



**HOME Investment Partnerships Program (“HOME”)
CFDA# 14.239**

**2016 HOME Single Family Programs
Notice of Funding Availability (“NOFA”)**

1) Summary.

- a) The Texas Department of Housing and Community Affairs (the “Department”) announces a NOFA of approximately \$15,206,086 in HOME funds for single family housing programs for contract awards, as well as Reservation System funding for HOME Reservation System Participants with an active Reservation System Participation (“RSP”) Agreement.
- b) The availability and use of these funds are subject to the HOME rules including, but not limited to the following Texas Administrative Code (“TAC”) rules in effect at the time of contract execution, Title 10, Part 1, Chapter 1, Administration; Chapter 2, Enforcement; Chapter 20, the Single Family Programs Umbrella Rule; Chapter 21, the Minimum Energy Efficiency Requirements for Single Family Construction Activities; Chapter 23, the Single Family HOME Program, effective August 30, 2015, (“State HOME Rules”); and Tex. Gov’t Code §2306. Other federal and state regulations include but are not limited to, 24 CFR Part 58 for environmental requirements, 24 CFR Part 200 for Uniform Administrative Requirements, 24 CFR §135.38 for Section 3 requirements, 24 CFR Part 5, Subpart A for fair housing, (“Federal HOME Rules”), and for units of government the Uniform Grant Management Standards (“UGMS”) as outlined in Chapter 783 in the Texas Local Government Code. Applicants must familiarize themselves with all of the applicable state and federal rules that govern the HOME Program.
- c) Capitalized terms in this NOFA have the meanings defined herein or as defined in State HOME Rules and the Federal HOME Rules.
- d) In the event that the Resale and Recapture provisions in 10 TAC §23.29 conflict with the Resale and Recapture provisions in the Department’s consolidated plan as approved by the U.S. Department of Housing and Urban Development (“HUD”), the provisions in the consolidated plan will prevail, in accordance with 24 CFR §92.254(a)(5).
- e) If changes to the contract or RSP are required during the contract or RSP term due to required changes in Federal or State law, the Department may initiate an amendment process to ensure compliance.

- 2) Source of Funds.** Funds totaling \$14,206,086 are made available for single family activities through the Department’s 2016 annual HOME allocation from the U.S. Department of Housing and Urban

Development (“HUD”) and funds totaling \$1,000,000 are made available for disaster relief activities from prior year allocations in accordance with 10 Texas Administrative Code (“TAC”), Chapter 1, §1.19, Reallocation of Financial Assistance, for a total of \$15,206,086. The Department, in its sole discretion, may also release unallocated HOME funds, deobligated funds, Program Income, and funds reallocated from undersubscribed set-asides, as allowable and available, under this NOFA. The Department, in its sole discretion, also reserves the right to cancel or modify the amount available in this NOFA.

3) Eligible Activity Types

a) The following activity types are eligible uses of Set-Aside HOME funds awarded under this NOFA:

i) **Homeowner Rehabilitation Assistance (“HRA”).** HRA provides funds for the rehabilitation, reconstruction, or new construction of a single family residence owned and occupied by eligible low-income Households. Specific program guidelines can be found at 10 TAC Chapter 23, Single Family HOME Program, Subchapter C, Homeowner Rehabilitation Assistance Program, §§23.30 - 23.32.

ii) **Homebuyer Assistance (“HBA”).** HBA provides down payment and closing cost assistance, as well as possible rehabilitation assistance for accessibility modifications for eligible low-income Households. Specific program guidelines can be found at 10 TAC Chapter 23, Single Family HOME Program, Subchapter D, Homebuyer Assistance Program, §§23.40 - 23.42.

iii) **Tenant-Based Rental Assistance (“TBRA”).** TBRA provides rental subsidies to eligible low-income Households. Assistance may include rental, security, and utility deposits. Specific program guidelines can be found at 10 TAC Chapter 23, Single Family HOME Program, Subchapter F, Tenant-Based Rental Assistance Program, §§23.60 - 23.62.

4) Allocation of Funds.

a) **Competitive Application Cycle.** Approximately \$11,041,657 in funds is available for award under the **General Set-Aside** to provide **HRA, HBA, and TBRA** assistance from the 2016 allocation of HOME funds through a Competitive Application Cycle. Applications will be accepted starting **July 1, 2016, until August 31, 2016, 5:00 p.m. Austin local time.** Funds that remain after awards may be reprogrammed into the statewide Reservation System, unless this funding category is undersubscribed, in which case funds may be reprogrammed into the Reservation System at an earlier date. In accordance with Tex. Gov’t Code §2306.111(d), these funds are subject to the Regional Allocation Formula (“RAF”). Refer to the RAF tables located on the Department’s website at <http://www.tdhca.state.tx.us/home-division/applications.htm>.

b) **Open Application Cycle.** Approximately \$372,617 in funds is available for contract awards under the **Persons with Disabilities (“PWD”) Set-Aside for HBA** assistance from the 2016 allocation of HOME funds through an Open Application Cycle. Applications will be accepted on a first-come, first-served basis starting **July 1, 2016, until October 21, 2016, 5:00 p.m. Austin local time,** at which time staff may reprogram remaining available funding into the statewide Reservation System balance for all Single Family PWD Set-Aside activity types. In accordance with Tex. Gov’t Code §2306.111(d), this set-aside satisfies legislatively mandated set-asides and therefore is not subject to the RAF.

c) **Reservation System.** Approximately \$3,791,812 in funds is available through the Reservation System from the 2016 allocation of HOME funds and prior year allocations in accordance with 10 TAC Chapter 1, §1.19. Funds can be access by HOME Reservation System Participants with an active RSP Agreement to assist individual Households under the following set-asides:

- i) **PWD Set-Aside.** Approximately \$791,812 is available for HRA, TBRA, and HBA activities under this set-aside. In accordance with Tex. Gov't Code §2306.111(d), this set-aside satisfies a legislatively mandated set-aside and therefore is not subject to the RAF. The balances that are available in the Reservation System from any prior year funds for PWD set-aside activities will be incorporated into the PWD Set-Aside under this NOFA and combined with the funds specified in this NOFA to assist eligible PWD Households. Funds may be reserved for individual households for the following activities:
- A. **HRA.** Approximately \$395,906 in set-aside funding is made available beginning **Tuesday, August 16, 2016, 10:00 a.m. Austin local time** for HRA activities until **Tuesday October 25, 2016, 9:00 a.m. Austin local time**, at which time all available PWD set-aside funding will be made available for any activity type, or may be reprogrammed in a manner that is consistent with the 2016 One-Year Action Plan (“OYAP”) approved by HUD.
 - B. **TBRA.** Approximately \$395,906 in set-aside funding is made available beginning **Tuesday, August 16, 2016, 9:30 a.m. Austin local time** for TBRA activities until **Tuesday, October 25, 2016, 9:00 a.m. Austin local time**, at which time all available PWD set-aside funding will be made available for any activity type, or may be reprogrammed in a manner that is consistent with the 2016 OYAP approved by HUD.
 - C. **HBA.** Any funds remaining after the **Open Application Cycle** for PWD HBA activities will be made available through the Reservation System beginning on **Tuesday, October 25, 2016, 9:00 a.m. Austin local time**, at which time all available PWD set-aside funding will be made available for any activity type, or may be reprogrammed in a manner that is consistent with the 2016 OYAP approved by HUD.
- ii) **Contract For Deed (“CFD”) Set-Aside.** A total of approximately \$2,000,000 in set-aside funding will be available in the Reservation System CFD set-aside beginning **Tuesday, August 16, 2016, 9:00 a.m. Austin local time** until **Wednesday, March 1, 2017, 9:00 a.m. Austin local time**, at which time staff may reprogram funding into other Single Family Activities if insufficient demand exists in this set-aside and funds are needed to satisfy excess demand of other Single Family HOME Program activities. In accordance with Tex. Gov't Code §2306.111(d), this set-aside satisfies legislatively mandated set-asides and therefore is not subject to the RAF.
- CFD provides funds for the acquisition or refinance, in combination with rehabilitation or reconstruction, of single family housing occupied by the purchaser as shown on an executory contract for conveyance. Specific program guidelines can be found at 10 TAC Chapter 23, Single Family HOME Program, Subchapter E, Contract for Deed Program, §§23.50 - 23.52.
- iii) **Disaster Relief Set-Aside.** Approximately \$1,000,000 in set-aside funding will be available in the Reservation System Disaster set-aside beginning **Tuesday, August 16, 2016, 9:00 a.m. Austin local time** until **March 1, 2017, 9:00 a.m. Austin local time**, at which time funds may be reprogrammed if insufficient demand exists in this set-aside. The balances that are available in the Reservation System from any prior year funds for Disaster Relief Set-Aside activities on **Tuesday, August 16, 2016, at 5:00 p.m. Austin local time** will be incorporated into the Disaster Relief Set-Aside under this NOFA and combined with the funds specified in this NOFA to assist eligible Disaster Relief activities. In accordance with Tex. Gov't Code

§2306.111(d), this set-aside satisfies legislatively mandated set-asides and therefore is not subject to the RAF.

Disaster Relief assistance provides HRA, HBA, or TBRA assistance to eligible Households directly affected by a disaster.

- iv) **General Set-Aside.** Funds for **HRA, HBA, and TBRA** activities will be made available from deobligated funds, Program Income, funds reallocated from undersubscribed set-asides, as allowable, as well as funds reallocated following completion of the Competitive Application Cycle, in a manner that is consistent with the 2016 OYAP approved by HUD. Funding may be added from time to time in accordance with 10 TAC Chapter 1, §1.19.

5) Award Selection Process.

- a) **Competitive Application Cycle.** Applications accepted under a competitive application cycle in accordance with 10 TAC §23.22(b) will be reviewed, scored and ranked following the application deadline in the following manner:

- i) Applications will be accepted by the Department on an on-going basis until **Friday, August 31, 2016, 5:00 p.m. Austin local time**, regardless of method of delivery.
- ii) Applications for each Activity type will compete with Applications for all other Activity types within their subregion as more fully described below.
- iii) Application review priority will be determined based on Applicant self-score and regional funding availability. Applications with the highest self-scores for which total funding requested is less than or equal to the amount available in the subregion, and on a statewide consideration are less than or equal to \$11,041,657, will be reviewed first as priority Applications. Applications for which the self-score suggests less of a likelihood of award may not be reviewed and are not assured of a review, unless priority Applications are determined to be ineligible or incorrectly self-scored, as further described in Section 11, Threshold Requirements. An application log which includes, at a minimum, the Applicant name, subregion, region, self-score of the Application, and the review priority will be published on the Department's website at www.tdhca.state.tx.us.
- iv) **Subregional Award Process.** The highest scoring Application(s) for which funds are available in the subregion to fully fund the request will be selected for award. In the event of a tie between two or more applications for which funding is available in the subregion to fully fund the application(s), awards will be determined using a lottery system. All funds not awarded in the subregional award process will be combined with funds available in the Regional Award Process and Application(s) within the subregion which did not receive an award will be considered for an award under the Regional Award Process. The Department will not make partial subregional awards. The lottery system will not be used in the case of a tie where there is sufficient funding for one of the tied applications but not the other(s); in that instance an award recommendation will be made for the application(s) for which there is sufficient funding and funds remaining in the subregion will be merged into the Regional Award Process. Funds remaining in each subregional allocation after the subregional awards have been determined will collapse regionally.
- v) **Regional Award Process.** The highest scoring Applications which were not awarded subregionally and for which funds are available in the region to fully fund the request will be

selected for award. In the event of a tie between two or more applications for which funding is available in the region to fully fund the application(s), awards will be determined using a lottery system. All funds not awarded in the regional award process will be combined with funds available in the Statewide Award Process and Application(s) within the region which did not receive an award will be considered for an award under the Statewide Award Process. The Department will not make partial regional awards. The lottery system will not be used in the case of a tie where there is sufficient funding for one of the tied applications but not the other(s); in that instance an award recommendation will be made for the application(s) for which there is sufficient funding and funds remaining in the subregion will be merged into the Regional Award Process. Funds remaining in each regional allocation after the regional awards have been determined will collapse statewide.

- vi) **Statewide Award Process.** The highest scoring Application(s) which was not awarded subregionally or regionally and for which funds are remaining in the NOFA to fully fund the request will be selected for award. In the event of a tie between two or more applications for which funding is available in the statewide award process, awards will be determined using a lottery system. The Department will not make partial awards. Funds remaining following the statewide award process will be combined in a statewide collapse.
 - vii) **Statewide Collapse.** Funds remaining after the Statewide Award Process will be released into the Reservation System, and will become subject to Section 4(c)(iv) of this NOFA.
 - viii) Because all Applicants are subject to a Previous Participation Review (“PPR”) by the Department, it is possible that denial of the Applicant based on PPR could eliminate it from competition, even fairly late in the review process, having an effect on the subregional, regional and state award consideration processes. The iterative processes noted above will be reevaluated when a competitively scored Application is deemed to be ineligible due to PPR, or other reason.
- b) **Open Application Cycle.** In accordance with 10 TAC §23.22(a), an application received by the Department in response to an open application cycle will be assigned a “Received Date and Time” and will be prioritized for review based on a first-come, first-served basis.
- i) Awards will be made for the first received eligible applicants in order of Received Date and Time for which sufficient funding is available. Any funds that remain after **Friday, October 21, 2016, 5:00 p.m. Austin local time**, may be added to the Reservation System under the PWD Set-Aside in a manner that is consistent with the 2016 OYAP approved by HUD, at the Department’s sole discretion.
 - ii) Applicants can apply for more than one award under the Open Application Cycle, provided that the Applicant submits a separate Application for each request and the service areas identified in each Application are mutually exclusive and do not overlap. In no instance will the Department award more than three contracts to the same Applicant under the Open Application Cycle.
- c) All Applicants will be evaluated for satisfying Threshold Criteria and then processed through the Department’s Application Evaluation System, which includes a previous award and past performance evaluation. Previous performance or other deficiencies identified in the evaluation may disqualify an Applicant for a funding recommendation, or the award recommendation may include conditions.

- d) Funding recommendations for Awards under the Competitive and Open Application Cycles will be presented to the Department's Executive Award and Review Advisory Committee ("EARAC"), which will in turn approve those recommendations to be presented to the Governing Board based on eligibility, PPR, and score if applicable. Recommendations are limited by the total amount of funds available under this NOFA and the maximum award amount limitations for each Activity type.
- e) The Department may decline to consider any Application if the proposed activities would not, in the Department's sole determination, represent a prudent use of the Department's funds. The Department is not obligated to proceed with any action pertaining to any Applications that are received, and may decide it is in the Department's best interest to refrain from pursuing any selection process or making awards. The Department reserves the right to request clarification on individual elements of any Application.
- f) An Applicant may appeal decisions made by staff in accordance with 10 TAC §1.7.

6) Reservation System.

- a) Funding under this NOFA not awarded through the Competitive and Open Application Cycles will be made available through the Reservation System to HOME Administrators with active RSP Agreements. Applications to request a RSP Agreement are accepted on an on-going basis. Applicants requesting a RSP Agreement must submit a completed application, required documentation, and associated application materials as detailed in the Application Submission Procedures Manual ("ASPM").
- b) All Application materials including manuals, program guidelines, and applicable HOME rules, are available on the Department's website at <http://www.tdhca.state.tx.us/home-division/applications.htm>. Applications for an RSP Agreement will be required to adhere to the HOME Rule and threshold requirements in effect at the time of the Application submission. Applications must be on forms provided by the Department, cannot be altered or modified, and must be in final form before submitting them to the Department.
- c) Reservations of funds may be submitted at any time during the term of a RSP Agreement, as long as funds are available in the Reservation System. Updated balances for the Reservation System may be accessed online at www.tdhca.state.tx.us/home-division/home-reservation-summary.htm.

7) Administrative Deficiencies.

- a) Administrative deficiencies noted during the review of an Application during a Competitive Application Cycle shall be subject to the administrative deficiency process outlined in 10 TAC §23.24(d). The time period for responding to a deficiency notice commences on the first business day following the deficiency notice date. If an administrative deficiency is not resolved to the satisfaction of the Department by 5:00 p.m. Austin local time on the fifth business day following the date of the deficiency notice, then one (1) point shall be deducted from the selection criteria score for each additional business day the deficiency remains unresolved. If administrative deficiencies are not resolved by 5:00 p.m. Austin local time on the seventh business day following the date of the deficiency notice, then the Application shall be terminated.
- b) Administrative deficiencies noted during the review of an Application during an Open Application Cycle or for an RSP Agreement shall be subject to the administrative deficiency process outlined in 10 TAC §23.24(c). The time period for responding to a deficiency notice commences on the first business day following the deficiency notice date. If an administrative deficiency is not resolved to the

satisfaction of the Department by 5:00 pm Austin local time on the fifth business day following the date of the deficiency notice, the application shall be terminated. Applicants that have been terminated may reapply.

8) Limitations on Funds.

- a) The maximum amount of Project funds awarded to a contract under a Competitive or Open Application Cycle is established in the NOFA in accordance with 10 TAC §23.26(a). The maximum amount of funds awarded for administrative costs may not exceed the limitations set forth in 10 TAC §23.31(g) for HRA, 10 TAC §23.41(f) for HBA, 10 TAC §23.51(i) for CFD, and 10 TAC §23.61(i) for TBRA. Alternately, Administrator may request up to 10% of modified total direct costs (“MTDC”) as defined in 2 CFR §200.68, provided that the Administrator notifies the Department of the election to use the 10% MTDC approach with their Application, costs are consistently charged as either indirect or direct costs, and costs are not double charged or inconsistently charged as both. Administrative funds may only be utilized for eligible administrative costs in accordance with 24 CFR §92.207.
 - i) **HRA.** A maximum award amount of \$400,000 in Project Funds, and no more than 4% of the Direct Project Costs exclusive of Match funds for administrative costs. The maximum amount eligible for project soft costs is defined in 10 TAC §23.31(f).
 - ii) **HBA.** A maximum award amount of \$70,000 in Project Funds, and no more than 4% of the Direct Project Costs exclusive of Match funds for administrative costs. The maximum amount eligible for project soft costs is defined in 10 TAC §23.41(e).
 - iii) **TBRA.** A maximum award amount of \$110,000 in Project Funds and no more than 4% of the Direct Project Costs exclusive of Match funds for administrative costs except that funds for administrative costs may be increased an additional 1% of Direct Project Costs if Match is provided in an amount equal to 5% or more of Direct Project Costs in accordance with 10 TAC §23.61(i). The maximum amount eligible for project soft costs is defined in 10 TAC §23.61(h).
- b) In accordance with 10 TAC §23.26(f), the Administrator may incur and be reimbursed for eligible administrative and Project Soft Costs incurred before the effective date of the HOME contract in accordance with 24 CFR §92.212 and at the sole discretion of the Department. In no event will the Department reimburse expenses incurred more than six (6) months prior to the Department’s Governing Board approval of the Administrator’s award.
- c) With the exception of Tenant-Based Rental Assistance, the minimum HOME assistance amount per unit may not be less than \$1,000 per HOME assisted unit.
- d) For Tenant-Based Rental Assistance, Applicants are typically limited to the Fair Market Rent limits; however, if an Applicant anticipates that it would like to request a higher rental payment standard for all or part of their service area, such a request must be submitted with the Application. Such a request should contain supporting documentation such as identification of a Small Area Fair Market Rent or a market study.

9) Eligible and Ineligible Applicants.

- a) Eligible Applicants include Units of General Local Government, nonprofit organizations, Public Housing Authorities, Local Mental Health Authorities, and Councils of Government.

- b) If an Applicant that is a private nonprofit organization is requesting a waiver of the grant application fee, they must do so in a board resolution authorizing the submittal of the application to the Department, and must state that the nonprofit organization offers expanded services such as child care, nutrition programs, job training assistance, health services, or human services.
- c) Applicants are encouraged to familiarize themselves with the Department's certification and debarment policies prior to application submission.
- d) All Applicants will be subject to a Previous Participation Review by the Department.
- e) Audit Requirements. An Applicant is not eligible to receive funds or any other assistance from the Department unless a past audit or Audit Certification Form has been submitted to the Department in a satisfactory format, per 10 TAC §1.3(d). This is a threshold requirement outlined in the application, therefore applications that have outstanding past audits will be disqualified. Staff will not recommend applications for funding unless the Applicant has successfully completed a previous participation review as outlined in 10 TAC §1.303.

10) Eligible and Prohibited Activities.

- a) Prohibited activities include those at 24 CFR §92.214 and in the State HOME Rules.
- b) Funds will not be eligible for use in a Participating Jurisdiction (PJ) except for Applications specifically requesting to access funds under the Persons with Disabilities set-aside inside specified PJ(s).

11) Threshold Requirements

- a) General Threshold and Selection Criteria are established in 10 TAC §23.25 for all Set-Aside types. Additional threshold requirements for Activity Types are located at:
 - i) 10 TAC §23.30 for HRA;
 - ii) 10 TAC §23.40 for HBA; and
 - iii) 10 TAC §23.60 for TBRA.
- b) Applications submitted for the Competitive Application Cycle which do not meet the threshold requirements may not be scored. Applications submitted for the Open Cycle or Reservation System which do not meet threshold will be issued a deficiency notice as noted above and threshold must be satisfied prior to a contract or RSP being executed.
- c) Applications in the Competitive Application Cycle **must achieve a minimum staff-determined threshold score of 25** to be considered for an award. Applicants will not receive a score that is higher than their self-determined score.
- d) All Applications must be submitted in accordance with the Application Submission Procedures Manual ("ASPM") forms and instructions.

12) Selection Criteria (Scoring Items) for Competitive Application Cycle

- a) Applicants will be required to submit a self-score within the Application. **In no event will the points awarded to the Application exceed the point value of the self-score in any category.**
- b) Applicants may be awarded 5 points under any one of the following scoring items.

- i) **Homes Built to \geq IRC 2012 Standard.** This scoring criterion is applicable to HRA Activity Applications only. Applications may be awarded 5 points if all reconstructed or newly constructed homes under the contract will be built to a code that meets or exceeds IRC 2012 standards.
- ii) **Purchased Home will Meet Texas Minimum Construction Standards (“TMCS”).** This scoring criterion is applicable to HBA Activity Applications only. Applications may be awarded 5 points if all homes for which Homebuyer Assistance is provided under the contract pass an inspection prior to purchase that meets or exceeds the Texas Minimum Construction Standards.
- iii) **Previous HOME Award.** Applications for all Activity types may receive up to 5 points for past experience in the HOME Program.
 - A. Applications may be awarded 5 points if the Applicant administered a HOME contract awarded January 1, 2009 or later of the same Activity type and met the 100% commitment benchmark of the contract without requiring an amendment.
 - B. Applications may be awarded 4 points if the Applicant administered a HOME reservation agreement of the same Activity type, and one or more reservations were successfully submitted by July 1, 2016, which resulted in commitment of funds.
 - C. Applications may be awarded 3 points if the Applicant administered a HOME contract awarded January 1, 2010 or later of the same Activity type and all contractually required units were completed by the end of the contract term.
- iv) **Administrator Provides Expanded Services.** This additional scoring criterion is applicable to TBRA Activity Applications only. Applicants may receive up to 5 points for the provision of services available to clients within 12 months prior to July 1, 2016. Applicant must specify the types of services offered to clients in the Application. The services must be under the following five categories: Child Care, Nutrition, Job Training, Health, and Human Services, and the services must be uniquely different, with each point for a service associated with each of the distinct service categories; each activity can only count once under one category.
 - A. Applications may be awarded 5 points if the Applicant provided 5 or more services to their existing clients within 12 months prior to July 1, 2016.
 - B. Applications may be awarded 4 points if the Applicant has provided 4 or more services to their existing clients within 12 months prior to July 1, 2016.
 - C. Applications may be awarded 3 points if the Applicant has provided 3 or more services to their existing clients within 12 months prior to July 1, 2016.
 - D. Applications may be awarded 2 points if the Applicant has provided 2 or more services to their existing clients within 12 months prior to July 1, 2016.
 - E. Applications may be awarded 1 point if the Applicant has provided 1 or more services to their existing clients within 12 months prior to July 1, 2016.
- v) **Previous Monitoring Reports.** Applications for all Activity types may receive up to 5 points for previous compliance history. Note that Administrators with findings that are currently open and not resolved may not be considered for award as part of the Previous Participation Review, which is a threshold item.
 - A. Applications may be awarded 5 points if the Applicant has not received any monitoring findings within three years of July 1, 2016.

- B. Applications may be awarded 4 points if the Applicant has received findings within three years of July 1, 2016, but the findings were not related to income/asset calculation, procurement, or disallowed costs.
 - C. Applications may be awarded a maximum of 3 points if the Applicant received findings within three years of July 1, 2016 that included procurement findings, provided the findings did not also include findings related to income/asset calculation and/or the Applicant had disallowed costs.
 - D. Applications may be awarded a maximum of 2 points if the Applicant received findings related to income/asset calculation findings within three years of July 1, 2016, provided the findings did not result in disallowed costs.
 - E. Applications may be awarded a maximum of 1 point if the Applicant received any findings that resulted in disallowed costs within three years of July 1, 2016.
- vi) **Language Assistance Plan.** Applications for all Activity types may receive 5 points if a Language Assistance Plan (LAP) is provided. Submitted LAPs must adhere to the guidance provided in the LAP Checklist as part of the Competitive Application Submission Procedures Manual (ASPM) **and must be approved by the Applicant's Governing Board.**
 - vii) **Applicant Staff with Income Eligibility Training.** Applications for all Activity types may receive up to 5 points if a member of the Applicant's staff that will be involved in administration of the program if awarded, has attended TDHCA's 1st Thursday Income Eligibility training no earlier than July 1, 2015, or certifies that the staff member will attend TDHCA's 1st Thursday Income Eligibility training prior to project submission for TDHCA approval. Projects may not be approved under a contract until the staff member has attended 1st Thursday training if points are awarded under this category.
 - viii) **No TDHCA Multifamily Properties in Service Area.** This scoring criterion is applicable to TBRA Activity Applications only. Applications may be awarded 5 points if there are no TDHCA NSP, LIHTC, Bond, TCAP, TCAP-RF, or HOME multifamily properties within the service area defined in the Application.
 - ix) **Lack of Single Family Activities within the Service Area within the Previous 2 Years.** This selection criterion is applicable to HRA and HBA Activity Applications only.
 - A. Applications may be awarded 5 points if TDHCA HOME funds have not been awarded thorough a competitive award or been provided to projects of the same Activity type as that proposed in the Application, and within the service area designated in the Application within 2 years of July 1, 2016.
 - B. Applications may be awarded 4 points if TDHCA HOME funds have been committed to projects of the same Activity type as that proposed in the Application, and within the service area designated in the Application, if the Applicant was not awarded funds to administer a contract of the same Activity type and was not the service provider for projects submitted under an RSP agreement, within 2 years of July 1, 2016.
 - x) **Program Restricted to First-Time Homebuyers.** This scoring criterion is applicable to HBA Activity Applications only. Applications may be awarded 5 points if 100% of households served are first-time homebuyers as defined by the FHA, except that veterans will also be considered as first-time homebuyers for purposes of this point item.
 - xi) **Program Restricted to Households at or below 60% AMFI.** This additional scoring criterion is applicable to HRA and TBRA Activity Applications only. Applications may be

awarded 5 points if 100% of households served have incomes at or below 60% AMFI for the county in which the project is located.

- xii) **Priority for Certain Communities.** Applications for all Activity types may receive 5 points if at least one colonia is included in the service area identified in the Application. Applicants awarded points under this category will be contractually required to maintain a service area that includes at least one colonia.

13) Application Submission.

- a) All applications submitted for the Competitive Application Cycle must be received on or before **Friday, August 31, 2016, 5:00 p.m. Austin local time**, regardless of method of delivery.
- b) All applications submitted for the Open Application Cycle must be received by **Friday, October 21, 2016, 5:00 p.m. Austin local time**, regardless of method of delivery.
- c) The Department will accept applications for the Competitive and Open Application Cycles from **8:00 a.m. Austin local time to 5:00 p.m. Austin local time** each business day, excluding federal and state holidays, from the date this NOFA is published on the Department's web site until the deadline.
- d) Applications for the Competitive and Open Application cycles can be sent via overnight delivery to:

Texas Department of Housing and Community Affairs
HOME Division
221 East 11th Street
Austin, TX 78701-2410

Or via the U.S. Postal Service to:

Texas Department of Housing and Community Affairs
HOME Division
PO Box 13941
Austin, TX 78711-3941

- e) The Department will accept applications for the Reservation System on an on-going basis. **Applications for the Reservation System, only, are to be submitted as an upload to the Department's FTP server in the format requirements detailed in the RSP ASPM. The Department will not accept applications for the Competitive and Open Application Cycle as uploads to the Department's FTP server.**
- f) Applicants must submit a completed Application, required documentation, and associated application materials, as described in this NOFA and as detailed in the Application Submission Procedures Manual ("ASPM"). All scanned copies must be scanned in accordance with the guidance provided in the ASPM.
- g) All Application materials including manuals, this NOFA, program guidelines, and applicable HOME rules are available on the Department's website at <http://www.tdhca.state.tx.us/home-division/applications.htm>. Applications will be required to adhere to the HOME Rule and threshold requirements in effect at the time of the Application submission. Applications must be on forms provided by the Department, cannot be altered or modified, and must be in final form before submitting them to the Department.

- h) Applicants are required to remit a non-refundable Application fee payable to the Texas Department of Housing and Community Affairs in the amount of \$30 per Application. Payment must be in the form of a check, cashier's check or money order. **Do not send cash.** Pursuant to Tex. Gov't Code §2306.147(b), the Department will waive Application fees for nonprofit organizations that offer expanded services such as child care, nutrition programs, job training assistance, health services, or human services. These organizations must include proof of their exempt status and a description of their supportive services in lieu of the Application fee. The Application fee is not an allowable or reimbursable cost under the HOME Program.
- i) This NOFA does not include text of the various applicable regulatory provisions that may be important to the HOME Program. For proper completion of the application, the Department strongly encourages potential Applicants to review the State and Federal regulations, and contact the HOME Division for guidance and assistance.

14) Dispute Resolution/Appeal.

- a) In accordance with Tex. Gov't Code §2306.082 and 10 TAC §1.17, it is the Department's policy to encourage the use of appropriate alternative dispute resolution procedures ("ADR") under the Governmental Dispute Resolution Act, Tex. Gov't Code Chapter 2009, to assist in resolving disputes under the Department's jurisdiction. As described in Chapter 154, Civil Practices and Remedies Code, ADR procedures include mediation. Except as prohibited by the Department's ex parte communications policy, the Department encourages informal communications between Department staff and Applicants, and other interested persons, to exchange information and informally resolve disputes. The Department also has administrative appeals processes to fairly and expeditiously resolve disputes. If at any time an Applicant or other person would like to engage the Department in an ADR procedure, the person may send a proposal to the Department's Dispute Resolution Coordinator. For additional information on the Department's ADR Policy, see the Department's Rule on ADR at 10 TAC §1.17.
- b) An Applicant may appeal decisions made by staff in accordance with 10 TAC §1.7.

15) Extensions to Benchmark Requirements for Contracts for Competitive or Open Cycle Awards.

Because of stringent deadlines by HUD on commitment and expenditure of funds, and how that is calculated by HUD, extensions to contract end dates or to the deadline to draw down funds for benchmark requirements will not be considered. If there are funds available, Applicants may apply again for the same household activity for Reservation funds, if they have an approved active RSP.

- 16) For questions regarding this NOFA, please contact Jaclyn Pryll, HOME Production Coordinator for the Single Family HOME Program Division, at (512) 475-2975 or via email at HOME@tdhca.state.tx.us.