



**CITY OF NIAGARA FALLS, NEW YORK**  
HON. ROBERT M. RESTAINO, Mayor

**REQUEST FOR PROPOSAL**

**HOME – AMERICAN RESCUE PLAN (HOME-ARP)**

ISSUE DATE:

**August 4, 2023**

PROPOSAL SUBMISSION DEADLINE:

**September 29, 2023**

**CLIFFORD SCOTT, DIRECTOR  
COMMUNITY DEVELOPMENT**

Niagara Falls Community Development Department

[www.nf-cd.org](http://www.nf-cd.org) [www.niagarafallsusa.org](http://www.niagarafallsusa.org)

745 Main Street, P.O. Box 69

Niagara Falls, New York 14302



## Table of Contents

I.	Background .....	3
II.	Request for Proposals.....	3
III.	Application Period.....	4
IV.	Eligible Activities.....	4
V.	Funding Availability.....	4
VI.	Qualifying Populations.....	5
VII.	Project Requirements.....	5
VIII.	Proposal Contents.....	6
IX.	Proposal Submission and Further Questions.....	6

### Attachment A:

QUALIFYING POPULATIONS AS PER HUD CPD NOTICE 21-10.....	7
---	---

### Attachment B:

Certification of Participation in Local Continuum of Care .....	11
Certification of Compliance with 2 CFR Part .....	11

# Notice of Funding Availability (NOFA) & Request for Proposals

## HOME-ARP

### Acquisition, Construction, and/or Rehabilitation of Affordable Housing

### Supportive Services

Issuing Agency:  
Niagara Falls Community Development  
745 Main Street  
Niagara Falls, New York 14302

#### I. Background

The American Rescue Plan (ARP) has allocated \$5 billion to assist individuals or households who are homeless, at risk of homelessness, or in other vulnerable populations, with provision of affordable housing and supportive services. Grant funds are administered through the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME), with the goal of reducing homelessness and increasing housing stability for qualifying populations and low-income households.

The City of Niagara Falls Department of Community Development (NFCD) has been awarded **\$1,624,703** in HOME ARP funding. Funds will benefit vulnerable populations within the community of the City of Niagara Falls.

#### II. Request for Proposals

NFCD is seeking Proposals from qualified nonprofits and/or housing developers interested in the acquisition, construction, and/or rehabilitation of affordable rental housing as well as Supportive Services that will benefit individuals or families from the qualifying populations described further below.

Potential projects must align with the HOME ARP Final Rule (CPD-21-10) requirements which can be found at <https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-10cpdn.pdf>.

### **III. Application Period**

Proposals will be accepted starting on **August 1, 2023** and all proposals must be submitted by the deadline on **September 29, 2023 at 4:00pm.**

### **IV. Eligible Activities**

NFCD will set aside an estimated \$1,100,000 of HOME-ARP funds aside for the acquisition, construction, and/or rehabilitation of affordable rental housing. Acquisition of vacant land or demolition may be undertaken only with respect to a HOME-ARP project for which construction is expected to start within 12 months of commitment.

An estimated \$300,000 of HOME-ARP funds will be set aside to provide more ongoing supportive services that will benefit individuals or families from the qualifying populations within the community.

HOME-ARP funds may be used to assist one or more units in a project. Only the eligible development costs of the HOME-ARP units may be charged to the HOME-ARP program. Cost allocation in accordance with 24 CFR 92.205(d)(1) is required if the assisted and non-assisted units are not comparable. After project completion, the number of HOME-ARP units in a project cannot be reduced during the HOME-ARP minimum compliance period of 15 years and prior to the end of the HOME-ARP budget period.

### **V. Funding Availability**

There is no minimum or maximum grant amount that can be requested in response to this Notice. Funding allocations will be dependent on the quality and quantity of responses.

HOME-ARP funds may pay for up to 100 percent of the following eligible costs associated with HOME-ARP rental units:

- Development hard costs include the actual cost of constructing and rehabilitating housing to meet applicable property standards. Eligible development costs also include site improvements, utility connections and costs to construct or rehabilitate laundry and community facilities located within the same building as the HOME-ARP housing;
- Refinancing of existing debt secured by a HOME-ARP rental project rehabilitated with HOME-ARP funds;
- Acquisition costs of improved or unimproved real property;
- Related soft costs including reasonable and necessary costs incurred by the PJ or project owner associated with the financing, development, acquisition, or rehabilitation of HOME-ARP rental housing;
- Relocation costs as defined in 24 CFR 92.206(f), 24 CFR 92.353, and the Notice;
- Certain costs related to the payment of construction, bridge, or guaranteed loans, if HOME-ARP is part of original financing; and
- Operating cost assistance, through a capitalized operating reserve or ongoing operating cost payments, for HOME-ARP units restricted for occupancy by qualifying households.

## **VI. Qualifying Populations**

HOME ARP funds must primarily benefit individuals or families from the following qualifying populations. (See Attachment A for further detail on qualifying populations).

1. **Homeless**, as defined in 24 CFR 91.5 Homeless (a), (b), or (c);
2. **At risk of Homelessness**, as defined in 24 CFR 91.5 At risk of homelessness;
3. **Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking**, as defined by HUD Notice CPD-21-10; or
4. **Other Populations**, where providing supportive services or assistance under 212(a) of NAHA (42 U.S.C. 12742(a)) would prevent the family's homelessness or would serve those with the greatest risk of housing instability. Includes households earning no greater than 50% AMI and exhibiting characteristics associated with instability and an increased risk of homelessness, such as high to severe rental housing cost burden (paying more than 30%-50% of gross household income toward housing costs).

## **VII. Project Requirements**

- **Eligibility and Income Certification**: Projects must confirm potential tenants' status as a qualifying population and annual household income at initial occupancy. Tenant household income must then be recertified on an annual basis.
- **Property Standards**: HOME-ARP rental units must comply with all rental property standards required in 24 CFR 92.251 paragraphs (a), (b), (c)(1) and (2), (e), and (f).
- **Rental Limitations**: The HOME-ARP rent may not exceed 30 percent of the adjusted income of a household whose annual income is equal to or less than 50 percent of the median income for the area, as determined by HUD (i.e., Low HOME Rents).
- **Changes in Income and Over Income Households**: A qualifying household whose annual income at the time of recertification is above 50 percent of median income for the area but below 80 percent of median income for the area must pay the rent specified in 24 CFR 92.252(a).
- **Tenant Selection and Referral Methods**: HOME-ARP project grantees will take referrals from multiple sources and will maintain a referral list open to all qualifying populations. Applicants must then be accepted in chronological order regardless type of qualifying population.
- Once awarded, projects must submit a *Tenant Selection Plan* to the County which will outline how project developers plan on soliciting tenant application from all qualifying populations.

**Funded Projects must be completed by December 31, 2026**

## **VIII. Proposal Contents**

There is no formal project application. However, proposals should include, at minimum, the following components:

- Project description. Provide a thorough description of proposed project, including location/address, type of project, type of construction/rehabilitation, qualifying population served, total number units (number affordable units), description of surrounding neighborhood (priority given to projects located near to local community resources, transit, and/or public services), any wrap around or support services proposed, and any other relevant information
- Budget proposal with breakdown of hard and soft costs, as well as other sources of funding committed or being sought
- Relevant experience
- Description of project design, project rent structure, and terms of affordability
- Certificate of Incorporation
- Certification of Participation in Local Continuum of Care (Attachment B)
- IRS 501C-3 Tax Exempt Determination Letter
- Board of Directors Membership List
- Certification of Compliance with 2 CFR Part 200 (Attachment B)
- Most Recent Audited Financial Statement
- Board Minutes from Previous 3 Months

## **IX. Proposal Submission and Further Questions**

Submit Proposals and any questions to:

Clifford Scott, Director, (716) 286-8800

Via Email: Clifford.Scott@niagarafallsny.gov

or

Via USPS: 745 Main Street, P.O. Box 69  
Niagara Falls, New York 14302

**ATTACHMENT A**

**QUALIFYING POPULATIONS  
AS PER HUD CPD NOTICE 21-10**

## QUALIFYING POPULATIONS

### 1. Homeless, as defined in 24 CFR 91.5 Homeless (A), (B), or (C):

- a. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - i. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
  - ii. An individual or family living in a supervised publicly or privately-operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
  - iii. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
- b. An individual or family who will imminently lose their primary nighttime residence, provided that:
  - i. The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
  - ii. No subsequent residence has been identified; and
  - iii. The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;
- c. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
  - i. Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C.11434a);
  - ii. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
  - iii. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
  - iv. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment;

**2. At risk of Homelessness, as defined in 24 CFR 91.5 At risk of homelessness:**

- A. An individual or family who:
- (i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;
  - (ii) Does not have sufficient resources or support networks, e.g., family, friends, faith based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition in this section; and
  - (iii) Meets one of the following conditions:
    - 1. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
    - 2. Is living in the home of another because of economic hardship;
    - 3. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
    - 4. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low income individuals;
    - 5. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
    - 6. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
    - 7. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;
- B. A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C.5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(l) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(l)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or 11
- C. A child or youth who does not qualify as “homeless” under this section but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

**3. Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, as defined by HUD Notice CPD-21-10**

For HOME-ARP, this population includes any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This population includes cases where an individual or family reasonably believes that there is a threat of imminent harm from further violence due to dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return or remain within the same dwelling unit. In the case of sexual assault, this also includes cases where an individual reasonably believes there is a threat of imminent harm from further violence if the individual remains within the same dwelling unit that the individual is currently occupying, or the sexual assault occurred on the premises during the 90-day period preceding the date of the request for transfer.

#### **4. Other Populations**

'Other Populations' included with eligible qualifying populations include households earning no greater than 50% AMI and those that exhibit characteristics associated with instability and an increased risk of homelessness, such as previous history of homelessness, imminent risk of eviction, and/or:

- i. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
- ii. Is living in the home of another because of economic hardship;
- iii. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
- iv. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
- v. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;
- vi. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution; and
- vii. Is high to severe rental housing cost burdened (paying 30%-50% of gross household income on housing expenses)

**ATTACHMENT B**

**Certification of Participation in Local Continuum of Care**

**And**

**Certification of Compliance with 2 CFR Part 200**

**CERTIFICATION OF PARTICIPATION IN CONTINUUM OF CARE  
ATTENDANCE AND PARTICIPATION FORM (For ESG Applicants Only)**

All ESG applicants must submit this Form, completed by the chairperson of their Continuum of Care, with their Emergency Solutions Grant Application.

Attention CoC Leaders: Please complete the information below and check the appropriate level of participation. Funding consideration will be based in part on the extent of the applicant's participation in the local CoC.

**Robyn Krueger**  
Niagara Falls/Niagara County CoC  
1570 Buffalo Avenue  
Niagara Falls, NY 14303  
Phone: 716-285-3403 Ext: 2238  
E-mail: [RKrueger@communitymissions.org](mailto:RKrueger@communitymissions.org)

**To Be Completed by Applicant:**

Date: [Click here to enter text.](#)

Agency Applying: [Click here to enter text.](#)

Agency applying for ESG funding in: City of Niagara Falls

**To Be Completed By CoC Lead Agency:**

CoC Leader Print Name: [Click here to enter text.](#)

CoC Leader Signature:

---

Phone: [Click here to enter text.](#)

Email: [Click here to enter text.](#)

- YES**, the above agency has been an active participant in the Local Continuum of Care meetings in 2020-2021. We have had meetings and they have attended of the meetings. (75% or more)
  
- NO**, the above agency has not been an active participant in the Local Continuum of Care meetings in 2020-2021. We have had meetings and they have attended of the meetings. (Less than 75%) At this time, they have not been a consistent active member.

**CERTIFICATION OF CONFORMITY TO ACCOUNTABILITY STANDARDS OF  
2 CFR 200.302, "FINANCIAL MANAGEMENT"**

I have reviewed Section 2 CFR 200.302 of Title 2 PART 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and I hereby certify that [Click here to enter text.](#) meets the standards set forth in this section of the  
(Name of organization)

Code of Federal Regulations.

[Click here to enter text.](#)  
Name of Accounting Firm

\_\_\_\_\_  
Signature  
Certified Public Accountant

[Click here to enter text.](#)  
Date