

City of Madison

Community Development Division

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

Madison, WI 53703-3348



REQUEST FOR PROPOSALS RFP #2022-11066

General Requirements

Housing Forward: Financing for Homeownership - Development,
Programs and Services

Release Date: Monday, August 8, 2022

Due Date: 12:00 p.m., NOON
Thursday, September 1, 2022

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RFP SUMMARY

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|---------------------------------|---|
| RFP NUMBER | RFP # 2022- 11066 |
| RFP TITLE | Housing Forward: Financing for Homeownership - Development, Programs, and Services |
| DEADLINE FOR BID SUBMISSIONS | 12:00 P.M. (NOON) CST, Thursday, September 1, 2022 Late or incomplete applications will not be considered. Please do not wait until the deadline to submit application. No grace period will be granted. |
| SCOPE | <p>The City of Madison Community Development Division (CDD) is seeking to improve and expand housing choices available to residents in Madison by supporting proposals from qualified developers and service providers that seek to accomplish the following objectives:</p> <ol style="list-style-type: none"> 1. Improve Existing Owner-Occupied Housing Stock Preserve, upgrade and make accessibility improvements to the current inventory of affordable, owner-occupied housing units. 2. Expand the Supply of Owner-Occupied Housing Increase the number of affordable, owner-occupied housing units through new construction, renovation or conversion. 3. Homebuyer Assistance Put stable, affordable homeownership within reach of a broader mix of Madison households. |
| FUNDS AVAILABLE: | TBD |
| APPLICATION FORM AND GUIDELINES | Available at: Community Development Division Funding Opportunities Website |
| E-MAIL PROPOSAL TO: | CDDapplications@cityofmadison.com 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 Housing Forward – Homeownership - Development, Programs, and Services in the email subject line. |
| DIRECT ALL INQUIRIES TO: | Maria Davila-Martinez , Community Development Specialist mdavila-martinez@cityofmadison.com 608-266-6557 |

**RFP
CALENDAR**

These dates represent the City's desired timeline for providing a commitment of funds to selected agencies. Any revision of 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 |
|-------------------|---|
| August 8 , 2022 | RFP Released |
| August 11, 2022 | Application Workshop #1: Development (Zoom) 9:00 AM CST Register Here Application Workshop #2: Programs & Services (Zoom) 10:30 AM CST Register Here |
| September 1, 2022 | DEADLINE FOR SUBMISSION OF PROPOSALS |
| October 6, 2022 | Applicant Presentations to CDBG Committee |
| November 3, 2022 | CDBG Committee Finalizes Recommendations |
| November 28, 2022 | Finance Committee Recommendations |
| December 6, 2022 | Common Council Approval |
| January 2023 | Commitment Letter (Notification of Award) |
| January 1, 2023 | Anticipated contract effective date(s) for Housing Assistance |
| January 2023-2024 | Anticipated contract effective date(s)/ Start of Construction for Housing Development |

SECTION 1: BACKGROUND

1. Purpose

The mission of the Community Development Division's CDBG Unit is to help make Madison "a more viable urban community by providing decent housing, a supportive living environment and enhanced economic opportunities for low- and moderate-income households (defined as those whose incomes do not exceed 80% of the area median income)." The unit's goals are to aid and support the efforts of non-profit organizations, businesses, neighborhood groups, funding partners, housing developers, and other governmental entities to plan for, develop and invest in projects, which further the goals and objectives identified in the City's Consolidated Plan. The [Consolidated Plan](#) is a longer-term (5-year) planning document formulated by the City's CDBG Committee, with input from Madison residents, and approved by the Mayor and Common Council. Its content also reflects and reinforces the City's broader goals and objectives articulated within [Imagine Madison](#), the City's Comprehensive Plan, and related neighborhood plans.

2. Goal & Objectives

The City of Madison's approved 2020-2024 Consolidated Plan articulates the community development goals on which the City intends to focus its federal entitlement funds (CDBG/HOME) and, along with the City's [Housing Forward](#) ("Housing Forward") initiative, serves as the foundation for this funding process.

The City of Madison Community Development Division (CDD) Action Plan, as adopted by the Common Council, further outlines specific goals and objectives intended to guide the use of CDD-administered financial resources.

This RFP focuses only on the following Goal and Objectives from that Action Plan:

Goal Area 1. Housing Development & Financing: Homeownership

- Housing Rehabilitation & Accessibility Improvements
- Owner-Occupied Housing Development (New Units)
- Homebuyer Assistance (Down Payment)

Along with these primary objectives, the Community Development Division also aims to:

- Implement the Goals, Strategies and Actions outlined in [Imagine Madison](#), the City of Madison's Comprehensive Plan.
- Embrace the City's commitment to energy efficiency, renewable energy and/or sustainable building design techniques that contribute to the [City's goal](#) to achieve 100% renewable energy and zero-net carbon emissions by 2030.
- Support homeownership opportunities for first generational or first time homebuyer households in populations that have historically faced barriers to home ownership.

The City of Madison intends to support proposals that (1) are most responsive to the Goals and Objectives found above and the Requirements and Preferences of each Subsection of this RFP; (2) contain a combination of features and attributes offering the best overall value to the City and its residents. The City will determine the potential best overall value by comparing competing project features and feasibility, and agency or development team attributes, striking the most advantageous balance for achieving the City's goals.

3. Funding Availability

The Community Development Division (CDD) anticipates making approximately \$TBD available from a combination of funds drawn from City-administered Federal HOME Investment Partnerships (HOME) Program and Community Development Block Grant (CDBG) Program, and the City's Affordable Housing Fund. Total amount of funds available is contingent upon the City receiving expected HOME and CDBG allocations from the U.S. Department of Housing and Urban Development (HUD).

| Funding Source | Development | Programs & Services |
|---------------------------------------|-------------|---------------------|
| HOME Funds | TBD | TBD |
| CDBG Funds | TBD | TBD |
| City Affordable Housing Funds ("AHF") | TBD | TBD |

4. Application Workshop

The City will hold two virtual workshops, over Zoom, for applicants interested in responding to this RFP on August 11, 2022, one for each subsection. The workshops will address questions that interested applicants may have regarding the RFP or accompanying application. It will also allow CDD staff to provide technical assistance to agencies that have limited experience with responding to City-issued RFPs. Applicants are strongly encouraged to attend this workshop. **Registration is required.**

- Development Application Workshop on August 11, 2022 at 9:00AM CST ([click here to register](#))
- Programs & Services Application Workshop on August 11, 2022 at 10:30AM CST ([click here to register](#))

5. Scope of Work:

Review corresponding Subsection for scope of work, eligibility requirements, process, and scoring criteria:

- Subsection A: Financing for Homeownership - Development
 - See Subsection A - Development
- Subsection B: Financing for Homeownership Programs & Services
 - See Subsection B - Programs and Services

SECTION 2: GENERAL CRITERIA AND FEDERAL REQUIREMENTS

1. General & Federal Requirements

The CDD will require projects to meet these national, state and local regulatory requirements, where applicable. HOME-funded projects must comply with the regulations at [24 CFR Part 92](#), HOME Investment Partnerships Program, as amended. Projects awarded CDBG funds must comply with the regulations at [24 CFR Part 570](#), Community Development Block Grant, as amended.

- a) Serve households with incomes at or below 80% of the Area Median Income.
- b) Affirmatively further fair housing, housing diversity, and housing choices.
- c) Promote affirmative action, non-discrimination and equal opportunity for all citizens.

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- d) 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.
 - e) 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](#).
 - f) Adhere to the constitutional and regulatory provisions of separation of church and state, and avoidance of public funding of inherently religious activities.
 - g) Comply with Federal Fair Labor Standards (e.g., [Davis-Bacon Prevailing Wages](#)).
 - h) 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.
 - i) 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.
 - j) 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.
 - k) Comply with physical accessibility standards.
 - l) Design program operations to safeguard vulnerable populations, including, but not limited to, young children, youth, elderly, and people with disabilities.
 - m) Minimize both the direct and indirect displacement of persons and/or businesses. Where applicable, the CDD will adhere to the State and Uniform Relocation Act procedures consistent with [49 CFR Part 24](#). Applicants must consult with CDD staff about relocation requirements for any occupied properties.
 - n) Housing (after rehab) must meet the [CDD Rehabilitation Standards](#) and all applicable City minimum housing standards and building codes.
 - o) Applicants must comply with [CDD Underwriting Guidelines](#) for all loans provided for purchase of owner-occupied dwellings.
 - p) All prospective homebuyers offered CDD financial assistance must attend a HUD-approved homebuyer education class. Recipients will be required to submit a homebuyer education certificate of completion prior to closing.
 - q) The sale prices of HOME-assisted owner-occupied units must comply with the HOME purchase price or value limits designated by the U.S. Department of Housing and Urban Development (HUD).
 - r) Homeownership dwellings must be transferred to owner-occupied status within nine (9) months of construction completion.
 - s) HOME projects require a minimum of 25% matching funds from non-federal sources. Forms of eligible match are defined under [24 CFR 92.220](#).
 - t) HOME-funded projects will be subject to a Period of Affordability (POA), the length of which is based upon the amount of HOME funds invested in the property and the use of the funds. The POA will be reflected in the Land Use Restriction Agreement (LURA) recorded in first position ahead of the first mortgage.

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- u) **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](#).

SECTION 3: PROPOSAL SUBMISSION REQUIREMENTS

1. Response Format

Proposals and all required additional documentation must be submitted electronically to 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 the application materials, if possible. Extraneous spacer pages are not necessary. Please adhere to the space limitations in the application document.

The response to the RFP should be complete and comprehensive but succinct. **Where possible, please limit responses to no more than one ½ page per question**. Attachments or documents not specifically required should not be submitted, and will not be considered.

2. Required Information and Content of Proposal

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

1. Homeownership - **Development** RFP Application Form: Application **A** ; and/or Homeownership - **Programs and Services** RFP Application Form: Application **B**
2. Budget Workbook **A – Development**; and/or Budget Workbook **B – Programs and Services**
3. Designation of Proprietary and Confidential Information – **Attachment D**
4. A copy of the most recent agency financial audit reports including the management letter and agency's response to the letter, if agency has annual certified audits completed

OR

Financial statements and a letter signed by the president of the board of directors stating that they approved the financial statement as prepared, if agency does not have annual audits completed

OR

For for-profit entities, a copy of last year's federal tax returns including all schedules, W2s and attachments for the Guarantor of the promissory note.

SECTION 4: GENERAL RFP ADMINISTRATIVE INFORMATION

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).

Maria Davila-Martinez, Community Development Specialist
City of Madison Community Development Division
Phone: 608-266-6557
Email: mdavila-martinez@cityofmadison.com

Except as otherwise specified, all communications relating to this RFP must be directed to the designated RFP contact. 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 review team, for or against a specific cause related to a pending solicitation, unless otherwise directed by the RFP contact.

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 Division'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 about 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. Contracting Agency

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

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, schedule changes, 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.

5. Oral Presentations / Site Visits / Pre-Application or Pre-Award Meetings

Proposers may 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.

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.

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.

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.

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.

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 without consent from the City of Madison.

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** – Any information to be considered confidential or proprietary must clearly be stated on the attached "Designation of Confidential and Proprietary Information" form (RFP Attachment D).
 - 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. Funding 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. A Selected Applicant 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 Applicant 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.

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.

12. Sample Loan Agreement and Purchase of Service Contracts

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.

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.

Final decisions regarding projects to be awarded funds, and the amount of funding awarded, lie with the Madison Common Council, with input from the City's CDBG Committee.

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 Applicant.

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 4.1 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 proposer.

DRAFT

ATTACHMENT A:
Tenant Selection Plan Best Practices
City of Madison Affordable Housing Initiative

The City of Madison requires a tenant or resident selection plan and adherence to all state, local and federal fair housing requirements.

Below is a set of best practices that may assist housing developers and property managers in drafting a Tenant Selection Plan (TSP). These best practices serve to align the City's goals with those of the project and to ensure Madison residents have reduced barriers to fair housing choice. They are not intended to be a complete or exhaustive list. In creating your project's Tenant Selection Plan, housing developers and property managers should consult with your attorney to ensure that your plan complies with all applicable laws and regulations, program requirements and the Fair Housing Act.

The TSP should clearly identify the project's criteria regarding the following categories:

- **Income criteria**, including providing clear information on minimum and maximum income requirements of applicants and the processes and criteria used to evaluate applications. Identify the **unit mix**, i.e., the quantity of housing units that are available for rent at each level of income-restriction (e.g. 30% of the Area Median Income, 50% of the Area Median Income, 60% of the Area Median Income). The TSP should also indicate the rent structure that identifies the rental rates of units by bedroom size and income distribution. Applicants should not be denied for not meeting minimum income requirements if applicant can demonstrate paying an approximately equivalent rent to income ratio for 2 years.
- **Occupancy criteria**, including defining the minimum number of persons allowed to occupy each unit in the project, subject to local state, and federal laws. Each unit should be occupied by a minimum of one person per bedroom at the time of occupancy.
- **Credit score and/or report**. The TSP, marketing and application materials should include a section noting whether or not a credit report will be ordered. The housing provider must provide a notice to applicants if adverse action is taken based on information obtained from the credit report.
- Landlord or **housing history**, including eviction judgment.
- **Waitlist process** and waitlist preference criteria, if applicable. The TSP should note that apartments are rented on a first come, first served basis.
- **Notice of denial**, which includes a written explanation of the TSP criteria the applicant failed to meet. The notice of denial should inform applicants how to seek an appeal of the housing provider's decision.
- **Compliance with the Violence Against Women Act (VAWA)**, which provides that an applicant may not be denied admission on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission.
- Tenant selection and application **criteria for supportive housing units**.
- **Criminal and felony convictions**, including defining the number of years that will be considered in a criminal background search. A housing provider's TSP should clearly define what information will be collected for the use of screening an applicant's criminal history:
 - It is unlawful for a housing provider to reject applicants solely based on arrest records (without conviction).
 - Housing providers should distinguish between convictions for **criminal conduct that indicates a demonstrable risk to resident safety and/or property** and criminal conduct that does not.
 - Screening policies should take into account the nature and severity of a conviction and the amount of time that has passed since the criminal conduct occurred
 - Housing providers should take into account evidence that the individual has maintained a good tenant history before and/or after the criminal conduct occurred.
- **Preferences**:

The project should establish preferences that conform to preferences identified in the development's approved LIHTC application submitted to WHEDA, and in the signed Supportive Services Agreement, as applicable. The TSP should identify the **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 TSP should establish resident preferences that do not diminish or obstruct the Project's fair housing obligations. Both existing tenant preferences and new tenant preferences should be outlined in the TSP. The TSP should identify the populations targeted to lease supportive services units in the Project, if applicable. The Project's waitlist must indicate if certain tenant populations will be given a higher priority for units than others.

The TSP should explicitly state that applicants would not be denied solely due to:

- A lack of housing history;
- A low credit score, provided that the applicant has a cosigner and/or is enrolled in a credit repair program;
- Information on a credit report that is or has been formally disputed, in repayment, or unrelated to a past housing or housing utility obligation;
- 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

Security Deposits

The project should not implement a security deposit that puts an undue financial burden on applicants or creates a financial impediment to accessing housing. Housing providers should consider whether existing security deposit policies create a barrier to entry for low-income households and those requiring supportive services. Security deposits for prospective residents should be reasonable, and the City has a preference for security deposit policies that incorporate some or all of the following:

- A maximum security deposit equal to one-half month's rent, as a standard;
- For tenants with conditional credit, limited rental histories, or other limiting factors: a security deposit equal to one-half month's rent with a cosigner, or a deposit equal to one month's rent;
- A set amount applied equally to all applicants that approximate one-half month's rent and one month's rent for standard and conditionally approved applicants, respectively (e.g. a \$500 standard security deposit and a \$1,000 security deposit for conditionally-approved applications);
- For units and/or tenants with rental payments guaranteed through an operating subsidy (e.g. Housing Choice Vouchers, VASH Vouchers, or Project-Based Vouchers): the lower or standard security deposit amount should be imposed, regardless of credit history

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

Affirmative Marketing Plan Best Practices

The Affordable Housing Fund (AHF), HOME Investment Partnerships Program (HOME) and Community Development Block Grant (CDBG) Loan Agreements require an Affirmative Marketing Plan and adherence to all state, local and federal fair housing requirements.

Below is a set of best practices that may assist housing developers and property managers in drafting an Affirmative Marketing Plan (AMP). These best practices serve to align the City's goals with those of the project and to ensure Madison residents have reduced barriers to fair housing choice. They are not intended to be a complete or exhaustive list. In creating your project's Affirmative Marketing Plan, housing developers and property managers should consult with your attorney to ensure that your plan complies with all applicable laws and regulations, program requirements and the Fair Housing Act.

The AMP should clearly identify the project's criteria regarding the following categories:

- **Applicant and Project Identification**, the plan should specify the approximate start date of marketing activities to groups targeted for special outreach and the expected date of initial occupancy.
- **Targeted Outreach**, the plan should identify the demographic groups that are "least likely to apply" for this housing without special outreach. In determining which groups should be identified, housing providers should consider the rental rate of the housing, the racial/ethnic composition of the neighborhood in which the property is located and the population of the broader housing market area.
 - The plan should describe the marketing efforts anticipated to be used to attract the demographics identified as least likely to apply, as well as all segments of the eligible population. These efforts could include the type of media used to advertise the development (including the names of publications and websites to be used); the duration that the marketing effort will be published in the newspaper or run on the radio; and the identity of the intended audience of each marketing effort.
 - Specific community organizations and contacts should also be identified when describing targeted outreach, with a special emphasis placed on those agencies able to influence populations identified as least likely to apply. City staff can assist housing providers in identifying points of contact and relevant listservs, if necessary. Examples of listservs that should receive housing vacancy listing notifications include: Homeless Services Consortium and the City's Neighborhood Resource Teams.
 - Pursuant to the Loan Agreement, marketing materials will be reviewed by the City of Madison Community Development Division. Any marketing materials that depict graphics or renderings of people should be inclusive, diverse, culturally-sensitive and representative of the demographics of target populations identified in the AMP as well as the supportive service population(s) described in the tenant selection plan, if applicable.
- **Future and Continued Marketing Efforts**, the plan should include a statement or description of how the housing provider will continue affirmative marketing efforts after initial lease-up is complete to maintain occupancy goals. The property must use the Equal Housing Opportunity logo on all notices, lease documents and marketing materials, and the Fair Housing poster must be prominently displayed in the leasing office, including any temporary spaces that may be used during lease up.
- **Staff Experience**, the plan 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, should be available on request in the leasing office.

The project should make note of efforts that conform to preferences identified in the development's approved LIHTC application submitted to WHEDA, as applicable. The AMP should identify the **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 AMP should describe demographics least likely to apply in a manner that does not diminish or obstruct the Project's fair housing obligations.

ATTACHMENT C

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:

Table with 4 columns: 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 D
LAND USE APPROVAL PROCESS

Development Assistance Team (DAT). The DAT is an interagency City staff team that meets with applicants to discuss various technical aspects about developments in order to provide timely preliminary feedback regarding specific proposals. Applicant teams with proposals for new construction or complex rehabilitation are *strongly encouraged* to present their proposed project at a Development Assistance Team (DAT).

Earlier appointments are encouraged. Contact either Christopher Wells (cwells@cityofmadison.com) or Kevin Firchow (kfirchow@cityofmadison.com) to schedule an appointment. DAT meetings occur on Thursdays at 9:00 a.m. Appointments are reserved on a first-come first-served basis with agendas finalized at noon on the preceding Friday. Applicants are expected to email a PDF of preliminary site plans by noon on the preceding Friday. A follow-up DAT meeting may be recommended before Land Use Application submittal.

Sites Scheduled to be Annexed into the City of Madison

For any proposal involving a property not located within the City of Madison, please note that the attachment/annexation of that property into the City must be 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 process for attachments/annexations varies, but typically takes at least 6-8 weeks following receipt of a completed petition. For questions related to the attachment/annexation process, please contact Tim Parks (City of Madison Planning Division) at 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 annexed into an eligible area on the Affordable Housing Targeted Area Map.

NOTE: For development proposals under this RFP, pre-development loans are ineligible. After commitment of funds through this RFP process, loan agreement will be available pending land use approval, if necessary.

More information regarding DAT can be found by [clicking here](#).

ATTACHMENT E

RFP RESOURCES

[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.

[2022 HOME & CDBG Rent & Income Limits](#) (City Resource): This document provides the current rent and income limits for projects seeking HOME or CDBG funds.

[CDBG Target Areas](#): CDBG Target Areas are those census tracts within the City where over 51% of the individuals have incomes of 80% of the median income or less.

[Focus on Energy](#) (Local Resource): Information from Focus on Energy about energy efficiency.

[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.

[Residential Rehabilitation Standards \(City Resource\)](#): These general guidelines for the rehabilitation of existing residential properties have been developed to provide minimum criteria for Community Development Division funded rehabilitation.

ATTACHMENT F
Owl Creek Potential Site Design

See next page.

DRAFT

LIGHT INDUSTRIAL AREAS

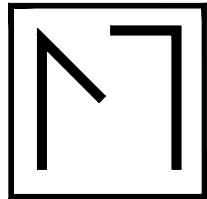
GAS STORAGE

OWL CREEK PARK

GAS STORAGE

HIGHWAY 51

VETERANS MEMORIAL PARK

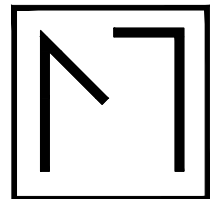
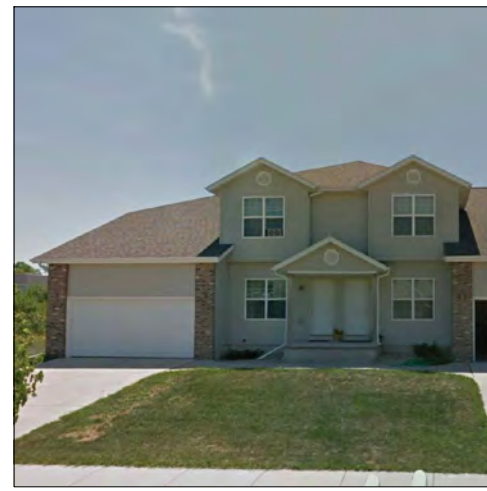


OWL CREEK DR

PROJECT: 2106-4
 DATE: 11/25/21

AREA CONTEXT

OC01



OWL CREEK DR

PROJECT: 2106-4
DATE: 11/25/21

SITE CONTEXT

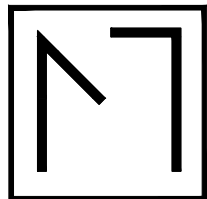
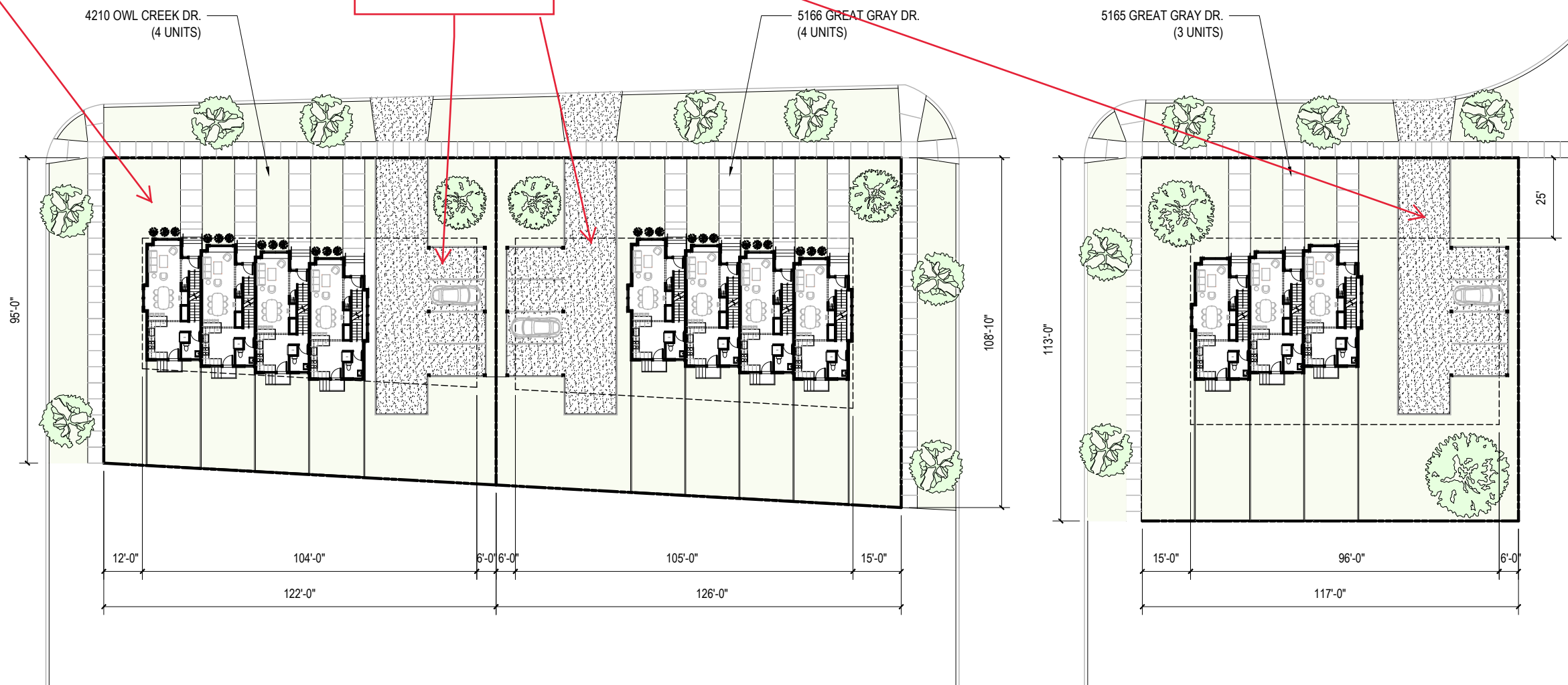
OC02

Theresa Terrace Style Townhomes

- 1300sf/Residence
- 2 Bedroom
- 1 1/2 Bathrooms
- Full basement
- Carport Parking for 1 car/Residence

Need to discuss notch with Engineering and Mapping to if/ how it can be eliminated and become part of the lot.

If these are fee simple lots, then you won't be able to do parking lots as in this scenario. The parking lots cannot be stand alone on their own lots. This arrangement could work in a condo scenario.



OWL CREEK DR

PROJECT: 2106-4
DATE: 11/25/21

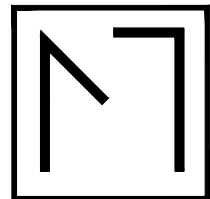
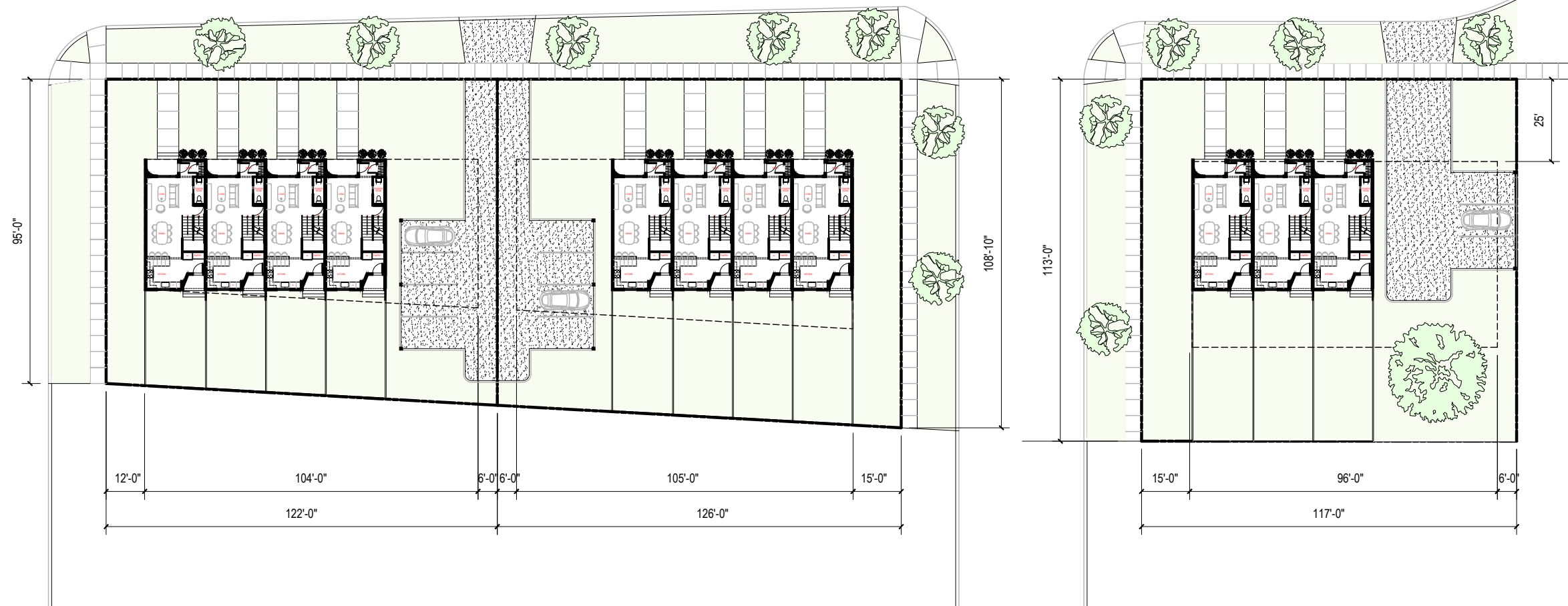


SITE FIT PLAN

OC04

Hughes Place Style Townhomes (Scheme 1)

- 1450sf/Residence
- 2 Bedroom
- 2 1/2 Bathrooms
- Office/Extra room
- Full Basement
- Carport Parking (1 stall/unit)



OWL CREEK DR

PROJECT: 2106-4
DATE: 11/25/21



SITE FIT PLAN

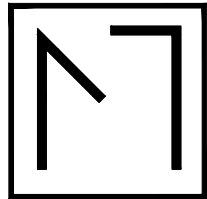
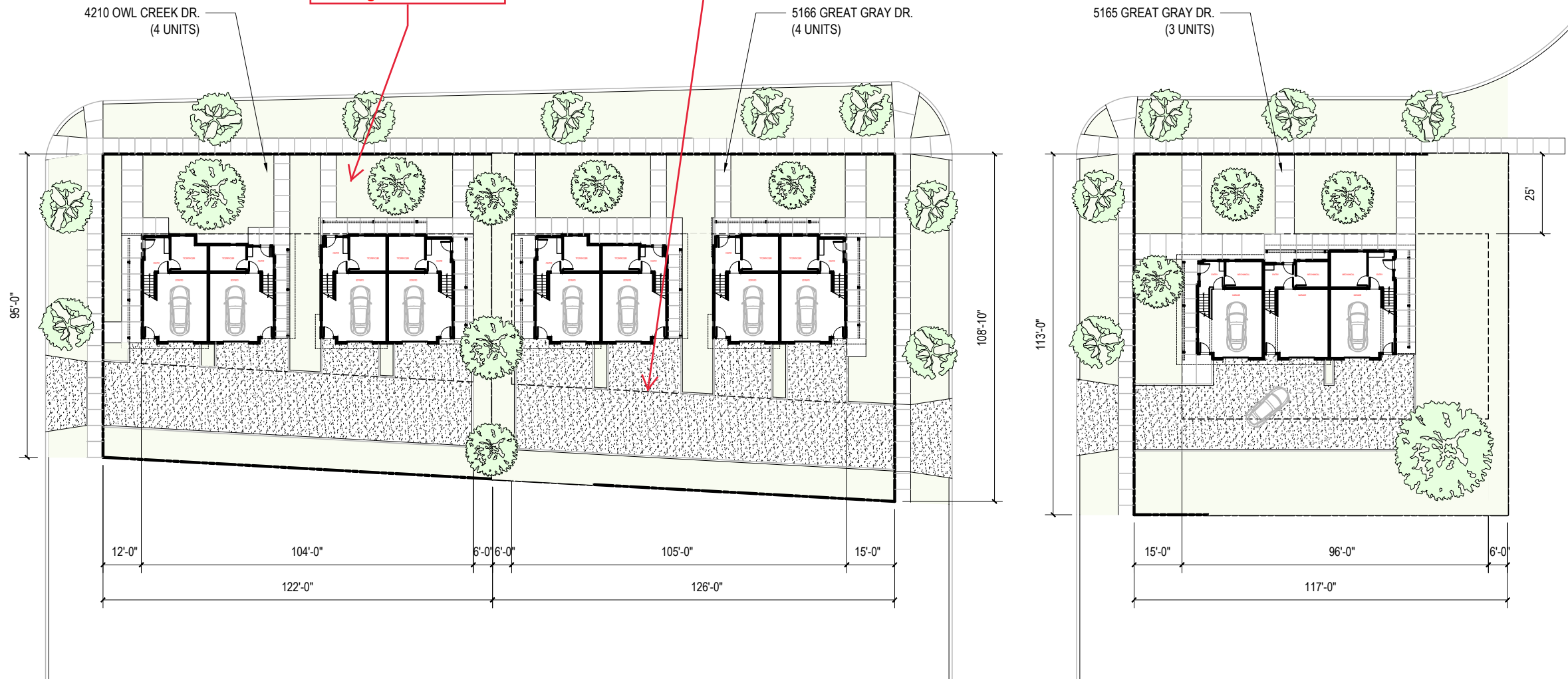
OC04

Hughes Place Style Townhomes (Scheme 2)

- 1435sf/Residence
- 2 Bedroom
- 1 1/2 Bathrooms
- Stor/Mech on 1st Floor
- Garage Parking on 1st floor

Duplexes/ Two family-twin homes will have different zoning requirements than 3 or 4 unit attached homes. Useable open space requirement is greater and maximum lot coverage is less.

Garage access from the rear is a plus. It will be difficult to meet zoning requirements if garage doors face a street.



OWL CREEK DR

PROJECT: 2106-4
DATE: 11/25/21

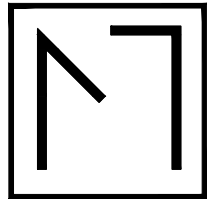
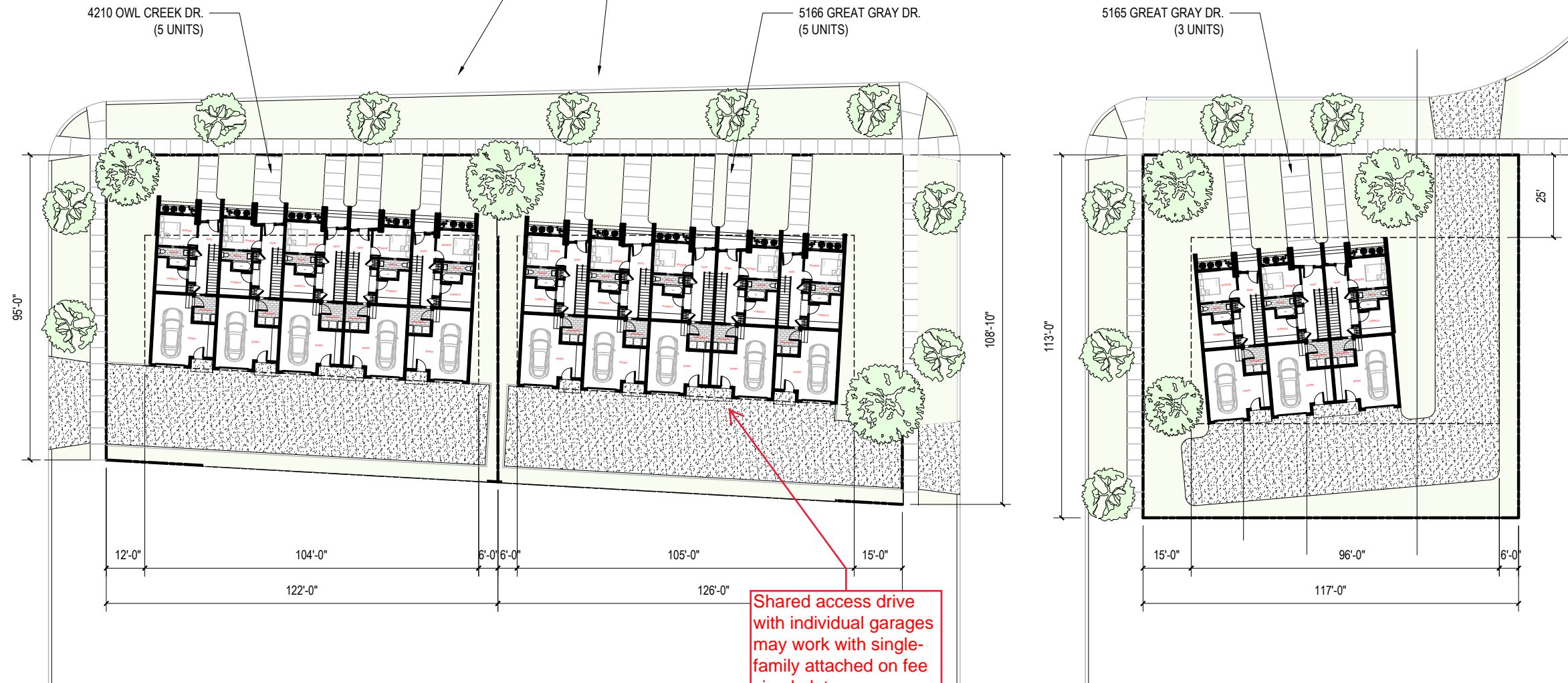


**SITE FIT PLAN
OC05**

Allied Drive Style Townhomes

- 2230sf/Residence
- 3 Bedroom
- 3 1/2 Bathrooms
- Rear Terrace on 2nd Floor
- Balconies on 2nd and 3rd Floors
- Garage Parking on 1st floor

- Units @4210 Owl Creek Dr & 5166 Great Gray Dr are slightly too big to fit within the zoned setbacks. With slightly different setbacks they could fit, or they could be reconfigured to be slightly smaller units.



OWL CREEK DR

PROJECT: 2106-4
DATE: 11/25/21



SITE FIT PLAN

OC06