

2023 HOME-ARP Non-Congregate Shelter Acquisition and Development

Request for Proposal



Planning and Housing Development Division
2624 Vermont Ave
PO Box 1535
Bismarck, ND 58502-1535

800-292-8621 or 701-328-8080
800-435-8590 (Spanish)
711 (Voice or TTY)
www.ndhfa.org • hfainfo@nd.gov



Introduction

North Dakota Housing Finance Agency (NDHFA) is seeking proposals from qualified non-profit entities to provide Non-Congregate Shelter (NCS) to individuals and households experiencing homelessness or other eligible Qualified Populations (QPs) as described further in this RFP and as defined in the [CPD Notice 21-10: Requirements for the USE of Funds in the HOME ARP Program](#). The purpose of this RFP is to identify potential NCS projects that fit the criteria identified in the Approved [HOME ARP Allocation Plan](#) and determine whether any substantial amendments will be required to pursue awarding ARP funding to an eligible project.

Tentative Timeline

Note this timeline is reliant on actions from other parties and is just an estimated timeline of events and is subject to change.

- October 23: Publish Notice of RFP- 60-day Notice
- December 23: Responses to RFP Due
- December 26-29: Agency Review RFP and determine whether any feasible proposals were received.
- January 2024: RFP Selection
- Agency conditional commitment to a feasible project and begin working on Allocation Plan substantial amendment if necessary.
- Publish substantial amendment for comment and submission to HUD.
- February 2024: Conditional Commitment Action Items
- Final Plan Approved: Work with RFP responsible entity towards financial award and commitment of funds.
- May 2024: Financial Award Commitments

Projects do not need to be shovel-ready to submit a response to the RFP, but there is an expectation that respondents will understand the activities needed to be ready to start construction in May or June of 2024.

Overview Non-Congregate Shelter (NCS): for the purposes of HOME-ARP, NCS is defined as one or more buildings that:

- Provide private units or rooms for temporary shelter.
- Serve individuals and families that meet one or more of the QPs.
- Do not require occupants to sign a lease or occupancy requirement.

New construction, acquisition, and rehabilitation of structures to be used as NCS are all eligible activities. Acquisition without rehabilitation because the structure is in satisfactory condition and rehabilitation of existing structures without acquisition are both eligible. HOME-ARP funds may be used for acquisition, demolition, development hard costs, related soft costs, and establishing a replacement reserve.

HOME-ARP funds are considered committed when NDHFA and the applicant executes a legally binding written agreement. NDHFA may commit funds for acquisition only if the NCS can be in operation within six months of the date of acquisition and the units acquired will not require rehabilitation to meet the property standards as outlined in Section VI.E.7 of the HOME-ARP Notice which can be found here: [Final HOME-ARP Implementation Notice \(HUD.gov\)](#) . NDHFA may commit funds for rehabilitation or new construction if the construction or rehabilitation can begin within 12 months of the commitment date.

Project Requirements

Prior to funding an NCS project, NDHFA must determine if the project will be financially feasible throughout the restricted use period. In addition, the owner must indicate whether they intend to continue operating the project as HOME-ARP NCS or convert the property to affordable housing after the minimum use period.

HOME-ARP funds may not be used to pay ongoing costs of operating HOME-ARP NCS, to convert NCS to housing, or to pay for prohibited activities and fees as specified under 24 CFR 92.214 and included in the HOME-ARP notice here: [Final HOME-ARP Implementation Notice \(HUD.gov\)](#)

NCS occupants must meet the criteria for one or more of the QPs.

Eligible Costs include acquisition, demolition, development hard costs, related soft costs and capillarization of replacement reserves.

Property Standards - at project completion, HOME-ARP NCS units and common areas must meet all applicable State and Local codes, ordinances, and requirements and HUD's Lead Save Housing Rules at 24 CFR Part 35. NDHFA will require the project to meet property standards outlined in its [Minimum Rehabilitation and Property Standards manual](#), and the Lead Based Paint requirements outlined in the [associated policy manual](#). Project(s) must meet ongoing property standards throughout the restricted use period. NDHFA will utilize the HUD required inspection protocols when monitoring a NCS project during the restricted use period.

All HOME-ARP NCS units and common areas must meet all applicable State and local codes, ordinances, and requirements and the applicable provisions of HUD's Lead Safe Housing Rules at 24 CFR Part 35. In addition, all HOME-ARP NCS projects must meet the following minimum safety, sanitation, accessibility, and privacy standards:

1. Must be structurally sound to protect occupants from the elements and not pose any threat to health and safety of the occupants.
2. Must be accessible in accordance with section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; the Fair Housing Act (42 U.S.C. 3601 et seq.) and implementing regulations at 24 CFR part 100; and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and implementing regulations at 24 CFR part 35, all as applicable.

3. Must provide each individual or family with an acceptable, individual room to sleep in which includes adequate space and security for themselves and their belongings.
4. Must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of occupants.
5. Must have a water supply free of contamination.
6. Must have in-unit sanitary facilities that are in proper operating condition and are adequate for personal cleanliness and the disposal of human waste.
7. Must provide necessary heating/cooling facilities in proper operating condition.
8. Must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances.
9. Food preparation areas, if any, must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
10. Must provide one working smoke detector and one working carbon monoxide detector in each unit. All smoke and carbon monoxide detectors and alarm systems must be designed for hearing-impaired residents. All public areas of the shelter must have at least one working smoke detector and one carbon monoxide detector. There must also be a second means of exiting the building in the event of fire or other emergency.

NCS projects must comply with the following Restricted Use Periods:

- New Construction 15 Years
- Rehabilitation 10 Years
- Acquisition Only 10 Years

RFP Response Requirements

Priority will be given to applications who propose the development of NCS in a community that currently does not have an operating overnight shelter. If multiple applications are received the second priority will be given to a project that has a firm financial commitment of operating funds in the amount to fully operate the NCS project through the required restricted use period.

Interested respondents will need to fully complete the NCS Request for Proposals which includes providing narrative and the following threshold items.

- Evidence of appropriate shelter development skills and prior experience operating shelters
- Acquisition and/or development budget
- Timeline of acquisition and/or development
- Estimated Costs of Development and Financing Sources
- Proposed operating budget including secured sources for operating costs and any operating gap that will require additional assistance.

The RFP Submissions and Narrative will be evaluated using the following scoring criteria:

1. Shelter Needs (Maximum 20)

- Communities who do not have an overnight shelter but can provide data showing they have a shelter need. (20 points)
- Communities who do have overnight shelter but can provide data showing the shelter needs exceed the current available beds. (10 points)

2. Construction Type (Maximum 40)

- A conversion of a hotel to non-congregate shelter. (40 points)
- A rehabilitation of an existing shelter to create non-congregate setting. (30 points)
- A new construction of non-congregate shelter. (10 points)

3. Operating Support (Maximum 20)

Applicants must provide an annual operating budget. Applications that provide a firm commitment of funding to cover operating for a period of time will receive points.

- 5-year commitment. (5 points)
- 7-year commitment. (10 points)
- 10-year commitment for new construction. (15 points)
- Restricted use period commitment. (20 points)

4. Site Location (Maximum 30)

- Project site located within a 1-mile radius of community services, i.e., grocery, retail, medical facility, supportive or social service offices. (20 points)
- Project site located within a ½-mile radius of public transportation or provides a commitment to provide free transportation to residents. (10 points)

5. Serving Individuals with Children (10 points)

Applications that will serve populations with children and provide written documentation at time of application.

6. Service Coordination (10 Points)

As part of the operating budget, the owner will provide, either through direct employment or by contract with an experienced third party, a dedicated service coordinator. The service coordinator's role is to assess residents' need and eligibility for services quickly and match to an intervention that will assist them in resolving their homelessness. Service coordinator is encouraged to work closely with the CoC and

Coordinated Entry process to establish screening practices to facilitate referrals to services.

7. Housing Navigation Services (10 Points)

Proposals which include providing either through direct employment or by contract with an experienced third party, a dedicated housing navigation service provider. The scope of services must include identifying and assisting clients in accessing permanent housing. This may include assisting in the rental application process, establishing a housing budget and assisting in securing rental assistance if needed.

8. Coordinated Entry Access/Assessment and HMIS (20 points)

Projects that agree to be an assessment site and enroll in HMIS.

9. Applicant Capacity (Maximum 20 points)

- Proposals which include a verifiable and demonstrable track record of quality experience developing and operating shelters. (20 points)
- Proposals in which the applicant can demonstrate participating in operating shelters as part of a partnership. (10 points)

10. Partnerships with Other agencies (20 points)

Applicants that can document via written agreements, partnering with other agencies to provide a continuum of services to shelter clients. The services provided must be related services that enhance the living situation of the shelter clients (e.g., a partnership with job service provider to assist in finding employment opportunities).

Submission Instructions

Completed proposals must be submitted and received no later than 5 p.m. central time on December 23, 2023. Late or incomplete submissions will not be reviewed or scored.

Mail to: NDHFA Planning and Housing Development
Attn: NCS RFP Review
PO Box 1535
Bismarck ND 58503

Email: hfainfo@nd.gov attn Planning and Housing Development

Selection Process

After receiving submitted requests for proposal, NDFHA will review and score respondents. Highest scoring, financially feasible projects will be invited to submit a formal application and receive a conditional commitment outlining the requirements necessary to receive a written agreement.

Recipients are reminded that certain requirements, including completion of the Environmental Review, are required before making any choice limiting actions. Prior to execution of a written agreement, the selected recipient will be required to submit policies and procedures and meet all conditions outlined in the conditional commitment.

Invitation to submit a formal application does not guarantee project funding.

Minimum Required Program Policies

Overall Policy

1. Organization Mission
2. Housing Focus Policy (Housing First/Low Barrier Policies)
3. Fair Housing Policy (Affirmatively Furthering Fair Housing Policy)
4. Anti-Discrimination Policy
5. Equal Access Policy
6. VAWA Policy
7. Appeals, Grievance Policy, and Process
8. Termination of Assistance Policy
9. Confidentiality Policy
10. Grant Administration Procedures, Roles, and Responsibilities
11. Record Keeping

Shelter Access Policy and Procedures

1. Program Design or Overview (type of assistance offered)
2. Intake Procedures
3. Involuntary Family Separation Policy
4. Assistance Time Limit
5. Participant Eligibility Requirements
6. Specific Populations Served (if applicable)
7. Minimum Habitability Standards
8. Program Rules for Participants

Other Federal Requirements and Nondiscrimination

The requirements in 24 CFR 92.350 apply to the HOME-ARP program. Recipients must comply with the Federal requirements set forth in 24 CFR part 5, subpart A, including: non-discrimination and equal opportunity; disclosure requirements; debarred, suspended or ineligible contractors; drug-free work; and housing counseling and the nondiscrimination requirements at section 282 of NAHA.

- A. Fair Housing and Nondiscrimination
- B. Affirmative Marketing and Minority Outreach CFR 92.351
- C. Limited English Proficiency
- D. HUD Equal Access Rule
- E. Environmental Review 24 CFR Part 58

The environmental requirements in 24 CFR 92.352 apply to eligible activities under this Notice. The environmental effects of each activity carried out with HOME-ARP funds must be assessed in accordance with the provisions of NEPA and the related authorities listed in HUD's implementing regulations at 24 CFR part 58.

- F. Labor Standards 24 CFR 92.354

Every contract for the construction (rehabilitation or new construction) of housing that includes 12 or more units assisted with HOME funds must contain a provision requiring the payment of wages not less than those prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act ([40 U.S.C. 3141](#)), to all laborers and mechanics employed in the development of any part of the housing. Such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act ([40 U.S.C. 3701](#)).

- G. Habitability Standards

- H. Lead Hazard Control Requirements

For HOME-ARP NCS, a project must comply with 24 CFR part 35, Subpart K when the HOME-ARP activity is acquisition only. HOME-ARP NCS projects that involve rehabilitation of pre-1978 facilities, whether the rehabilitation is funded with HOME-ARP or other funds, must comply with the requirements of 24 CFR part 35, Subpart J.

- I. Uniform Relocation Assistance and Real Property Acquisition Policies Act, Section 104(d), and HOME-ARP Displacement, Relocation and Acquisition Program Requirements. HOME-ARP funding is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and section 104(d) of the Housing and Community Development Act of 1974, in addition to the Displacement, Relocation and Acquisition regulatory requirements of 24 CFR 92.353.

- J. Section 3 Economic Opportunities for Low- and Very Low-Income Persons
Section 3 requirements established at 24 CFR Part 75 apply to HOME-ARP-assisted projects.

- K. Conflict of Interest

- L. Uniform Administrative Requirements 2 CFR Part 200

- M. Violence Against Women Act 24 CFR 93.359

Questions or Inquiries

Questions may be emailed to hfainfo@nd.gov or mailed to:

North Dakota Housing Finance Agency
Attn: Planning and Housing Development Division
P.O. Box 1535
Bismarck, North Dakota 58502-1535

Accommodations

Individuals who require accommodations, including auxiliary aids, translated documents, interpreters, or who would like to request a copy of the plan or an alternate format, may contact:

North Dakota Housing Finance Agency, Section 504 Coordinator
Wayne Glaser
701-328-8080
711 (TTY or Voice)
800-435-8590 (Spanish)
hfainfo@nd.gov