



JEFFERSON COUNTY, ALABAMA

REQUEST FOR PROPOSALS

BY THE

**DEPARTMENT
OF
COMMUNITY SERVICES**

**Suite A-430
716 Richard Arrington, Jr. Blvd. N.
Birmingham, Alabama 35203**

RENTAL HOUSING DEVELOPMENT AND REHABILITATION

March 21, 2025



Table of Contents

Purpose of Request for Proposals	3
Background.....	3
Scope	3
Eligibility	3
Application Requirements and Deadlines	4
Services Area	5
Funding Contingencies	5
Number of Units	5
Available Funding and Limitations Per Unit	5
Program Period of Affordability- Enforcement	5
Rent and Income Restrictions	5
Utility Allowance Calculation	6
Underwriting Assumptions for New Construction	6
Relocation of Owners, Tenants or Businesses	7
MBE/WBE Participation	7
Code of Conduct	7
Selection Criteria	7
APPENDIX A – Legal Advertisement	9
APPENDIX B – Certifications	12
Certification Regarding Act 2016-312 Prohibition Against Boycotting.....	13
Jefferson County Administrative Order 08-4.....	14
Equal Employment Opportunity Certification Form	16
Conflict of Interest.....	17
Debarment, Suspension & Other Responsibility Matters	19
Displacement, Relocation & Acquisition.....	20
Prohibition of the Use of Federal Funds for Lobbying and Bribes	21
APPENDIX C – Environmental Review	22
APPENDIX D – Rehabilitation Requirements	24
APPENDIX E – New Development Requirements	31
APPENDIX F – Rehabilitation Design Standards	39
APPENDIX G – New Development Design Standards	46
APPENDIX H – 2 CFR 200 Appendix II to Part 200	50
APPENDIX I – Example Deed Restriction	56

PURPOSE OF REQUEST FOR PROPOSALS

Background

Jefferson County received funding from the U.S. Department of the Treasury Emergency Rental Assistance Program (ERA 2) to support housing stability. Under Treasury guidance, a portion of these funds can be used to support “affordable rental housing and eviction prevention purposes” including affordable rental housing rehabilitation and development.

Scope

The purpose of this Request for Proposals is to encourage the rehabilitation and development of affordable rental housing in Jefferson County. To achieve this goal, Jefferson County is willing to consider proposals for the use of Treasury’s ERA 2 funds as a permanent funding source. Jefferson County is seeking proposals from qualified non-profit organizations to complete affordable rental housing rehabilitation and new development projects for Jefferson County’s Community Services Department as described herein.

Jefferson County will follow HUD HOME Program Final Rule.

Eligibility

Eligible respondents must be a non-profit organization capable of meeting all Federal, state, and local requirements.

Eligible respondents may submit a proposal for:

- Rehabilitation
- New development
- Both rehabilitation and new development

It is the sole discretion of Jefferson County to select projects.

The County intends to use the full allowable allocation of 25% of its ERA 2 award, totaling \$15,595,665 dollars, for affordable housing uses. The County will allow proposals to be submitted for both rehabilitation and new development projects. Based on proposed projects, the County may elect to move funds between rehabilitation and new development to ensure full expenditure of funds.

The County will determine if one or more projects will be awarded within each category. The County has made the preliminary decision to allocate \$4 million dollars for rehabilitation and \$11.5 million dollars for new development, however, based on proposals, the County will determine final allocation and award amounts.

For details on project scoring see **Selection Criteria**.

For full details on rehabilitation project requirements, please see APPENDIX D.

For full details on new development project requirements, please see APPENDIX E.

For rehabilitation design standards, see APPENDIX F.

For new development design standards, APPENDIX G.

APPLICATION REQUIREMENTS AND DEADLINES

One (1) original (so marked) and one (1) copy of each application must be submitted in separate three-ring binders and tabbed and numbered as indicated. Additional information pertinent to the application may be submitted at the rear of the application. In addition, please provide another copy in electronic format.

Sealed proposals must be submitted to the Department of Community Services (in-hand) at the below address by no later than **5:00 P.M. on April 28, 2025** Please clearly mark "Proposal For 2025 RENTAL HOUSING DEVELOPMENT AND REHABILITATION."

Submit proposals to the address below:

Jefferson County Department of Community Services
Suite A-430
716 Richard Arrington, Jr. Blvd. N.
Birmingham, AL 35203

Copies of the complete Request for Proposals can be picked up at the above-address or requested via e-mail to Michelle Pickett at Pickettm@jccal.org. All requests by means other than by in-person visits to the above noted Office will be responded to via e-mail or United States Postal Service. All questions should be addressed to Michelle Pickett at (205) 325-5761.

SERVICE AREA

The Service Area for this Agreement is all of Jefferson County.

FUNDING CONTINGENCIES

All funding is contingent upon an Environmental Review.

It is the intent that this RFP be issued and proposals underwritten in compliance with regulations and requirements of the HOME program see the most recently published HOME Program Final Rule. Should the regulations and requirements change at any time, the County reserves the right to alter its Program to ensure compliance up to and including terminating any Preliminary Award issued if the project does not meet new HOME regulations and/or HUD and Treasury ERA 2 requirements. The County, its elected officials, employees and agents shall not be held responsible or liable for any losses incurred from claims, suits, damages, and costs and expenses of any kind or of any nature that any Proposing Firm may suffer, incur or pay arising out of decisions by the County concerning any proposal, application, or action(s) associated with the administration of the HOME Program and ERA 2 funding.

NUMBER OF UNITS

Although there is no maximum, the number of units proposed must be substantiated by a market study, appropriate for the site size and conditions, and meet financing and underwriting criteria. The minimum number of units is two (2).

New Construction and Rehabilitation Projects: The number of *assisted units* in the development shall be based upon eligible cost and per unit subsidy limits determined by the HOME program.

AVAILABLE FUNDING AND LIMITATIONS PER UNIT

The investment may not exceed HOME maximum per unit subsidy limits including project soft costs incurred by Jefferson County

PROGRAM PERIOD OF AFFORDABILITY - ENFORCEMENT

Projects funded through ERA 2 are subject to a 20-year period of affordability, which must be formalized with a deed restriction. See **Appendix I** for an example deed restriction. Projects are subject to a compliance period of 20 years, known as the Period of Affordability. Sub-recipients will be monitored at least once per year to ensure compliance.

RENT AND INCOME RESTRICTIONS

To qualify as affordable housing, the units must be rented only to households with certain incomes and rents are regulated by the program to be affordable to low-income households. **Treasury rules require that all households served must qualify at or**

below 50% of Median Household Income as defined by HUD.

Please note that HUD sets rent and income limits annually and are subject to change. Qualified respondents will be required to align rents annually with required rent limits for the full duration of the 20-year affordability period.

The rent limits will be stipulated in the development agreement. Income limits in effect at lease-up shall apply. Jefferson County calculates Annual Income as defined in 24 CFR Part 5 (Section 8 Definition).

Current HOME rent limits for the Birmingham-Hoover MSA are available at:
https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_RentLimits_State_AL_2024.pdf

Current HOME income limits for the Birmingham-Hoover MSA are available at:
https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_IncomeLmts_State_AL_2024.pdf

Project must remain compliant throughout the applicable Period of Affordability.

UTILITY ALLOWANCE CALCULATION

Applicants must provide a utility allowance (UA) calculation for each bedroom size in the development. The UA must be based on an energy and water and sewage consumption and analysis model (Energy Consumption Model (Engineer Model) (26 CFR 1.42-10(b)(4)(E)) prepared by a properly licensed engineer or a qualified professional that is independent from the developer and property owner and they must specify the building factors that must be included in the model. This UA calculation will be required annually throughout the Period of Affordability.

UNDERWRITING ASSUMPTIONS FOR NEW CONSTRUCTION:

- Vacancy: 7%
- Rent Increase: 2%
- Operating Expenses Increase: 3%
- Minimum Debt Coverage Ratio (DCR) over the 20-year pro forma analysis: 1.20:1
- Average Cash Flow as percentage of projected operating expenses over the 20-year pro forma analysis shall generally not exceed 10%
- Replacement Reserve Requirement: \$250/unit for 20 years
- Operating Expenses Per Unit (including reserves): Maximum of \$4,700.00
- Monitoring Fee: \$40/unit annually

RELOCATION OF OWNERS, TENANTS OR BUSINESSES

Relocation is not permitted.

MBE/WBE PARTICIPATION

Firms are encouraged to utilize the skills and services of minority businesses in the fulfillment of the contractual responsibilities pertaining to this project. Developers must maintain a MBE/WBE plan that demonstrates marketing and solicitation of MBE/WBE businesses and contractors for the construction of the project.

CODE OF CONDUCT

The developer covenants that no person who presently exercises any functions or responsibilities in connection with the program has any personal financial interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The developer further covenants that in the performance of this Agreement, no person having any conflict of interest shall be employed. Any interest on the part of the Developer or its employees must be disclosed to the County provided, however, that this paragraph shall be interpreted in such a manner so as not to unreasonably impede the statutory requirements that maximum opportunity be provided for employment of and participation by low- and moderate-income residents of the area.

SELECTION CRITERIA

The preliminary funding award(s) resulting from this Request for Proposals shall be determined by a scoring system including, but not necessarily limited to, the factors shown below. Regardless of strict numerical ranking, the scoring does not operate to vest in an applicant or project any right to a reservation or commitment of ERA 2 funds or other funds in any amount. Jefferson County will, in all instances, reserve and commit funds consistent with sound and reasonable judgment, prudent business practices and the exercise of its inherent discretion to ensure that:

- Property Owners and Developers awarded funds are both capable and fiscally sound.
- The neighborhood market will support the proposed housing.
- The project's financial assumptions and projections are reasonable, have adequate sources for construction and permanent financing, and meet subsidy layering considerations.

Points will be designated for each factor of consideration with a maximum score of 100 points.

Experience and financial capacity - up to 30 points.

Experience in the development and management of projects of a similar type and scope, staff qualifications, and the overall quality of the application for this project. The applicant's current financial statement/independent audit will be reviewed for financial

capacity and soundness.

Strength of Pro Forma and Financial Proposal – up to 30 points.

The applicant's pro forma will be reviewed against the *Underwriting Assumptions* listed above for compliance and strength. Rankings will reflect the strength of the overall financial proposal including the combination and availability of other funds.

Risk Profile up to 15 points

The applicant's pre-award risk assessment questionnaire will be reviewed for prior experience, capacity, and other factors presenting risk.

Readiness to Proceed up to 10 points

Project proposals will be reviewed for readiness to begin work.

Ability to Complete the Project in the Required Timeline up to 10 points

Proposals will be reviewed for project timeline and the respondent's ability to complete the project within the required timeline. New development projects must be completed within two years of contract execution and rehabilitation projects must be completed within one year of contract execution.

Ability to Reinvest in Affordable Housing up to 5 points

Proposals must demonstrate how the respondent will reinvest in affordable housing with any profit from these projects. Revolving loan funds are not eligible.

Extra Points

1. Completed design and specifications at the time of proposal submission **up to 5 points**
2. Rehabilitation projects with completed environmental documentation (see requirements in **Appendix D** Rehabilitation Requirements) **up to 5 points**
3. New Construction development projects with proof of ownership of adjacent land and the potential for future development **up to 5 points**

APPENDIX A
Request for Proposals
Advertisement

Legal Advertisement

Request for Proposals (RFP)

RENTAL HOUSING DEVELOPMENT AND REHABILITATION

The Jefferson County Commission received funding from the U.S. Department of Treasury Emergency Rental Assistance (ERA-2) Program to support housing stability. Per Treasury guidance, a portion of these funds can be used to support affordable rental housing and eviction prevention purposes, including rental housing development and rehabilitation. Jefferson County, through its Department of Community Services, is seeking proposals from qualified Non-Profit (501 (c) (3)) Organizations with a **strong history** of successfully developing and marketing quality affordable rental housing to address the housing needs of lower income residents of the Jefferson County Community Development Consortium (all of Jefferson County outside of the cities of Birmingham, Bessemer, Sumiton, and Helena). Proposals may be submitted for rental development and/or rehabilitation. Jefferson County will comply with U.S. Department of Housing and Urban Development (HUD) HOME Program policies in administering the projects. Eligible respondents must be capable of meeting all Federal, State, and local requirements.

Sealed proposals must be submitted to the Department of Community Services (in-hand) at the below address by no later than **5:00 P.M. on April 28, 2025**. Please clearly mark “Proposal For 2025 RENTAL HOUSING DEVELOPMENT AND REHABILITATION.”

Submit proposals to the address below:

Jefferson County Department of Community Services
Suite A-430
716 Richard Arrington, Jr. Blvd. N.
Birmingham, AL 35203

The complete RFP may be viewed on the Jefferson County Department of Community Services website:

<https://www.jccal.org/Default.asp?ID=1255&pg=Requests+for+Proposals%2FQualifications>

Copies of the complete Request for Proposals can be picked up at the above-address or requested via e-mail to Michelle Pickett at Pickettm@jccal.org. All requests by means other than by in-person visits to the above noted Office will be responded to via e-mail or United States Postal Service. All questions should be addressed to Michelle Pickett at (205) 325-5761.

Timeline:

Friday, March 21 RFP published on County website
Friday, March 28 RFP published in papers
Friday, April 4 RFP questions due to Community Services
Wednesday, April 9 Community Services to publish response to questions on
Community Services web page
(Responses will be published by 5 pm 4/9/2025)

Wednesday, April 9 at 2pm (virtual) **Mandatory** pre-bid meeting for respondents

To join the mandatory pre-bid ERA Affordable Housing meeting:

Microsoft Teams
[Join the meeting now](#)

LINK:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_Yjc0ZTBkNmMtODA4Ni00OTFhLTlhN2QtY2I0Yzc5NDQ1YWWRm%40thread.v2/0?context=%7b%22Tid%22%3a%22ce555da0-cea7-4a05-aaed-9f7e90e5b3fb%22%2c%22Oid%22%3a%22ab0eb18d-37b6-4d32-9a47-478e45120d90%22%7d

Meeting ID: 229 504 051 701

Passcode: 8YR3yg2d

Dial in by phone

+1 281-810-2971,,915771843# United States, Houston

[Find a local number](#)

Phone conference ID: 915 771 843#

[Link to join pre-bid meeting](#)

Monday, April 28 RFP responses due by 5 PM

Run Dates: Birmingham News March 28, 2025
Birmingham Times March 28, 2025

APPENDIX B CERTIFICATIONS

**CERTIFICATION REGARDING
ACT 2016-312 PROHIBITION AGAINST BOYCOTTING**

The undersigned certifies to the Jefferson County Commission through its Department of Community Services that it and its principals are in compliance with **Act 2016-312 Prohibition Against Boycotting** as follows:

Contractor certifies that it is not currently engaged in, and for the duration of this agreement will not engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which this state enjoys open trade.

Organization Name

By: _____

Its: _____

Date: _____

Administrative Order of the Jefferson County Commission 08-4

All parties to the Proposal agree that all services rendered under any contract or agreement with Jefferson County, Alabama will be done so without regard to race, creed, color, sex, national origin, religion or handicap and agree to comply with Jefferson County Commission Administrative Order 08-4 as follows:

PURPOSE

To give notice to potential developers/contractors that Jefferson County is an equal opportunity employer in accordance with Title VII, Civil Rights Act of 1964, 42 U.S.C. §§ 1981, 1983, 1986 and amendments, and it is the policy of Jefferson County to require developers, contractors, vendors and suppliers (hereinafter “Developer”) providing goods and services to the County to afford equal opportunity for employment to all individuals regardless of race, color, sex, age, religion, national origin, disability or veteran status.

PROCEDURE

The clause set forth below which requires Developers compliance with federal law shall be incorporated in each bid or offer to do business with the County and in all contracts and sub-contracts with the County as follows:

1. The Developer will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability or veteran status pursuant to the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 1981, 1983, 1986 and all amendments thereto relative to discriminatory employment practices. The Developer will ensure that qualified applicants are employed, and that said employees are treated fairly during employment, without regard to their race, color, religion, sex, national origin, age, disability or veteran status. Such action shall include, but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
2. In the event of the Developer’s non-compliance with the equal employment opportunity clause of this Agreement, this Agreement may not be awarded or may be cancelled, terminated or suspended in whole or in part and the Developer may be declared ineligible for further County contracts.
3. The Developer will include the provisions of paragraph (1) in every sub-contract or purchase order.

4. The Developer shall certify to the County its compliance with this policy prior to receipt of any contract or business with the County. The Form “Jefferson County, Alabama Equal Opportunity Certification Form” is incorporated herein by reference.

Organization Name

By: _____

Its: _____

Date: _____

JEFFERSON COUNTY, ALABAMA
EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION FORM

Contractor/Vendor Name: _____

Address: _____

The Contractor acknowledges receipt of Jefferson County's Equal Employment Opportunity Contractor Compliance Administrative Order (attached hereto) and certifies that it is an equal opportunity employer and agrees to the requirements of the Policy and the Equal Employment Opportunity Clause therein. It further certifies that it will require all subcontractors to execute an Equal Employment Opportunity statement and certification of compliance.

The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability or veteran status. The Contractor will ensure that qualified applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, age, disability or veteran status. Such action shall include, but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

The Contractor will furnish to the County, upon request, reports, notices, policies and/or information certifying compliance with this policy.

In the event of the Contractor's non-compliance with the equal employment opportunity clause of this contract, this contract may not be awarded or may be cancelled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further County contracts.

Date

Signature

Title

CERTIFICATION REGARDING CONFLICT OF INTEREST

A. Applicability.

- (1) In the procurement of supplies, equipment, construction, and services by the Subrecipient the conflict-of-interest provisions in 2 CFR 200, shall apply.
- (2) In all cases not governed by 2 CFR 200, the provisions of this section shall apply.

B. Conflicts prohibited. The general rule is that no persons described in paragraph (C) of this section who exercise or have exercised any functions or responsibilities with respect to ARPA activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a ARPA-assisted activity, or have a financial interest in any contract, subcontract, or Agreement with respect to a ARPA-assisted activity, or with respect to the proceeds of the ARPA-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

C. Persons covered. The conflict-of-interest provisions of paragraph (B) of this section apply to any person who is an employee, agent, consultant, officer, elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

D. Exceptions. Upon the written request of the Subrecipient, the County may grant an exception to the provisions of paragraph (B) of this section on a case- by-case basis when it has satisfactorily met the threshold requirements of (D)(1) of this section, taking into account the cumulative effects of paragraph (D)(2) of this section.

(1) Threshold requirements. The County will consider an exception only after the Subrecipient has provided the following documentation:

- (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
- (ii) An opinion of the Subrecipients attorney that the interest for which the exception is sought would not violate State or local law.

(2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (D)(1) of this section, The County shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project,

taking into account the cumulative effect of the following factors, as applicable:

- (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- (ii) Whether an opportunity was provided for open competitive bidding or negotiation;
- (iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
- (v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section.
- (vi) Whether undue hardship will result either to the Subrecipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- (vii) Any other relevant considerations.

Organization Name

By: _____

Its: _____

Date: _____

**DEVELOPERS CERTIFICATION REGARDING
DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS**

1. The undersigned certifies to the Jefferson County Commission through its Department of Community Services that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment or suspension, declared ineligible, or voluntarily excluded from any transactions or construction projects involving the use of Federal funds;
 - (b) Have not within a three-year period preceding this certification been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
 - (d) Have not within a three-year period preceding this certification had one or more public projects (Federal, State or local) terminated for cause of default.

2. Where the undersigned is unable to certify to any of the statements in this certification, the undersigned shall attach an explanation to this certification.

Organization Name

By: _____

Its: _____

Date: _____

**CERTIFICATION REGARDING
DISPLACEMENT,
RELOCATION AND ACQUISITION**

The undersigned, hereby, certifies to the Jefferson County Commission through its Department of Community Services that if its application is selected for funding, it and its principals will:

1. Take all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms).
2. Provide relocation assistance at the levels described in, and in accordance with the requirements of 24 CFR part 92 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4201-4655) and 49 CFR Part 24.
3. Advise all displaced persons of their rights under the Fair Housing Act (42 U.S.C. 3601-19).

Organization Name

By: _____

Its: _____

Date: _____

**CERTIFICATION REGARDING
PROHIBITION OF THE USE OF FEDERAL FUNDS
FOR LOBBYING AND BRIBES**

I, _____, the _____

of _____ (“Owner”) authorized to act on behalf of
Owner certify to the Jefferson County Commission through its Department of Community
Services that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the Owner, to any person for influencing or attempting to influence an office or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement;
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Owner will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions; and
- (3) The Owner shall require that this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

Name

Title

Date

APPENDIX C
Environmental
Review Certification

Environmental Review Certification

Environmental Review Certification

Seller acknowledges that federal funds will be used to purchase the property, and that the purchase offer is subject to the completion of the Environmental Review (completed by the Jefferson County Department of Community Services), and clearance in accordance with 24 CFR Part 58 and that the cost of the purchase option is a nominal portion of the purchase price. Seller agrees that they shall not under any circumstances commence (or allow any other party to commence) any choice-limiting activity or other mitigation work at the project without the written permission of the Jefferson County Department of Community Services. Choice-limiting activities include, but are not limited to, acquiring, rehabilitating, converting, leasing, repairing, ground disturbances, or construction.

Owner

Date

Owner

Date

APPENDIX D
REHABILITATION REQUIREMENTS
FOR SUBMISSION

REHABILITATION REQUIREMENTS FOR SUBMISSION

BASIC MINIMUM REQUIREMENTS

The Jefferson County Department of Community Services requires that developers submitting proposals do so in the manner prescribed below. This information should substantiate the capacity and ability of the property owners to provide financing and the management capacity for the affordable rental housing. It is also important to list projects completed of a similar nature that demonstrate this capability. **Priority will be given to proposals submitted by property owners who have a strong history of successfully completing and managing affordable rental housing. Additionally, priority will be given to projects that demonstrate the proposed rehabilitation will allow the rental housing units to remain functional during the 20-year affordability period.** Rental developments must be under common ownership, deed, and financing.

Any proposal submitted without all the information requested below will be considered incomplete and non-responsive.

This list may not be all inclusive. Additional documentation may be required.

All exhibits must be no more than 6 months old. All third-party reports must state that they are prepared for or may be relied upon by Jefferson County, Alabama.

One (1) original (so marked) and four (4) copies of each application must be submitted in separate three-ring binders and organized as requested below. Additional information pertinent to the application may be submitted at the rear of the application. In addition, please provide another copy in electronic format.

Submit all the information listed below in the proposal binder with tabs A through F with each exhibit numbered within each tab as listed below:

TAB-A: PROJECT DESCRIPTION

1. An Executive Summary should contain a brief synopsis of the proposed rehabilitation and contain:
 - a. Groups involved in the project and their role(s), including an organization chart;
 - b. number of units;
 - c. location;
 - d. rents including utility allowances;
 - e. project costs;
 - f. proposed financing;
 - g. tax map with site and Parcel ID# marked;

- h. security arrangements;
- i. Amenities;
- j. accessibility/adaptability provisions; and
- k. printout with Census Tract # and percent of minority population;
- l. occupancy rates;
- m. property management agreement(s), if applicable.

TAB-B: PROPERTY OWNER CAPACITY

1. Provide names, addresses, resumes, professional certifications/licenses for key staff and board members of the non-profit organization.
2. Provide references that the County may contact to verify experience.
3. Disclose any identity of interest and provide details of the relationship(s).
4. Provide resume experience in the management of similar type projects. If you propose using a third-party management company, please specify. Information should include a list of projects owned, developed and/or rehabilitated and managed, their locations and number of units.
5. Must provide proof of IRS 501 (c) (3) Status.
6. Provide proof that the non-profit organization is registered with the System for Award Management (SAM).
7. Provide copies of all proposed organizational documents of all the entities involved in the project including Articles of Incorporation and Partnership Agreements.
8. Most recent corporate audit or reviewed financial statement.
9. Most recent 990.
10. Complete Risk Assessment

TAB-C: FINANCIAL

1. Bedroom distribution with proposed rents and Utility Allowance calculation.
2. Detailed construction budget including per unit cost and cost per square foot.

3. Contingency rate is 20%
4. Estimate of all project soft cost.

Project Costs: All project costs must be reasonable and customary. The County reserves the right to review any line-item cost to ensure that total project costs are not excessive. Additionally, projects will be subject to the following specific cost limitations:

- Architectural fees may not exceed 7% of total project hard costs.

TAB-D: SITE INFORMATION

1. Submit proof of ownership (warranty deed) for the proposed rehabilitation site.
2. Documentation of current property value from tax record or appraisal.
3. Provide proof of infrastructure to support number of units proposed including existing paved road, utilities, etc. Please note that a letter regarding **sewer capacity** from Jefferson County Environmental Services and current sewer map is required prior to funding award. It is recommended that a letter be requested as early in the application process as possible to allow time for processing.
4. Provide map showing proximity to retail and services.
5. Provide evidence of permissive zoning or application for permissive zoning (permissive zoning must be in place prior to award).
6. A copy of the Title Insurance Commitment.
7. Flood Hazard Determination Form (FEMA Form 086-0-32) from a nationally recognized flood data service or from a licensed surveyor that no portion of the property is located within the 100-year flood plain.
8. Proposed rehabilitation projects must be Categorical Excluded subject To Section 58.5.
9. If rehabilitation of existing units, provide documentation of asbestos, lead (pre 1978 construction), radon and mold testing. Provide estimate of remediation, if applicable. If property was not constructed prior to 1978, provide documentation of construction date.

TAB-E: OTHER INFORMATION

1. Developers are prohibited from undertaking or committing or expending any funds prior to an environmental as required by 2 CFR Part 58.
2. Uniform Relocation Act: Eligible projects must not displace persons from their homes.

TAB-F: COMPLIANCE LETTER AND CERTIFICATIONS (See Appendix B):

1. Provide letter stating that all information included in the proposal is true and accurate to the best of your knowledge and may be relied upon by the Jefferson County Commission in funding decisions. The letter must also state that the applicant agrees to comply with all of the provisions of the HOME Program and Treasury's ERA 2 requirements.
2. Certification Regarding Act 2016-312 Prohibition Against Boycotting.
3. Administrative Order of the Jefferson County Commission 08-4.
4. Equal Opportunity Certification For.
5. Certification Regarding Conflict of Interest.
6. Certification Regarding Debarment, Suspension and Other Responsibility Matters (to be completed by Owner, Developer, General Contractor and Subcontractors if identified).
7. Certification Regarding Displacement, Relocation & Acquisition.
8. Certification Regarding Prohibition of the Use of ERA 2 for Lobbying & Bribes.

TAB-G: Pre-Award Risk Assessment

To Be Completed by Respondent

In compliance with the Department of the Treasury ("federal grantor"), all subrecipients must complete this pre-award risk questionnaire before entering into a sub-agreement with the County.

This questionnaire—combined with the County’s program staff assessment—will assist the County in determining any conditions/assistance to be included in your sub-agreement for work under this grant per 31 CFR 35. There are no predetermined answers that would automatically disqualify your organization from consideration for an award.

Organization Name:

Type of Organization Requesting Funding:

Organization Identifier (e.g., DUNS #):	Unique Entity	Organization Fiscal Year (Start & End Month):	Date of Form Completion:
--	----------------------	--	---------------------------------

Completed by:

Name & Title:	Email Address:	Phone #:
--------------------------	-----------------------	-----------------

Performance History

- Has your organization received a federal award directly from an awarding agency in the past 5 years? If yes, please list the federal grantor agency name, time period, award amount, audit findings (and corrective actions/completion date(s)), and grant number.**

Management Systems & Personnel

- In the past 5 years, has your organization managed grant funds, loans or other types of financial assistance from any of the following entities?**

Federal Yes No
 State Yes No
 Harris County Yes No
 Private Yes No

- Does your organization have any new or substantially changed management systems (technological or other) in the past 12 months? If yes, please specify what has changed.**

Yes No

New/Changed Systems:

-
-
-

- Has your organization had changes to the following key staff or positions in the past 12 months? If yes, explain in the comments section.**

Governing Body Yes No
 Executive Management Yes No
 Financial Officer Yes No
 Risk Manager Yes No N/A
 Other Relevant (fill in)

- Does your organization have capacity to manage and implement federal regulations, including 2 CFR 200 and specific federal funder regulations? If your organization does have experience using 2 CFR 200, please describe your experience below.**

APPENDIX E
NEW DEVELOPMENT
REQUIREMENTS FOR SUBMISSION

NEW DEVELOPMENT REQUIREMENTS FOR SUBMISSION

BASIC MINIMUM REQUIREMENTS

The Jefferson County Department of Community Services requires that developers submitting proposals do so in the manner prescribed below. This information should substantiate the capacity and ability of the developers to provide financing and the management for the affordable rental housing development. It is also important to list projects completed of a similar nature that demonstrate this capability. Priority will be given to proposals submitted by developers who have a strong history of successfully completing and managing affordable rental housing. Rental developments must be under common ownership, deed, and financing.

Any proposal submitted without all of the information requested below will be considered incomplete and non-responsive. Additional time may be granted for submission of reports prepared by third parties (i.e. Phase I, Market Study, etc.) if requested in writing at time of submission.

This list may not be all inclusive. Additional documentation may be required.

All exhibits must be no more than 6 months old. All third-party reports must state that they are prepared for or may be relied upon by Jefferson County, Alabama.

One (1) original (so marked) and one (1) copy of each application must be submitted in separate three-ring binders and organized as requested below. Additional information pertinent to the application may be submitted at the rear of the application. In addition, please provide another copy in electronic format.

Submit all the information listed below in the proposal binder with tabs A through F with each exhibit numbered within each tab as listed below:

TAB-A: PROJECT DESCRIPTION

1. An Executive Summary should contain a brief synopsis of the proposed development and contain:
 - a. Groups involved in the project and their role(s), including an organization chart;
 - b. number of units;
 - c. location;
 - d. rents including utility allowances
 - e. project costs;
 - f. proposed financing;
 - g. frontal elevation and floor plan or photos of similar existing units;

- h. site map;
- i. tax map with site and Parcel ID# marked;
- j. proposed site plan;
- k. security arrangements;
- l. amenities
- m. accessibility/adaptability provisions; and
- n. printout with Census Tract # and percent of minority population.

TAB-B: DEVELOPER CAPACITY

1. Provide names, addresses, resumes, professional certifications/licenses for key staff and board members of the non-profit organization.
2. Provide references that the County may contact to verify experience.
3. Disclose any identity of interest and provide details of the relationship(s).
4. Provide resume experience in the management of similar type projects. If you propose using a third-party management company, please specify. Information should include a list of projects owned, developed and/or rehabilitated and managed, their locations and number of units.
5. Must provide proof of IRS 501 (c) (3) Status.
6. Provide proof that the non-profit organization is registered with the System for Award Management (SAM).
7. Provide copies of all proposed organizational documents of all the entities involved in the project including Articles of Incorporation and Partnership Agreements.
8. Provide current financial statements for developer and any guarantor(s).
9. Most recent corporate audit or reviewed financial statement.
10. Most recent 990.
11. Complete Risk Assessment.

TAB-C: FINANCIAL

1. Sources and Uses of Funds [Please note that any allocation of ERA 2 funds including all hard, soft and project delivery costs incurred by County plus any

investment of County ERA 2 funds, if applicable, cannot exceed 240% of the current HUD Section 234-Condominium Housing basis mortgage limits per HOME Rules for Birmingham, Alabama found at: <https://www.federalregister.gov/documents/2024/02/13/2024-02870/annual-indexing-of-basic-statutory-mortgage-limits-for-multifamily-housing-programs> (HUD has not posted the 2025 limits at this time)].

2. Bedroom distribution with proposed rents and Utility Allowance calculation.
3. Twenty (20) year Pro Forma.
4. Detailed construction budget including per unit cost and cost per square foot.
5. Estimate of all project soft cost.

Project Costs: All project costs must be reasonable and customary. The County reserves the right to review any line-item cost to ensure that total project costs are not excessive. Additionally, projects will be subject to the following specific cost limitations:

- The maximum allowable developer fee is 15% of total development costs, including reserves required by County, private lender, investor or AHFA, but excluding the developer fee, developer overhead, or any developer consulting fees.
- Maximum allowed builder General Requirements, Overhead, and Profit are 6%/2%/6%. Projects of 25 units or fewer may aggregate General Requirements, Builder Overhead, and Builder Profit to a maximum of 20% of the constructions contract.
- Architectural fees may not exceed 7% of total project hard costs.
- Acquisition costs are limited to fair market value as determined by a third-party appraisal.

TAB-D: SITE INFORMATION

1. Submit proof of ownership (warranty deed) for the proposed development site or, if you do not have proof of ownership, you must submit proof of site control as evidenced by an option signed by the seller. Because of regulations that impact the varying lengths of the approval process for each property, it is strongly suggested that the applicant (i.) secure, at a minimum, a six (6)month purchase

option with an option to renew for an additional six months and (ii.) obtain seller's written agreement not to disturb the site until all environmental issues have been cleared.

- a. Please Note: Developers are prohibited from undertaking or committing or expending any funds to (including non-federal funds) any physical or choice-limiting actions on the site prior to an environmental clearance as required by Part 58. Physical and choice limiting actions include, but are not limited to, property acquisition, demolition, movement, rehabilitation, conversion, repair or construction. This prohibition applies regardless of whether federal or non-federal funds are used and taking a choice limiting action prior to completion of the required environmental clearance process will result in the denial of any funds from the County. Developers may enter into option agreements (i.e., exclusive right of the buyer to purchase a property at a specific price within a specified time period without obligation to purchase); or for acquisition of existing single family and multifamily residential buildings, a non-legally binding agreement (that establishes that there is no obligation on the part of the buyer to purchase the property; that acquisition will proceed only if the property is determined environmentally acceptable; and the deposit is a reasonable amount and refundable, or, if not refundable, is a nominal amount of the purchase price).
2. Uniform Relocation Act: Eligible projects must not displace persons from their homes
3. Documentation of current property value from tax record or appraisal.
4. Provide proof of infrastructure to support number of units proposed including existing paved roads, utilities, etc. Please note that a letter regarding **sewer capacity** from Jefferson County Environmental Services and current sewer map is required prior to funding award. It is recommended that a letter be requested as early in the application process as possible to allow time for processing.
5. Provide map showing proximity to retail and services.
6. Provide evidence of permissive zoning or application for permissive zoning (permissive zoning must be in place prior to award).
7. A copy of the Title Insurance Commitment.

8. Flood Hazard Determination Form (FEMA Form 086-0-32) from a nationally recognized flood data service or from a licensed surveyor that no portion of the property is located within the 100-year flood plain.
9. Phase I Environmental Report (color copy) which must comply in all respects with ASTM E1527-13 and include a complete legal description of the site as well as a letter of reliance in favor of Jefferson County, Alabama Department of Community Services must be provided at the time of proposal submission.

TAB-E: OTHER INFORMATION

1. Developers are prohibited from undertaking or committing or expending any funds prior to an environmental as required by 2 CFR Part 58.
2. Uniform Relocation Act: Eligible projects must not displace persons from their homes.

TAB-F: COMPLIANCE LETTER AND CERTIFICATIONS (See Appendix B):

1. Provide letter stating that all information included in the proposal is true and accurate to the best of your knowledge and may be relied upon by the Jefferson County Commission in funding decisions. The letter must also state that the applicant agrees to comply with all of the provisions of the HOME Program.
2. Certification Regarding Act 2016-312 Prohibition Against Boycotting.
3. Administrative Order of the Jefferson County Commission 08-4.
4. Equal Opportunity Certification For.
5. Certification Regarding Conflict of Interest.
6. Certification Regarding Debarment, Suspension and Other Responsibility Matters (to be completed by Owner, Developer, General Contractor and Subcontractors if identified).
7. Certification Regarding Displacement, Relocation & Acquisition.
8. Certification Regarding Prohibition of the Use of ERA 2 Funds for Lobbying &

Bribes.

TAB-G: Pre-Award Risk Assessment

To Be Completed by Respondent

In compliance with the Department of the Treasury (“federal grantor”), all subrecipients must complete this pre-award risk questionnaire before entering into a sub-agreement with the County. This questionnaire—combined with the County’s program staff assessment—will assist the County in determining any conditions/assistance to be included in your sub-agreement for work under this grant per 31 CFR 35. There are no predetermined answers that would automatically disqualify your organization from consideration for an award.

Organization Name:

Type of Organization Requesting Funding:

Organization Identifier (e.g., DUNS #):	Unique Entity	Organization Fiscal Year (Start & End Month):	Date of Completion:	Form
---	---------------	---	---------------------	------

Completed by:

Name & Title:

Email Address:

Phone #:

Performance History

2. Has your organization received a federal award directly from an awarding agency in the past 5 years? If yes, please list the federal grantor agency name, time period, award amount, audit findings (and corrective actions/completion date(s)), and grant number.

Management Systems & Personnel

2. In the past 5 years, has your organization managed grant funds, loans or other types of financial assistance from any of the following entities?

Federal Yes No

State Yes No

Harris County Yes No

Private Yes No

3. Does your organization have any new or substantially changed management systems (technological or other) in the past 12 months? If yes, please specify what has changed.

Yes No

New/Changed Systems:

2.

3.

4.

4. Has your organization had changes to the following key staff or positions in the past 12 months? If yes, explain in the comments section.

Governing Body Yes No

Executive Management Yes No

APPENDIX F
REHABILITATION DESIGN
STANDARDS

REHABILITATION DESIGN STANDARDS

Standards for Rehabilitation of Existing Multi-Family Units

All units are subject to inspection and approval by County prior to purchase. The scope of work must be approved by County. The following outline of minimum standards must be used in design and rehabilitation of existing units.

Minimum Building Standards:

1.) Minimum Unit Net Area Requirements:

<u>Unit Type</u>	<u>Number of Bathrooms</u>	<u>Minimum Unit Net Area*</u>
3 Bedroom	1.5	1,000 s. f.
4 Bedroom	2	1,300 s. f.

No units may contain a bedroom of less than 90 square foot.

*Note 1: Net unit areas do not include outside storage, covered porches, patios, balconies, etc.

2.) Exterior Building Standards:

a. Exterior Finishing Materials:

1. Exterior building coverings: very low maintenance materials are required. Acceptable materials include:

a. Brick;

b. High quality vinyl siding with a minimum thickness of .044 and a lifetime non-prorated limited warranty (50 year) transferable; or

c. Cementitious siding and trim material. Must be newly painted.

d. Engineered composite siding and trim material. Must be newly painted.

e. All damaged or deteriorated areas must be replaced or repaired. All siding materials listed above are required to be

12 inches above the finished floor elevation of the building ground floor, with the exception of concrete patio and covered breezeway areas. Brick, decorative block or cultured stone must be used as an apron material.

2. Fascia and soffit: All damaged or deteriorated areas must be replaced or repaired. Must be prefinished vinyl, prefinished aluminum, cementitious trim or engineered composite trim. Material used for soffits must be perforated or vented.

3. Windows frames and sashes are to be constructed of vinyl-clad wood, solid extruded vinyl, fiberglass, or aluminum and all windows are required to have screens. Replacement windows must meet Energy Star guidelines.

4. Materials for entry doors are to be metal-clad wood, fiberglass, or hollow metal construction. "Peepholes" and deadbolt locks are required in entry doors. Dead bolt locks on entry doors must have "thumb latch" on interior side. Double keyed dead bolt locks are prohibited. Minimum clear width of all exterior doors must be 34 inches.

5. No Mansard Roofs are allowed. Roofs with less than 50% remaining life as determined by County inspection must be replaced. All deteriorated decking must be replaced. Replacement roofing materials: Anti-fungal shingles or metal roof with 30-year warranty or better must be used.

6. Roof gable vents must be made of aluminum or vinyl materials.

7. All attics must be vented.

8. Exterior shutters or other decorative window trim is required.

9. Patio and porch/deck components must be replaced if deteriorated. Existing wooden decks must be pressure washed and receive a new coat of stain.

b. Other Exterior Standards:

1. Adequate exterior lighting is required at entry doors.

2. Address numbers are to be clearly visible.
3. Metal flashing or 20 mil polyethylene when used in conjunction with a self-adhering polyethylene laminate flashing, must be installed above all exterior door and window units.
4. Landscaping plan(s) must follow any applicable landscape municipal ordinance. All disturbed areas must be seeded. If bare spots or erosion exist in current landscaping, the area must be sodded. Existing shrubs must be neatly pruned. Tree limbs overhanging roof must be cut back. Dead or severely damaged trees and shrubs must be removed including the stump and replaced. If no trees or front foundation shrubs are present, one 2" caliper tree per unit and six 1 gallon shrubs per unit must be installed. Front foundation area must be mulched. Mulch must be place a minimum of 6" away from foundation to prevent termite intrusion.
5. All units must be treated for termites.
6. Project signs must include the Fair Housing logo.
7. Sidewalk access to the front door and the driveway must be provided.
8. Driveways, walkways, patios, decks, and porches must be pressure washed.
9. All parking must be asphalt or concrete. Any existing cracks are to be sealed.
10. All sidewalks and walkways must be concrete and at least 36" wide. Any existing cracks are to be sealed.
11. Gutters must be cleaned.
12. No above ground propane tanks allowed on the site.

3.) Interior Building and Space Standards:

a. Insulation Requirements:

1. Roof or attic insulation must have an R-38 minimum.

b. Kitchen spaces:

1. A minimum 6 1/2-inch deep double bowl stainless steel sink is required in each unit.
2. Each unit must be equipped with a 5 lb. ABC rated dry chemical fire extinguisher readily accessible in the kitchen and mounted to accommodate handicapped accessible height in accessible units.
3. New cabinets must have dual sidetrack drawers and no laminate or particleboard fronts for doors or drawer fronts.
4. A pantry closet or pantry cabinet is required in each unit.
5. Adequate overhead lighting and task lighting at the sink is required.
6. Appliances with less than 50% remaining life as determined by County inspection must be replaced. All new appliances must be Energy Star rated.
7. A grease shield is required behind ranges on the wall.

c. Bathroom Spaces:

1. Tub/shower units must have minimum dimensions of 30-inch width by 60-inch length, be equipped with anti-scald valves and include a hand-held shower head. Integral wood blocking in walls as per Fair Housing guidelines is required. All tubs in designated handicap accessible units must come complete with "factory-installed grab bars" where the tub surrounds are reinforced. Wood blocking in walls is still required with factory reinforced fiberglass surrounds. If the tub surrounds are not reinforced fiberglass, hard tile or cultured marble or composite materials; solid wood blocking must be installed to meet Fair Housing guidelines.
2. Water closets must be installed to comply with applicable ANSI, UFAS and Fair Housing accessibility guidelines.
3. Mirror length must extend to top of vanity backsplash with top of mirror a minimum of 6'- 0" above finish floor. Framed decorative

mirrors or medicine cabinets with mirrors are allowed with a minimum size of 14" x 24".

4. Vanity cabinets with drawers or a vanity cabinet without drawers and a linen cabinet with drawers must be installed in all units. All cabinets in designated handicap accessible units must be installed in compliance with applicable ANSI or UFAS guidelines.

d. Hallways must have a minimum clear width of 36 inches or greater as per applicable accessibility standards.

e. All interior doors to habitable spaces in units subject to Fair Housing Guidelines must have a minimum clear width in compliance with the applicable Fair Housing design standards. All interior doors to habitable spaces in designated handicap accessible units must have a minimum clear width of 36 inches. All interior doors to habitable spaces in all other units must have a minimum clear width of 30 inches.

f. Separately switched overhead lighting is required in each room. Energy Star ceiling fans with light kits are required in the living room and each bedroom.

g. Window treatments are required for all windows.

h. Sliding glass doors and bi-fold doors must function smoothly or be replaced.

i. Floor Finishes - all flooring must be replaced:

1. Carpet materials must meet FHA minimum standards.

2. Resilient flooring materials must meet FHA minimum standards.

j. A minimum of two hard-wired with battery back-up smoke detectors is required on each level.

k. A carbon monoxide detector must be installed on each level of all units with gas mechanical systems or appliances. Units with an attached garage must also have carbon monoxide detector(s) installed.

4.) Plumbing and Mechanical Equipment:

- a. Water heaters with less than 50% remaining life as determined by County inspection must be replaced. New water heaters must meet current Energy Star standards. Water heaters must be placed in drain pans with drain piping plumbed to the outside or to an indirect drain connected to the sanitary sewer system. Water heater T&P relief valve discharges must be direct to exterior of building and elbow down to 6" above finish grade.
- b. Central HVAC is required in all units.
- c. Through-wall HVAC units are not permitted in single-family homes.
- d. HVAC refrigeration lines must be insulated.
- e. HVAC units with less than 50% remaining life or that are not cooling properly as determined by County inspection must be replaced. New HVAC must meet current Energy Star standards. HVAC equipment must be enclosed in secure fencing with lock.
- f. New HVAC air filter must be installed.
- f. Repair or replace damaged, disconnected, or undersized ducts.

APPENDIX G
NEW DEVELOPMENT DESIGN
STANDARDS

NEW DEVELOPMENT DESIGN STANDARDS

These are Jefferson County's regularly used design standards. The County understands this project has a very fast timeline and alternate options may be considered. For pricing and building a project budget, please use these standards.

Once preliminary awards have been selected, Jefferson County will conduct a design standards review with awarded subrecipients prior to construction activity.

1. Construction must meet all local codes including the 2018 International Building Code, 2018 International Residential Code and the 2018 International Energy Conservation Code with amendments as adopted by the Jefferson County Department of Inspection Services collectively known as "Building Code of Jefferson County, Alabama, 2018" or the "Code".
 - a. Please note that projects located within a municipal limit may be subject to more stringent codes. Please check with the Inspection Services Department of the city in which the project is located. In all cases, the most stringent code applies.
 - b. In the event that any of the Minimum Development Standards conflict with the Code, the Code shall prevail.
 - c. Any deviations from the Minimum Development Standards may be requested in writing and are subject to approval at the sole discretion of the County.
 - d. Sites/units are subject to inspection by Jefferson County. Plans/specifications/scope of work subject to County approval.
2. Each unit shall have a self-contained kitchen and bathroom. New or remodeled kitchens are to be fully equipped with refrigerator (15CF or larger self-defrosting), self-cleaning oven with attached or detached cook top.
3. Units must be new construction or rehabilitation of ground level or elevator type units.
4. Units must be new construction and/or rehabilitation of existing units in generally good condition that do not require substantial rehabilitation. Units acquired may not have major structural defects (i.e. foundation problems, water damage, mold, active termite infestation/termite damage, etc.). Units built after 1978 are preferred.

5. Lead-Based Paint -- The use of lead-based paint is strictly prohibited. If a rehabilitated unit was originally placed into service prior to January 1, 1978, rehabilitation must comply with HUD lead-based paint rules (24 CFR Part 35 and 24 CFR Section 570.608). A lead-based paint risk assessment for lead based paint hazards shall be conducted, and rehabilitation work must be done by contractors meeting the requirements of the HUD rule and the EPA Renovation, Repair and Painting rule.
6. All projects must be designed and constructed/rehabilitated in accordance with the applicable requirements of the 2010 Americans with Disabilities Act, Section 504 of the Rehabilitation Act and the Fair Housing Act. The minimum # of units required by Federal, State and local regulations must be fully accessible (certification by project architect required). Units for the sensory impaired are also required under the same regulations. All other newly constructed units must be fully adaptable.
7. New Construction must meet International Energy Conservation Code requirements (certification by project architect required). Extra points will be given to new complexes using Energy Star Appliances or as replacement appliances if needed in rehabilitation project.
8. Complex must have fully equipped laundry room or washer/dryer connections in each unit.
9. Complex overall design should be done with security in mind.
10. Grounds should be fully landscaped with emphasis on low maintenance plants.
11. Complex must be within reasonable access (i.e. ClasTran, public bus route and/or complex van) to shopping, entertainment, education and health services.
12. Permissive zoning or application for permissive zoning (permissive zoning must be in-place prior to award).
13. Site shall be served by public sewer, public water, and public road.
14. Site shall be in a designated Fire District or served by a municipal Fire Department.
15. Permitted Exterior Materials and Finishes:

- a. Walls: Brick, Stone, Vinyl, Cement Fiberboard;
 - b. Glazing: Glass Blocks;
 - c. Trim: Metal Clad (enamel finish), Vinyl;
 - d. Roofing: Slate, concrete tile, clay tile, textured asphalt shingles, metal; and
 - e. Foundation: Brick, split-faced block or stucco or slab on grade.
16. Parking Area and Sidewalk Materials:
- a. Sidewalk(s): Concrete.
 - b. Parking Area: Concrete.
17. New or replacement hardware for doors: Lever handled.
18. Appliances: Oven/stove, dishwasher and refrigerator (15CF or bigger).
19. Builder must provide one-year warranty for new construction and new appliance manufacturer warranties. Rehabilitation work on existing units must be warranted for one year.
20. Builder must use all new materials for both new construction and rehabilitation.
21. Units must be located in Flood Zone X. (Flood Zone X is the area determined to be outside the 500-year flood and protected by levee from 100-year flood.)
22. All multi-family units must be wired for broadband access.

APPENDIX H
2 CFR 200 Appendix II to Part 200

Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

- A. **Contracts for more than the simplified acquisition threshold**, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), must address administrative, contractual, or legal remedies in instances where Subrecipients violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- B. **All contracts in excess of \$10,000** must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.
- C. **Equal Employment Opportunity**. Except as otherwise provided under [41 CFR Part 60](#), all contracts that meet the definition of “federally assisted construction contract” in [41 CFR Part 60-1.3](#) must include the equal opportunity clause provided under [41 CFR 60-1.4\(b\)](#), in accordance with Executive Order 11246, “Equal Employment Opportunity” ([30 FR 12319, 12935, 3 CFR Part, 1964-1965](#) Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at [41 CFR part 60](#), “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- D. **Contract Work Hours and Safety Standards Act** ([40 U.S.C. 3701-3708](#)). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40 U.S.C. 3702](#) and [3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). Under [40 U.S.C. 3702](#) of the Act, each Subrecipient must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of [40 U.S.C. 3704](#) are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- E. **Rights to Inventions Made Under a Contract or Agreement**. If the Federal award meets the definition of “funding agreement” under [37 CFR § 401.2 \(a\)](#) and the recipient or subrecipient wishes to enter into a contract with a small business firm or

nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of [37 CFR Part 401](#), “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

- F. **Clean Air Act** ([42 U.S.C. 7401-7671q](#).) and the Federal Water Pollution Control Act ([33 U.S.C. 1251-1387](#)), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act ([42 U.S.C. 7401-7671q](#)) and the Federal Water Pollution Control Act as amended ([33 U.S.C. 1251-1387](#)). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- G. **Debarment and Suspension** (Executive Orders 12549 and 12689) - A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at [2 CFR 180](#) that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- H. **Byrd Anti-Lobbying Amendment** ([31 U.S.C. 1352](#)) - Subrecipients that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- I. **Solid Waste Disposal Act**-Federal entity that is a state agency or agency of a political subdivision of a state and its Subrecipients must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an

affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

J. **Telecommunications and Video Surveillance Services Or Equipment**

- a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:
1. Procure or obtain;
 2. Extend or renew a contract to procure or obtain; or
 3. Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#), section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
- I. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
 - II. Telecommunications or video surveillance services provided by such entities or using such equipment.
 - III. (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.
- b) In implementing the prohibition under [Public Law 115-232](#), section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment

and services, and to ensure that communications service to users and customers is sustained.

K. **Domestic Preferences For Procurements**

A. As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

B. For purposes of this section:

1. “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
2. “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

2. **Subaward Language.** Pursuant to 2 C.F.R. Part 200.332(a)(1), the County must make a determination whether the scope of work falls under a Beneficiary, Subrecipient or Subrecipient relationship, or whether the funds are being provided for the purpose of directly benefitting the individual or entity as a result of experiencing a public health impact or negative economic impact of the COVID-19 pandemic, in which case the individual or entity is acting as a Beneficiary rather than a Subrecipient or Subrecipient. The non-Federal entity may concurrently receive Federal awards as a Recipient, a Subrecipient, a Subrecipient, and a Beneficiary, depending on the substance of its agreements with Federal awarding agencies and pass-through entities. Therefore, a pass-through entity must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a Subrecipient, a Subrecipient or a Beneficiary. The awarding agency may supply and require recipients to comply with additional guidance to support these determinations provided such guidance does not conflict with this section.

(a) Beneficiary. Awards or payments to individuals or entities that are direct Beneficiaries of a federal award are not considered payment to Subrecipients or Subrecipients. If the funds are provided to an individual or entity for the purpose of directly benefitting the individual or entity as a result of the individual or entity experiencing a public health impact or negative economic impact of the COVID-19 pandemic, the individual or entity is acting as a Beneficiary.

- (b) Subrecipients. A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the Subrecipient. A Subrecipient does not include an individual or entity that is a Beneficiary of such award. Characteristics which support the classification of the non-Federal entity as a Subrecipient include when the non-Federal entity:
- (1) Determines who is eligible to receive what Federal assistance;
 - (2) Has its performance measured in relation to whether objectives of a Federal program were met;
 - (3) Has responsibility for programmatic decision making;
 - (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
 - (5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.
- (c) Subrecipients. A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the Subrecipient. A Beneficiary is not a Subrecipient. Characteristics indicative of a procurement relationship between the non-Federal entity and a Subrecipient are when the Subrecipient:
- (1) Provides the goods and services within normal business operations;
 - (2) Provides similar goods or services to many different purchasers;
 - (3) Normally operates in a competitive environment;
 - (4) Provides goods or services that are ancillary to the operation of the Federal program; and
 - (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.
- (d) Use of judgment in making determination. In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a Subrecipient, Subrecipient, or Beneficiary, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward, a procurement contract, or as funding provided to a Beneficiary.

If the pass-through entity determines that the scope of work falls under a Subrecipient relationship, all of the information above must be included in any subaward agreement.

APPENDIX I
EXAMPLE DEED RESTRICTION

EXAMPLE DEED RESTRICTION

DECLARATION OF DEED RESTRICTION

The Owner of the following described real property, commonly known as X(ADDRESS)X, (The Property) situated in JEFFERSON COUNTY, Alabama;
PROPERTY NAME

On this date, the Owner entered into a contract with JEFFERSON COUNTY for the rehabilitation/development of the Property. The rehabilitation/development of this property will be paid for, in part, by utilizing funds from Treasury's Emergency Rental Assistance (ERA 2) program, a part of the American Rescue Plan Act. As a condition of the use of funds for the rehabilitation of The Property, the designated units must remain affordable housing units for a period of twenty (20) years.

If the Owner chooses to sell The Property prior to the 20-year affordability period expiration, the Owner must sell with the condition that the purchaser will retain the affordability period.

The Owner hereby declares that The Property is held and shall be held and/or conveyed subject to the rules and regulations of the Emergency Rental Assistance (ERA) program, a part of the American Rescue Plan Act, for a period of twenty (20) years beginning XXXXXCLOSING DATEXXXX and ending XXXXXXXXXXTWENTY YEARS AND ONE DAYXXXXXXXX. This deed restriction will dissolve effective XXXXXXXXXXTWENTY YEARS AND ONE DAYXXXXXXXX.

IN WITNESS WHEREOF, the Declarant has set its hand and seal on the day and year first written above and directs that this instrument be recorded in the office of the XXXXXCOUNTYRECORDERXXXX.

WITNESS:

Printed Name:

OWNER/S SIGNATURE:

Printed Name:

JEFFERSON COUNTY AUTHORIZED REPRESENTATIVE SIGNATURE:

Printed Name:

NOTARY
STATE OF ALABAMA
COUNTY OF JEFFERSON

XXXXXNOTARY PARAGRAPHXXXX