



Berkeley Housing Authority

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Office of the Executive Director

Item 7A

NEW BUSINESS

APRIL 17, 2025

To: Honorable Chairperson and
Members of Affordable Housing Berkeley

From: James Williams, Executive Director

Subject: Update for a Request for Proposal (RFP); the Berkeley Housing Authority will provide up to 75 Project-Based Vouchers overall and some or all of this number of PBVs to an individual development. The BHA reserves the right to issue multiple awards, partial awards or no awards. BHA is particularly interested in awarding only the minimum number of PBVs needed to make a project feasible; developers are strongly encouraged to carefully consider the number of PBVs requested.

CONTACT PERSON

James Williams, Executive Director, (510) 981-5485

Attachments: Exhibit A; BHA PBV RFP Application

1. BHA PBV RFP Application

EXHIBIT A

BHA PBV RFP Application

BEHIND THIS PAGE



Request for Proposal – Project-Based Voucher Program

This Request for Proposals provides prospective PBV property owners with the basic information concerning BHA's implementation of the Project Based Voucher program.

Under this RFP (#), the Berkeley Housing Authority will provide up to 75 Project-Based Vouchers overall and some or all of this number of PBVs to an individual development. The BHA reserves the right to issue multiple awards, partial awards or no awards. BHA is particularly interested in awarding only the minimum number of PBVs needed to make a project feasible; developers are strongly encouraged to carefully consider the number of PBVs requested.

The BHA intends to enter into AHAP to provide PBV to Owners/Developers that could include:

1. Properties with Allocations of Low-Income Housing Tax Credits (LIHTC).
2. Properties without Allocations of Low-Income Housing Tax Credits that plan to apply for LIHTC allocations in the next two years.

This request for proposals (RFP) is established pursuant to the Project-Based Voucher Program. It is the responsibility of the owner/developer to become familiar with these regulations and requirements. The HOTMA voucher final rule was published in the Federal Register on May 7, 2024 (<https://www.govinfo.gov/content/pkg/FR-2024-05-07/pdf/2024-08601.pdf>) and May 20, 2024 (<https://www.govinfo.gov/content/pkg/FR-2024-05-28/pdf/2024-11629.pdf>). HUD regulations governing the PBV program are primarily at 24 CFR 983 (<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-983>); 24 CFR 982 (<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-982/subpart-A>) and 24 CFR Part 5 (<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-VIII/part-888>). Additional information on the PBV Program can be located at [Project Based Vouchers | HUD.gov](#) / [U.S. Department of Housing and Urban Development \(HUD\)](#) and [PIH-2017-21.pdf \(hud.gov\)](#)

Pursuant to 24 CFR Part 983.51(b)(1), the BHA (the Agency) is requesting your proposal for the Project-Based Voucher Program (PBV) for rental housing substantial rehabilitation or new construction rental units within the jurisdictional limits of the City of Berkeley, CA. The PBV program provides rental subsidies to Owners for units occupied by eligible singles, or families whose income does not exceed the very low-income level.

Through this solicitation, BHA is making Project-Based Vouchers available to property owners and developers through a competitive process. All proposals submitted in response to this solicitation must conform to 24 CFR 983.153 Development requirements. All proposals submitted in response to this solicitation must conform to the required specifications outlined in this document. Any prospective Offeror desiring an explanation or interpretation of the RFP, statement of work, etc., must request it in

writing. Oral explanations or instructions will not be binding. Participation in the PBV Program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.

Before officially selecting any project-based voucher proposal, the BHA will determine that the proposal complies with HUD program regulations and requirements, including a determination that the property is eligible for project-based vouchers, that the proposal complies with the cap on the percentage or number of project-based units per project, and that the proposal meets HUD's site selection standards. Additionally, BHA reserves the right to revise the scoring criteria and issue a new RFP at any time. Conditional award of project-based vouchers will be subject to the availability of vouchers and funding. While BHA will consider applications for PBVs, there is no guarantee that any proposal will be selected. BHA may award fewer vouchers than requested, or no vouchers, to proposals that meet the scoring threshold.

Qualified owner PBV development applicants must be able to enter into an Agreement for Housing Assistance Payment (AHAP) contract and start the project for which PBVs have been requested within a 24-month period after the announcement of award of PBVs or BHA reserves the right to withdraw the award.

Proposed projects must be able to meet all HUD requirements of the Project-Based Voucher program available for review at 24 CFR 983, including but not limited to evidence of site control, applicable environmental review, prevailing wage requirements and subsidy layering review. Activities under the PBV program are subject to HUD environmental regulations and may be subject to review under the National Environmental Policy Act by local authorities. Owner PBV developments qualifying under this RFP, will receive a contingent PBV award letter, and a final PBV award letter after the BHA receives an approved environmental review and subsidy layering review.

The housing project must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable, and accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8.

The project must meet HUD regulations for site and neighborhood standards. The BHA will consider whether the site and neighborhood are reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants. The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, that could affect the health or safety of the project occupants, such as dangerous walks or steps; contamination; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

BHA will execute a Housing Assistance Payment Contract with the successful property owner(s) for a period of up to 20 years with one optional extension for up to 20 years. Benefits to the Property Owner include but are not limited to stabilized rental income and occupancy for the contract period.

What is the Project-Based Voucher Program?

The Project Based Voucher Program is a federal rental assistance program for very low and extremely low- income renters. Property Owners are provided with a rental subsidy that remains with the unit.

Benefits to the Property Owner

- Stabilized occupancy
- Stabilized income
- Housing Assistance Payment Contract may assist the developer/owner in meeting lender-underwriting criteria to obtain loan approval for rehabilitation or new construction.
- Inspections using HUD PBV standards to maintain the property's value.

Cap on the Number of Assisted Units in a Project

The regulations provide for a cap on the number of assisted-units in a project, with some exclusions by the populations served and supportive services provided, if applicable. Units that are excluded from this cap include units that serve exclusively elderly and / or disabled tenants, (age 62 or older); foster youth families needing other services, or units housing households eligible for supportive services available to all families receiving PBV assistance in the project.

After factoring out such exclusions, the project cap limit per project is the greater of 25 units or 25% of the units in the project. However, if the property is in a census tract in which the poverty rate is 20% or less, the project cap is 40% of the units in the project. The number of PBVs awarded per property may be limited due to the availability of vouchers or the goals of the program at the time of the issuance of the RFP.

Proposal Evaluation Factors

The Berkeley Housing Authority will evaluate proposals based on the factors shown in **Scoring Criteria** of this Request for Proposals. These factors will be considered as a whole. The evaluation team will document the extent to which the proposal meets each factor.

Contract Rent

Sections 983.301, 302, and 303 relate to the contract rent that can be approved. Unless the property is a certain type of tax credit property, the approvable rent is the **lowest of**:

- An amount determined by the PHA, not to exceed 110 percent of the applicable fair market rent (or any exception payment standard approved by the Secretary) for the unit bedroom size minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

In the case of a tax credit property, the rent to owner must not exceed the **lowest of**:

- An amount determined by the PHA in accordance with the Administrative Plan, not to exceed the tax credit rent minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

The “tax credit rent” is the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., additional assistance such as tenant-based voucher assistance).

BHA’s Payment Standards for PBV Developments

The BHA’s Payment Standard for its PBV program is up to 120 percent of its applicable Fair Market Rents (FMRs) as adjusted by bedroom size.

0BR	1BR	2BR	3BR	4BR	5BR	6BR
\$ 2,324	\$ 2,641	\$ 3,218	\$ 4,118	\$ 4,892	\$ 5,625	\$ 6,360

BHA’s Rent Reasonableness Determinations

In conducting rent reasonableness, the BHA must determine whether the rent to the owner is a reasonable rent in comparison to rent for other comparable unassisted units. In determining comparability, the BHA must consider the following factors where appropriate and practical:

- Location;
- Quality;
- Size;
- Unit type;
- Age of the contract unit;
- Amenities;
- Housing services;
- Maintenance; and
- Utilities the owner must provide under the lease.

As part of this process, the BHA will require owners to provide the agency with their market analysis for the development. The BHA will also provide an opportunity to the owner to provide comparables to their development for its consideration.

Income Targeting Requirement [24 CFR 982.201(b)(2)]

BHA will monitor progress in meeting the extremely low-income (ELI) requirement throughout the fiscal year. Extremely low-income families (up to 30% AMI) will be selected ahead of other eligible low-income (50% AMI) families on an as-needed basis to ensure the income targeting requirement is met. At least 75% of admissions will be at or below 30% AMI; no more than 25% will be between 31-50% AMI.

	# of Persons in Family
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FY 2025 Income Limit Area	FY 2025 Income Limit Category	1	2	3	4	5	6	7	8
Oakland- Fremont, CA HUD Metro FMR Area	Extremely Low Income Limits (\$)*	33,600	38,400	43,200	47,950	51,800	55,650	59,500	63,300
Oakland- Fremont, CA HUD Metro FMR Area	Very Low (50%) Income Limits (\$)	55,950	63,950	71,950	79,900	86,300	92,700	99,100	105,500

Owner Proposal Review and Selection Process

The following are the primary steps. Additional steps may be required.

1. Prospective PBV Owner submits Proposal to the Berkeley Housing Authority (BHA).
2. BHA reviews proposal(s) for completeness and adherence to regulatory requirements as explained herein and under the scoring criteria.

3. Proposals are then evaluated per the evaluation factors listed below.
4. The Proposal(s) are tentatively selected pending completion of additional required regulatory actions as explained herein. After the proposal passes an Environmental Review, Subsidy Layering Review and HUD Housing Quality Inspection (HQS) or National Standards for the Physical Inspection of Real Estate (NSPIRE), as needed, the final selection will be made. In addition, new construction sites must meet the local city and county requirements for quality, architecture, or design of housing, over and above the HQS or National Standards for the Physical Inspection of Real Estate (NSPIRE) upon the BHA's implementation. The owner and the owner's contractors and subcontractors must comply with all applicable State and federal labor relations laws and regulations, federal equal employment opportunity requirements and HUD's implementing regulations (CFR 24 Part 983).
5. The Owner is notified concerning the results of the review.
6. A resolution to select a proposal may be provided to the BHA Board of Commissioners.
7. For Existing units that do not need rehabilitation, BHA and the property owner will execute a PBV Housing Assistance Payment Contract after the property passes the Environmental Review and inspection under the above standards.
8. For properties undergoing rehabilitation or new construction, the BHA and owner sign the Agreement to Enter into a Housing Assistance Payment Contract (AHAP) **before any work concerning rehabilitation or new construction begins including excavation or site preparation (including clearing of the land).**
9. After the rehabilitation or new construction passes local government and BHA inspections, and after the requirements in the AHAP are met, the Owner and the BHA execute the Housing Assistance Payments Contract.
10. BHA refers prospective tenants to Owner.
11. Owner screens and selects tenants as written in their tenant selection plan.
12. BHA calculates the tenant rent share and the BHA rent share, called Housing Assistance Payment (HAP).
13. The owner and tenant sign the Lease and provide a copy to the BHA.
14. The BHA provides the HAP to the owner each month and the tenants provide their share of the rent to the owner each month.

BHA's Administrative Plan

The BHA has developed an Administrative Plan that provides for written policies pertaining to the admissions and continued occupancy of HCV program participants. The Administrative Plan is organized in the order of concerns that the BHA encounters in the selection of applicants from the BHA waiting list to reexamining families for continued assistance.

The BHA shall administer the HCV program in compliance with Fair Housing and Equal Opportunities (FHEO), Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, as

amended, the Americans with Disabilities Act (ADA), HUD regulations, notices/guidance, the BHA Plan, the Administrative Plan, the BHA's Procedures Manual, the BHA Personnel Policy, and State and local housing laws.

BHA's Proposal Evaluation

The proposal evaluation will be in two (2) tiers:

Tier 1

The first tier is meeting written Qualifying Factors required in a HUD regulation or a HUD notice. Proposals not meeting the qualifying factors will not be evaluated/rated in the second tier. The Qualifying Factors that must be met as they are the minimum threshold are as follows:

- a. The proposal was received by the deadline.
- b. The property is eligible housing per HUD regulations. The BHA will confirm the proposed units are not part of the list of prohibited units.
- c. The proposal complies with the cap on the number of PBV units per building.
- d. The proposal meets the Site Selection standards per HUD regulations.
- e. The proposal meets zoning requirements.
- f. The site is consistent with the goal of deconcentrating poverty and expanding housing opportunity pursuant to elements listed in HUD regulations. The BHA will use a form to document that each element listed in the regulation was considered.
- g. The site facilitates compliance with Civil Rights Requirements listed in HUD PBV regulations.
- h. The site meets Housing Choice Voucher National Standards for the Physical Inspection of Real Estate (NSPIRE) upon the BHA's implementation or HQS beforehand.
- i. If needed, the proposal passes the HUD environmental review and HUD subsidy layering review.
- j. The proposal includes all required attachments listed in Appendix A.

Tier 2

Proposals meeting all Qualifying Factors listed above are then evaluated in the second evaluation tier based upon the BHA's Evaluation Selection Criteria which are as follows:

- a. The Evaluation Selection Criteria will be consistent with HUD regulations and guidelines, including 24 CFR 983.57 (d) and (e).
- b. The criteria will be written and published.
- c. Each criterion will be assigned a maximum point value indicative of its relative importance.
- d. An Evaluation Selection Criteria rating sheet will be prepared, listing each criterion, the maximum points, the points awarded for each criteria, and the total points awarded.

Selection of Award

Before a respondent is considered for award, the respondent may be requested by BHA to submit a statement or other documentation regarding any of the foregoing requirements. Failure to provide such additional information may render the respondent ineligible for award.

BHA reserves the right to waive informalities in any proposals, reject any or all proposals in whole or in part, with or without cause, and to accept that proposal which in its judgment best meets its needs.

Proposals will be evaluated by a third party certifying agent approved by HUD. All proposals will be evaluated against the evaluation factors stated in this RFP.

The BHA reserves the right to request additional clarifying information from the prospective firm over and above that included in the proposal submission, and consider information about a respondent in addition to the information submitted in the response or interview.

Pending successful negotiation with the most qualified respondent, an Agreement to enter into Housing Assistance Payment or Housing Assistance Payment, may be executed with the respondent.

After the Agreement(s) is/are awarded, all of the respondent(s) who submitted a proposal will receive a written acknowledgement of their proposal. BHA will not reimburse respondent(s) for any expenses associated with the submission of proposals or participation in the interviews.

The BHA reserves the right to select more than one respondent, to select a respondent(s) for specific purposes or for any combination of specific purposes, and to defer the selection of any respondent(s) to a time of the BHA's choosing.

Withdrawal of Proposals

Proposals may be withdrawn on written request dispatched by the respondent in time for delivery in the normal course of business prior to the deadline for submission. Negligence on the part of the respondent in preparing their proposal confers no right of withdrawal or modification of the proposal after such proposal has been opened.

Rejection of Proposals

The BHA is under no obligation to award a PBV to any proposal received.

The BHA reserves the right to reject any and all responses and waive any irregularities and the proposal of any respondent who: 1) has previously failed to perform properly or completed a contract(s) of a similar nature on time; 2) is not in a position to perform the contract, or 3) has habitually and without just cause neglected the payment of bills or otherwise disregarded his/her obligations to subcontractors or employees.

Request for Proposal

This RFP is not an offer to buy and must not be assumed as such.

Indemnification

The firm agrees that it will indemnify, save and hold harmless the BHA their officers, employees, or agents, from and against all claims, demands, actions, damages, loss, costs, liabilities, expenses, judgments, and litigation costs, including reasonable attorney's fees, photocopying expenses and expert witness fees, recovered from or asserted against the BHA on account of injury or damage to

person or property or breach of contract to the extent that such damage, injury, or breach may be incident to, arising out of, or be caused, either directly or proximately, wholly or in part, by an act or omission, negligence or misconduct on the part of the firm or any of its agents, servants, employees or sub-consultants.

The BHA shall tender the defense of any claim or action at law or in equity, arising out of or otherwise related to an act or omission, negligence, misconduct, or breach of contract on the part of the BHA or any of its agents, servants, employees or subcontractors, to the BHA or its insurer and, upon such tender, it shall be the duty of the firm and its insurer to defend such claim or action without cost or expense to the BHA.

Legal Obligations

Compliance with Law in General, The firm shall comply with all the requirements set forth in the Housing and Community Development Act of 1974 and all regulations promulgated pursuant to this Act as contained in 24 CFR 570. The firm shall also comply with all other applicable federal, state and local laws and ordinances, including Affirmative Action. The firm shall assure that its subcontractors/consultants comply with all applicable federal, state and local laws and ordinances.

Compliance with Specific Federal Laws and Regulations.

In addition to Law in General above, the Underwriter shall comply with all Federal laws and regulations as referenced or set forth below.

Intellectual Property

Copyrights

If this Contract results in book or other copyrightable materials, the author is free to copyright the work, but BHA reserve a royalty-free non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, all copyrighted material and all materials which can be copyrighted.

Patents

Any discovery or invention arising out of or developed in the course of work aided by this Contract shall be promptly and fully reported to the BHA for determination as to whether patent protection on such invention or discovery shall be sought and how the rights in the invention or discovery, including rights under any patent issued thereupon, shall be disposed of and administered in order to protect the public interest.

Termination for Convenience of the BHA

The BHA may terminate this Contract at any time for any reason by giving at least ten (10) days' notice in writing from the BHA to the firm. If the firm is terminated by the BHA as provided herein, the firm will be paid an amount which bear the same ratio to the total compensation as the services actually and satisfactorily performed bear to the total services of the firm covered by this Contract, less payments for such services as were previously made. Provided, however, that if less than sixty percent (60%) of the services covered by this Contract have been performed upon the effective date of such termination the firm shall be reimbursed (in addition to the above payment) for that portion of the actual out of pocket expenses (not otherwise reimbursed under the Contract) incurred by the firm during the Contract period which are directly attributable to the uncompleted portion of the

services covered by this Contract. If this Contract is terminated due to the fault of the firm, Paragraph (VI.C) above, relative to termination, shall apply.

Equal Employment Opportunity

The firm agrees that there will not be discrimination as to race, sex, sexual orientation, religion, color, age, creed, or national origin in regard to obligation, work, and services performed under the terms of any contract ensuing from this RFP. The firm must agree to comply with Executive Order No. 11246, entitled "Equal Employment Opportunity" and as amended by Executive Order No. 11375, as supplemented by the Department of Labor Regulations (41 CFR, Part 60).

Ethics

BHA may not enter into a contract, subcontract, or arrangement in which any of the following classes of people has an interest, direct or indirect, during his or her tenure or for one year thereafter: 1) any present or former member or officer of the BHA Commissioners, or any member of the BHA Commissioners immediate family; 2) any employee of BHA who formulates policy or who influences decisions with respect to the contract, or any member of the employee's immediate family or the employee's partner, or 3) any public official, or State or local legislator, or any member of such individuals' immediate family who exercises functions or responsibility with respect to the contract or the BHA.

Contact Information

Name of Developer:	
Name of Project:	
Project Address:	
Contact Person:	
Phone:	
Email:	
Executive Director:	
Number of units in total:	
Number of PBVs Requested*	
Expected start date of construction:	
Estimated length of construction (# days):	
Length of PBV HAP Term Requested (1-20 yrs)	

**BHA is particularly interested in awarding only the minimum number of PBVs needed to make a project feasible; developers are strongly encouraged to carefully consider the number of PBVs requested.*

A. Project/Property:

Check category for project type:

- New Construction

- Rehabilitation: units/property not substantially in compliance with Housing Quality Standards (HQS) Inspections Protocol on proposal selection date.

- Existing Housing: units/property that substantially comply with HQS Inspections Protocol on proposal selection date; will be inspected prior to award. If units/property are not substantially in compliance with HQS, the project will be considered a Rehabilitation project.

NOTE: this PBV RFP is for projects that do not currently have PBVs attached to them. Developments with existing PBV Master HAP contracts with BHA are not eligible to apply under “Existing Housing” category at this time.

Building Type

- Apt/5 or more units

Duplex/Triplex/Garden Style

Other: _____

Evidence of Site Control

Please attach evidence of ownership or site control (e.g., grant deed, option, deposit receipt).

Ownership of property/site control (check one):

- Mortgage
- Option
- Other (please explain): _____
- Own free and clear
- Lease

Note: site control must be in owner’s possession in order for a PBV award to be executed; BHA will allow up to 6 months for developers still working on obtaining site control at which time the PBV allocation will be rescinded and the project may re-apply the next time BHA opens up a new PBV RFP. If site control is not obtained at time of application submission, describe

detailed plans to obtain site control on/before the deadline for site control.

Are there any non-residential units (on site manager’s unit; commercial space; offices) in the project that you propose to construct or rehab.?

- Yes
- No

If yes, describe (including square footage and use):

B. Description of Project

Population Served

Per HUD's Housing Opportunity Through Modernization Act (HOTMA) requirements, this allocation of PBVs is only available for housing that serves only the categories listed below.

Check which population(s) will be housed with PBVs, if awarded:

- Homeless or imminently homeless
- Unaccompanied youth under 25
- Individuals/families fleeing domestic violence
- Veterans

- Elderly (over 62 years of age) – with supportive services made available
- Disabled – with supportive services made available
- Families receiving Supportive Services
- Foster Youth receiving supportive services, etc.
- Other _____

- Units in a census tract with a poverty rate of 20% or less per most recent American Community Survey* (see <https://www.huduser.gov/portal/maps/hcv/home.html>)
*If this box is checked, indicate Census Tract: _____ and Poverty Rate: _____

Provide a description of the property and any specific housing needs that will be addressed with the award of S8 Project Based Vouchers.

Describe the proposed new construction project or the rehabilitation to be undertaken. Include project design and specifications, any green build or sustainable building methods and systems/energy provision.

Complete the following chart designating the number of units by unit size and # of PBV units proposed.

Bedroom Size	Total # of Units	# PBV Units Requested	Target Population	#Accessible Units (PBV)	Accessibility Features	Sq. Ft.
SROs						
Studios						
1-BR						
2-BR						
3-BR						
Other						
TOTALS						

Describe the type of accessibility features available to persons with disabilities

HUD places a cap on the number of PBVs that can be allocated to a project of no more than 25 percent or 25 units in total, except for: (a) units exclusively designated for elderly families; (b) housing of households eligible for supportive services; and (c) projects in a census tract with a poverty rate of 20% or less are subject to a 40% cap.

Note: a request of 25 PBVs or 25% of the project does not guarantee an award of that size will be made. Please see comment above requesting that applicants consider carefully the minimum number of PBVs needed to make the project feasible.

Will the PBV units be designated for the elderly, or families receiving supportive services, or those in a census tract with a poverty rate of 20% or less?

Yes (see below) No

If Yes, please specify the population to be housed:

- Elderly (62 Yrs. or older) Families Receiving Supportive Services
- Census Tract _____; Poverty Rate _____
- Attach copy of ACS Printout identifying Census Tract/Poverty Rate
- Qualified Census Tract printout (<https://www.huduser.gov/portal/datasets/qct.html>)

Are there any non-residential units (on site manager's unit; commercial space; offices) in the project that you propose to construct?

_____Yes _____No

If yes, describe (including square footage and use:

C. Services/Amenities/Utilities

List the distances (in blocks or miles) from this property to the nearest:

Grocery/farmers market: _____	Recreational Facilities _____	Library _____
Shopping District _____	Educational Facilities _____	Park _____
Public Transportation _____	Senior Center _____	Employers _____
Health Facilities _____	Public Schools _____	

Provide a description of the neighborhood in which the project is proposed, including current poverty rate, vacancy rates, rent affordability, whether there is documented displacement occurring, employment/educational opportunities, historical context/relevance.

Will the project be located in:

- A low poverty census tract (< 20%); Census Tract: _____ Poverty Rate: _____
- A census tract in which the proposed PBV development will be located in a HUD- designated Enterprise Zone, Economic Community, or Renewal Community.
- A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition, disposition, or HOPE VI redevelopment.
- A census tract in which the proposed PBV development will be located is undergoing significant revitalization as a result of state, local, or federal investment in the area.
- A census tract where new market rate units are being developed that will positively impact the poverty rate in the area
- A census tract where there has been an overall decline in the poverty rate within the past five years
- A census tract where there are meaningful opportunities for educational and economic advancement

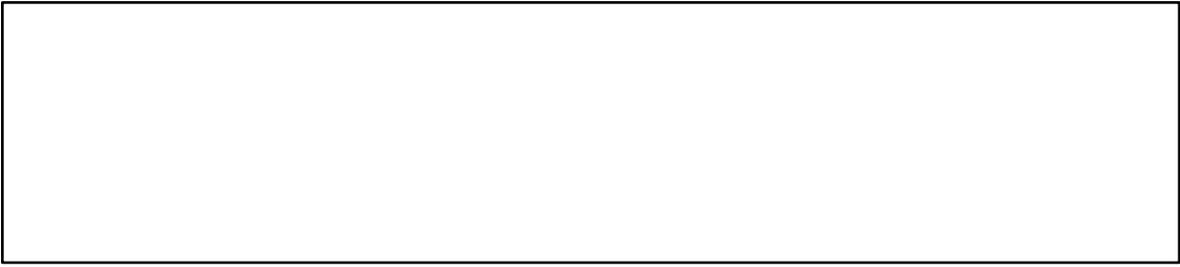
D. Supportive/Social Services and Other Amenities

Describe any Supportive Services to be offered at the property

Type of Service	Hours per week	Service Provider	Length of Service Commitment	Financial Commitment For Services
On site Services Coordinator				
Adult job training, educational, or skills building classes				
Licensed child care or after school program				
Health or behavioral health services including health and wellness classes				
Food provision				
Transportation				
Other:				

PROPOSED SITE AMENITIES

Please indicate what amenities the owner plans to provide for the units and property and briefly describe how these amenities are appropriate to the tenant population (e.g. on site laundry, community/meeting/computer rooms, art or reading rooms, etc):



Utilities: Please indicate who will be responsible for the following utilities.

Utility Type	Paid by Owner	Paid by Tenant
Cooking – Gas		
Cooking - Electric		
Heating – Gas		
Heating - Electric		
Electric (Lights, etc.)		
Water		
Sewer		
Hot Water Heating – Electric		
Hot Water Heating – Gas		
Garbage		
Other:		

E. EXPERIENCE

Please attach the most recent audit or unaudited financial statement for a successful project of similar size.

Does the applicant have experience owning and operating affordable housing?

Yes No Specify how many years of experience: _____

Describe your experience, if any, with HUD-funded housing programs.

HUD PROGRAM	Number of units owned/managed
_____	_____
_____	_____

How many affordable housing properties does the applicant own and operate?

Number of properties: _____

Location(s): City/State: _____

How many units of affordable housing does the applicant own and operate?

Number of units: _____

F. Project Financing/Budgets

Please attach:

- Project Development Budget
- Project's Financing Plan and Schedule
- 20-Year Pro Forma (With or without the number of PBVs requested?)
- 2-4 page Summary of Pro Forma
- Evidence of other financing commitments, including local government support

Provide a brief narrative indicating total costs for the project, and plans to finance the new construction or rehabilitation.

Show total construction/rehab. costs:

Category	Cost
Unit Construction	
Site Improvements/ Landscaping	
Offsite Improvements	
General Conditions	

Contractor Overhead & Profit	
Insurance/Bond/City Tax	
Other (describe):	
Other (describe):	
Total Cost of Construction/Improvements	

Indicate the monthly contract rents estimated:

Unit Size	# PBV Units Sought	Rent Estimate	(minus) Utility Allowance Estimate	Total Net Estimated Contract Rent/Month	Total Net Estimated Contract Rent/Year	Total Net Estimated Contract Rent/Contract
SRO						
Studio						
1-BR						
2-BR						
3-BR						
Other:						

For current Utility Allowance Schedules, visit: <https://bha.berkeleyca.gov/landlords/payment-standards>

NOTE: Figures in the AHAP likely will not reflect actual contract rents post-construction; those will be determined at the time of master HAP contract signing. HUD regulations state the contract rents at signing of AHAP must not exceed the lowest of: (1) An amount determined by the housing authority, not to exceed 110 percent of the applicable fair market rent minus any utility allowance; (2) The reasonable rent; or (3) The rent requested by the owner.

G. Rehabilitation/Existing Projects:

Is there a Physical Needs Assessment available for the property?

Yes- if so, attach copy of the PNA with application

No

Has this property been assisted under any federal housing program at any time during the last 12 months (e.g., CDBG, 202, 811, 221 (d) (3), HOME, 236 Programs) or will the proposed project be assisted under any other federal housing programs?

Yes No

If Yes, please list the additional subsidy programs applicable to this property: _____

Is there a housing affordability restriction in the deed or other document?

Yes No

If Yes, indicate the name of the program and the jurisdiction requiring it, as well as expiration date of restriction: _____

Provide a summary of rehabilitation/improvements for rehab/existing projects including any systems upgrades, green building practices, and unit improvements.

If existing tenants will have to be relocated, please describe compliance with Uniform Relocation assistance/local relocation benefits: Note – existing tenants who expect to return to a PBV unit must first be screened for qualification for the PBV Section 8 Program, including falling under HOTMA population categories, before being offered a PBV unit upon rehab completion.

Provide documentation of compliance with City Planning Department if obtained.

Yes, zoning approvals obtained & attached

No, zoning approvals not obtained; expected in ____ months, at which time will be provided to BHA.

CERTIFICATION
Uniform Relocation Act/Local Relocation Requirements
Rehab Projects with Existing Tenancies

The Owner/Applicant Certifies that:

- a. The owner has not required any tenant to move without cause during the 12 months prior to the date of application.
- b. The owner is willing to comply with all the temporary relocation requirements of the Agency and will compensate, as required, a temporarily relocated tenant for the costs of such relocation.
- c. The owner will not require any tenant to move without cause during the period of time following submittal of this application until the date on which developer signs an Agreement to enter into a Housing Assistance Payments Contract.
- d. Existing tenants who expect to return to a PBV unit must first be screened for qualification for the PBV Section 8 Program, including HOTMA population designation, before being offered a PBV unit upon rehab completion.

Owner Signature

Date

Phone No.

Owner email address

CERTIFICATION
Additional PBV Compliance Requirements

Owner/Applicant certifies:

- A. Construction has not begun and will not begin until after:
 - a. BHA Responds to this request for PBV's
 - b. Environmental Review is completed and submitted to BHA: developer responsible for hiring environmental review consultant to complete proper level of environmental review
 - c. Subsidy Layering review is completed and submitted to BHA
 - d. An Agreement to Enter Into a Housing Assistance Payment Contract (AHAP) is executed.
- B. Davis-Bacon:
 - a. If project is awarded 9 or more units, developer agrees to hire a federal Davis-Bacon wage monitor who will be responsible for obtaining a wage decision number, lock in date, and providing copies of weekly payroll records to BHA.
 - b. Wage Monitor will be responsible for identifying wage discrepancies and remedying wage discrepancies.
- C. Relocation:
 - a. Owner has not required any tenant to move without cause during the 12 months prior to the date of the application
 - b. Owner is willing to provide all the temporary relocation benefits required by law.
 - c. If tenants must be relocated and expect to move back into rehabbed units, they must be qualified for the PBV program, including qualification of one of the HOTMA population designations.
- D. The information contained in this application and proposal submission are true, correct, and complete.

Owner Signature

Date

Phone No.

Owner email address

Compliance with Site and Neighborhood Standards

New Construction

BHA may not enter into an Agreement to enter into a HAP contract nor enter into a HAP contract for existing or rehabilitated housing until it has determined that the site complies with the HUD required site and neighborhood standards.

1. The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed.

Describe compliance:

2. The site must have adequate utilities and streets available to service the site

Describe compliance:

3. The site must not be located in an area of minority concentration unless the BHA determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area.

Describe compliance:

4. The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.

Describe compliance:

5. The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate.
Describe compliance:

6. The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units.

Describe compliance:

7. Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

Describe compliance:

Compliance with Site and Neighborhood Standards

Rehabilitated/Existing Housing

BHA may not enter into an Agreement to enter into a HAP contract nor enter into a HAP contract for existing or rehabilitated housing until it has determined that the site complies with the HUD required site and neighborhood standards.

1. The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed

Describe compliance:

2. The site must have adequate utilities and streets available to service the site

Describe compliance:

3. The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons

Describe compliance:

4. The site must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units

Describe compliance:

5. The site must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive

Describe compliance:

**Plan For Managing and Maintaining Units After
Construction/Rehab**

OWNER OR MANAGEMENT AGENT

Name _____

Address _____

Years managing assisted properties _____

Property Management Staffing:

	No. of Staff	FTE
Admin Staff:	_____	_____
Maintenance:	_____	_____

Management Plan

Do you have a written plan for management of the units?

Yes _____ No _____

If Yes, please include the management plan with this application.

If No, please identify what personnel will manage the units, their location, hours of operation and any other duties and responsibilities.

Maintenance and Repair Plan

Do you have a written plan for maintenance of the units?

Yes _____ No _____

If Yes, please include the maintenance plan with this application.

If No, please prepare a description of how units will be maintained, both on an on-going and long-term basis, focusing on preventive and routine maintenance, emergency repairs, security, health and safety areas. Please identify what personnel will perform the maintenance of units and common areas, their location and hours of operation.



Berkeley Housing Authority

1936 University Ave, Suite 150, Berkeley, CA 94704
Telephone: (510) 981 5470 Fax: (510) 981 5480

REQUIRED HUD ATTACHMENTS

Please print out each of these documents, complete, and include with application submission. The following attachments must be reviewed. The attachments requiring signatures must be enclosed with your proposal, or the proposal will be returned as ineligible:

[HUD-52531-A: PBV Agreement to Enter Into Housing Assistance Payments Contract for New Construction or Rehabilitation Part 1](#)

[HUD-52531-B: PBV Agreement to Enter Into Housing Assistance Payments Contract for New Construction or Rehabilitation Part 2](#)

[HUD 51915-A: Contract Provisions Required by Federal Law or Owner Contract with the U.S. Department of Housing and Urban Development](#)

[HUD-5369: Instructions to Bidders for Contracts](#)

[HUD-5369-A: Representations, Certifications, and Other Statements of Bidders](#)

[HUD-5369-B: Instructions to Offerors Non-Construction](#)

[HUD-5370: General Conditions of the Contract for Construction Public and Indian Housing](#)

[HUD-5370-C1: General Contract Conditions Non-Construction Section I](#)

[HUD-5370-C2: General Contract Conditions Non-Construction Section II](#)

[HUD-2530: Previous Participation Certification - Multifamily Housing](#)

[HUD-50071: Certification of Payments to Influence Federal Transactions](#)

[DISCLOSURE OF LOBBYING ACTIVITIES](#)

Scoring Criteria

No.	Criteria	Maximum Points
1.	<p>Extent to which the project serves a special needs population, specifically only those categories allowable under the HOTMA.</p> <p>(homeless; veterans; elderly or disabled households receiving supportive services; units in a census tract with a poverty rate of 20% or less. Households served may have incomes of between 0% Area Median Income (AMI) through 50% AMI.)</p>	20
2.	<p>Demonstrated fiscal need for PBV subsidy as a financing mechanism, and reliance on other subsidy options, so that the request for number of PBVs is reasonable in context of the pro forma and Board's desire only to fund the minimum number of PBVs required for project feasibility.</p>	20
3.	<p>Extent to which the project furthers the goal of deconcentrating poverty and expanding housing and economic opportunities to areas of lower poverty concentration within Berkeley.</p>	10
4.	<p><i>Extent to which units of rehab/existing projects are modernized, in addition to any property-wide systems improvements.</i></p>	5
5.	<p>Extent to which the project includes fully accessible or adaptable units for disabled/wheelchair access.</p>	10
6.	<p>History of tenant screening policies/practices that are inclusive, and give regard to hardships typical to families with limited financial means.</p>	10
7.	<p>Extent to which an allotment of PBVs to a special needs population would more equitably distribute the available PBVs throughout all of the population categories and throughout the City of Berkeley.</p>	10
8.	<p>Owner experience and capacity to build or rehabilitate housing.</p>	10
9.	<p>Completeness of proposal submission including all required attachments, certifications.</p>	5 43

THRESHOLD REQUIREMENT

The minimum number of points an application must have in order to proceed in the process is 60% of the total maximum available points (100 points possible). Projects will be awarded vouchers in rank.

If there are an insufficient number of vouchers available for all eligible proposals, the vouchers will be awarded to the applicants with the highest number of points. In the event of a tie, projects that take into consideration a thoughtful request of PBVs that reflect only the minimum number of PBVs required for a project to be financially feasible, will be given preference. In the event of a remaining tied score, the selection will be based on a randomized selection from all properties with the tied score.

Agency Rights

The BHA reserves the right to issue multiple awards, partial awards or no awards. The BHA reserves the right to reject the proposal for reasons beyond the control of the BHA or due to misinformation, errors, or omissions of any kind regardless of the stage in the proposal review process that has been achieved.

BHA reserves the right to reject, in whole or in part, any or all qualifications received in response to this RFP. BHA further reserves the right to cancel or re-issue this RFP; to modify the selection procedure or the scope of this proposed project or the required responses; to request amendments to qualifications after expiration deadlines; or to negotiate or approve final agreements. BHA also reserves the right to waive any informalities or minor irregularities if it serves its best interest to do so. The BHA will not discriminate on the basis of race, color, national or ethnic origin, religion, sex, disability, familial status, or age. Equal Housing Opportunity.

The BHA reserves the right to request additional information during the evaluation process from any Respondent that is deemed necessary to determine the Respondent's ability to construct and manage the proposed units. If such information is requested, the Respondent shall be permitted three (3) working days to provide this information.

Ineligible Developments

Project Based Voucher (PBV) proposals for the following types of units will not be approved:

1. Shared Housing
2. Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution
3. Nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care; however, Project Based Voucher assistance may be attached for a dwelling unit in an assisted living facility that provides home health care services such as nursing and therapy for residents of the housing
4. Units that are owned or controlled by an educational institution or its affiliate and are designed for occupancy by students of the institution
5. Cooperative housing

6. Owner occupied housing (homeownership)
7. Units occupied by a family ineligible to participate in the Project Based Voucher program
8. Units in subsidized housing
9. Units owned by Agency board members, officers and employees, members of a local governing body (and other officials); and
10. Project cannot be in a flood zone area unless the local community is participating in the National Insurance Program and Agency can assure HUD that flood insurance will be obtained. (24 CFR 55).