community-wide Coordinated Entry (“CE”) Priority List and partnered with a local Homeless Services Consortium service provider listed on Attachment C. Service providers in Attachment C will be expected to coordinate with a robust team of local service providers.
2. **Other Supportive Service Target Populations:**
  - i. Previously incarcerated individuals re-entering the community; and/or
  - ii. Other target populations that meet an identified community need.

CDD has the following expectations for developments with supportive service partnerships:

1. Contribute meaningful financial support for supportive services provided through local service partner(s) experienced to serve the target population. Level of support, intensity and location of the services (i.e., on- or off-site) will depend on the needs of the target population(s). The CDD’s preference is that supportive service providers are adequately compensated for providing dedicated services via a percentage of the developer fee in addition to above and/or below the line operating expenses.
2. Leverage additional and adequate non-City funded supportive services dollars.
3. Demonstrate extensive consultation and coordination of the collaborative partnership between the Development, Property Management and the Supportive Services teams. The result of such coordination will be evident in a well-thought out Supportive Services Plan that describes the following, in detail:
  1. Services made available to the target population(s), with special attention to adequate and intensive housing case management to assist the target population through the application process for at least three months prior to lease up;
  2. A unit mix and building design that will best serve and accommodate the targeted population(s);
  3. A detailed pre- and post-initial **Lease Up Referral and Coordination Process** designed to **screen-in** prospective tenants from these target population(s) as well as coordinate with all relevant community partners (e.g., CDA, DCHA, VASH, CE, etc.);
  4. Coordination with Property Management and Supportive Service Provider on the development of a **Tenant Selection Plan** (or Resident Selection Criteria) that will implement low-barrier screening criteria for prospective tenants, especially those connected to and/or will have improved access to supportive services. See Attachment B-1 for more detail.

Finally, Development, Property Management and the Supportive Services Teams will be expected to engage in a pre-lease up coordination process starting at least six months

before projected Certificate of Occupancy and as often as necessary after lease up to maintain efficient and effective operations that benefit the target population(s).

#### ***D. Energy Efficiency & Sustainable Design Preference***

The CDD seeks proposals that embrace the City's commitment to incorporating energy efficiency, renewable and/or sustainable building design and decarbonization techniques that contribute to the [City's goal](#) to achieve 100% renewable energy and net-zero carbon emissions community wide by 2050. Preference will be given to proposals that demonstrate *extraordinary* design techniques and operation plans to achieve these goals, while also taking advantage of available expertise, resources, tax credits, etc.

##### **1. Energy Efficiency.**

- a. Focus on Energy's [New Construction Energy Design Assistance Program](#) provides a no-cost energy analysis based on building characteristics, implementation cost, payback periods and annual energy cost savings. Additionally, Focus on Energy provides *financial incentives* for design professionals and building owners to help offset the incremental costs of the installed energy efficiency measures.

To address the requirements outlined in this RFP, all applicants for new construction projects applicants are required to:

- i. Submit an [Initial Enrollment/Application](#) to Focus on Energy's New Construction Energy Design Assistance program no later than the **August XX, 2024** AHF-TC Application deadline.

Focus on Energy staff will typically contact applicants the following week. Applicants should be prepared to provide a site plan with dimensions (footprint) and as much of the following information as possible: Number of units, Number of stories, height of floors, gross square footage, types of mechanical systems (heating & cooling), building envelope (materials, R values, roof type, level of insulation, etc.), and hours of the day that non-residential spaces are used. Elevations are helpful and welcome, though not required at this juncture. Though the AHF-TC deadline is the synonymous with the Focus on Energy Initial Enrollment deadline, applicants with earlier site control and related site fit information are strongly encouraged to submit this application as soon as feasible.

- ii. Complete the process for obtaining the preliminary [Whole Building Analysis and Results Report](#) by **September XX, 2024** that incorporates a minimum of 20% of projected Energy Use Intensity (EUI) savings calculated over the baseline energy code. Applicants should include this information in the AHF-TC Supplemental Application Materials if completed by this date. Applicants needing more time to complete the Whole Building Analysis, must do so and incorporate that information into their presentation to the CDBG Committee on **November X, 2024**.
- iii. Complete the process for obtaining the [Bundle Requirements Document](#) (BRD) and submit it to CDD indicating Bundle selection by **November X, 2024**,



unless later date deemed acceptable by CDD. Bundle commitments will be incorporated into the term sheet. Applicants are further encouraged to incorporate the highest Bundle level feasible into project design.

- b. Focus on Energy's [Multifamily Program](#) provides a no-cost energy analysis provided by advisors who will assess the existing equipment and systems of existing residential buildings with at least four units. Focus on Energy staff will make recommendations for each property based on the energy efficiency goals of the applicant. All applicants for preservation and rehabilitation projects will be required to obtain an energy analysis and encouraged to implement the greatest level of energy efficiency as is feasible for the proposed project.
- c. Preference will be further be given to proposals that:
  - a. Use [ENERGY STAR certified](#) appliances, equipment, and materials.
  - b. Achieve LEED®, Department of Energy's [Zero Energy Ready Home Program](#), [Energy Star Multifamily New Construction Certification](#), Passive House, or a similar certification that directly address net carbon impact.
- d. Both Focus on Energy and Dane County's Office of Energy and Climate Change provide information on the *2022 Inflation Reduction Act (IRA) tax credits* and/or federal funding resources. The IRA aims to promote clean energy through tax incentives. To learn more about how your proposal might take advantage of new IRA tax credits and funding for residential multifamily new construction, solar, and/or other green building credits, go to:
  - Focus on Energy:
    - <https://focusonenergy.com/federal-funding-resources>
  - Dane County's Office of Energy and Climate Change:
    - <https://daneclimateaction.org/what-you-can-do/Federal-Funding-for-business#Calculate>

## 2. Renewable Energy and Building Decarbonization.

Applicants are encouraged to implement **Renewable Energy** and other options to reduce fossil fuel that may be feasible. Applicants will be required to incorporate a minimum of **30 kW solar** array unless deemed physically infeasible. Preference will be given to proposals that incorporate additional renewable energy features and decarbonization features.

- a. Focus on Energy's Renewable Energy offerings provide incentives for cost-effective renewable energy projects (e.g., solar photovoltaics (PV), solar thermal, biogas, biomass and wind). The Focus on Energy Renewable Energy Incentive application may be accessed [here](#). Have your solar contractor contact [renewables@focusonenergy.com](mailto:renewables@focusonenergy.com) or 800-762-7077 with questions or to discuss program details.
- b. Additional funding for solar PV may be available through the [MadiSun](#) program and/or [Solar For Good](#).
- c. The Inflation Reduction Act provides additional funding for renewable energy and green building features that reduce fossil fuel use through several programs,

including the Low-Income Housing Tax Credit, New Energy Efficient Home Credit, Energy Efficient Commercial Buildings Deduction, Investment Tax Credit and others.

### 3. Sustainable Design.

The American Institute of Architects (AIA) offers a [Framework for Design Excellence](#). This Framework organizes design elements and strategies into a top 10 "Best Practices" approach to design for equitable communities, optimize site potential, optimize energy use, protect and conserve water, optimize building space and material use, enhance indoor environmental quality (IEQ) and optimize operational & maintenance practices.

Preference will be given to proposals that incorporate sustainable design techniques described in the [AIA's Framework for Design Excellence](#), including but not limited to:

- a. Building techniques that substantially reduce energy and water consumption on site
- b. A rainwater reclamation or gray water system to minimize water consumption on site
- c. Sourcing a significant amount of building materials from renewable sources

To help evaluate and measure the expected energy reduction and cost savings associated with this design framework, applicants and their architects are encouraged to consult this Framework during the early design phases.

Applicants will be expected to provide more detailed responses regarding their proposals to meet these requirements and preferences through the Supplemental Application Materials described in Section 2.2. Commitments to energy efficiency, renewable energy, sustainable building design and decarbonization techniques will become project requirements via the City's term sheet. As such, the City expects the majority of these measures will be incorporated in the final design and implemented during the building's construction as an "above the line" item.

### E. Projects Seeking 4% Non-Competitive Federal Tax Credits

CDD's primary focus with this RFP continues to be to increase the supply of affordable rental housing, especially units affordable to households with incomes at or below 30% of area median income. Nevertheless, CDD will entertain applications from developers proposing 4% non-competitive tax credit developments, recognizing the potential of such developments to have a catalytic revitalization impact and/or represent a geographically significant redevelopment opportunity, especially those which further outcomes identified within adopted City Plans. CDD anticipates that its participation in these projects is for the purpose of closing financing gaps associated with serving extremely low-income households with incomes at or below 30% of the area median income. The amount of funds offered will depend on the number of units designated for households at the lowest feasible income levels, the scale of the proposed development, and its alignment with the goals and objectives outlined in this RFP.

Applicants are expected to present an integrated supportive service program for at least 5-10% of the total units with the preference for the greatest feasible proportion of 30% AMI units given the scale of the proposed development. All other requirements and preferences

detailed in this RFP remain applicable for proposals submitting under this Section. The City will determine the potential best overall value in proposal features and feasibility striking the most advantageous balance for achieving the City's goals.

## 1.8 Review of Proposals and Scoring Criteria

City staff will review and evaluate proposals based on the following criteria:

Scoring Criteria	Points Available
<p><b>1. OVERALL RESPONSIVENESS</b> Development proposal vision, goals and impact. Extent to which proposal addresses City goals, objectives and preferences described in this RFP.</p>	<b>10 points</b>
<p><b>2. DEVELOPMENT CONCEPT, PLANNING &amp; ZONING</b> Strength of development concept and site plan; Consistency with Comprehensive Plan, GFLU and other adopted plans; Permissive zoning or likelihood of securing site re-zoning, and land use approvals; Absence of known environmental issues that might significantly impact project; Anticipated market demand at proposed location; Readiness to proceed. Presentation of proposal at Development Assistance Team and response to concerns/issues raised there and during pre- and post-application meetings.</p>	<b>15 points</b>
<p><b>3. PROPOSED SITE &amp; MAP</b> Location in a Preferred TOD Area; proximity of proposed site to public transit, schools, employment opportunities, grocery and other key amenities; walkability and/or benefit to surrounding neighborhood; suitability for new construction or major rehabilitation; and lack of known impact on over-capacity schools.</p>	<b>15 points</b>
<p><b>4. FINANCIAL FEASIBILITY &amp; LEVERAGE</b> Development budget workbook details reasonable sources and uses of funds, including sound costs projections. Operating budget details reasonable costs and cash flow over the period of affordability. Financial structure leverages all available financial resources (including reasonably maximizing the deferred developer fee). Proposal demonstrates financial feasibility, including reasonable assumptions and projections. WHEDA self-score appears to be accurate, reasonable and competitive.</p>	<b>15 Points</b>
<p><b>5. ENERGY EFFICIENCY, DECARBONIZATION &amp; SUSTAINABLE DESIGN</b> Demonstrated commitment to extraordinary levels of energy efficiency, renewable energy, sustainable design and/or decarbonization techniques, above and beyond threshold requirements, that contribute to the City's goal to achieve 100% renewable energy and net-zero carbon emissions community wide by 2050.</p>	<b>10 points</b>
<p><b>6. CAPACITY, EXPERIENCE AND QUALIFICATIONS: DEVELOPER</b> Demonstrated organizational and financial capacity to produce a high-quality product – based on successful history of developing affordable housing. Diversity of the development team. Level of non-profit ownership and control. Opportunities for ACRE students and graduates and/or BIPOC development partners. Performance on past CDD-assisted projects.</p>	<b>10 points</b>
<p><b>7. CAPACITY, EXPERIENCE AND QUALIFICATIONS: PROPERTY MANAGER &amp; SERVICE PROVIDER</b> Demonstrated capacity of Property Manager to provide adequate, effective, and quality property management services with special attention to supportive housing units (SH Units). Demonstrated commitment of Property Manager to utilize CDD Tenant Selection Plan and Affirmative Marketing Plan Standards, reducing barriers to access, especially for the SH Units. Upfront partnership approach between developer, supportive service provider(s) and property management team for SH Units. Demonstrated capacity of Service Provider to coordinate adequate, effective, and quality supportive services for target population(s).</p>	<b>15 points</b>
<p><b>8. ALDER AND NEIGHBORHOOD ENGAGEMENT</b> Demonstrated efforts to identify and address site plan, design and other reasonable concerns raised by the Alder(s) and/or neighborhood residents throughout the pre- and post-application process.</p>	<b>10 points</b>
<b>Total Points Available</b>	<b>100 points</b>

While informative, proposal scores are not the sole factor in making funding decisions. The top scoring proposals will be recommended for further consideration.

Development teams that remain under consideration will be expected to present to a City review team the week of **September XX<sup>th</sup>**. This review team will formulate recommendations for financial assistance to selected projects. Those recommendations, including funding amounts and terms of the awards, will be presented for review to the City's Community Development Block Grant (CDBG) Committee. Selected applicants will be expected to make project presentations to this Committee on **November 7, 2024**. CDBG Committee recommendations will be forwarded to the Finance Committee and Common Council for final approval (see Calendar on page 1). Common Council has final authority over offers of financial assistance.

## **SECTION 2: PROPOSAL SUBMISSION REQUIREMENTS**

Applicants must engage in the Pre- and Post-Application Processes pertaining to land use entitlements and neighborhood engagement described below.

### **2.1 Application Workshop**

The City will hold a virtual workshop over Zoom on July XX, 2024 for applicants interested in responding to this RFP. The workshop will focus on addressing questions that interested applicants may have regarding the RFP or the application. It will also allow CDD staff to provide technical assistance to agencies that may have less experience with responding to City-issued RFPs. Specific topics to be covered at the workshop include the CDD's expectations around the sustainability and energy efficiency provisions and what characterizes a successful application. Applicants are strongly encouraged to attend this workshop. Registration is required.

### **2.2 Pre-Application Process**

Applicants are strongly encouraged to make the following Pre-Application contacts as soon as feasible in advance of the AHF Application deadline and are required to do so by **July XX, 2024**.

1. **Contact CDD.** Applicants are required to contact CDD staff to notify the CDD of the applicant's intent to apply and discuss how the City might best support the proposed development. To schedule an initial meeting, please contact Julie Spears (Community Development Specialist) at [jspears@cityofmadison.com](mailto:jspears@cityofmadison.com) and include AHF-TC RFP in the e-mail subject line. Joint pre-application meetings with PD, Zoning, EDD and CDD staff will be scheduled whenever feasible. When scheduling the pre-application meeting, please provide the following information: Address(es), proposed number of stories, proposed number of housing units, and square feet of commercial space for a mixed-use building, if applicable.

2. **Contact Planning.** Applicants are required to contact and meet with the Planning Division (PD) to discuss site selection, zoning and the land use approval process. Contact Kevin Firchow (Principal Planner in the City's Planning Division) at [kfirchow@cityofmadison.com](mailto:kfirchow@cityofmadison.com) and cc: Julie Spears.

Sites Scheduled to be Attached/Annexed into the City of Madison

For properties that are not within the City of Madison, please note that the attachment/annexation process must be fully completed and approved **before** the City can accept, process and approve land use applications. Please be aware that this may impact Zoning Compliance statements, depending on the approvals that are necessary. The timing of attachments/annexations varies, but typically takes at least 6-8 weeks upon receiving a complete petition. For questions related to the attachment/annexation process, please contact Tim Parks (Planning Division) at [tparks@cityofmadison.com](mailto:tparks@cityofmadison.com). It is the responsibility of the existing property owner to coordinate necessary attachment/annexation approvals.

Applicants should consult with City staff via the pre-application process to confirm that the parcel(s) will be attached/annexed into an eligible area on the AHF Targeted Area Map.

3. **Contact Zoning.** Applicants are required to obtain confirmation of permissive zoning or zoning status and entitlement process from zoning staff via the pre-application meeting, if direct communications have not already occurred. Contact Assistant Zoning Administrator Jenny Kirchgatter at [jkirchgatter@cityofmadison.com](mailto:jkirchgatter@cityofmadison.com).
4. **Contact EDD.** Applicants interested in application for TIF assistance are required to contact and meet with Economic Development Division (EDD) staff to discuss a preliminary application and requirements. Please review the [TIF Goals, Objectives and Process](#) and [TIF Underwriting Policy](#) found on the EDD's [TIF Website](#).

Applicants will be asked to work with staff to submit a formal application for TIF assistance in advance of or concurrently with an AHF-TC application, but no later than the Supplemental Application deadline of **August XX, 2024**. Applicants are advised that EDD and CDD staff will coordinate review of these respective applications. Applicants should be aware that AHF-TC and TIF applications have different requirements, and as such, should take time to meet with the appropriate staff and fully understand both processes, requirements and applications. To discuss the process for TIF assistance, contact Dan Rolfs (Real Estate Development Manager) at [drolfs@cityofmadison.com](mailto:drolfs@cityofmadison.com) or Joe Gromacki (TIF Coordinator) at [jgromacki@cityofmadison.com](mailto:jgromacki@cityofmadison.com) in the City's EDD. Please cc: Julie Spears.

5. **Contact Focus on Energy.** Applicants are required to submit an [Initial Application](#) to Focus on Energy's [New Construction Energy Design Assistance](#) program with the AHF-TC application. Contact Focus on Energy's STAFF at [staff-tbd@focusonenergy.com](mailto:staff-tbd@focusonenergy.com) or (608)

709-1395 with questions or to discuss program details and how Focus on Energy might best support the proposed development.

The City reserves the right to waive formal pre-application meetings for projects deemed to have made sufficient communication with DPCED staff in advance of submitting a financial assistance or land use application and/or for preservation or rehabilitation projects.

#### 6. **Alder & Neighborhood Notification Process**

Applicants are also required to make the following contacts prior to the AHF Application deadline in order to address the corresponding questions in the AHF application:

- a. **Contact Alder.** Applicants are required to contact the district's [alder](#) to discuss the proposed project, identify and, where possible, address any issues or concerns the alder may have. Applicants must also assess the alder's response to the proposed project as well as the alder's anticipation of the neighborhood's response to the proposed project. If the proposed project is within 200 feet of another aldermanic district, that alder should also be contacted as described above. (See Application Question #35). It is advisable to inquire about alder availability for a neighborhood meeting at this time.
- b. **Contact Neighborhood Association.** Applicants are required to contact the Neighborhood Association to discuss the proposed project, identify and where possible, address any issues or concerns the neighborhood may have. Designated Contact Information is posted on the [City Planning Division Website](#). Applicants must also assess the response of neighborhood association to the proposed project. If the proposed project is within 200 feet of another association(s), those associations should also be contacted as described above. If the proposed development is not located within an existing neighborhood association, applicants must contact the most relevant adjacent neighborhood association(s). (See Application Question #36).

7. **Development Assistance Team (DAT).** The DAT is an interagency staff team that meets with applicants to discuss various technical requirements regarding development. In order to obtain timely preliminary feedback from City reviewing agencies, applicant teams are *strongly encouraged* to present their proposed project at a Development Assistance Team (DAT) meeting in advance of the AHF Application deadline of **August XX, 2024** and required to do so no later than **August XX, 2024**. Earlier appointments are strongly encouraged. Contact either Christopher Wells ([cwells@cityofmadison.com](mailto:cwells@cityofmadison.com)) or Kevin Firchow ([kfirchow@cityofmadison.com](mailto:kfirchow@cityofmadison.com)) to schedule an appointment. DAT meetings occur on Thursdays at 10:00 a.m. Appointments are reserved on a first-come first-served basis. Applicants are expected to email a PDF of preliminary site plans by noon on the preceding Friday when agenda are finalized. Applicants will be asked to respond to concerns identified at DAT in their Supplemental Application response described in Section 2.2 below. A follow-up DAT meeting may be recommended before Land Use Application submittal.

## 2.3 Post-Application Process

1. **Supplemental Application Materials.** Applicants will be required to submit a Supplemental Application to address items that are not likely to be known at the time of initial application and respond to outstanding concerns identified at DAT, from Neighborhood Meetings, etc. Applicants should anticipate Supplemental Application questions to be sent the week of **August XX, 2024**. This response will be due by **August XX, 2024**.
2. **Neighborhood Informational Meeting(s).** In advance of the Supplemental Application due date to the staff team on **August XX, 2024**, applicants are required to present the proposed development to the neighborhood at a well-publicized meeting. Applicants must coordinate with Debbie Fields ([dfields@cityofmadison.com](mailto:dfields@cityofmadison.com)) in the Common Council Office to send postcards to nearby residents at least three weeks before the proposed meeting date, and no later than **August XX, 2024** and cc: Julie Spears. Please include the proposed project name, address, a short description and preferred meeting dates. Postcard mailing will be at the applicant's expense. Postcards must be mailed to residents at least one week before a meeting with the neighborhood. Notify Julie Spears & Kevin Firchow at least two weeks in advance of a planned meeting so that Planning and/or CDD staff may attend as availability permits.

The City encourages applicants to offer community members ample opportunities to provide feedback in multiple formats in lieu of or in addition to in-person neighborhood meetings. Applicants should be prepared to incorporate reasonable resident feedback into the development proposal as well as be aware that a follow-up neighborhood meeting may be requested. Some alders and/or neighborhood associations may also request a project steering team and/or a series of meetings with the developer. Applicants are encouraged to meet with the alder and/or neighborhood to assess the residents' level of interest in engaging with their proposal and proceed accordingly.

### 3. Land Use Application.

- a. **Projects Requiring a Zoning Map Amendment.** Applicants for projects that require a Zoning Map Amendment or Urban Design Commission (UDC) action must file a complete Land Use Application no later than **October XX, 2024** in order to obtain Plan Commission approval by December XX, 2024 and/or Common Council approval by January X, 2025 (*projected date*) in advance of the anticipated WHEDA Application deadline. If the proposed site has Planned Development (PD) Zoning that needs to be amended, the application must follow this rezoning process timeline.

Application shall include all necessary pre-application notices and the required information described in the application form. Applicants are strongly encouraged to submit this application sooner to account for any delays or referrals that may be made in the approval process. A [Development Review Schedule](#) (subject to change) can be found on the Planning Division's website containing meeting dates for Plan and Urban Design Commissions. Please note that demolitions where the resulting project will include city-financial assistance to develop affordable housing may be



allowed an administrative approval, therefore, not requiring Common Council approval.

- b. **Projects Not Requiring a Zoning Map Amendment (Permissively Zoned).** Applicants for projects that require a demolition and/or conditional use approval(s) and/or are part of a General Development Plan (GDP) shall file a complete Land Use Application, or Specific Implementation Plan (SIP) respectively, no later than **November XX, 2024**. This shall include all necessary pre-application notices and the required information described in the application form. While WHEDA may not require land use approvals, such as conditional uses, such approvals are a requirement for projects receiving funding through this RFP.

NOTE: With rare exception, the Land Use Application should be submitted AFTER holding the neighborhood meeting and incorporating feedback as described above.

4. **Applicant Presentations to Staff Team and CDBG Committee.** Applicants should be prepared to address the following, at a minimum, during their presentations to staff the week of **September XX**:
  - a. Introduce the Development Team ***including Non-profit and/or BIPOC Developer Partners, Property Management and Supportive Service Partner(s)***; Each team member briefly present on their role as described below.
  - b. Provide an overview of the project with an emphasis on the elements that clearly address the proposal's responsiveness to the goals, objectives and preferences in the RFP, with special emphasis on:
    - i. Unit mix, incomes and rents with an emphasis on 30% AMI units, long-term and/or permanent affordability, etc.;
    - ii. Summary of Sources & Uses, briefly
    - iii. Ownership structure, especially non-profit and/or BIPOC partnerships;
    - iv. Energy Efficiency, Renewable Energy and Sustainable Design Plans
    - v. Property Management on consistency with Tenant Selection Plan Standards in Attachment B-1.
    - vi. Coordination with Property Management and Supportive Services on design, unit mix; and
    - vii. Supportive Service Partner on Integrated Supportive Housing target population and service plan.
  - c. Provide a brief Land Use Application status and approval timeline. Address any outstanding concerns identified via the DAT review and/or neighborhood meetings.

A PowerPoint presentation, while not required, is strongly encouraged for the Staff Team presentation as well as to the CDBG Committee.

## 2.4 Response Format

1. Proposals and all required additional documentation must be submitted electronically to [CDDapplications@cityofmadison.com](mailto:CDDapplications@cityofmadison.com) utilizing the Application Form in Microsoft Word, the budget in the Microsoft Excel workbook and/or PDFs. Please submit one

combined PDF of all application materials, if possible. Extraneous spacer pages are not necessary. Please adhere to the space limitations in the application document.

2. The response to the RFP should be complete and comprehensive but succinct. ***Please limit most answers to a maximum of one ½ page per question.*** Attachments or documents not specifically required should not be submitted. Applicants are welcome to send a “drop box”, however the City will not provide one.

## 2.5 Required Information and Content of Proposals

Proposals must include the following documents listed below in order to be considered complete and eligible for consideration, including all additional requested documentation. Please include only the required submittals, submitted and labelled in the following order.

1. RFP Application Form available on [CDD Funding Opportunities Website](#).
2. Budget Workbook available on [CDD Funding Opportunities Website](#).
3. Development Team's Experience & Capacity

Include an attachment addressing the following. Please limit this response to no more than 10 pages. Attachments or documents not specifically required should not be submitted (e.g., project profiles):

### A. Developer

1. Experience developing multifamily housing for low- and moderate-income households, including:
  - i. Experience obtaining and utilizing LIHTC, including number of projects, number of units and location of LIHTC and/or affordable housing units your organization has developed;
  - ii. Experience obtaining and utilizing federal, state, city and other financing resources, including number of projects, number of units and location of projects with federal LIHTC, HOME, CDBG, or Section 108 funds.
2. Experience with participating in public/private joint ventures.
3. Years in existence and leadership/key development team staff qualifications (briefly).
4. Financial capacity of the organization to secure financing and complete the proposed project.
5. Developer's experience with, including number of projects, number of units and location of projects developed with integrated support housing units.
6. List of any architectural awards, service awards, or green building certifications that your organization/firm/partners have received.
7. Project Organizational Chart, including all partnerships and ownership interest percentages.

### B. Property Management

1. Proposed property management entity or partner's experience including number of projects, number of units and location of projects managed. Be sure to address the property management entity's performance experience

with and approach to leasing up and coordinating with integrated support services as well as with racially, linguistically, and culturally inclusive property management and marketing practices.

**C. Supportive Service Provider(s)**

1. Letter(s) from Supportive Service Coordinator and any other key Supportive Service Provider(s) detailing the type and level of services they intend to provide and affirming that the level of services that will be made available are adequate for the number of supportive housing units and target population.
4. Additional Application Materials
- a. Detailed site map and a second map showing the site in the context of the City using the Affordable Housing Targeted Area Map.
  - b. A preliminary site plan and elevations, if available.
    - A preliminary site plan is required for Initial Application to Focus on Energy’s program and will also be required for DAT no later than **August XX, 2024**.
  - c. Capital Needs Assessment report of the subject property, if the proposal is for a rehabilitation project and if the report is available at the time of application.
    - If the Capital Needs Assessment for rehabilitation projects is not available at the time of application for a rehab project, submittal will be required with the Supplemental Application due by **August XX, 2024**.
  - d. Tenant Selection Plan – All applicants must submit a TSP consistent with the CDD’s TSP Standards outlined in Attachment B-1, subject to CDD approval.
5. Designation of Proprietary and Confidential Information – Attachment D
- Complete and submit the form included in this document, if applicable.

## **SECTION 3: GENERAL RFP ADMINISTRATIVE INFORMATION**

### **3.1 Point of Contact**

The RFP contact identified below is the sole point of contact regarding the RFP from the date of release of the RFP until selection of the successful proposer(s).

Julie Spears, Community Development Specialist  
City of Madison Community Development Division  
Phone: 608-267-1983 – (*Email preferred*)  
Email: [jspears@cityofmadison.com](mailto:jspears@cityofmadison.com)

All communications relating to this RFP must be directed to the designated contact for this RFP. All bidders, proposers, protestors, or individuals acting on their behalf are hereby prohibited from attempting to persuade or influence any City agents, employees or any member of the relevant selection team, for or against a specific cause related to a pending solicitation, unless otherwise directed by the RFP contact.

### **3.2 Inquiries and Clarification of Specifications**

Proposers shall carefully examine the RFP and contract documents, correlate their observations with the RFP specifications and exercise their own judgment as to the nature and scope of the work required. If applicable, visit the Department's website, [CDD Funding Opportunities](#). Consider federal, state and local laws and regulations that may affect cost, progress, performance or furnishing of the work.

Proposers shall immediately notify the RFP contact of any questions, exceptions, clarification of any ambiguity, error, conflict, discrepancy omission or other deficiency or additions they have concerning the RFP document. Failure to do so will be at proposer's own risk.

This RFP will serve as the basis for or will become part of the resulting agreement. No plea of ignorance of conditions or difficulties that exist or may hereafter arise in the execution of the work under this contract as a result of failure to make necessary examinations and investigations, shall be accepted as an excuse for any failure or omission on the part of the bidder to fulfill the requirements of the contract.

### **3.3 Contracting Agency**

The contract resulting from this RFP will be administered by Community Development Division, City of Madison.

### **3.4 Addenda / Official Communication**

During the solicitation process for this RFP, all official communication between the City and proposers will be made via the [Community Development Division Funding Opportunities Website](#). The City will post such notices, which will include, but not be limited to, addenda for any modifications to administrative or performance requirements, clarifications to requirements and the announcement of the apparent winning proposer(s). It shall be the responsibility of the proposers to regularly monitor this website for any such postings. Failure to retrieve such addenda and include their appropriate provisions in your response may result in your proposal being disqualified.

### **3.5 Oral Presentations / Site Visits / Pre-Application or Pre-Award Meetings**

Proposers will be required to attend pre-application and/or pre-award meetings, make oral presentations, or make the site and/or properties available for a site visit as part of this request for proposal process, upon request. Such presentations, meetings, or site visits will be at the proposer's expense.

### **3.6 Acceptance/Rejection of Proposals**

1. The City reserves the right to accept or reject any or all proposals submitted, in whole or in part, and to waive any informalities or technicalities, which at the City's discretion is determined to be in the best interests of the City. Further, the City makes no representations that a contract will be awarded to any proposer responding to this request. The City expressly reserves the right to reject any and all proposals responding to this invitation without indicating any reasons for such rejection(s).

2. The City reserves the right to postpone due dates and openings for its own convenience and to withdraw this solicitation at any time without prior notice.

### **3.7 Incurring Costs**

This request for proposals does not commit the City to award a contract, pay any costs incurred in preparation of proposals, or to procure or contract for services or equipment.

### **3.8 Proposer Qualifications**

The City of Madison may make such investigations as it deems necessary to determine the ability of the proposer to perform the work, and the proposer shall furnish to the City all such information and data for this purpose, as the City may request. The City reserves the right to reject any proposal if the evidence submitted by, or investigated of, such proposer fails to satisfy the City that the proposer understands the full scope of work and is properly qualified to carry out the obligations of the contract and to complete the work contemplated herein.

### **3.9 Proposal Content**

The evaluation and selection of a Contractor and the contract will be based on the information submitted in the vendor's proposal plus any additional information required. Additional information may include references, on-site visits, or oral presentations. Failure to respond to each of the requirements in the RFP may be the basis for rejecting a response.

Elaborate proposals (e.g. expensive artwork, news stories, or letters of support) beyond information required to present a complete and effective proposal, are not necessary or desired. Information provided by the applicant in addition to the required proposal may not be considered in the evaluation of the proposal.

### **3.10 Withdrawal or Revision of Proposals**

1. A proposer may, without prejudice, withdraw a proposal submitted at any point in the process by requesting such withdrawal in writing (email is sufficient) to the RFP contact.
2. Proposals may not be modified or altered after the deadline.

### **3.11 Designation of Proprietary Information**

Proposers are hereby notified that all information submitted in response to this RFP may be accessible to the public through the Community Development Division website and/or made available for public inspection according to public records laws of the State of Wisconsin or other applicable public record laws. Therefore, proposers are encouraged to refrain from submitting information that cannot be open for public inspection. However, if proposers must include information deemed confidential and proprietary by the proposer, proposer must comply with these instructions:

1. All restrictions on the use or inspection of data contained within a proposal shall be requested prior to submission of the proposal itself. Written requests for

confidentiality shall be submitted to the RFP contact by the proposer prior to the proposal submission date.

2. Requests shall use the following process:

**SECTION 1** – Email or phone the RFP contact to discuss your concern.

**SECTION 2** – State clearly on the attached “Designation of Confidential and Proprietary Information” form (RFP Attachment D) any information to be considered confidential or proprietary.

**SECTION 3** – Separate any information to be considered confidential or proprietary from the rest of the proposal. Co-mingling of confidential/proprietary and other information is not acceptable.

**SECTION 4** – Note that applicants may be asked to submit a written request for information to be considered confidential or proprietary. Provide specific information related to the claim for confidential and proprietary information including RFP section, page number, topic and specific concern that supports claim.

3. Allocation requests always become public information through the selection committee process. Information usually cannot be kept confidential unless it involves a trade secret as defined in §134.90(1)(c), Wis. Stats. Any information that will be included in any resulting contract cannot be considered confidential. A proposal, in its entirety, will not be considered confidential and/or proprietary.
4. Proprietary information submitted in a proposal, or in response to the RFP, will be handled in accordance with the applicable Wisconsin State Statute(s). However, the City cannot ensure that the information will not be subject to release if a request is made under applicable public records laws. The City will not provide advance notice to a proposer prior to release of any requested record.
5. The Selected Contractor agrees to hold the City harmless for any damages arising out of the release of any material unless they are specifically identified. In the event the designation of confidentiality of this information is challenged, the Selected Contractor also agrees to provide legal counsel or other necessary assistance to defend the designation of confidentiality and, further, agrees to hold the City harmless from any penalties, costs, damages and fees, including attorney's fees, awarded to the requestor and ordered to be paid by the City, in any such legal action.
6. To the extent permitted by law, it is the intention of the City to withhold the contents of the proposal from public view until such times as competitive or bargaining reasons no longer require non-disclosure, in the opinion of the City. At that time, all proposals will be available for review in accordance with the Wisconsin Open Records Law.

### **3.12 Sample Loan Agreement**

Proposers are responsible for reviewing this information on the [CDD Funding Process website](#) prior to submission of their bid. The Sample Loan Agreement shall serve as the basis of the contract resulting from this RFP, subject to revision at the City's discretion, following the proposer's demonstration that it has met the contingencies outlined in the authorizing

resolution. By submitting a proposal, proposers affirm their willingness to enter into an Agreement containing these terms.

### **3.13 Proposal Evaluation and Award**

#### **1. PRELIMINARY EVALUATION**

Submitted proposals will be reviewed for completeness and compliance with RFP guidelines. All incomplete RFP submissions may be determined nonresponsive and removed from further consideration. To be considered complete, RFPs shall include all required submittals and shall be signed and dated. In the event that no submissions meet all of the RFP requirements, the City of Madison reserves the right to continue the evaluation of the proposals that most closely meet the requirements.

#### **2. PROPOSAL EVALUATIONS, INTERVIEWS AND/OR SITE VISITS**

The City's designated RFP Selection Committee, also referred to as the staff team, will make the final selection and recommendation following the evaluation of the proposals, which may include presentations, site visits and interviews, if deemed necessary, with some or all of the proposers. However, the City may make preliminary selection(s) based on the original proposals only, without negotiation, interviews and/or site visits with any proposers. If presentations, interviews and/or site visits are conducted, the Selection Committee may choose to assign additional points for these processes or re-evaluate, re-rate and/or re-rank the finalists' proposals based upon the written documents submitted and any clarifications offered in the interviews.

#### **3. BEST AND FINAL OFFER**

The designated Selection Committee may request best and final offers from one or more proposers determined to be reasonably susceptible to being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. If best and final offers are requested, they will be evaluated against the stated criteria, scored and ranked. The City reserves the right to negotiate the terms of the contract, including the award amount, with the selected proposer(s) prior to entering into a contract. If contract negotiations cannot be concluded successfully with the selected proposer(s), the City may negotiate a contract with the next highest scoring proposer.

#### **4. CLARIFICATION OF PROPOSALS**

During the evaluation of proposals, the City reserves the right to contact any or all proposers to request additional information for purposes of clarification of RFP responses, reject proposals that contain errors, or at its sole discretion, waive disqualifying errors or gain clarification of errors or information.

#### **5. PRICE AND/OR COST ANALYSIS**

The City reserves the right to conduct a price and/or cost analysis to determine if the price is fair and reasonable. If only one responsive proposal is received, a detailed price

and/or cost analysis may be requested of the single proposer. Proposers shall cooperate as needed with the City's efforts to perform said analyses.

6. NEGOTIATION

The City reserves the right to negotiate final fees and scope of services with the selected Contractor.

7. PROCESS

At any phase, the City reserves the right to terminate, suspend, or modify this selection process; reject any or all submittals; and waive any informalities, irregularities or omissions in submittals, all as deemed in the best interests of the City.

8. COMMUNICATION WITH SELECTION COMMITTEE







Proposers may not contact members of the Selection Committee at any time during the evaluation process, except at the City of Madison CDD's request, or as instructed in Section 3.1 above.

9. RIGHT TO REJECT PROPOSALS AND NEGOTIATE CONTRACT TERMS

The City reserves the right to reject any and all proposals and to negotiate the terms of the contract, including the award amount, with the selected proposer(s) prior to entering into a contract. If contract negotiations cannot be concluded successfully with the selected proposer(s), the City may negotiate a contract with the next preferred proposal.



# 2024 Affordable Housing Targeted Area Map

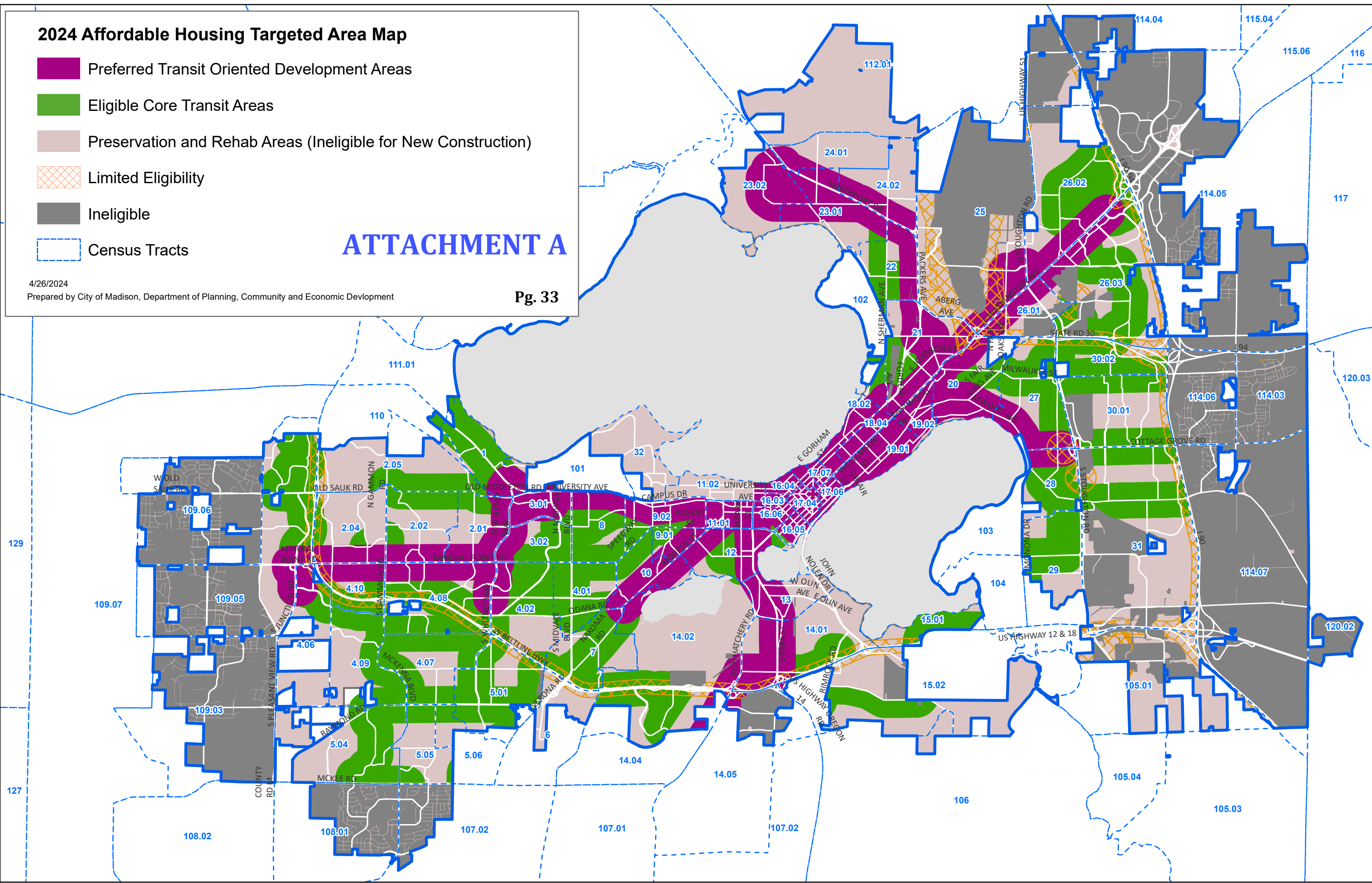
-  Preferred Transit Oriented Development Areas
-  Eligible Core Transit Areas
-  Preservation and Rehab Areas (Ineligible for New Construction)
-  Limited Eligibility
-  Ineligible
-  Census Tracts

## ATTACHMENT A

4/26/2024

Prepared by City of Madison, Department of Planning, Community and Economic Development

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## ATTACHMENT B-1 TENANT SELECTION PLAN STANDARDS

### Purpose

The City of Madison encourages Development Teams to embrace that affordable housing programs are intended to, and often do, alleviate conditions that may have previously led to adverse tenant credit histories, rental histories, and/or criminal convictions for some households. Access to stable and affordable housing creates conditions where prior “deficiencies” are not a primary predictor of future tenancy outcomes. However, this is only possible if these prior “deficiencies” are not insurmountable barriers to accessing the very affordable housing that provides more stable living conditions.

All properties receiving City of Madison Community Development Division (CDD) funding must have a written Tenant Selection Plan (TSP) or Resident Selection Criteria. In accordance with the Loan Agreement, the TSP must be submitted to CDD in advance of financial closing, if revised since application, and is subject to City approval. TSPs must adhere to all federal, state, and local fair housing requirements as well as comply with all applicable laws and regulations, including but not limited to program requirements, the Violence Against Women Act (VAWA), the Fair Housing Act, Wis. State Statutes, and Madison General Ordinances. Other funders may also require additional details. This document is not intended to be a complete list or to supersede other, more inclusive funder requirements.

This document is provided to assist Development Teams, including Property Management, in drafting a Tenant Selection Plan that meets the City’s expectations for both the general applicant pool and the Integrated Supportive Housing Units (“SH Units”). In accordance with the explicit goal and requirements of this RFP, it is expected that Tenant Selection Plans be further designed to **screen-in** prospective tenants from the relevant Supportive Housing target population(s) through use of inclusive, low barrier screening criteria. TSPs are most effective when developed in close coordination with Supportive Service Provider(s) or Coordinator(s) who will be providing appropriate referrals and coordinating resident support services at this development. This Attachment will be incorporated into the Loan Agreement.

The TSP should clearly and quantifiably identify the project's criteria regarding the following categories, bearing in mind that criteria must be designed to provide fair housing opportunity to those who face traditional barriers to access:

### Application and Lease-Up Standards

1. **Written Tenant Selection Plan (TSP).** The TSP should be developed as a collaborative effort between all parties (developer, Borrower, property management, and supportive service provider). The written TSP must be made available to applicants, if requested, before they apply and/or pay an application fee.
2. **Wait List.** The TSP must provide for the selection of tenants from a written Wait List in the order of their application. Applications for SH Units and/or units with stated priority set-asides must have either a separate Wait List or a prioritization mechanism, as detailed in AHF loan agreements. All descriptions of the Wait List in the TSP must detail prioritization criteria, if applicable.
3. **Eligibility Criteria.** The TSP must provide clear information on eligibility criteria as described below. It must also clearly state processes and criteria that will be used to evaluate applications.

- a. **Income criteria.** The TSP must detail clear minimum and maximum income requirements for all applicants.
- i. Applicants shall not be denied for applying with incomes below minimum income requirements if applicant can demonstrate paying an approximately equivalent rent to income ratio for 2 years, or if they are the recipient of a tenant-based rental subsidy. Applicants that are recent recipients of a tenant-based rental subsidy must be afforded opportunities to utilize said assistance. Demonstrating ability to pay a similar rental amount can be presented to property management in any reasonable method, including letter(s) from prior landlords and/or other proof of payment (e.g. documented, regular deductions as listed on a banking statement).
  - ii. Developments should not have income requirements greater than 2.5 times the monthly rent.
- b. **Occupancy criteria.** Include definitions of the minimum number of persons allowed to occupy each unit in the project, subject to local state, and federal laws. Each unit must be leased to a household comprised of a minimum of one person per bedroom at the time of occupancy unless reasonable accommodations are required.
- c. **Credit score and/or report.** The TSP and application materials should include clear notice of whether a credit report is required for application. Applicants must not be denied for:
- i. Credit score alone, although information within a credit report that indicates fitness as a tenant (e.g., number of accounts and amount in collections) can be utilized in application review
  - ii. Credit score, provided that the applicant has a cosigner, and/or is enrolled in or has documentation of completing a credit repair program, and/or is enrolled in housing program providing supportive services
  - iii. Insufficient credit history, unless the applicant, withholds credit history information in bad faith that might otherwise form a basis for denial
  - iv. Information on a credit report that has been formally disputed, is in repayment, or is substantially unrelated to prior housing obligations;
  - v. The applicant owing money to a prior landlord for rent or damages, or to a utility company, provided the applicant has entered into a payment arrangement with the creditor and is current on the repayment arrangement.

The property manager must provide notice to applicants if a denial is based on information obtained from the credit report, and must make it known to the applicant that they may request a copy of the credit report that was ordered, at no cost, within 60 days of the notice of denial.

- d. **Landlord or housing history**, including prior eviction judgments. A prospective tenant/applicant shall not have an application denied for any of the following:
- i. Any eviction filing that was dismissed or resulted in a judgement in favor of the applicant
  - ii. Any eviction filing which was settled with no judgement or writ of recovery issued (e.g. stipulated dismissal)
  - iii. Any eviction filing that resulted in judgement for the landlord more than 2 years before the applicant submits the application

- iv. Insufficient rental history, unless management has definitive records indicating that the applicant withholds rental information in bad faith that would otherwise be a basis for denial
- e. **Notice of Denial & Appeal Process.** Written notice is required, unless waived by the applicant in writing, and must include an explanation of the TSP criteria the applicant failed to meet. The notice of denial must inform applicants how to seek and file an appeal, including what documentation could correct the basis for denial (e.g. stating the reason for denial and providing a list of potentially acceptable documentation) and timeline for processing. During the appeals process, housing providers should consider additional mitigating information as available. Appeals and supporting documentation must be accepted in any reasonable format (e.g., electronically, hand-written, etc.)
- f. **Domestic Violence.** All properties must comply with the Violence Against Women Act (VAWA), including all requirements of the 2013 reauthorization. Among other requirements, VAWA requires that no applicant be denied admission on the basis that the applicant or member of the applicant's household is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission. It should be clearly stated in the TSP that VAWA protections cover persons of all gender identities and sexual orientations, whether actual or perceived. Examples of circumstances related to abuse include, but are not limited to:
  - i. Poor credit history resulting from the perpetrator using the victim's name to open accounts, loans, utilities, and failing in the ability to pay medical bills resulting from the abuse or forcing the victim to work without pay
  - ii. Poor rental history attributable to the perpetrator's actions such as property damage, noise complaints, missed or late rent/utility payments, or drug-related activity
  - iii. Criminal grounds due to the perpetrator forcing the victim to engage in criminal behavior such as sex work, drug use or sale, or crimes committed by the victim to defend themselves or a third party from abuse
- g. **Criminal conviction record criteria** must be detailed in all TSPs, including defining the number of years that will be considered in a criminal background search. Applicants must not be charged a fee for a criminal records search if they are a current resident of Wisconsin. TSPs should clearly define what information will be collected for the use of screening an applicant's criminal history.

An applicant may not be denied **solely** based on any of the following:

- iv. Arrest that has not resulted in a conviction
- v. Participation in diversion or deferral of judgement programs, including stays of adjudication and continuances for dismissal without prosecution
- vi. Conviction for a crime that is no longer illegal in the State of Wisconsin or the City of Madison, regardless of time elapsed from date of conviction
- vii. Conviction which has been vacated or expunged, or for which the applicant received a stay of imposition and sentencing and complied with the terms of the stay
- viii. Conviction, determination, or adjudication in the juvenile justice system
- ix. Conviction for any Misdemeanor offense, unless the offense has a "substantial relation to tenancy" and the date of conviction is within 2 years of the date of application.

- x. Criminal conviction for any Felony offense for which the date of conviction is more than 5 years from the date of application, unless the offense has a “substantial relation to tenancy”.
- xi. Conviction for any offense for which the date of conviction is more than 10 years from the date of application, the Maximum Lookback Period.

**Definition:** “Substantial relation to tenancy” in this document is to mean only that the offense is violent or drug-related criminal activity as defined by the following regulations:

- i. “Violent criminal activity” is defined in 24 CFR § 5.100 and means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be likely to cause, serious bodily injury or property damage.
- ii. “Drug-related criminal activity” is defined in Wis. Stat. 704.17(3m)(a)(2) and relates only to the manufacture or distribution of a controlled substance. “Drug-related criminal activity” does not include convictions for possession or use of a controlled substance, which may not serve as a basis for denying an applicant regardless of the date of conviction.

*Criminal Conviction Table*

	<b>Misdemeanors</b>	<b>Felonies</b>
<b>Can Deny:</b>	<ul style="list-style-type: none"> <li>• “Violent criminal activity” as defined in 24 CFR § 5.100 up to 2 years post-conviction</li> <li>• “Drug-related criminal activity” as defined in Wis. Stat. 704.17(3m)(a)(2) up to 2 years post-conviction</li> </ul>	<ul style="list-style-type: none"> <li>• Felony with a date of conviction less than 5 years from date of application; except:</li> <li>• Felony “Violent criminal activity” as defined in 24 CFR § 5.100 up to 10 years post-conviction</li> <li>• Felony “Drug-related criminal activity” as defined in Wis. Stat. 704.17(3m)(a)(2) up to 10 years post-conviction</li> </ul>
<b>Cannot Deny:</b>	<ul style="list-style-type: none"> <li>• Any misdemeanor with a date of conviction older than 2 years from date of application</li> </ul>	<ul style="list-style-type: none"> <li>• Any felony not meeting the violent or drug-related definition above with a date of conviction older than 5 years from date of application</li> </ul>

Property Management may additionally deny applicants in developments receiving federal assistance only for those criminal activities required by Federal regulations, which may include, but is not limited to, violent criminal activity as defined in 24 CFR § Part 5.100 or subject to a sex offender registry program.

- h. Tenant selection and application **criteria for Supportive Housing Units** should include additional, flexible criteria, as appropriate to ensure authentic housing opportunities exist for the intended target populations. These criteria should be further developed in coordination with the development’s supportive service coordinator/partner, and be explicitly designed to be inclusive in screening-in prospective tenants for which the partnership was designed.

4. **Security Deposits.** The housing provider shall implement a reasonable security deposit policy that does not create a financial impediment or barrier to entry for low-income households to access housing, especially prospective residents with supportive service needs. To ensure such reasonableness, the CDD has established the following maximum allowable deposit requirements:
- a. Option 1: Maximum Security Deposit equal to ½ month’s rent as standard, or 1 month’s rent for conditionally approved applicants
  - b. Option 2: Maximum Security Deposit equal to a set amount applied equally to all applicants, such that the deposit approximates one-half month’s rent as standard, or 1 month’s rent for conditionally approved applicants
    - iii. (e.g. a \$500 standard security deposit as standard and a \$1,000 security deposit for conditionally-approved applications would be considered to be reasonable)

For units and/or tenants with rental payments guaranteed through an ongoing rent subsidy (e.g. Housing Choice Vouchers, VASH Vouchers, Project-Based Vouchers, Section 811, or other similar program), the lowest-barrier option of the above shall be required.

In addition to the options above, any security deposit requirements for units designated at a rent level less than or equal to 60% AMI, or for any unit for which the prospective tenant has case management or a rental subsidy, must have an installment payment plan offered to them. Installments for security deposit must require no greater than one-half of the deposit to be collected at lease signing, with monthly installment payments of an amount no more than one-quarter of the remaining deposit added to monthly tenant payments until such time that the security deposit balance has reached the full, contracted amount.

At no point shall developments require that applicants place a holding fee, earnest money, or any other payment towards securing housing (beyond the allowable maximum credit check/application fee as defined in ATCP 134.05(4)) until time of lease signing.

5. **Applicants with Disabilities** must be provided reasonable accommodation and that information must be provided clearly to applicants within the TSP and in communication to the prospective tenant. Property Management should also make sure that TSPs do not raise additional barriers to individuals with disabilities, such as the ability to “live independently”.
6. **Tenant-Based Rental Assistance** must be accepted by developments. This must be clearly stated within the TSP. Developments are not allowed to refuse to lease a unit to, or otherwise discriminate against, prospective residents on the basis of source of income, which includes Housing Choice Vouchers, Rental Assistance, or any other form of tenant-based rental subsidy whether temporary or permanent, including use of such funds/programs previously in their rental history.

## Prioritizing Targeted Populations

### A. General Population

The TSP must establish target populations consistent with those identified in the development's approved LIHTC application submitted to WHEDA, and in the signed Supportive Services Agreement(s), as applicable. The TSP must establish targeted populations and/or set-asides that do not diminish or obstruct the Project's fair housing obligations. The TSP waitlist section must additionally indicate if certain tenant

populations will be given a higher priority for units than others.

Any referral process, limitation to tenant eligibility, or targeting/prioritization detailed in the TSP must not violate any nondiscrimination requirements in federal, state, or local law. However, a process that limits preference to specific populations does not violate nondiscrimination requirements so long as that housing is restricted by age or if the housing receives funding from a federal program that limits or prioritizes eligibility to a particular segment of the population and if that limit or preference is tailored to serve that segment of the population.

Among other requirements, it should be especially noted that targeting a designated population does not violate nondiscrimination requirements or fair housing laws should the designated population need supportive services being coordinated and/or provided at the development in order to reasonably obtain and maintain housing. Any referral process that targets any designated population must be explicitly described and approved by the City at point of application and term sheet contracting.

#### **B. Serving Households that are Experiencing or At-Risk of Homelessness**

The City of Madison is committed to furthering housing stability for all residents, including the stated goal to Prevent and End Homelessness. Households at risk of or currently experiencing homelessness often encounter barriers to housing that extend beyond their ability to pay, and it is a stated policy of the City's AHF funding to create cohesive partnerships between developers and supportive service partners to house individuals and families with poor credit, poor rental histories, and/or prior criminal convictions, after accounting for the exemptions detailed within this document. Supportive housing programs are successful only when they are designed and implemented so that these histories do not raise insurmountable barriers to housing opportunities.

To the extent permitted by rules and regulations associated with CDD-funded developments, it is expected that developments will adopt lenient, inclusive, and flexible criteria within either the primary or a supplemental TSP for leasing SH Units. The development of a tenant selection plan for these units must include consultation with supportive service coordinators and providers, and should be a collaborative effort between developer, Borrower, property manager, and service provider(s). As TSPs are developed in this collaboration, please note the following:

1. Poor rental and/or credit histories may be evidence of personal financial stress that will be alleviated by having access to affordable and supportive housing opportunities. For supportive units, rental and/or credit histories are not reliable indicators of future behavior. SH Units must allow for mitigating information as a component of the application screening process, and take into account factors such as support structure, services to be provided, whether the tenant has access to rental subsidy, etc. For example, requiring specific credit scores or a year of rental history would be considered an unreasonable barrier for supportive service units and will not receive CDD approval.
2. Criminal convictions can be especially pronounced in populations that experience homelessness. It is expected that for any referrals to supportive service units that place applicants from Coordinated Entry or other programs serving people experiencing homelessness use individualized screening processes to distinguish between prior criminal convictions that indicate a demonstrable risk to tenant safety and/or property and one that does not, as described in Section H above. For more information, HUD provides guidance on fair housing and individualized screening via memorandum

at:

<https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation%20of%20OGC%20Guidance%20on%20Application%20of%20FHA%20Standards%20to%20the%20Use%20of%20Criminal%20Records%20-%20June%2010%202022.pdf>

### **C. Serving Other Prioritized or Designated Populations**

#### **Veterans**

Proposals prioritizing veterans must be described in the TSP consistent with the applicable WHEDA Qualified Action Plan, as applicable.

#### **Age-Restrictions**

The TSP must also identify any **age-restriction**, or lack thereof, of tenancy for the project. Acceptable age-restrictions may include "family" housing for units without an age-restriction; "active- adult" or "senior" housing for units restricted to households with at least one member aged 55 and above; and "elderly" housing for units restricted to households aged 62 and above.

The City of Madison and the U.S. Department of Housing and Urban Development (HUD) stress the importance of applying TSP standards consistently to all applicants.



## ATTACHMENT B-2

### AFFIRMATIVE MARKETING PLAN STANDARDS

The Community Development Division (CDD) requires that all CDD-funded projects submit an Affirmative Marketing Plan (AMP) for review subject to City approval. At minimum, AMPs must adhere to all state, local, and federal fair housing requirements in addition to CDD requirements.

This document is provided to assist Development Teams, including Property Management (“PM’s”), in drafting an Affirmative Marketing Plan (AMP). These standards serve to align the City’s goals with those of the project (the “Project”) and to ensure that all Madison residents have equal access to fair housing opportunities. These standards are not intended to be a complete or exhaustive list of what should constitute an AMP. In creating this Project’s AMP, housing developers and property managers should consult with their attorneys to ensure that the AMP complies with all applicable laws and regulations, program requirements, and the Fair Housing Act.

The AMP must clearly identify the Project’s targeted populations and outreach methods including the following:

#### A. Targeted Outreach:

1. **Race, Age or Disability.** The AMP must identify the demographic groups that are “*least likely to apply*” for this housing without affirmative outreach. In determining which groups should be identified, PMs should consider rent rate levels, the population of the broader housing market area, and especially the racial/ethnic composition of the neighborhood in which the property is located.

The AMP must describe the demographic target population(s) least likely to apply in a manner that does not diminish or obstruct the Project’s fair housing obligations.

- i. **Race.** Historical CDD occupancy data shows that Hispanic/Latinx and Asian households are under-represented in CDD-supported housing. Direct and effective outreach methods, especially considering language access, should be clearly described in the AMP.
  - ii. **Age-Restrictions.** The AMP must identify the **age-restriction**, or lack thereof, regarding age-related tenancy requirements for the Project. Acceptable age-restrictions may be described as “family” housing for units without an age-restriction, regardless of household composition; “active-adult” or “senior” housing for units restricted to households with at least one member aged 55 and above; and “elderly” housing for units restricted to households aged 62 and above.
  - iii. **People with Disabilities** must be provided reasonable accommodation(s) as needed to access housing opportunities. Property Management should ensure that marketing, information and access to the application process is low-barrier for all applicants and does not impose preventable barriers to individuals with disabilities. For example, accommodations may include meeting via zoom, phone, at a location other than the leasing office/trailer, etc.
2. **Populations Needing Supportive Services** (e.g., individuals and families experiencing homeless, formerly incarcerated, other targeted population, etc.). The AMP must identify the populations targeted to lease Integrated Supportive Housing Units (“SH Units”) in the Project, as applicable and described in the TSP. CDD requires a written, detailed Lease-Up Coordination Process to be developed and used by the developer, Property Management, and Supportive Services Coordinator.

The AMP must describe effective outreach efforts to successfully lease units to targeted populations identified in the Project's application for City financial assistance as well as its approved WHEDA LIHTC application Appendix S, as applicable. Any discrepancies in the target populations described in these or other funder's applications must be addressed before entering into the City of Madison Loan Agreement.

**B. Marketing Efforts and Outreach Methods:**

The AMP must describe the marketing efforts anticipated to be used to attract the demographic target population(s) identified as least likely to apply, as well as all segments of the eligible market population. These efforts should identify:

1. The **types of media** and/or advertising activities used to market the development, including the names of publications, social media, and/or websites to be used, as it relates to the likely exposure of the specific "*least likely to apply*" intended audience of each marketing effort;
2. The **languages** in which the marketing will be available as it relates to the likely needs of the specific intended audience of each marketing effort. *Authentic Language Access to the application process must be provided for potential applicants with Limited English Proficiency (i.e. English is not their primary language) and Non-English Speaking Applicants.* If the application itself is not available in the primary language of the applicant, Property Management must ensure that translation and/or Language Line services are available to assist households with questions on the application and/or development. It is expected that marketing materials and signage/marketing on-site be available in languages other than English. This should include, at a minimum, materials translated in Spanish describing the development, when it is opening, and how residents can apply. General and Project-specific websites should contain an easily accessible option to facilitating Language Access and translation (e.g., Google Translate plug in or equivalent), if feasible to do so. PM's are strongly encouraged to hire bilingual staff whenever possible. PM should provide translation services as requested or required for potential applicants to access this housing opportunity. Depending on the location of the development, CDD may require additional language access requirements for the minimum marketing materials, such as translation to other pre-identified languages.
3. The **duration** that each of marketing effort will be published by media type (e.g., newspaper, radio, online listings, social media, etc.) as it relates to the outreach methods most effective in reaching each "*least likely to apply*" group.
4. Specific **community organizations and contacts** must be identified when describing targeted outreach, with a special emphasis placed on those agencies able to assist with outreach directly to populations identified as least likely to apply. CDD staff can assist housing providers in identifying points of contact and agencies to best meet the intent of the AMP, and may add additional suggested or required contacts periodically.
5. Any graphics or **marketing materials that depict people must be inclusive, diverse, culturally-sensitive and representative** of the demographics of target populations identified in the AMP as well as the population(s) targeted for SH Units described in the Tenant Selection Plan, as applicable. Pursuant to the Loan Agreement, marketing materials will be reviewed by and are subject to City approval. Typically, the easiest juncture at which to address inclusive and affirmative marketing is with the earliest architectural renderings that depict people.
6. **Leasing office and process must be physically and practicably accessible** for applicants including people with disabilities, in accordance with the Loan Agreement. Before commencing the Lease-Up

Coordination Process, PM must indicate a location that is both physically accessible and accessible via transit to submit applications, documentation, conduct interviews, etc. If leasing office is not both physically accessible and accessible via transit, an alternative location must be provided. Property Management may not require in-person attendance for interview and documents for any applicant, if an accommodation is requested.

**C. Marketing and Lease-Up Timeline.**

1. Initial Lease-Up. The AMP should specify the approximate start date of marketing activities to groups targeted for special and/or affirmative outreach and the expected date of initial occupancy. CDD requires that Property Management (“PM”) perform targeted outreach for SH Units begins at least 30 days before marketing to general population.
2. Future and Continued Marketing Efforts. The AMP should include a statement or description of how the housing provider will continue affirmative marketing efforts after initial lease-up is complete to maintain affirmatively representative housing community. The Equal Housing Opportunity logo is required on all notices, lease documents, and marketing materials, and the Fair Housing poster must be displayed in the leasing office.

**D. Staff Experience.** The AMP should indicate the experience, training, and certification(s), if any, held by staff that will be involved in marketing and lease-up of the property. The AMP should mention that a hard copy of the plan, and any other written materials regarding fair housing laws, will be available on request in the leasing office.

**E. Recordkeeping and Evaluation.** PM’s must maintain copies of their Affirmative Fair Housing Marketing Plans and keep records of their actions to affirmatively market the program, subject to CDD review. PM’s also must evaluate the success of their affirmative marketing activities annually and adjust efforts accordingly.

While not explicitly required, the City of Madison will also accept a HUD template Affirmative Fair Housing Marketing Plan (HUD Form 92243-PRA) that incorporates the above standards. HUD also publishes related Affirmative Fair Housing Marketing Guidance in further detail. The City of Madison and the U.S. Department of Housing and Urban Development (HUD) stress the importance of implementing the AMP consistently during initial and ongoing lease-up.

**ATTACHMENT C**  
**SERVICE PROVIDERS AGENCIES**



Providing supportive services for  
**Individuals and/or Families Experiencing Homelessness**

<p><b>The Road Home</b> Georgia Allen Executive Director <a href="mailto:gallen@trhome.org">gallen@trhome.org</a> Ph: 608-294-7998 x302</p>	<p><b>Community Action Coalition for South Central Wisconsin</b> Meghan Mietchen Executive Director <a href="mailto:meghanm@cacscw.org">meghanm@cacscw.org</a> Ph: 608-206-4333</p>
<p><b>Housing Initiatives</b> Brad Hinkfuss Executive Director <a href="mailto:bhinkfuss@housinginitiatives.org">bhinkfuss@housinginitiatives.org</a> Ph: 608-620-1751</p>	<p><b>Lutheran Social Services of Wisconsin and Upper Michigan</b> Dennis Hanson Vice President <a href="mailto:dhanson@lsswis.org">dhanson@lsswis.org</a> Ph: 414-246-2711</p>
<p><b>HUD VASH Housing Program – William S. Middleton Memorial Veterans Hospital</b> Heather Campbell HUD VASH Housing Coordinator <a href="mailto:Heather.Campbell3@va.gov">Heather.Campbell3@va.gov</a> Ph: 608-280-2095</p>	<p><b>WayForward Resources</b> Ellen Carlson Executive Director <a href="mailto:ellen@wayforwardresources.org">ellen@wayforwardresources.org</a> Ph: 608-826-3404</p>

Agencies listed above may have the potential to partner on development proposals seeking to include integrated supportive housing units targeting one or more of these populations.

## ATTACHMENT D

### DESIGNATION OF CONFIDENTIAL AND PROPRIETARY INFORMATION

Proposers are hereby notified that all information submitted in response to this RFP may be made available for public inspection according to public records laws of the State of Wisconsin or other applicable public record laws. Therefore, proposers are encouraged to refrain from submitting information that cannot be open for public inspection. However, if proposers must include information deemed confidential and proprietary by the proposer, proposer must comply with these instructions:

- Requests for confidentiality must be submitted prior to the proposal submission date to the City of Madison Purchasing Office.
- Requests for confidentiality must use this designated form. Failure to include this form in the bid/proposal response may mean that all information provided as part of the bid/proposal response will be open to examination and copying. The City considers other markings of confidential in the bid/proposal document to be insufficient.
- Any information to be considered confidential or proprietary must be separated and packaged from the rest of the proposal. Co-mingling of confidential/proprietary and other information is not acceptable.

Prices always become public information when bids/proposals are opened or when negotiations have been completed and the contract has been awarded. Other information usually cannot be kept confidential unless it involves a trade secret as defined in §.134.90(1)(c), Wis. Stats. Any information that will be included in any resulting contract cannot be considered confidential. A proposal, in its entirety, will not be considered confidential and/or proprietary.

Other information cannot be kept confidential unless it is a trade secret. Trade secret is defined in §. 134.90(1)(c), Wis. Stats. as follows: "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique or process to which all of the following apply:

1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
2. The information is the subject of efforts to maintain its secrecy that are reasonable under the circumstances.

In the event the designation of confidentiality of this information is challenged, the undersigned hereby agrees to provide legal counsel or other necessary assistance to defend the designation of confidentiality and agrees to hold the City of Madison harmless for any costs or damages arising out of the City's agreeing to withhold the materials.

The attached material submitted in response to Bid/Proposal #\_\_\_\_\_ includes proprietary and confidential information which qualifies as a trade secret, as provided in §s.19.36(5), Wis. Stats., or is otherwise material that can be kept confidential under the Wisconsin Open Records Law. As such, we ask that certain pages, as indicated below, of this bid/proposal response be treated as confidential material and not be released:

Section	Page No.	Topic	Specific law that supports confidentiality of information

Company Name \_\_\_\_\_

Enter Name: \_\_\_\_\_

By entering your initials in the box,

You are electronically signing your name and agreeing to the terms above.

Date: \_\_\_\_\_

## ATTACHMENT E

### FEDERAL FUNDING REQUIREMENTS AND RESOURCES

#### A. Federal General Cross-Cutting Requirements

Proposals awarded federal funds will be required projects to meet these national, state and local regulatory requirements, where applicable:

1. Minimize negative environmental impacts, and comply with environmental review requirements under [24 CFR Part 58](#). Applicants must consult with CDD staff at the time of application to determine if a Phase 1 and Phase 2 Environmental Site Assessment will be required as well as language that must be included in any offer to purchase real property prior to acquisition or any choice limiting actions. The property must pass an environmental review, conducted by CDD, prior to receiving a formal commitment of federal funding. Activities neither exempt nor categorically excluded under [24 CFR Part 58](#) will require an environmental assessment, conducted by CDD, with a Finding of No Significant Impact prior to commitment of federal funding.
2. Affirmatively further fair housing, housing diversity, and housing choices.
3. Take affirmative steps to contract and/or ensure subcontracting with minority, women, and disadvantaged business enterprises (M/W/DBEs) consistent with [2 CFR Part 200.321](#).
4. Comply with the goals and requirements of the [City's Section 3 Program](#), which seeks to extend employment, training and contracting opportunities to low- and moderate-income people and businesses.
5. Promote affirmative action, non-discrimination and equal opportunity for all citizens.
6. Comply with physical accessibility standards.
7. Comply with Federal Fair Labor Standards (e.g., [Davis-Bacon Prevailing Wages](#)), if required.
8. Reduce lead paint hazards using certified inspectors, supervisors, workers and companies, as well as established lead safe work practices when required. All properties built prior to 1978 must undergo lead assessments.
9. Reduce hazards caused by asbestos and asbestos-containing materials, and/or remove asbestos and asbestos-containing materials, using certified asbestos abatement supervision and certified asbestos worker.
10. Minimize both the direct and indirect displacement of persons and/or businesses. Where applicable, the CDD will adhere to the State of Wisconsin Relocation Rights and Uniform Relocation Act procedures consistent with [49 CFR Part 24](#). Applicants must consult with CDD staff about relocation requirements for any occupied properties.
11. Design program operations to safeguard vulnerable populations, including, but not limited to, young children, youth, elderly, and people with disabilities.
12. Adhere to the constitutional and regulatory provisions of separation of church and state, and avoidance of public funding of inherently religious activities.
13. Notice regarding lobbying ordinance: A person or entity seeking approval of a development with more than 40,000 gross square feet of non-residential space, or a residential development with more than 10 dwelling units, or that is seeking assistance from the City of more than \$10,000 (this includes grants, loans, TIF, or similar assistance), is likely subject to Madison's lobbying ordinance, MGO sec. 2.40. That person or entity is required to register and report lobbying activities involving City officials. Please consult the City Clerk for more information. Failure to comply with the lobbying ordinance may result in fines of \$1,000 to \$5,000. Applicants may find more information on registering on the [City Clerk's website](#).

## B. Federal HOME and CDBG Requirements

Proposals awarded **HOME Investment Partnerships Program (HOME) or Community Development Block Grant (CDBG)** funds must comply with all the relevant funding source requirements. HOME-funded projects must comply with the regulations at [24 CFR Part 92](#), as amended. CDBG-funded projects must comply with the regulations at [24 CFR Part 570](#), as amended.

These federal requirements include, but are not limited to, the following:

1. Acquisition, construction, and/or rehab of rental housing using HOME or CDBG funds must maintain rents at or below specified HOME rent levels during the Period of Affordability.
2. All units in a rental project must serve households with incomes at or below 60% of Area Median Income (AMI) during the Period of Affordability.
3. In developments with five or more HOME-assisted units, at least 20% of HOME units must be designated as Low HOME rent units, where rent is restricted to the Low HOME rent limit published by HUD annually.
4. Housing must meet the all applicable City minimum housing standards and building codes. Rehabilitation projects assisted with HOME funds must also meet the [Community Development Division's Rehabilitation Standards](#).
5. HOME projects require a minimum of 25% matching funds from non-federal sources. Forms of eligible match are defined under [24 CFR 92.220](#).
6. HOME-funded projects will be subject to a HOME Period of Affordability (HOME POA) reflected in the HOME Land Use Restriction Agreement (HOME LURA), the length of which is based upon the amount of HOME funds invested in the property and the use of those funds. Both a City and HOME POA will be reflected in LURAs recorded in first position ahead of the first mortgage. The City LURA will have a minimum compliance period to maintain affordability for 40 years.

Applicants may request a sample HOME Loan Agreement for more detailed information.

## C. Federal Funding Links and Resources:

[2024 HOME Rent & Income Limits](#) (City Resource): This document provides the current rent and income limits for projects seeking HOME funds.

[Community Housing Development Organization \(CHDO\) Application](#) (City Resource): An application for housing developers interested in renewing or applying for status as a certified CHDO with the City of Madison.

[24 CFR Part 92](#) (Federal Resource): Electronic Code of Federal Regulations for the HOME Investment Partnerships Program  
[24 CFR Part 570](#) (Federal Resource): Electronic Code of Federal Regulations for the Community Development Block Grants program.

[2 CFR Part 200.302 \(Financial Management\)](#) (Federal Resource): Part of the Electronic Code of Federal Regulations, it details uniform administrative requirements, cost principles and audit requirements for federal awards.

[2 CFR Part 200.303 \(Internal Controls\)](#) (Federal Resource): Part of the Electronic Code of Federal Regulations, it details uniform administrative requirements, cost principals and audit requirements for federal awards.