

Notice of Funding Availability (NOFA)
Tompkins County, New York

Community Housing Development Fund

Round 24

**Applications accepted until
Thursday, April 4, 2024**

I. Program Description

A. Purpose and Background

Tompkins County faces a growing deficit of housing of all types, with a particular need for new housing units for low- to moderate-income households. This deficit requires the development of a substantial number of new housing units and the rehabilitation and retention of units that might otherwise become unaffordable or uninhabitable.

In 2009, Tompkins County, Cornell University, and the City of Ithaca established the Community Housing Development Fund (CHDF), formerly known as the Housing Fund, to help communities, organizations, and housing developers throughout Tompkins County work towards this goal and to better respond to the diverse affordable housing needs of residents. In 2015, and again in 2021, the program was extended for an additional six years to continue supporting projects that encourage sustainable, affordable living – projects that consider and mitigate costs affecting the affordability of living in a housing unit, including the direct cost of the housing unit, as well as transportation and energy costs.

The program provides funding for rehab and construction activity that creates new housing units affordable to low- and moderate-income households. The program also seeks to support the development of mixed-income projects with a diversity of income levels among residents. Since 2020, two other funding partners, the Towns of Dryden and Ithaca, have committed funding to the CHDF as associate members to support affordable housing options in their boundaries.

B. Eligible Uses of Funds

Funds can be used for the development of affordable rental or for-sale projects located in Tompkins County. Projects can be mixed-income or mixed-use, subject to affordability conditions. Housing units restricted to students are not eligible for CHDF funding. Eligible expenses include the purchase or underwriting of the direct cost of land or buildings, construction costs, rehabilitation costs, or any other development cost that will reduce the overall cost of the housing units developed, as long as the housing units remain permanently affordable. This may include expenses involved in the purchase of land such as closing costs, title search, appraisal, and survey of the land, as well as construction costs. An appraisal of the land needs to be completed.

C. Eligible Applicants

Applications may be submitted by any of the following entities:

- 1) 501(c)(3) not-for-profit organizations incorporated in New York State
- 2) Tompkins County municipalities, including the City of Ithaca, towns, and villages
- 3) Public Housing Authorities that serve Tompkins County
- 4) Private, for-profit developers

D. Award Process

To receive funds, awardees must comply with the CHDF award process, including required time limits and documentation, as follows:

- 1) Tompkins County sends notification of Program Oversight Committee (POC) recommendation decisions to successful applicants no later than June 4, 2024.
- 2) The applicant must provide State Environmental Quality Review Act (SEQRA) documentation no later than 10 months from notification and at least 2 months prior to grant agreement contracting. If the POC recommends use of County funds to support the project, County staff will contact

applicants within 15 days of the decision notification to identify required SEQRA documentation and timeline for submittal.

- 3) Awardee requests CHDF grant agreement contract (grant agreement must be executed within 12 months of CHDF award notification).
- 4) Awardee submits building permit to Tompkins County Department of Planning and Sustainability staff.
- 5) Awardee requests drawdown payment (must be completed within 6 months of grant agreement execution and no later than 18 months after award notification).
- 6) If required, County invoices partners for CHDF funding contributions and receives payments. Please note funding partners typically require board or legislative authorization to disburse funds.
- 7) Tompkins County issues award check.
- 8) Awardee must complete units within 18 months from date funds are disbursed and must notify County upon completion.

The CHDF Program Oversight Committee (POC) reviews award modification requests during regularly scheduled meetings during the calendar year. Award modifications are made at the discretion of the POC and must be in compliance with Section VI Guidelines for Award Modifications, below. Decision notifications are generally issued within 30 days from the date of the POC meeting.

Successful applicants may be required to provide periodic and final project reports, verifications, and documentation during the development of the project and during the contracted period of project operation, at the discretion of the POC and to be determined and communicated to the awardee at the time of the award. Failure to comply with these requirements may result in the recapture of awarded funds.

II. Funding Amounts

A. Rental Projects

Overall Project Funding Cap: A project may apply for a maximum of \$300,000 to construct new or to rehabilitate existing rental housing.

Units¹ for Households Earning 80% AMI or Below: Within the overall project funding cap, a maximum of \$30,000 may be awarded per affordable unit for newly constructed or rehabilitated rental units.

Units for Households Earning 81-100% AMI: Within the overall project funding cap, a maximum of \$20,000 may be awarded per affordable unit for newly constructed or rehabilitated rental housing for households earning up to 100% AMI. These units are subject to the rules for Mixed-Income Projects listed in Section II.D.

B. Owner-Occupied Projects

Overall Project Funding Cap: A project may apply for a maximum of \$420,000 to construct new or to rehabilitate existing housing that will be owner-occupied.

¹ Non-traditional housing proposals (e.g., supportive housing group homes, single room occupancy residences, etc.) may consider two bedrooms to equal one unit if the unit does not provide a private bathroom and kitchen. For questions about project design, please contact the Tompkins County Department of Planning & Sustainability at 607-274-5560 or planning@tompkins-co.org.

Units for Households Earning 80% AMI or Below: Within the overall project funding cap, a maximum of \$60,000 may be awarded per affordable unit for newly constructed or rehabilitated owner-occupied housing.

Units for Households Earning 81-120% AMI: Within the overall project funding cap, a maximum of \$30,000 may be awarded per affordable unit for newly constructed or rehabilitated owner-occupied housing for households earning up to 120% AMI. These units are subject to the rules for Mixed-Income Projects listed in Section II.D.

C. Low-Income Housing Tax Credit (LIHTC) Rental Projects

Rental projects pursuing 9% LIHTC funding may apply for up to \$100,000. In rare instances, this cap may be exceeded if project metrics dictate such a need. Projects pursuing 4% LIHTC funding are not subject to this overall project funding cap. Projects seeking 4% LIHTC funding will be reviewed based on funding needed to meet the New York State Homes and Community Renewal (HCR) term sheet only after the developer has participated in a technical assistance meeting with HCR staff.

D. Mixed-Income Projects

The Community Housing Development Fund recognizes the value of producing and retaining mixed-income housing for a diversity of residents with a range of incomes, and that mixed-income housing projects incorporating affordable units should be encouraged. Therefore, units for households earning up to 120% AMI for owner-occupied housing and 100% AMI for rental housing are eligible for program assistance, provided that at least half of the units for which an applicant seeks support are reserved for those earning 80% AMI or less.

Applications seeking assistance for a mixed-income project are eligible for funding for the affordable housing units, provided on a per-unit basis (subject to project caps), regardless of how many market-rate units are part of the overall project.

Applicants are encouraged to carefully reflect on their project funding needs. As demand for available resources exceeds the funding available to this program, the maximum award amounts may not be possible. Please note that when funding is limited, projects that reach lower income levels may be prioritized. The following table is a summary of funding amounts.

Project Type	Maximum Per Unit Award	Maximum Total Award
Rental Units up to 80%AMI	\$30,000	\$300,000
Rental Units 80%AMI-100%AMI*	\$20,000*	\$300,000*
Rental Units Pursuing 9% LIHTC	\$30,000	\$100,000
Rental Units Pursuing 4% LIHTC	See Section II.C	
For Sale Units up to 80%AMI	\$60,000	\$420,000
For Sale Units 80%AMI-120%AMI*	\$30,000*	\$420,000*

*At least half of funded units must serve households at or under 80% AMI. See Section II.D.

III. Minimum Eligibility Requirements

A. Location. Projects must be located in Tompkins County.

B. Affordability. Projects must include units of affordable housing for low- and moderate-income households. Additionally, projects may request support for affordable units intended for middle-income households, provided that such requests meet the requirements of Section II.D. Low- and moderate-income households are defined in this program as households earning 80% or less of AMI for Tompkins County. Middle-income households are defined as those earning 81-120% of AMI for homeowners and 81-100% of AMI for renters in Tompkins County. Income limits are based on annually updated limits set by the U.S. Department of Housing and Urban Development (HUD) for Tompkins County (<https://www.huduser.gov/portal/datasets/il.html>).

As of the time of this grant cycle, limits are as follows (with 2024 updates anticipated by HUD in May 2024):

HUD FY2023 Income Limits for Tompkins County

Household Size	Income Limit (80% AMI)	Income Limit (100% AMI)	Income Limit (120% AMI)
1	\$59,400	\$74,250	\$89,100
2	\$67,900	\$84,875	\$101,850
3	\$76,400	\$95,500	\$114,600
4	\$84,850	\$106,063	\$127,275

To be considered affordable, the monthly rent and utilities in an apartment or the monthly combined mortgage payment and other housing expenses for a homeowner should not exceed 35% of a household's monthly income.

Applicants seeking CHDF funding for projects requiring public or private operating subsidies or rental assistance must identify the level of operating subsidy or rental assistance required, plans for securing the required subsidy or rental assistance, and any documentation of awarded public subsidy or rental assistance.

Special Provision for Sustainable, Affordable Living Project

Consideration may be given to funding projects proposing housing expenses up to 40% of a household's monthly income, only if the project is deemed a *Sustainable, Affordable Living Project*. Such projects significantly mitigate household transportation and energy expenses, two major costs affecting housing affordability in addition to rent and mortgage payments. To acquire funding at these higher percent of income rates, proposals must exceed the standards set in the selection criteria and provide a comprehensive vision for developing sustainable, affordable living. These characteristics and criteria are described in the Smart Growth and Nodal Development Characteristics document in the application portal.

C. Permanent Affordability. Applicants must be able to ensure that housing units are permanently affordable, meaning the units are maintained and monitored as affordable units for a minimum of 49 years and that **the affordability requirement is tied to the property in case of a sale.**

Permanent affordability is retained by such measures as income qualifying prospective buyers or renters and limiting the sale price or rent of units; separating the ownership of the land from the ownership of the housing unit, whereby only the housing unit is purchased by the homebuyer, and

by restricting the amount of equity that a homeowner can take from the housing unit upon sale (as in the Community Housing Trust model); or other equivalent mechanisms.

All applicants must demonstrate their ability to (1) verify the incomes of potential tenants or homebuyers and (2) monitor rental or sales prices of the affordable unit(s) to ensure that housing expenses (rent and utilities in apartments and mortgage payments and other housing costs in for-sale units) do not exceed the housing cost limits of this program.

Applicants whose projects are not subject to long-term affordability regulatory agreements (e.g., LIHTC projects) must provide a legal instrument to ensure that affordability is maintained and monitored for a minimum of 49 years and that the affordability requirement is tied to the property in case of a sale. Proposals for owner-occupied units must provide for these units to be placed in a housing trust that ensures permanent affordability.

- D. Site Control. Applicant must have site control in the form of title, an option to purchase, a long-term lease, or other forms acceptable to the POC.
- E. Experience. Applicant must have a demonstrated track record in residential real estate development/construction (multi-unit experience where applicable) and/or affordable housing development and/or management. **Applicants who lack experience successfully complying with federal, state, or local grant programs subsidizing housing construction, rehabilitation, or redevelopment projects are discouraged from responding to this NOFA.**

Applicants must meet the following threshold eligibility requirements:

- Applicant must have a separate legal entity status (e.g., corporation, partnership, limited liability company, charitable organization, etc.) from an individual person.
- Applicant must have residential real estate development/construction experience commensurate with the scale and complexity of the proposed project.
- For homeownership projects, applicant must have experience and capacity to market affordable units and qualify homebuyers for affordable home purchase.
- For rental housing projects, applicant must have the experience and staff capacity to oversee the marketing, qualification of tenants, management, and ownership of an affordable rental project.
- If an applicant does not have the required experience and capacity with affordable development, they must enter into a joint venture agreement or similar agreement with a partner with the requisite experience at the time of application. This agreement must establish the roles and responsibilities of each entity in the partnership. The executed agreement must be included in the application.

Proposals including supportive housing units (e.g., units for individuals who are homeless, have mental health diagnoses, have developmental disabilities, are recovering from substance abuse, are re-entering the community from jail or prison, etc.) must demonstrate that the applicant or applicant's project partner(s) has experience providing supportive services for the residents. Applicants should also provide a description of services which the applicant or project partner(s) will provide to tenants. Applicants should also provide letters of support from partnered case management or service agencies. In addition, applicants must describe plans to identify suitable tenants for the project. For projects serving homeless households, applicants are encouraged to

contact the [Tompkins County Human Services Coalition](#) and make use of the Coordinated Entry System.

- F. Community Plans. Project must demonstrate alignment with the goals of the Tompkins County Comprehensive Plan (<https://www2.tompkinscountyny.gov/files2/planning/ComprehensivePlan/FINAL-March%2012-low%20res.pdf>) including smart growth/nodal development goals, and the adopted comprehensive plan of the host municipality (if applicable).
- G. Energy Recommendations for New Construction: Project must demonstrate consideration of higher energy efficiency standards and incorporation of renewable energy systems as detailed in the Tompkins County Energy Recommendations for New Construction or comply with local energy codes if they are more stringent. Tompkins County Energy Recommendations for New Construction (2018) can be found in the application portal. Multifamily rental projects with five or more units may be eligible for assistance in considering energy options in their design through the Tompkins County Business Energy Advisors (BEA) Program. More information about this program can be found in the grant application portal and at <http://tompkinscountyny.gov/bea>.
- H. Housing Strategy. Project must demonstrate alignment with the Tompkins County Housing Strategy (https://www2.tompkinscountyny.gov/files2/planning/housing_choices/documents/HousingStrategy_Final_6-29-17.pdf).

IV. Application Process

Funds will be awarded to applicants on a competitive basis. The application process is as follows:

1) **Notice of Funding Availability (NOFA)**: – The NOFA will be posted on the Tompkins County Department of Planning and Sustainability’s website at <http://www.tompkinscountyny.gov/planning/housing-choices-housing-fund> and distributed via email to a list of interested parties.. For inquiries regarding the NOFA, please contact **planning@tompkins-co.org** or 607-274-5560.

2) **Application Submission and Deadline**: All applications, including attachments, must be submitted through the Common Grant Application portal. Program documents and necessary application templates are found in the Common Grant Application portal. Please use the following link to sign up for an account and start an application: <https://www.commongrantapplication.com/register.php?refOrgId=70636&refProgId=686&refProgType=grantsNew>.

An introductory video about how to use the application portal can be found here: <https://www.youtube.com/watch?v=xD85LuIZjRM>

Applications in response to this NOFA may be submitted at any time before 5:00pm on April 4, 2024.

3) **Review Process**: Applications will be scored by the Application Review Committee (ARC) appointed by the POC using the evaluation criteria outlined in Section V. The ARC will recommend applications for funding to the POC based on scoring and qualitative assessments. The POC may request an interview and/or clarifying information. The POC will be responsible for making funding

award recommendations, which will be forwarded to the appropriate funding entity for final approval. Top scoring by the ARC does not guarantee recommendation by the POC or approval by the funding entity.

4) **Final Approval:** All funding awards require approval by the funding entity prior to disbursement. **Announcement of a recommendation of award from the POC is not a guarantee of funding.**

Notifications regarding funding recommendation from the POC will be sent by June 4, 2024.

V. Evaluation Criteria

Eligible applications for the Community Housing Development Fund will be evaluated and scored against the following criteria:

Criteria Overview

1. Applicant Experience
2. Project Design
3. Affordability
4. Project Readiness
5. Financial Feasibility
6. Sustainable Development
7. Smart Growth
8. Property Tax Impacts

Although the NOFA and the application ask applicants for as much detail as possible, the CHDF program recognizes that, depending upon the project's current stage in the development process, the applicant may have a limited amount of firm information on some aspects of the project at the time of application. Applicants are encouraged to supply as much detail as possible regarding the project's firmly established aspects and the current intent regarding aspects of the project that are not as well defined. When providing this information, the level of certainty should be indicated – for example, use “will provide” where there is a high degree of certainty and “intend to provide” where there is not.

VI. Guidelines for Award Modification

The CHDF program accommodates requests to revise the timing of awards based on unanticipated changes to project schedules and costs. The POC will consider award modification requests during regularly scheduled meetings.

- A. Award Time Extension Requests: Applicants must draw down funds within 18 months of award notification. Before drawing down funds, applicants must execute grant agreements and provide building permits for their projects. Awardees may request one extension of up to 12 months for drawing down funds. These requests may be made by letter or email, explaining the reason for the extension and the amount of time requested. The extension may be granted at the discretion of the POC.

To be considered for an award extension, awardees must provide documentation that:

- They applied for but failed to secure additional, non-CHDF funding identified in their original CHDF application and plan to re-apply for the same funding opportunity in the next available round or seek alternative funding within the timeframe of the award extension.

- They encountered delays due to unanticipated property conditions, despite performing due diligence.
- They experienced unanticipated delays in obtaining municipal or other required permits, or faced other delays deemed justifiable by the POC.

Required materials submission for award extension requests:

- Letter summarizing the project, specifying the requested term of extension and providing a rationale for the extension.
- Supporting documentation demonstrating the need for an award extension.

- B. Award Funding Increase Requests: Awardees may seek an increase in award funding up to the funding caps established in the NOFA for the CHDF funding round to which they originally applied. If a subsequent round offers higher funding caps, awardees must submit a new application for that round to secure a new award at the increased funding caps.

Awardees may apply for an award funding increase once for the same project. To be considered for an award increase, applicants must demonstrate:

- Unanticipated and significant rise in project costs due to market conditions.
- Unanticipated property conditions, despite due diligence performed by awardee.
- Significant changes to project plans, such as increasing the number of units, expanding the number of bedrooms to meet selected household needs, or complying with local zoning or planning board decisions.

Required materials submission for award funding increase requests:

- Letter summarizing the project, specifying the requested award increase amount and providing a rationale for the request.
- Project budget showing both the original and revised budgets.
- Supporting documentation demonstrating the need for an award increase.

- C. Award Modification Approval Process: Requests for award time extensions and award funding increases will be presented to the POC, which will then provide recommendations for approval or denial. Award funding increase requests require authorization by the Tompkins County Legislature and/or other funding partners.

- D. Notification of Award Modification Decision: Tompkins County will send a letter notifying the awardee of the POC's decision. If a contract has been executed prior to the modification request, the County will revise it accordingly.