



# **CLARK COUNTY, NEVADA COMMUNITY HOUSING FUND**

## **PROGRAM GUIDE & APPLICATION INSTRUCTIONS**

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For

**Development of Affordable Rental Housing  
County-wide**

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Issued by

CLARK COUNTY  
LAS VEGAS, NEVADA

**Issue Date: Nov 13, 2023**

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## **Terms/Definitions**

The following terms are used throughout this document.

- “AMI” area median income
- “APPLICANT” or “APPLICANTS” any respondents to this application including all members of the development team
- “BCC” the Clark County Board of County Commissioners
- “CHF” Community Housing Fund
- “COUNTY” Clark County, Nevada
- “CRM” Community Resources Management Unit of Clark County Social Service
- “HUD” the United States Department of Housing and Urban Development
- “LIHTC” the federal low-income housing tax credit under Internal Revenue Code Section 42
- “SRO” Single Room Occupancy units as defined under CFR part 92

## **Summary**

The COUNTY, through this Application, is soliciting qualified developers to submit applications for the development or rehabilitation of housing which meets the housing affordability needs of extremely low to low-income households. The COUNTY will make available approximately \$60 Million of CHF to applications eligible under this Program Guide.

The COUNTY recognizes the unprecedented costs facing Clark County residents, affordable housing developers, and affordable housing operators and is eager to provide support to make more affordable housing development possible through this opportunity. Through this application the COUNTY does not intend to be the sole source, or main source, of funding for any project and expects APPLICANTS to exhaust other available funding and financing sources including 9% or 4% LIHTC, tax-exempt bonds, public or private grants, conventional bank loans, Federal or State Governmental loans, State of Nevada Growing Affordable Housing Financing Program (GAHP) financing, HOME funds, local and State of Nevada ARPA funds and Housing Trust Funds. Though it is the COUNTY’s intent to be a gap funder for projects that increase the number of affordable housing units in the Las Vegas Valley, this application has no limit on funding per project and is open to non-traditional projects that may fund a larger number of units targeted to lower income levels.

The COUNTY will use the information gathered through this application process as a basis to negotiate funding agreements and make a final determination of funding.

## **General Application Information**

All those who plan to submit an application should send an email to [chf@clarkcountynv.gov](mailto:chf@clarkcountynv.gov) and request to be added to this interested parties list. Please put "CHF 2023 Interest List" in the subject line of your email. The COUNTY will create a list of interested parties, to whom they will provide email updates, as they become available.

Written questions may be sent to [chf@clarkcountynv.gov](mailto:chf@clarkcountynv.gov). Questions must be submitted by December 11, 2023, and all questions with responses will be emailed to the interested parties list within 10 days and no later than December 16, 2023.

The application consists of Summary, General Application and Documents sections. All APPLICANTS must complete the Summary, General Application questions, and upload all required documents.

APPLICANTS must submit:

- Email to [chf@clarkcountynv.gov](mailto:chf@clarkcountynv.gov) to receive further updates and information regarding this application.
- **General Applications no later than 11:59 pm (PST) December 20, 2023.**

**No extensions will be granted.**

All Applications must be submitted through ZoomGrants. Here is the link to the ZoomGrants application: <https://www.zoomgrants.com/gprop.asp?donorid=2092&limited=4817>

The COUNTY will not accept hard copies and all attachments must be uploaded to ZoomGrants. The County is not responsible for any online submission issues related to Internet connectivity or computer system limitations.

## **Funding Goals and Scope**

The COUNTY will determine eligibility for funding by population served and targeted income level(s), number of units, developer experience and financial capacity, ability to creatively maximize the use of CHF funds in combination with other funding sources, overall quality of project, location of project commitment to diversity, equity, inclusion and sustainability, project readiness, and project feasibility. All developments will be for affordable housing for households below 80% of AMI; any units above 80% will not be funded by CHF. Though the COUNTY will provide a scoring preference for projects with higher numbers of units at or below 30% of AMI, the maximum amount of below 30% AMI, permanent supportive housing, or transitional housing units allowed in any one project is 50% of the total. Projects that include between 10% and 50% of their units at 30% AMI or below may request additional CHF funds in order to reduce long-term debt and support higher operating costs; however, construction costs per unit must remain competitive. Projects with over 20% of the units at 30% AMI must have additional sources of long-term operating income to ensure that the project can sustain such deep rental subsidies.

The COUNTY will also provide a scoring preference for rehab projects that are at or beyond their previously required period of affordability.

APPLICANTS must provide necessary parking and amenities commensurate with the needs of residents and demonstrate that those living within the development have services available, including but not limited to, access to health services, transportation, groceries, recreation, employment, and community opportunities within a reasonable distance.

The project should clearly meet its target objective of providing service enriched, quality affordable rental housing. To the maximum extent feasible, the project should incorporate sustainability features including cutting-edge energy conservation, water smart landscaping and/or renewable energy generation to offset project energy consumption. Rehab projects must meet the County's Housing Rehabilitation Standards. A copy of the County's Rehab standards can be found in the Library section of the ZoomGrants application.

## **Threshold Qualifications**

The COUNTY will assess the APPLICANT's threshold qualifications after the application is submitted. APPLICANTS that do not meet the following will be ineligible for further consideration:

- 1) Completed development and construction of at least one multi-family affordable housing projects that used public funding associated with affordable housing in the past five years.

- 2) A demonstrated ability to finance the project proposed on commercially reasonable terms from financial institutions, including reference letters from two third-party lenders or investors.
- 3) Application and all requested narratives and attachments must be complete and received by the application submission deadline.
- 4) APPLICANT must provide a fully completed preliminary budget and proforma using the County's Financial Feasibility Workbook, including each anticipated source of funding, and the anticipated funding amount.
- 5) The proposed activity(ies) must be eligible under the County's CHF Program Guidelines, as outlined in this document.
- 6) APPLICANT must provide evidence of site control.
- 7) APPLICANT team members must not be debarred or otherwise prohibited from conducting business with Clark County, the State of Nevada, or the Federal Government.
- 8) APPLICANT must possess a valid State of Nevada and Clark County Business License, as well as a NV Secretary of State Verification of Good Standing. If APPLICANT is from another State, provide the equivalent from your State; and if APPLICANT does not have Nevada and local business licenses at time of submission, APPLICANT must provide proof that they have applied or will apply prior to project closing.
- 9) Applicant has to be in good standing with the COUNTY including in compliance with all previously awarded funds.

### **Income Eligibility**

The household income at initial and subsequent recertifications is to be determined using HUD Annual Income limits for the Las Vegas-Henderson-Paradise Metropolitan Statistical Planning Area. All units qualifying as affordable housing will continue to meet applicable rent restrictions for the duration of the period of affordability. The COUNTY may consider other restrictions if the project will use HUD or other affordable housing financing.

### **Period of Affordability**

For the purposes of this solicitation for CHF funding, the COUNTY has established 30 years as the minimum period for which new construction projects must remain in use for affordable housing. For acquisition and rehabilitation projects, the period of affordability will range from 5 to 20 years and beyond, based on the amount of funds per unit invested in the project. Applications may propose extended compliance periods. Unless requested and agreed to otherwise by the COUNTY:

- funding award agreements shall be executed at close of project funding; and
- funding agreements and close of project funding shall be final within two years of the CHF award date.

Within one year of the date of the award of CHF funds, awarded projects must have site control and all financing for the project committed. If a developer or entity receives multiple CHF awards in this funding round, then they must meet this requirement for at least one of their awards.

### **Prevailing Wage**

All projects awarded CHF funds shall ensure that contractor and subcontractors are bound by and comply with all federal, state and local laws with regard to minimum wages, overtime work, hiring and discrimination. All projects awarded CHF funds that are also funded with federal funds that require the use of Davis-Bacon labor standards must comply with the applicable Davis-Bacon Act (40 U.S.C. 276a-276a-5) labor standards, and those requirements must apply to the entire project for the duration of construction.

## **Procurement**

### New Development

- The Owner is not specifically required to use formal competitive bidding procedures, however in all cases a project's costs must be reasonable and Owner must have a procurement policy in place that is provided to the County prior to Project closing. If the Owner uses competitive bidding procedures, the Owner is encouraged to get multiple bids for each contract (at least three [3] bids) and the Owner is required to coordinate with County staff prior to soliciting bids and/or distributing a bid package. For projects not using competitive bidding procedures, to ensure cost reasonableness, the County may require an independent third-party cost review by a consultant acceptable to the County. Additionally, any identity of interest (related party) relationships between the Owner and other development team members (e.g. general contractor, management company, etc.) must be disclosed to the County in advance.
- Owner must provide the County with the procurement policy prior to project closing.
- Owner shall ensure that none of the contractors or subcontractors involved in the development of the Project are suspended, debarred, or otherwise prohibited from participating in federal-assisted contracts, pursuant to the language of Section 6.7 of the CHF Agreement.

### Rehab Projects

- For the acquisition of goods and services costing more than \$1,000, Grantee must develop written procurement policies. The written procurement policies must include the following procedure: All capital equipment purchases must be approved by the County. Any materials or services costing more than \$5,000, that are acquired with CHF Funds, require three (3) quotes from three (3) different vendors and awarded to the most responsible bidder who is lowest in price. Sole source providers are allowable, but the recipient must document the reasoning for not obtaining bids or not awarding to the lowest and most responsible bidder.
- Owner must provide the County with the procurement policy prior to project closing.
- Small rehab projects with total project budgets under 2 million may have alternative procurement standards.

## **Land Use Requirements**

All developers are responsible for meeting planning and zoning requirements and gaining approval by the proper municipal, county, and state entities and related governing bodies. All developers are responsible for completing the construction permitting process to secure the site and development permits, and for meeting all environmental requirements for development.

## **Additional Funding Sources**

In addition to CHF funding, which will be awarded by reimbursement as development subsidy or equity, other sources of below market financing will be necessary to meet the affordability requirements of this solicitation. APPLICANTS are encouraged to pursue funding from non-public sources, as available, to establish project feasibility and affordability in alignment with the goals of creating more affordable housing in Clark County. APPLICANTS are encouraged to incorporate all available financial tools to demonstrate project feasibility at their project AMI rent levels, in addition to the funding available through this application. Combining multiple funding sources increases the time to complete a project, and qualified APPLICANTS experienced in securing and developing projects in this manner should demonstrate their experience in these processes.

## **Eligible Applicants**

Eligible APPLICANTS include validly existing entities (not individuals), including 501(c)(3) or 501(c)(4) non-profit corporations, for-profit corporations, limited partnerships, limited liability companies, other governmental entities, and joint ventures of the preceding.

All proposed projects must be located within the geographic boundaries of Clark County. Projects located in areas outside of unincorporated Clark County must demonstrate support from that local jurisdiction.

APPLICANTS with unresolved audit findings or recipients of a letter of concern may be ineligible.

## **Funding Opportunity**

APPLICANTS may request: (1) Permanent Loans; and (2) Grants.

- 1) **Permanent Loans.** 9% or 4% LIHTC projects in need of gap funding may apply for permanent loans. Permanent loans for 4% LIHTC projects will have an interest rate of 3% and the term will be negotiated for repayment as no longer than 30 years dependent on other sources of debt and cash flow projections; principle and interest payments are required from a portion of surplus cash flows after senior debt payments have been made beginning in year one (4% loans will be modeled after the State of Nevada's GAHP Program and applicants are expected to have applied to the State for GAHP funds as well, if available. Terms for CHF loans for those who are also GAHP recipients will be negotiated). Permanent loans for 9% LIHTC projects will have a negotiated interest rate between 0-3% and an affordability term negotiated based on other sources of debt and cash flow projections.
- 2) **Grants.** Any APPLICANT requesting a grant should make the case for why a grant is preferred to a loan, and how this grant will meet the goals of the CHF, including leveraging other funding sources. If the funds are granted to a non-profit and subsequently loaned to a project owner, then any repayment(s) to the nonprofit will be subject to restrictions on use.

## **Funding Agreement**

The developer will enter into a funding agreement with the COUNTY as a condition of award. Approval by the COUNTY may be final or tentative, but in any event shall be subject to funding. Construction default may occur if the developer fails to complete the project within time limits prescribed. The developer will hold the COUNTY and its employees and officials harmless to the maximum extent possible for any and all damages, of whatever nature, associated with the project. The agreement shall be subject to review and approval of the Clark County District Attorney's Office.

CHF financial assistance will be provided in the form of a loan or a grant to the owner of the property. Owner of the property means the entity that holds title to the land/property. The COUNTY will require all such loans to be secured by an acceptable Deed of Trust at the time of project funding. Further, the COUNTY will require a Completion Guaranty, a Performance and Payment Guaranty, and/or a Replacement Reserve Guaranty. Funding will be awarded in an amount appropriate to the scope of a proposed project and the needs and resources of the applicant. The COUNTY reserves the right to adjust the amount of CHF funds awarded to a project, and to negotiate modifications to the proposed work plan and budget prior to executing a CHF agreement.

Deed restrictions must be placed on all projects that receive CHF funds to ensure affordability regarding income and rent limitations.

The COUNTY reserves the right to fund those projects which reflect the highest and best use of CHF funds, and to place conditions on projects awarded which include, but are not limited to, requiring rents to be decreased, longer periods of affordability to be met, lower income levels to be served, etc.

The BCC must approve all CHF Funding Agreements.

The COUNTY cannot advance CHF funds; the CHF recipient must incur costs and request reimbursement. CHF funds can only be used for eligible CHF costs incurred after a CHF Funding Agreement has been fully executed.

## **Developer Fee**

For LIHTC projects, the limitation on developer fees is the same as allowed under the applicable LIHTC qualified allocation plan. The allowable developer fee for all other projects may not exceed 15% total project cost including land and excluding the developer fee.

## **Method of Evaluation, Award, and Scoring**

The COUNTY will select applications based on the factors identified below and may require a presentation and/or an oral interview. The COUNTY may make awards based on objective and/or subjective evaluation criteria. Selection will be based on which applications the COUNTY deems best suited to fulfill the requirements of this solicitation. The COUNTY also may choose not to make an award if it determines an application does not fully meet the requirements of this solicitation.

In addition to other considerations, the COUNTY will score applications on the following criteria weighed according to points identified below:

### **Scoring Criteria**

- 1) ***Developer Experience*** will be based on the APPLICANT and co-Provider/Developer. The experience must be in at least two affordable housing developments completed utilizing federal, state, county, or municipally awarded funding within the last five years. In addition, a developer:
  - with at least 10 years' experience developing affordable housing projects will be awarded 5 points;
  - with either internal property management of their affordable housing properties or an affiliated property management entity, that has at least five years' successful management of affordable housing developments, will be awarded 5 points; and
  - with at least five years' affordable housing experience and at least two affordable rental projects constructed in Clark County will be awarded an additional 5 points (applicant must be part of the ownership entity for the qualifying projects). (Up to 15 points)
- 2) ***Project Financial Feasibility*** will be based on the COUNTY's review of the project proforma, sources and uses, and market study, showing strength and ability of the project to meet development costs and cash flow. The COUNTY will also evaluate reasonableness of costs and the extent to which proposed funding amounts for each source are within reasonable ranges. (Up to 15 pts.)



- 3) **Target Population and Mix of Income** will be based on the proposed mix of units and ability to meet the housing needs of the target population between 30% – 80% AMI. A minimum of 5 points will be awarded for projects with all units at 60% AMI or below, plus the following additional points for the percentage of total units at 30% of AMI:
- 5 points for 10%
  - 7 points for 11% to 15%
  - 10 points for 16% to 20%
- (Up to 15 pts.)
- 4) **Project Readiness** will be based on whether a project has site control, other sources of financing in place, and a realistic timeline for project completion and lease-up. (Up to 11 pts.)
- 5) **Overall Quality of Project** will be based on the COUNTY’s assessment of appearance, architecture, ability of design to fit within the style of the neighborhood and quality of proposed materials and construction. (Up to 10 pts.)
- 6) **Developer Financial Capacity** will be based on the COUNTY’s evaluation of APPLICANT’s audited or unaudited financial statements and other documents, and overall developer financial capacity to weather unexpected development variables. (Up to 10 pts.)
- 7) **Ability to Leverage CHF funds** will be based on committed funding from other below-market debt sources. (Up to 10 pts.)
- 8) **Diversity, Equity, and Inclusion** will be based on APPLICANT’s demonstration of diversity, equity and inclusion practices both by the APPLICANT’s organization as well as through proposed affirmative marketing strategies. (Up to 8 pts.)
- 9) **Sustainability** meeting at least one of the following to earn 8 points:
- must decrease or support the decrease of energy consumption or demand for energy on the property and exceed the energy efficiency that would be achieved under the current edition of the International Energy Conservation Code (“IECC”) by at least twenty percent (20%);
  - for rehab projects only, must meet the eligibility requirements and criteria defined in the Southern Nevada Water Authority (“SNWA”) Water Smart Landscapes Program or Water Efficient Technologies; and/or
  - must generate electricity from renewable energy to offset load wholly on the property (must not be used to sell or distribute renewable energy between tracts). (Up to 8 pts.)
- 10) **Location** applications will receive points based on the following:
- for earning the maximum score under the current Nevada Qualified Allocation Plan “Site Location”<sup>1</sup> criteria 1, 2, and 3; and/or
  - for being outside of a CDBG eligible Census tract
- (Up to 8 pts.)

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<sup>1</sup> 1. The site (or designated center of scattered-site projects) is within .25 mile of at least three of the following: grocery, pharmacy, bank, school, day care, parks, community centers, medical facilities, library, place of worship, post office (proximity to day care facilities is not applicable for Senior Housing projects). 2. The site (or designated center of scattered-site projects) is within .25 mile of a designated pedestrian/bicycle path aside from sidewalks. 3. Within .25 mile of a bus stop with service beginning no later than 7:00am and ending no earlier than 7:00pm, Monday through Friday, or school bus stop (school bus stop is not applicable for Senior Housing projects).

**Bonus points for Expiring Affordability** for projects with expired or expiring affordability within two years of the application deadline. APPLICANT must provide all project affordability restrictions (recorded copies of deed restriction or declaration of restrictive covenants) in the Documents section of the ZoomGrants application.

No.	Scoring Criteria	Possible Points / 120
1.	Developer Experience	15
2.	Project Financial Feasibility	15
3.	Target Population and Mix of Income (30-80% AMI) <i>*CHF funds may only be used for 0-80% AMI units</i>	15
4.	Project Readiness	11
5.	Overall Quality of Project	10
6.	Developer Financial Capacity	10
7.	Ability to leverage CHF Funds	10
8.	Diversity, Equity, and Inclusion	8
9.	Sustainability	8
10.	Location	8
Bonus	<i>Rehab Projects with Expired Affordability</i>	10

## **Progress Reports**

APPLICANTS must submit progress reports to the COUNTY monthly after the CHF Funding Agreement has been executed, regardless of whether the project is requesting reimbursement, until construction is complete. APPLICANT must further comply with all post-construction reporting requirements throughout the affordability period.

APPLICANT's financial system must be capable of generating regular financial status reports which indicate the dollar amount allocated for each activity, including any budget revisions, the amount obligated, and the amount expended for each activity for each funding source. The system must permit the comparison of actual expenditures and revenues against budgeted amounts.

At the end of the fiscal year, the APPLICANT must submit CHF beneficiary data on all projects completed during the preceding year and a report on all contractor activity.

## **Final Cost Certification**

Upon development completion, the APPLICANT must provide to the COUNTY a certified statement of Final Development Costs prepared by an independent third-party certified public accountant. The certification will include:

- A report of all expenditures, costs, and disposition of all development and CHF funds.
- A summary report of all work completed by budget category.
- A certification that CHF funds provided by COUNTY were used in accordance with the CHF Funding Agreement.
- The signature of the recipient's Executive Director (or equivalent) or designated representative certifying that the information provided on the Final Cost Certification is a true and accurate statement of Total Development Costs and expenditures of CHF funds for the development.
- Project photographs showing the work completed under the CHF Funding Agreement.

- A Project Completion Report.
- A Contract and Subcontract Activity Report

## **Additional Application Information**

This solicitation is not a commitment or offer by the COUNTY to enter into an agreement with an APPLICANT or to pay any cost incurred in the preparation of a response to this application. The application and the selected APPLICANT's response may, by reference, become a part of the final agreement between the selected APPLICANT and the COUNTY resulting from this application. The COUNTY has sole discretion and reserves the right to reject any and all responses received with respect to this application and to cancel the solicitation at any time prior to entering into a formal agreement.

The APPLICANT may take exception to, or suggest deviations from, any portion of this application. Exceptions and deviations shall be noted in the appropriate section(s) of the application and shall adequately and concisely describe its advantages and/or other reasons for which it is proposed. APPLICANTS are advised that any exceptions contained in the application are by itself a sufficient basis for any decision by the COUNTY not to select that application.

The COUNTY may request additional information or clarification of information provided in the application without changing the terms of the solicitation.

All proposals must meet the requirements as detailed in this program guide and any additional requirements of other funding sources.

### **Unique Entity ID and SAM Requirements**

APPLICANTS must be registered with SAM.gov.

On April 4, 2022, the unique entity identifier (UEI) used across the federal government changed from the DUNS Number to the Unique Entity ID (generated by SAM.gov). The Unique Entity ID is a 12-character alpha ID assigned to an entity by SAM.gov. As part of this transition, the DUNS Number has been removed from SAM.gov. The downloadable SAM.gov Registration form in ZoomGrants has links to a "UEI Fact Sheet" and for assistance in transitioning from the DUNS Number to the new Unique Entity ID.

### **Contact with COUNTY During Application Process**

Communication between an APPLICANT and a member of the BCC or between an APPLICANT and a non-designated COUNTY staff person regarding the selection of an APPLICANT is prohibited from the time the solicitation is advertised until the item is posted on an agenda identifying the selected APPLICANT. Questions pertaining to this solicitation shall be addressed to the designated contact specified herein. Failure of an APPLICANT, or any of its representatives, to comply with this paragraph may result in their application being rejected.

### **Withdrawal of Application**

APPLICANT may request withdrawal of application at any time, provided the request for withdrawal is submitted to the COUNTY in writing.

### **Rejection of Application**

The COUNTY reserves the right to reject any or all responses to this application, to advertise for new applicants, and to accept any application responses deemed to be in the best interests of the COUNTY. Acceptance of any application should not be construed as a development agreement, nor shall it indicate any commitment on the part of the COUNTY for any future action.

## **Clark County Development Incentives for Affordable Housing**

For projects located in unincorporated Clark County, Applicants may also be eligible for development fee discounts and expedited processing from certain Clark County departments including the Department of Comprehensive Planning, the Building and Fire Departments, the Department of Public Works and the Clark County Water Reclamation District. The Affordable Housing Certification Application for Building Fee Discounts and Expediting is included within the ZoomGrants Library and includes details on the waivers and discounts, as well as how to apply. Any project that applies for fee discounts and expedited processing through the aforementioned application must submit that application separately, to the email provided within that application. Any award of funds made under this application does not guarantee an awardee fee discounts or expedited processing.

Clark County Comprehensive Planning also provides, through the application for a Special Use Permit, a density bonus and parking reduction for certified affordable housing projects.

## **Revisions and Interpretations**

If it becomes necessary to revise any part of the solicitation, a written revision will be provided to all APPLICANTS from COUNTY. The COUNTY is not bound by any specifications by the COUNTY's employees, unless such clarification or change is provided to APPLICANT in writing from staff serving in a supervisory capacity.

## **Public Records**

The COUNTY is a public agency as defined by state law, and as such, it is subject to the Nevada Public Records Law (Chapter 239 of the Nevada Revised Statutes). Under that law, all of the COUNTY's records are public records, unless otherwise declared by law to be confidential, and are subject to inspection and copying by any person. APPLICANT is advised that once an application is received by the COUNTY, its contents will become a public record and nothing contained in the application will be deemed to be confidential except proprietary information. APPLICANT shall not include any information in its application that is proprietary in nature or that it would not want to be released to the public. Applications must contain sufficient information to be evaluated. The funding agreement will be written without reference to any proprietary information. If APPLICANT feels that it cannot submit its application without including proprietary information, it must adhere to the following procedure, or its application may be deemed unresponsive and will not be recommended to the BCC for selection.

If APPLICANT needs to submit proprietary information, please send an email labeled "Proprietary Information" referencing the project's name to the COUNTY's contact. This email must contain a letter from the APPLICANT's legal counsel describing the proprietary information documents, representing in good faith that the information in each document meets the narrow definitions of proprietary information set forth in NRS 332.025, 332.061 and NRS Chapter 600A, and briefly stating the reasons why each document meets the said definitions.

Upon receipt of an application accompanied by such a separate email, the COUNTY will open the email to determine whether the procedure described above has been followed. Any information submitted pursuant to the above procedure will be used by the COUNTY only for the purposes of evaluating Applications and conducting negotiations. If a lawsuit or other court action is initiated to obtain proprietary information, an APPLICANT who submits the proprietary information according to the above procedure must have legal counsel intervene in the court action and defend the secrecy of the information. Failure to do so shall be deemed APPLICANT's consent to the disclosure of the information by the COUNTY, APPLICANT's waiver of claims for wrongful disclosure by the COUNTY, and APPLICANT's covenant not to sue the COUNTY for such a disclosure.

By submitting proprietary information, in consideration of the terms related hereto, the APPLICANT also agrees to fully indemnify the COUNTY if the COUNTY is assessed any fine, judgment, court cost or attorney's fees as a result of a challenge to the designation of information as proprietary. In the event that the COUNTY incurs any expenses in this regard, it shall have a right to charge said expenses made in good faith to APPLICANT. An itemized statement of expenses shall be prima facie evidence of the fact and extent of the liability of APPLICANT.

If the COUNTY determines that a document that the APPLICANT has designated "confidential" or "trade secret" is not entitled to protection from public disclosure, the COUNTY will provide notice of that determination to the contact person designated by the APPLICANT in any reasonable manner that the COUNTY can provide such notice, at least five business days prior to public disclosure of the document. If the APPLICANT does not designate anyone to receive such notice the COUNTY will not have any obligation to provide any notice of a determination of non-confidentiality. If the APPLICANT does not designate anyone to receive such notice or, if within five business days after the designated person receives such notice, the APPLICANT does not initiate a judicial proceeding to protect the confidentiality of the document, the COUNTY will not have any obligation to withhold the document from public disclosure.

### **Collusion and Advance Disclosures**

Consistent with NRS 332.820, evidence of collusion among APPLICANTS and prospective APPLICANTS acting to restrain freedom of competition may void Applications.

Advance disclosures of any information to any particular APPLICANT that gives that APPLICANT any advantage over any other interested APPLICANT, in advance of submission of the application, whether in response to advertising or an informal request for applications, made or permitted by a member of the BCC or an employee or representative thereof, may operate to void all applications received in response to this solicitation.

APPLICANT shall not offer any gratuities, favors, or anything of monetary value to any official or employee of the COUNTY, the BCC or any official conducting the screening of solicitation responses, or any other organization that may have a clear interest in the outcome of the screening process for the purpose of influencing the outcome of the solicitation response selection process. APPLICANT shall not collude in any manner or engage in any practices with any other APPLICANT that may restrict or eliminate competition or otherwise restrain trade. Violation of this instruction will cause the APPLICANT's application to be rejected by the COUNTY.

### **ZoomGrant Application Instructions**

All responses submitted must be the original work product of the APPLICANT. The copying, paraphrasing or otherwise use of a substantial portion of the work product of another APPLICANT is not permitted.

This document, and these application instructions, are intended to supplement those included in the ZoomGrants application. The Application in ZoomGrants is divided into 3 tabs: Summary, Application Questions and Documents. There is also a Library that includes downloadable documents (including this one) that should be reviewed in conjunction with this application. This Library is viewable when working in any of the tabs.

For questions specifically on the functioning of the ZoomGrants application, contact ZoomGrants helpdesk at [Questions@ZoomGrants.com](mailto:Questions@ZoomGrants.com). For questions on the CHF program or questions related to this application, email them to: [chf@clarkcountynv.gov](mailto:chf@clarkcountynv.gov).

## Library Contents

1. CHF Program Guide and Application Instructions
2. Affordable Housing Certification Application for Building Fee Discounts and Expediting
3. Clark County Rehab Standards

## Summary

This section asks for the Application Title/Project Name. Use that title/name as a reference if emailing with questions. The amount of funding is also requested.

## General Application Questions

Check all boxes and complete the narratives as directed. Documents referenced in the questions can be found in the Library or as downloadable templates in the Documents section. Other requested information can be uploaded in the Documents section under the appropriate title. All information requested must be entered or uploaded into ZoomGrants.

## Documents

The DOCUMENTS Section is where APPLICANTS upload the documents required or requested. If a downloadable template is available, it will appear as a hyperlink below the document title. Download, complete, then upload under the same document title. Document titles without a downloadable template are for uploading documents requested in the application. Please read the list below closely, along with any instructions provided for each document.

1. Development Team Qualifications and Relevant Experience:
  - a. A list of all members of the development team including APPLICANT, architects, engineers, contractors, financial or equity partners, lenders, service providers, and any other known participating APPLICANT entities participating in this project. If the development team includes a partnership between two organizations, include a partnership or operating agreement. If APPLICANT is a non-profit whose mission includes the development and/or management of affordable housing, include documentation of the mission and legal organization;
  - b. Relevant experience for each team member with a description of their previous projects and their roles in the referenced projects;
  - c. Describe APPLICANT's experience in developing, owning and managing affordable housing;
  - d. Provide a project list and include the following details for each:
    - i. The precise role that APPLICANT and principals of APPLICANT played in each project's development;
    - ii. Project description including dates of commencement/completion, location, concept, other land uses, size, and cost;
    - iii. Financial structure of the project, including amount and source of equity and debt financing;
    - iv. Architecture, landscape design, and photographs of the project;
    - v. Length of time to complete project
2. Description of Project: include layout, size, number of units, proposed character, quality of development, amenities, supportive services, etc.
3. Site Plan and Architectural Renderings: All drawings are to be to scale, in sufficient detail, clear hard-line work with all dimensions, materials, and other notes clearly legible at 11x17-inch paper size. Any renderings submitted must be in color. Ground floor must show entries, windows, driveway entrances, urban open space areas, sidewalks and street trees. Include color

elevations and a minimum of two cross sections through the most informative portions including all major elements and vertical dimensions.

4. Site Photos & Map of Project Location
5. Site and Neighborhood Standards
6. Sustainability Elements
7. Market Study Report
8. Ownership Chart: Must show percentage of ownership and designate all entities with an ownership interest and their role.
9. Partnership or Operating Agreement: draft is acceptable for application
10. Business License: APPLICANT must possess a valid State of Nevada and Clark County Business License, as well as a NV Secretary of State Verification of Good Standing (if APPLICANT is from another State, please provide the equivalent from your State). If APPLICANT does not have business licenses at time of submission, they may provide proof that they have applied or will apply prior to project closing.
11. Sam.Gov Registration and UE ID #
12. NV Secretary of State Verification of Good Standing
13. Project Financing/Funding Letters: For all sources of funding APPLICANT must submit associated evidence of funding. This includes LIHTC award letters, award letters for all sources of gap funding and reference letters from two third-party lenders or investors for each source of private financing. If APPLICANT has not yet been awarded all funding, evidence that APPLICANT has applied or intends to apply must be provided. If APPLICANT has not yet applied for any one source of funding APPLICANT must provide a letter stating intent to apply and date application will be submitted.
14. Audited Financial Statements: APPLICANTS must submit three years' corporate audited financial statements and current year-to-date unaudited financials. In the event APPLICANT does not maintain audited financial statements, unaudited statements of financial condition will be accepted, if accompanied by the signed certification (provided in ZoomGrants) attesting that such unaudited financial statements reflect an accurate and complete statement of APPLICANT's assets and liabilities, statements of operations, cash flow, income and expense for each year reported.
15. Supportive Services Agreement
16. Financial Feasibility Spreadsheet: The proposal must include a detailed preliminary budget including a 20-year project proforma. APPLICANT's budget must show the associated sources and uses as a part of the budget. APPLICANTS should indicate in their budget the needed amount of subsidy from the COUNTY; however, APPLICANTS will be scored on the most efficient use of COUNTY funds to accomplish the goals outlined in this APPLICATION. The APPLICANT must use the COUNTY's Financial Feasibility Spreadsheet (provided in ZoomGrants), filled out in its entirety.
17. 20-Year Project Pro Forma: APPLICANTS format
18. Proposed Business Terms:
  - a. APPLICANT shall clearly specify the following key business terms in their proposal:
    1. Proposed general contractor fee, both in dollar amount and percent of construction contract excluding the fee.
    2. Costs for contractor general conditions, liability insurance and payment/performance bond or letter of credit, both in dollar amount.
    3. Proposed developer fee, both the dollar amount and percent of total development costs excluding the fee (shall not exceed 15%).

4. Other proposed Developer costs, including but not limited to overhead, salaries and benefits, mark-ups or administrative fees for third party contracts, and other costs.
19. Construction Schedule/Schedule of Performance: A proposed schedule of performance indicating key milestones of development of the proposed project commencing with the execution of the funding agreement(s), including preparation of concept drawings and working drawings, the predevelopment, land use entitlements, financing, design, construction activities, and lease up. Schedule must include site control and evidence of project funding within one year of award.
20. Construction Cost Estimate
21. Evidence of Site Control Form
22. Lack of Site Control Form
23. Diversity and Fair Housing Summary: A summary of their organization's discrimination policies; diversity, equity, and inclusion strategy; as well as any specific policies or programming to promote diversity in the workplace and on the organization's governing board
24. Diversity and Fair Housing Policies: Provide a copy of any written and enforceable policies
25. HUD Form 2516: APPLICANT must create a plan, that they intend to carry out, to encourage diversity in hiring, specifically for contractor and subcontractors
26. Affirmative Fair Housing Marketing Plan
27. MBE/WBE Certification
28. Affirmative Marketing Certification
29. Fair Housing Act Checklist-Sec504-ArchitectCert
30. Conflict of Interest Certification
31. Debarment Certification
32. Bankruptcy, Pending Litigation and Unfavorable Judgment Certification
33. Financial Statements Certification

**Rehab Projects:**

If your project involves rehabilitation of existing improvements, you must complete the following forms:

34. URA Plan Form-Rehab-HUD & HOME
35. Rehab Scope of Work (must meet Clark County's Rehab Standards)
36. Rehab Standards
37. Certified Needs Assessment
38. Lead Based Paint Control Plan (pre-1978 properties)



## Exhibit A

### Changes from 2022 CHF Program Guide and Application

- No Pre-Application meeting for this application.
- Applicants should email [chf@clarkcountynv.gov](mailto:chf@clarkcountynv.gov) to be added to the “CHF 2023 Interest List”, specific for this application. Future emails related to this application will only be sent to the individuals on the CHF 2023 Interest List, including questions and corresponding answers related to this application.
  - In the subject line of your email, please indicate “CHF 2023 Interest List”
- Questions related to the application may be sent to [chf@clarkcountynv.gov](mailto:chf@clarkcountynv.gov). The deadline to submit questions is 12/11/2023.
- All new construction projects will have a minimum affordability period of 30 years.
- For all rehab projects, the affordability period will be from 5 – 20 years and all rehab projects will require a certified Capital Needs Assessment (CNA).
- New County rehab standards are located in the Library section of this application.
- Proof of site control and project funding must be provided within one year of CHF award.
- The Scoring Criteria section has been changed to award points based on 2023 County priorities. **Please read this section carefully.**
- The procurement policy has been updated.
- There are changes to the application submission requirements and required documents. **Please review carefully.**