Clackamas County Affordable Homeownership Scattered Site Acquisition Program

NOTICE OF FUNDING OPPORTUNITY

Keys to Clackamas

Affordable Homeownership Opportunities
for Qualified Low-Income Households

September 22, 2025

Table of Contents

Contact

For all questions related to this Request for Expressions of Interest (NOFO), please email: SSInfo@clackamas.us with subject: CDBG-DR NOFO. No other forms of communication will be accepted.

1. Introduction & Overview

Introduction

Clackamas County has a direct allocation award of Community Development Block Grant Disaster Recovery funds (CDBG-DR funds) from the Oregon Housing and Community Services (OHCS) through their Affordable Housing Development (AHD) program to assist areas impacted by the 2020 Wildfires. CDBG-DR funding can be used for local projects that create additional housing inventory in areas impacted by the 2020 wildfires. Clackamas County plans to use this funding to provide 2020 wildfire impacted households and low-income households with Down Payment Assistance (DPA) for affordable homeownership opportunities being made available through the repositioning of the Housing Authority of Clackamas County's scattered site portfolio.

The Housing Authority of Clackamas County (HACC or Housing Authority), which is a subcomponent of Clackamas County, is currently in the process of initiating a Public Housing Disposition (Section 18) of the Public Housing Authority's (PHA) Single Family Home (SFH) portfolio. HACC plans to reposition its 145 unit scattered site public housing portfolio through HUD's Section 18 Disposition process. In spring of 2024, HACC submitted a Section 18 Disposition application to HUD. In late 2024, HUD approved HACC's disposition plan.

Under Section 18, every unit HACC converts from the public housing program is eligible to receive a Section 8 Tenant Protection Voucher and residents are offered relocation assistance along with their voucher. Resident relocation commenced in January 2025 and is expected to conclude by the end of 2027.

HACC is seeking to preserve the affordability of up to 75 of its scattered site homes by working with Community Land Trusts and other Homeownership Partners to provide opportunities for affordable homeownership.

In November of 2024, HACC released a Request for Expressions of Interest (RFEI) seeking partners, specializing in Community Land Trusts and Affordable Homeownership, that could acquire scattered site homes and convert them to long-term affordable homeownership opportunities.

Partner organizations selected in response to the RFEI are eligible to respond to this NOFO. NOFO awardees will receive allocations of CDBG-DR funds to administer as DPA to eligible households to support the acquisition of HACC scattered site properties under a Community Land Trust (CLT) model. In addition, NOFO awardees will be responsible for overseeing programmatic monitoring and compliance to ensure these homes provide long-term affordable homeownership opportunities.

Clackamas County & Housing Authority Overview

Clackamas County is both a rural and suburban county located on the southeastern edge of Portland, Oregon. Clackamas County, in north central Oregon, is one of the four counties that make up the Portland Metropolitan Area. Its boundaries extend from the City of Portland to the Mt. Hood National Forest. It is bounded by Multnomah County to the north, Wasco County and Hood River counties to the east, Marion County, home of the State Capital, to the south, and Yamhill and Washington counties to the west. Clackamas County is Oregon's third-most populous county with a population of approximately 435,000 people. The County spans nearly 1,900 square miles and is roughly equivalent to the size of the state of Delaware.

The eastern half of the County is primarily rural with its main industries in the forest products, agricultural, and tourism sectors. The western side of the County is within the regional urban growth boundary (UGB) and is largely suburban, with industrial and light commercial transit and commerce corridors.

As the oldest housing authority in Oregon, the Housing Authority of Clackamas County has been providing affordable housing and community services to Clackamas County's most vulnerable residents since 1938. In part, the Housing Authority's mission is to expand the supply of affordable housing to break the cycle of poverty, while improving the quality of life for the entire community. The Housing Authority's portfolio consists of over 1,000 units of affordable housing, including 388 units of public housing undergoing repositioning.

Affordable Homeownership Overview

Through this NOFO, Clackamas County's Housing and Community Development Department will make available up to $6,900,000 in Community Development Block Grant Disaster Recovery funds (CDBG-DR) funds for DPA and program costs to provide affordable homeownership opportunities through a Community Land Trust. Funding is not to exceed $150,000 per property.

Eligible applicants to this funding opportunity are limited to organizations selected as a partner organization in response to HACC's Affordable Homeownership Scattered Site Acquisition Program Request for Expressions of Interest (RFEI) issued November 2024.

Eligible applicants awarded under this NOFO will provide affordable homeownership opportunities utilizing CDBG-DR funds to administer down payment assistance to eligible households to support the acquisition of designated scattered site homes under a Community Land Trust model. Awardees will be responsible for administering DPA to eligible households and oversee programmatic monitoring and compliance.

The CLT will acquire the homes from HACC at Fair Market Value (FMV) as required by HUD's disposition approval. Residents in scattered site public housing will receive a Tenant Protection Voucher and relocation services from the Housing Authority to assist them with finding a new home. If needed, HACC will provide seller financing to the CLT with favorable terms and a loan term of up to three years. The CLT will retain ownership of the underlying land with program compliant affordability restrictions recorded on the property. Any structural repairs or upgrades needed to get the homes ready for sale to qualifying homebuyers will be conducted by the CLT.

In accordance with the AHD program, Clackamas County is required to prioritize wildfire affected residents at 80% MFI and 120% MFI, including a requirement for outreach to affected households. Keys to Clackamas developments may be occupied by households with an income between 80% and 120% AMI only once the subrecipient has ensured that at least 85% of its AHD funds have been used for homeownership programs for households at 80% MFI or less. Clackamas County will coordinate with OHCS to request a written exception to this policy if program wide, wildfire impacted households between 80.1% MFI and 120% MFI exceed 15% of the acquired properties.

At each priority level, preference will be given to HACC residents hoping to purchase a scattered site home through an affordable homeownership option. Properties not acquired by HACC residents will be unoccupied prior to sale. Once the homes are ready to sell, the CLT will pair the homes with income-qualified homebuyers prioritizing households as outlined above. Once a qualified homebuyer is identified, Clackamas County will conduct a CENST Environmental Review of the property. Once the Environmental Review is complete, the CLT will request DPA funds—up to $150,000—from Clackamas County to provide the additional subsidy needed after the homebuyer's affordable mortgage is calculated.

Once the CLT's DPA request is approved by Clackamas County and the home goes under contract, the County will provide DPA funding at escrow closing for the qualified homebuyer.

Solicitation Overview

This Notice of Funding Opportunity sets forth Clackamas County's intentions for this program, including selection criteria and the selection process. Clackamas County is seeking detailed proposals from pre-selected partner organizations to acquire, rehabilitate, and sell scattered site properties and administer down payment assistance using CDBG-DR funds to provide affordable homeownership opportunities under a CLT model. The Housing Authority expects any disposal will include restrictive covenants or other encumbrances running with the land for at least 30 years that ensure use of the property for the intended purposes.

Only organizations selected as a partner organization in response to HACC's Affordable Homeownership Scattered Site Acquisition Program Request for Expressions of Interest (RFEI) issued November 2024 are eligible to respond to this NOFO. If your organization was not selected as a partner organization, please refrain from submitting an application as it will not be considered for an award of funds.

Respondents should list the identified properties and acquisition funding structure for the CLT, including planned rehab and affordability restrictions and land covenants that will be recorded to preserve long-term affordability. Respondents should describe their experience and strategies for administering the DPA program and administration. They should describe their experience and strategies for providing education and coordination with HACC residents about CLT ownership, marketing the properties to the three levels of priority households, and providing ongoing support activities that will ensure a high rate of homeownership success for income-eligible families.

Terms of Funding Assistance

HACC may, in its sole discretion, provide seller financing for acquisition. The seller financing will be part of the Development and Disposition Agreement with selected partners and is expected to be in the form of a 3-year seller note bearing a competitive interest rate and/or a down payment requirement.

Clackamas County is eligible for a direct allocation of AHD Program funds to support wildfire-affected and low-income communities in Clackamas County. CDBG-DR funding will be used to provide Down Payment Assistance (DPA) for properties identified for affordable homeownership.

- The Keys to Clackamas Affordable Homeownership Program has three levels of prioritization for households served with this funding:
    - First Priority: Fire-impacted households with verified residential loss under 80% AMI;
    - Second Priority: Fire-impacted households with verified residential loss up to 120% AMI; and
    - Third Priority: Non-fire-impacted households under 80% AMI.

NOFO Applicants shall provide a proposed homebuyer selection plan and underwriting loan terms that comply with the Terms of Assistance outlined in the *Keys to Clackamas Affordable Homeownership Program CDBG-DR Program Guidelines,* included as Attachment 1, or submit Terms of Assistance guidelines that have been approved through an OHCS homeownership Program.

The loan terms for CDBG-DR funding will include zero percent interest, deferred payments for the term of the loan, preference for first lien position with the understanding that any repayable loans such as the primary mortgage lender will likely require the higher lien position and the DPA subrecipient and DPA lien holder may need to agree to accept a lower lien position. DPA will need to subordinate to the primary mortgage. The terms must include a recapture provision for the term of affordability, and the applicant (homebuyer) may not receive any funds back from escrow after closing.

To ensure long-term sustainability of homeownership for the households served, qualified homeowners should demonstrate the ability to qualify for an affordable mortgage. Unless approved by Clackamas County and OHCS, a mortgage is considered affordable if no more than 38% of the household income goes toward housing costs. By requiring a small, affordable mortgage with escrowed funds for taxes and insurance, the program will ensure that the household's investment is protected and they have enough money left over each month for maintenance, repairs, and savings so that they would have the resources available for recovery in the face of a future disaster. Qualifying homebuyers will need to provide evidence of pre-approval for an affordable mortgage demonstrating their contribution of 20%–30% of the household income toward housing costs, to include principal, interest, taxes, insurance, and any required HOA dues.

DPA service providers will be monitored by Clackamas County staff through ongoing monitoring of contract performance, requested progress reports and expense reimbursements invoices. DPA subrecipients will complete underwriting for DPA participants that complies with the sub-recipient approved Homebuyer Selection Plan, including assurance that CLTs will ensure no duplication of benefits for DPA recipients. These services should include assessing the applicant's credit history and credit score, verifying borrower's income and assets to ensure affordability (DTI ratios) and sustainability, verifying pre-purchase counseling and education is completed, and collect post-closing documents for closeout.

New homeowners on properties purchased with CDBG-DR funds will be monitored through the Community Land Trust affordability covenants established and recorded during property sales.

Homeowners will be required to maintain their home in accordance with applicable state and local building codes. Homeowners will be required to pay all annual state and local taxes in the county where the purchased home is located. Failure to pay all annual state and local taxes will be deemed a violation of the homeowner assistance agreement. The homeowner will be required to maintain property insurance during the term of the loan. Additionally, Clackamas County will require that the CLT be named as coinsured on the policy to protect its interest in the property. The endorsement evidencing the CLT is listed as an additional insured must be updated annually.

All final binding document(s) are subject to approval by the Clackamas County Board of Commissioners.

Submittal and Review Process Overview

Clackamas County has identified criteria it will consider when evaluating responses to this NOFO. The criteria include each proposal's responsiveness to the objectives set forth in Section 3.

The deadline for submittals is October 15, 2025 at 5:00 PM (PST).

Address NOFO responses and questions to: SSInfo@clackamas.us with subject: Homeownership NOFO

Clackamas County reserves the right to cancel or postpone this NOFO at any time and for any reason.

3. Selection Criteria & Process

Selection Criteria

The following are criteria the Housing Authority will use to evaluate responses to this NOFO.

- Organization was selected as a partner organization in response to HACC's RFEI.
- Experience in the facilitation of affordable homeownership, specifically administering and monitoring CLTs and DPA programs.
- Experience delivering and/or partnering with Public Housing Agencies on similar programs.
- Proposed number of units to acquire and/or facilitate and timeline, with priority given to respondents that propose to acquire and/or facilitate the sale of a higher number of homes.
- Demonstrated success in reaching underserved populations, including eligible people of diverse ethnic and cultural background, disabled, elderly, and American armed services veterans.
- Well-established programs that will provide pre-purchase counseling, homebuyer education, down payment assistance, support through the purchase closing process, and ongoing support activities that will ensure a high rate of homeownership success for income-eligible families.

Evaluation Criteria

Submission Requirement	Points
Cover Letter	10
Proposal	55
Organization and Management Team	35
Total	**100**

Anticipated Schedule

September 22, 2025	Issuance of NOFO
October 7, 2025	Deadline to request clarifications to NOFO
October 9, 2025	Clackamas County responses to requests for NOFO clarifications posted on website
October 15, 2025 at 5:00 pm (PST)	**Deadline for NOFO submissions (see Section 1)**
October 20, 2025 (tentative)	County completes preliminary evaluation of submissions; decision regarding next steps (short list interviews, etc.)
October 24, 2025 (tentative)	Preliminary selection of respondents, pending further negotiations

4. Submission Format & Content

Preferred Format

Responses of 20 pages or less are preferred, not including letters of reference, samples, financial information, or other supporting documents. Proposals are to be submitted electronically. Hard copies will not be accepted.

Recommended Content

1. **Cover Letter**
   a. Briefly introduce the organization and describe its proposal for using AHD Funding.
   b. Summarize the anticipated acquisition, rehabilitation, and qualified homebuyer purchase timeline, the organization has the capacity to purchase into a CLT and sell to qualified buyers.

2. **Proposal**
   a. Concept for ownership and homeownership training process for affordable homeowners involved in the program. This should include:
      1. Number of units proposed for acquisition and/or facilitation and any specific units or geographic areas.
      2. Narrative outlining the process for training first-time homebuyers on homeownership including pre-purchase counseling, support through the purchase closing process and ongoing support after the home is purchased.
      3. Narrative describing any current prequalified buyer waitlist maintained by the organization and how HACC public Housing residents will be prioritized for homes in this solicitation.
      4. Funding structure for acquisition, rehabilitation, and homeowner purchases.
   b. Estimated time frame to carry out the proposed program.
   c. Description of how the proposal aligns with program goals identified in Section III.
   d. Provide a project budget with estimated down payment assistance for the three priority groups and a proposed line-item budget for CLT and DPA program administration costs.
   e. Proposed resale formula that will be contingent upon OHCS approval.
   f. Proposed Homebuyer Selection Plan

3. Organization and Management Team

a. Identify organization and management members and roles and describe qualifications
b. Outline experience reaching underserved populations, including eligible people of diverse ethnic and cultural background, disabled, elderly, and American armed services veterans.
c. Outline strategies for reaching income-eligible wildfire impacted households and low-income households in Clackamas County.
d. Describe the organization's experience with similar programs and service delivery models.
e. Example of a ground lease and regulatory agreement used from a previous transaction.

4. Letters of Reference & Project Examples

a. Respondents may submit up to four letters of reference.
b. Respondents are encouraged to include samples of other program outcomes or services examples.
c. These pages will not be counted against the suggested 20-page response limit.

5. General Conditions

1. Clackamas County reserves the right, in its sole discretion, to accept any response or to reject any or all responses to this NOFO.

2. Clackamas County reserves the right, in its sole discretion, to modify the selection process or other aspects of this NOFO, including canceling the NOFO at any time. The County will take reasonable steps to ensure that any modification or clarification to the NOFO are distributed in writing to all persons who have requested a copy of the NOFO.

3. Clackamas County reserves the right to request additional information following review of the initial NOFO response submission. In addition, Clackamas County may retain one or more consultants to assist in the evaluation of submissions.

4. In the interest of a fair and equitable selection process, Clackamas County reserves the right to determine the timing, arrangement, and method of any presentation throughout the selection process. Respondents are cautioned not to undertake any activities or actions to promote or advertise their proposals except during authorized presentations. However, respondents or their representatives are not permitted to make any direct or indirect (through others) contact with members of the Clackamas County Board of Commissioners, Housing Authority, Selection Advisory Committee (if established) concerning their proposals, except in the course of County-sponsored presentations. Violation of these conditions is grounds for disqualification of the respondent(s).

5. All submissions shall become the sole and exclusive property of Clackamas County. Respondent(s) shall not copyright, or cause to be copyrighted, any portion of their submission. To the extent permitted by public records laws, Clackamas County will maintain the confidentiality of submissions, at least until the preliminary selection of proposal. Any proprietary financial information or other information which respondents submit will be maintained as confidential to the extent permitted under public records law. Submissions or information that respondents would like to remain confidential must be marked confidential.

6. Clackamas County makes no representations as to whether or not a project to be developed as a result of this NOFO, or any possible participation therein, is a "public improvement" project and as such is subject to the prevailing wage requirements of the Oregon Bureau of Labor and Industry.

7. Media releases or media contacts by the selected respondents pertaining to its selection will require prior written approval of Clackamas County.

8. Clackamas County permits the participation of real estate brokers acting on behalf of and with the authorization of respondents, provided that the broker arranges for the payment of its commission or other compensation exclusively by the respondent.

9. Clackamas County reserves the right to verify and investigate the qualifications and financial capacity of respondents.

10. Respondent costs of developing a proposal or any subsequent request for information, costs of attendance at an interview (if requested by Clackamas County), or any other costs incurred as a result of this NOFO are entirely the responsibility of the respondent, and will not be reimbursed in any manner by Clackamas County

11. By submitting a proposal, respondent certifies the following:
    1. **OREGON TAX LAWS:** Respondent certifies that, to the best of the undersigned's knowledge, respondent is not in violation of any Oregon Tax Laws. For purposes of this certification, "Oregon Tax Laws" means the tax laws of the state or a political subdivision of the state, including ORS 305.620 and ORS chapters 316, 317 and 318.
    2. **NON-DISCRIMINATION:** Respondent certifies that it has not and will not discriminate in its employment practices with regard to race, creed, age, religious affiliation, sex, disability, sexual orientation, gender identity, national origin, or any other protected class. Nor has respondent or will respondent discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is a disadvantaged business enterprise, a minority-owned business, a woman-owned business, a business that a service-disabled veteran owns or an emerging small business that is certified under ORS 200.055.
    3. **CONFLICT OF INTEREST:** The undersigned hereby certifies that no elected official, officer, agent or employee of Clackamas County or Clackamas County is personally interested, directly or indirectly, in any resulting contract from this NOFO, or the compensation to be paid under such contract, and that no representation, statements (oral or in writing), of the County, Clackamas County, their elected officials, officers, agents, or employees had induced respondent to submit a proposal. In addition, the undersigned hereby certifies that any proposal is made without connection with any person, firm, or corporation submitting a proposal for the same material, and is in all respects fair and without collusion or fraud.
    4. **DEBARMENT AND SUSPENSION CERTIFICATION:** Applicants must certify their organization, and their principles are not currently debarred, suspended, or otherwise exclude from federal transactions. Applicants should verify their eligible status in SAM.gov.

12. Responders will demonstrate experience in administering CLT and DPA programs. By purchasing a CLT home, applicants agree to occupy and maintain the property as their primary residence, which meets the requirements in 24 CFR Part 92.254(a)(4). This requirement will be enforceable by the CLT's ground lease, which is recorded against the real property title. During the affordability period, if the following special circumstances related to occupancy arise, the below policies will apply:
    - Active-duty military personnel who receive homeownership assistance but are currently assigned to active-duty away from their home
    - Homeowner who is incapacitated due to illness or other infirmity and may require extended residence in rehabilitation facility or other skilled nursing care
    - Homeowner who is incarcerated and must give someone Power of Attorney (POA) on their behalf to maintain the occupancy obligations regarding rent, utilities, property insurance, and other maintenance costs

Regardless of the special circumstances, all eligible applicants must be able to comply with the terms of the homeownership assistance agreement.

Homeowners will be required to maintain their home in accordance with applicable state and local building codes. Homeowners will be required to pay all annual state and local taxes in the county where the purchased home is located. Failure to pay all annual state and local taxes will be deemed a violation of the homeowner assistance agreement. The homeowner will be required to maintain property insurance during the term of the loan. Additionally, Clackamas County will require that the CLT be named as coinsured on the policy to protect its interest in the property. The endorsement evidencing the CLT is listed as an additional insured must be updated annually.

Applicants should contribute between 20% and 30% of their household income toward housing costs including affordable mortgage principal and interest payments, taxes, insurance, and HOA dues, as evidenced by a loan pre-approval letter and loan estimate. Applicants are eligible for up to $150,000 in assistance or 70% of the purchase price of the home, whichever is the lesser of the two, not to exceed the amount needed for purchase after considering the affordable mortgage through a traditional or nontraditional primary lender and any other assistance received for the purchase of the home plus eligible closing costs. For households under 80% AMI with a need, DPA may cover all eligible closing costs and fees in addition to the $150,000 maximum.

As part of the review for assistance, the DPA provider will ensure settlement statements do not show any money going back to the applicant.

6. Exhibits: Background Documents

1. Keys to Clackamas Policy Manual
2. Lobbying Certificate
3. Debarment Certificate
4. Form HUD 5369-B: Instructions to Offerors Non-Construction

CLACKAMAS COUNTY

HOUSING AND COMMUNITY DEVELOPMENT

KEYS TO CLACKAMAS
AFFORDABLE HOMEOWNERSHIP PROGRAM
CDBG DR Program Guidelines

Clackamas County
Housing and Community Development Division
Public Services Building
2051 Kaen Road – Suite 245
Oregon City, Oregon
(503) 655-8591
www.clackamas.us/communitydevelopment/

JUNE 2025

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair: Craig Roberts

Commissioner: Diana Helm

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Commissioner: Ben West

County Administrator
Gary Schmidt

DEPARTMENT OF HEALTH, HOUSING AND HUMAN SERVICES

Director of Health, Housing and Human Services
Mary Rumbaugh

Director, Housing and Community Development Division
Shannon Callahan

Table of Contents:

1. PUBLIC HOUSING AND THE HOUSING AUTHORITY OF CLACKAMAS COUNTY

The Housing Authority of Clackamas County (HACC) is a part of the county's Housing and Community Development Division (HCDD) within the Health, Housing and Human Services (H3S) Department.

HACC was the first housing authority established in Oregon and among the oldest in the country. HACC's portfolio of public housing is over 80 years old and includes a significant backlog of capital needs.

As federal funding for the public housing program continues to decline, it is increasingly difficult to maintain these aging properties and meet residents' needs.

In response, housing authorities across the country—including HACC—are repositioning their public housing assets. Repositioning involves converting the subsidy the Housing Authority receives from HUD from the Section 9 Public Housing program to the Section 8 rental assistance voucher program.

In March 2022, following years of planning, the Housing Authority Board approved HACC's Public Housing Repositioning Plan.

2. SCATTERED SITE PUBLIC HOUSING DISPOSITION

As outlined in the Repositioning Plan, HACC plans to reposition its 145 unit scattered site public housing portfolio through HUD's Section 18 Disposition process. In spring of 2024, HACC submitted a Section 18 Disposition application to HUD. In late 2024, HUD approved HACC's disposition plan.

Under Section 18, every unit HACC converts from the public housing program is eligible to receive a Section 8 Tenant Protection Voucher. HACC is offering its current scattered public housing residents the first opportunity to purchase their scattered site home and they are offered relocation assistance with a Section 8 voucher. Resident relocation commenced in January 2024 and is expected to conclude by the end of 2027.

HACC plans to transition the scattered site from public housing into one of four options: purchase by current residents, affordable homeownership through a Community Land Trust (CLT) model, sale to a community-based organization to provide supportive services, or fair market value (FMV) sales. HACC will utilize the proceeds from the sales to support additional affordable housing development in Clackamas County.

1. Affordable Homeownership: HACC is working closely with Community Land Trusts (CLTs) and nonprofit affordable housing partners to transition as many homes as possible into long-term affordable housing. These partners will acquire homes through a CLT or redevelop them as deed restricted properties serving low- and moderate-income households.

2. <u>Community-Based Organizations:</u> Some units will be purchased by community-based organizations, with support from Clackamas County's Supportive Housing Services program, to provide supportive housing services like hospice and medical respite.

3. <u>Fair Market Sales:</u> The remaining units will be sold at fair market value. Once vacant, HACC will work with a real estate broker to list these properties on the Multiple Listing Service (MLS) for sale to the highest qualified bidder.

3. COMMUNITY LAND TRUST MODELS

In November of 2024, HACC released a Request for Expressions of Interest (RFEI) seeking partners, specializing in Community Land Trusts and Affordable Homeownership, that could acquire scattered site homes and convert them to long-term affordable homeownership opportunities.

Based on responses to the RFEI, HACC plans to work with selected organizations to sell approximately 75 of its scattered site homes to provide affordable homeownership opportunities.

A preference to provide affordable homeownership opportunities for current HACC residents is a program component. Also noted in the RFEI is the stipulation that, in the event Clackamas County makes CDBG-DR funds available to support the transition of a scattered site property to affordable homeownership, HCDD would require a preference for wildfire affected renters at 80% MFI and 120% MFI, including a requirement for outreach to affected households.

HACC is currently negotiating with selected organizations to create programs and identify scattered site properties to convert to affordable homeownership.

4. COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RELIEF AFFORDABLE HOUSING DEVELOPMENT (CDBG-DR AHD)

In fall of 2024, the State of Oregon notified Clackamas County of the availability of $7,747,747.00 in Community Development Block Grant Disaster Recovery funds (CDBG-DR funds).

Pursuant to Public Law (P.L.)117-43 and the Federal Register Notice dated February 3, 2022 at 83 FR 6364, the U.S. Department of Housing and Urban Development ("HUD") awarded $422,286,000 in Community Development Block Grant Disaster Recovery ("CDBG-DR") funds to Agency (the "Agency Award") for activities authorized under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and described in Agency's Action Plan that was approved by HUD (the "Action Plan"). Agency is authorized under ORS 458.315 through ORS 458.320 to enter into a grant agreement and provide funding for the purposes described in this Grant.

County and State signed agreement on April 24, 2025.

WEBSITE: https://www.oregon.gov/ohcs/disaster-recovery/reoregon/pages/default.aspx

5. KEYS TO CLACKAMAS AFFORDABLE HOMEOWNERSHIP PROGRAM

Program Intent: Clackamas County has a direct allocation award of $7,747,747.00 in Community Development Block Grant Disaster Recovery funds (CDBG-DR funds) from the State of Oregon to assist areas impacted by the 2020 Wildfires. CDBG-DR funding can be used for local projects that create additional housing inventory in areas impacted by the 2020 wildfires. The following types of activities are eligible:

- Acquisition of real property
- Clearance, rehabilitation, reconstruction, and construction of buildings and remediation
- Down-payment assistance (DPA) for affordable homeownership purchase by low-and-moderate income households.
- Relocation payments and assistance for displaced individuals and families
- Provision of assistance (loans and grants) for activities carried out by public or private nonprofit entities
- Provision of direct assistance to facilitate and expand homeownership among persons of low and moderate income
- Lead-based paint hazard evaluation and reduction

Clackamas County plans to use this funding to provide 2020 wildfire impacted households and low-income households with **Down Payment Assistance (DPA)** for affordable homeownership opportunities being made available through the repositioning of HACC's scattered site portfolio.

HCDD/HACC is seeking to provide affordable homeownership opportunities by working with Community Land Trusts and other Homeownership Partners using HACC's scattered site homes. Any home purchase will include a restrictive covenant or other encumbrance to ensure the property remains affordable throughout the affordability period and beyond.

In order to use CDBG-DR funding for DPA, Clackamas County plans to administer a competitive selection process through a Notice of Funding Opportunity (NOFO) issuance and award allocations of CDBG-DR funds to qualified Community Land Trusts (CLT) to administer DPA to eligible households and oversee programmatic monitoring and compliance. HACC will sell designated scattered site homes to provide affordable homeownership opportunities under a Community Land Trust model.

The CLT will acquire the homes from HACC at Fair Market Value (FMV) as required by HUD's disposition approval. If needed, HACC will provide seller financing to the CLT with favorable terms and a loan term of up to three years. The CLT will retain ownership of the underlying land with AHD program compliant affordability restrictions recorded on the property. Any structural repairs or upgrades needed to get the homes ready for sale to qualifying homebuyers will be conducted by the CLT.

Target Populations: CDBG-DR has three levels of prioritization for households served with this funding.

- First priority are fire-impacted households with verified loss under 80% AMI
- Second priority are fire-impacted households with verified loss up to 120% AMI
- Third priority are non-fire-impacted households under 80% AMI

Once the homes are ready to sell, the CLT will pair the homes with income-qualified homebuyers prioritizing households as outlined above.

Once a qualified homebuyer is identified, Clackamas County will conduct a CENST Environmental Review of the property.

Once the Environmental Review is complete, the CLT will request DPA funds—up to $150,000—from Clackamas County to provide the additional subsidy needed after the homebuyer's affordable mortgage is calculated.

Once the CLT's DPA request is approved by Clackamas County and the home goes under contract, the County will submit a request for funds to OHCS. Once the County receives the requested funds, it will transfer the DPA to escrow at closing to assist the homebuyer with acquiring the home.

Funding Selection Criteria: Clackamas County will distribute the funding through a Notice of Funding Opportunity (NOFO) and will select project developers based on their experience with Community Land Trust models, affordable homeownership programs, and managing down-payment assistance. The following are criteria the Housing Authority will use to evaluate responses to the NOFO:

- Organization was selected as a partner organization in response to HACC's RFEI
- Experience in the facilitation of affordable homeownership and down-payment assistance programs.
- Financial capacity to acquire the property and, if needed, complete any necessary rehabilitation.
- Experience delivering and/or partnering with Public Housing Agencies on similar programs.
- Proposed number of units to acquire and/or facilitate and timeline, with priority given to respondents that propose to acquire and/or facilitate the sale of a higher number of homes.
- Demonstrated success in reaching underserved populations, including eligible people of diverse ethnic and cultural background, disabled, elderly, and American armed services veterans.

- Well-established programs that will provide pre-purchase counseling, homebuyer education, down payment assistance, support through the purchase closing process, and ongoing support activities that will ensure a high rate of homeownership success for income-eligible families.

Household Contribution

To ensure long-term sustainability of homeownership for the households served, applicants should demonstrate the ability to qualify for an affordable mortgage. A mortgage is considered affordable if no more than 38% of the household income goes toward housing costs. By requiring a small, affordable mortgage with escrowed funds for taxes and insurance, the program will ensure that the household's investment is protected and they have enough money left over each month for maintenance, repairs, and savings so that they would have the resources available for recovery in the face of a future disaster

Terms of Assistance

Applicants will provide evidence of pre-approval for an affordable mortgage demonstrating their contribution of 20%–30% of the household income toward housing costs, to include principal, interest, taxes, insurance, and any required HOA dues or pad rent. Applicants will be required to execute a 0%, non-amortizing (no monthly payments) 30-year DPA loan agreement with the CLT. The loan agreement shall be secured by a recorded lien or other appropriate security instrument. Within three business days after closing, the CLT will be responsible for recording the loan and forgiveness events within the Neighborly SOR (System of Record).

In the event of sale, transfer of title, or cash-out refinance (refinance for more favorable rate and/or term are permissible) or if the borrower ceases to occupy the property during the 30-year loan term, the outstanding amount of the loan will be due and payable to the CLT. No further subordination will be approved except for allowable refinances. Loan proceeds returned to DPA will be considered program income.

DPA permits co-signers on the mortgage, but they cannot be listed on the deed or hold any ownership interest in the property. Anyone listed on the deed must qualify as part of the household and meet occupancy requirements.

Primary Residence

By purchasing a CLT home, applicants agree to occupy and maintain the property as their primary residence for no less than a 30-year period (and typically in perpetuity), which meets the requirements in 24 CFR Part 92.254(a)(4). This requirement will be enforceable by the CLT's ground lease, which is recorded against the real property title. During the affordability period, if the following special circumstances related to occupancy arise, the below policies will apply:

- Active-duty military personnel who receive homeownership assistance but are currently assigned to active-duty away from their home

- Homeowner who is incapacitated due to illness or other infirmity and may require extended residence in rehabilitation facility or other skilled nursing care
- Homeowner who is incarcerated and must give someone Power of Attorney (POA) on their behalf to maintain the occupancy obligations regarding rent, utilities, property insurance, and other maintenance costs

Regardless of the special circumstances, all eligible applicants must be able to comply with the terms of the homeownership assistance agreement.

Maintenance

Homeowners will be required to maintain their home in accordance with applicable state and local building codes.

Taxes

Homeowners will be required to pay all annual state and local taxes in the county where the purchased home is located. Failure to pay all annual state and local taxes will be deemed a violation of the homeowner assistance agreement.

Insurance

The homeowner will be required to maintain property insurance during the term of the loan. Additionally, Clackamas County will require that the CLT be named as coinsured on the policy to protect its interest in the property. The endorsement evidencing the CLT is listed as an additional insured must be updated annually.

Maximum Assistance to Qualifying Households

In accordance with ReOregon Housing Support Services Program Policy Manual (pages 51-55) Version 2.0., the maximum assistance per housing will be as follows:

5.2.1.3 Maximum Assistance

Applicants should contribute between 20% and 30% of their household income toward housing costs including affordable mortgage principal and interest payments, taxes, insurance, and HOA dues, as evidenced by a loan pre-approval letter and loan estimate. Applicants are eligible for up to $150,000 in assistance or 70% of the purchase price of the home, whichever is the lesser of the two, not to exceed the amount needed for purchase after considering the affordable mortgage through a traditional or nontraditional primary lender and any other assistance received for the purchase of the home plus eligible closing costs. For households under 80% AMI with a need, DPA may cover all eligible closing costs and fees in addition to the $150,000 maximum. See ReOregon Housing Support Services Program Policy Manual under Eligible Uses of Award Funds for a list of all eligible closing costs for LMI households.

As part of the review for assistance, the DPA provider will ensure settlement statements do not show any money going back to the applicant.

5.2.1.3.1 DPA Total Need

As 84 FR 28836 makes clear, "Generally, total need is calculated without regard to the grantee's program-specific caps on the amount of assistance" and "For recovery programs of the grantee that do not entail physical rebuilding… the total need will be determined by the requirements or parameters of the program or activity." In the case of home purchases through DPA, the underlying need for home purchase often exceeds the award caps for three primary reasons:

1. There is an ongoing lack of available affordable housing in the 8 MIDs, (Most Impacted and Distressed counties) which will be exacerbated by a wave of new buyers from ReOregon.
2. Award caps take into account countywide averages, but local neighborhood preferences for homebuyers often result in higher prices than the average.
3. LMI Households do not have adequate reserves or savings to pay for closing costs.

Therefore, applicants who must spend more than their DPA award for home purchases due to market conditions should be able to use other funding sources, including additional disaster recovery assistance, to cover the remaining need, within reason. If the need were established at the same level as the maximum award, applicants would have to pay the difference out of pocket, as any additional assistance received would reduce their DPA award. To provide flexibility for applicants in competitive housing markets, ensure equitable access to funding, and streamline the process of determining need while keeping costs reasonable for LMI households, DPA will factor need into the award calculation when applicants cannot pay for closing costs, and the mortgage amount does not cover any of these other costs.

Any identified disaster duplication of benefits (e.g. FEMA replacement), would be subtracted from the applicant's need."

Leveraging Sources and the DPA Award

Applicants eligible for DPA and primary mortgage assistance may encounter difficulties in covering out-of-pocket expenses for earnest money and closing costs, which are typically not included in primary mortgage loans. To address this, DPA may cover all eligible closing costs and fees for LMI households in addition to the $150,000 maximum. DPA may also optimize the leveraging of an applicant's funds by first applying the DPA award to cover eligible closing costs, then using the remaining award amount towards the purchase price for any household participating in the program. This approach increases the primary mortgage to cover more of the home's purchase price, provided the mortgage remains affordable. Additionally, applicants may leverage other assistance sources to cover program costs not covered by the DPA award, such as earnest money or ineligible closing costs.

Underwriting

DPA subrecipients will complete underwriting for DPA participants. These services should include at a minimum the following:

- Assess the applicant's credit history and credit score. Subrecipients are encouraged to consider alternative, nontraditional credit histories where appropriate for applicants with limited or no credit history.
- Verify borrower's income and assets to ensure affordability (DTI ratios) and sustainability.
- Review purchase agreements/contracts to purchase negotiated by the homebuyer with the seller to confirm the presence of required contingencies including satisfactory completion of the environmental review, availability of DPA funding, completion of a standard real estate inspection, and LBP inspection prior to signature by the applicant.
- Include any amended agreements as negotiated by the homebuyer or seller during the homebuying process.
- DPA subrecipient should include a copy of signed agreement(s) in the homebuyer's file.
- Review appraisal reports and title searches completed by certified or licensed providers.
- Review homeowners insurance quotes/binders to confirm appropriate replacement value coverage; it is recommended to include fire coverage. Identify if it is required for the applicant to have a separate flood insurance policy if the property is located in a special flood hazard area. The DPA lien holder must be listed as a mortgagee on the policy along with any other lender.
- Verify pre-purchase counseling and education is completed.
- Prepare loan documents and/or work with Clackamas County to have loan documents prepared or reviewed, including any pre- and post-closing loan disclosures as required by federal and state law, including the loan estimate and closing disclosure.
- Review preliminary and final settlement statement(s).
- Coordinate with title company or other closing/escrow agent handling the real estate transaction.
- Disburse eligible awards.
- Collect post-closing documents for closeout including homeowners insurance binders, title/deed showing transfer to applicant, signed and recorded DPA loan documents, final settlement statement, and title insurance policy.

- Make referrals to other needed ReOregon or non-CDBG-DR services.

Loan Terms

The underwriting loan terms must outline the following:

- Zero percent interest.
- Deferred payments for the loan term.
- Preference for first lien position with the understanding that any repayable loans such as the primary mortgage lender will likely require the higher lien position, and the DPA subrecipient/OHCS (DPA lien holder) may need to agree to accept a lower lien position. DPA will need to subordinate to primary mortgage
- Permanent financing.
- Recapture provision for term of affordability.
- Applicant (homebuyer) may not receive any funds back from escrow after closing.

Eligible Uses of Award Funds

- Down Payment toward the contracted sales price of the eligible home
- Closing Costs
  - Includes charges paid through escrow required for the act of sale such as:
    - Origination charges
    - Discount points
    - Appraisal fee
    - Credit report fee
    - Inspections
    - Flood determination
    - Title searches and title insurance
    - Surveys
    - Taxes (prorated or otherwise as long as they are due at the sale and are not impounded/prepaid to escrow for future estimated charges)
    - Other government fees such as recording costs

        - Buyer's agent commissions if not paid by the seller

Ineligible Costs

- Purchase of:
    - A home in a floodway or 100-year floodplain
    - A home with tenants when the owner is not under duress to sell
    - A home that requires repairs and/or reconstruction (home must be move-in ready to be eligible)
    - A second home
    - Vacant land
    - Recreational vehicles or other nonconventional structures
    - A single-family home that is two to four units
    - A unit (condo, townhouse) in a building with five or more units
- Payment for:
    - Seller's real estate agent fees or other closing costs or fees typically payable by the seller
    - Past or current non-DPA loans/debt to allow for mortgage qualification
    - Earnest money deposits/payments
    - Breaking the lease or paying off the remaining months
    - Rehabilitation, repairs or modifications to the subject property being purchased (or any other property)
    - Any payments toward a primary mortgage, including initial escrow impounds/prepaids (amounts to be held in an escrow account by the mortgage lender for future costs such as homeowner's insurance and taxes since these are estimates and may be refundable if not needed or prepaid interest on the mortgage loan)
    - Any charges that are refundable to the buyer (applicant)
    - Payment toward any existing debt, even if required by a lender for closing and/or mortgage qualifying
    - Travel expenses or lost wages of any type even if related to viewing the property, attending inspections or going to the closing, etc.

- Any charges, fees, or expenses related to anything other than the act of sale of the eligible property as documented by being listed on the final settlement statement and approved as an eligible charge in advance of closing by the appropriate Clackamas County/DPA staff.

Environmental Review

Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction (e.g., closing costs, down payment assistance, interest buy downs, and similar activities that result in the transfer of title) are considered categorically excluded from NEPA and not subject to 58.5 Authorities. Such financing activities are subject only to 24 CFR Part 58.6, which limits the review to the items described below.

As buyers select properties and make offers, but before final purchase agreements are signed, Clackamas County will make the determination that:

- The activity includes buyer-financing only and meets the conditions for categorically excluded not subject to 24 CFR Part 58.5 (provide HUD with the amount of CDBG-DR funds that will be used for the activity).
- The activity does not trigger any of the other requirements at 24 CFR Part 58.6, as applicable:
    - If the property is within a 100-year floodplain the property must be insured under FEMA's National Flood Insurance Program.
    - Evidence should show that the property is not in a coastal barrier resources area.
    - The buyer of the property was advised and signed a disclosure statement concerning the location of the property in a runway clear zone/clear zone.
    - This information will be reflected in the ERR for the property. If it complies with 58.6, the activity is not subject to the Request for Release of Funds.

Housing Counseling Services Overview

Clackamas County will provide grants to eligible HUD-approved Housing Counseling Services subrecipients to provide any of the following housing counseling services:

- Budgeting and financial management to understand financial situation and provide plans on how to improve their budgeting and financial situation
- Rental counseling, including educating tenants on their rights and responsibilities

- Guidance on understanding credit reports, credit scores, and how to improve credit
- Pre-purchase counseling and education course
- Mortgage readiness counseling to help applicants understand mortgage and loan terms

Monitoring

DPA service providers will be monitored by Clackamas County staff through ongoing monitoring of contract performance, requested progress reports and expense reimbursements invoices.

New homeowners on properties purchased with CDBG DR funds will be monitored through the Community Land Trust affordability covenants established and recorded during property sales.

6. PROGRAM CONTACTS

Clackamas County Housing and Community Development: https://www.clackamas.us/hcdd

Scattered Site Properties Info: SSRedevInfo@clackamas.us

Staff Contacts:

HCDD:

- Korene Mather, HCD Manager: korenemat@clackamas.us
- Mark Sirois, HCD Manager: marksir@clackamas.us

HACC:

- Devin Ellin, Housing Development Director: dellin@clackcamas.us
- Andrew Crampton, Sr. Housing Developer: acramption@clackamas.us
- Gloria LaFleur, Housing Developer: glafleur@clackamas.us

Lobbying Certificate

The Undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person influencing or attempting to influence an officer 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 contract, the making of any Federal grant, the making 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 Congress, or an employee of a Member of Congress in connection with THIS Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit *Standard Form – LLL, "Disclosure Form to Report Lobbying,"* in accordance with its instructions.
3. The undersigned shall require that the language of 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.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature:____ Date: __________________

Name: ____

Title: ____

NOTE: CONTRACTORS ARE REQUIRED, PURSUANT TO FEDERAL LAW, TO INCLUDE THE ABOVE LANGUAGE IN SUBCONTRACTS OVER $100,000 AND TO OBTAIN THIS LOBBYING CERTIFICATE FROM EACH SUBCONTRACTOR BEING PAID $100,000 OR MORE UNDER THIS CONTRACT

Debarment Certificate
Regarding Ineligible
Contractors

CERTIFICATION OF LOWER-TIER PARTICIPANTS REGARDING DEBARMENT, SUSPENSION, AND OTHER INELIGIBILITY AND VOLUNTARY EXCLUSION

The Lower Tier Participant (potential sub-grantee or sub-recipient under a HUD project, potential third party contractor, or potential subcontractor under a major third party contract) certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(If the Lower Tier Participant (potential sub-grantee or sub-recipient under a HUD project, potential third party contractor, or potential subcontractor under a major third party contract) is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this proposal.)

THE LOWER TIER PARTICIPANT (POTENTIAL SUB-GRANTEE OR SUB-RECIPIENT UNDER A HUD PROJECT, POTENTIAL THIRD PARTY CONTRACTOR, OR POTENTIAL SUBCONTRACTOR UNDER A MAJOR THIRD PARTY CONTRACT) CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

____ Signature and Title of Authorized Official

CHECK APPROPRIATE BOX:
[ ] The undersigned chief legal counsel for_____________________________________ hereby certifies that____has authority under State and local law to comply with the subject assurances and that the certification above has been legally made.

____ Signature of Participant's Attorney

____
Date

[ ] Bidder or offeror does not have a chief legal counsel.

Instructions to Offerors Non-Construction

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

- 03291 -

1. Preparation of Offers

(a) Offerors are expected to examine the statement of work, the proposed contract terms and conditions, and all instructions. Failure to do so will be at the offeror's risk.

(b) Each offeror shall furnish the information required by the solicitation. The offeror shall sign the offer and print or type its name on the cover sheet and each continuation sheet on which it makes an entry. Erasures or other changes must be initialed by the person signing the offer. Offers signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the HA.

(c) Offers for services other than those specified will not be considered.

2. Submission of Offers

(a) Offers and modifications thereof shall be submitted in sealed envelopes or packages (1) addressed to the office specified in the solicitation, and (2) showing the time specified for receipt, the solicitation number, and the name and address of the offeror.

(b) Telegraphic offers will not be considered unless authorized by the solicitation; however, offers may be modified by written or telegraphic notice.

(c) Facsimile offers, modifications or withdrawals will not be considered unless authorized by the solicitation.

3. Amendments to Solicitations

(a) If this solicitation is amended, then all terms and conditions which are not modified remain unchanged.

(b) Offerors shall acknowledge receipt of any amendments to this solicitation by

(1) signing and returning the amendment;
(2) identifying the amendment number and date in the space provided for this purpose on the form for submitting an offer,
(3) letter or telegram, or
(4) facsimile, if facsimile offers are authorized in the solicitation. The HA/HUD must receive the acknowledgment by the time specified for receipt of offers.

4. Explanation to Prospective Offerors

Any prospective offeror desiring an explanation or interpretation of the solicitation, statement of work, etc., must request it in writing soon enough to allow a reply to reach all prospective offerors before the submission of their offers. Oral explanations or instructions given before the award of the contract will not be binding. Any information given to a prospective offeror concerning a solicitation will be furnished promptly to all other prospective offerors as an amendment of the solicitation, if that information is necessary in submitting offers or if the lack of it would be prejudicial to any other prospective offerors.

5. Responsibility of Prospective Contractor

(a) The HA shall award a contract only to a responsible prospective contractor who is able to perform successfully under the terms and conditions of the proposed contract. To be determined responsible, a prospective contractor must -

(1) Have adequate financial resources to perform the contract, or the ability to obtain them;
(2) Have a satisfactory performance record;
(3) Have a satisfactory record of integrity and business ethics;
(4) Have a satisfactory record of compliance with public policy (e.g., Equal Employment Opportunity); and
(5) Not have been suspended, debarred, or otherwise determined to be ineligible for award of contracts by the Department of Housing and Urban Development or any other agency of the U.S. Government. Current lists of ineligible contractors are available for inspection at the HA/HUD.

(b) Before an offer is considered for award, the offeror may be requested by the HA to submit a statement or other documentation regarding any of the foregoing requirements. Failure by the offeror to provide such additional information may render the offeror ineligible for award.

6. Late Submissions, Modifications, and Withdrawal of Offers

(a) Any offer received at the place designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made and it -

(1) Was sent by registered or certified mail not later than the fifth calendar day before the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th);
(2) Was sent by mail, or if authorized by the solicitation, was sent by telegram or via facsimile, and it is determined by the HA/HUD that the late receipt was due solely to mishandling by the HA/HUD after receipt at the HA;
(3) Was sent by U.S. Postal Service Express Mail Next Day Service - Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the date specified for receipt of proposals. The term "working days" excludes weekends and U.S. Federal holidays; or
(4) Is the only offer received.

(b) Any modification of an offer, except a modification resulting from the HA's request for "best and final" offer (if this solicitation is a request for proposals), is subject to the same conditions as in subparagraphs (a)(1), (2), and (3) of this provision.

(c) A modification resulting from the HA's request for "best and final" offer received after the time and date specified in the request will not be considered unless received before award and the late receipt is due solely to mishandling by the HA after receipt at the HA.

(d) The only acceptable evidence to establish the date of mailing of a late offer, modification, or withdrawal sent either by registered or certified mail is the U.S. or Canadian Postal Service postmark both on the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service. Both postmarks must show a legible date or the offer, modification, or withdrawal shall be processed as if mailed late. "Postmark" means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. or Canadian Postal Service on the date of mailing. Therefore, offerors should request the postal clerk to place a hand cancellation bull's-eye postmark on both the receipt and the envelope or wrapper.

(e) The only acceptable evidence to establish the time of receipt at the HA is the time/date stamp of HA on the offer wrapper or other documentary evidence of receipt maintained by the HA.

(f) The only acceptable evidence to establish the date of mailing of a late offer, modification, or withdrawal sent by Express Mail Next Day Service-Post Office to Addressee is the date entered by the post office receiving clerk on the "Express Mail Next Day Service-Post Office to Addressee" label and the postmark on both the envelope or wrapper and on the original receipt from the U.S. Postal Service. "Postmark" has the same meaning as defined in paragraph (c) of this provision, excluding postmarks of the Canadian Postal Service. Therefore, offerors should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and the envelope or wrapper.

(g) Notwithstanding paragraph (a) of this provision, a late modification of an otherwise successful offer that makes its terms more favorable to the HA will be considered at any time it is received and may be accepted.

(h) If this solicitation is a request for proposals, proposals may be withdrawn by written notice, or if authorized by this solicitation, by telegram (including mailgram) or facsimile machine transmission received at any time before award. Proposals may be withdrawn in person by a offeror or its authorized representative if the identity of the person requesting withdrawal is established and the person signs a receipt for the offer before award. If this solicitation is an invitation for bids, bids may be withdrawn at any time prior to bid opening.

7. Contract Award

(a) The HA will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the HA, cost or price and other factors, specified elsewhere in this solicitation, considered.

(b) The HA may
- (1) reject any or all offers if such action is in the HA's interest,
- (2) accept other than the lowest offer,
- (3) waive informalities and minor irregularities in offers received, and (4) award more than one contract for all or part of the requirements stated.

(c) If this solicitation is a request for proposals, the HA may award a contract on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the offeror's best terms from a cost or price and technical standpoint.

(d) A written award or acceptance of offer mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer shall result in a binding contract without further action by either party. If this solicitation is a request for proposals, before the offer's specified expiration time, the HA may accept an offer, whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award. Negotiations conducted after receipt of an offer do not constitute a rejection or counteroffer by the HA.

(e) Neither financial data submitted with an offer, nor representations concerning facilities or financing, will form a part of the resulting contract.

8. Service of Protest

Any protest against the award of a contract pursuant to this solicitation shall be served on the HA by obtaining written and dated acknowledgment of receipt from the HA at the address shown on the cover of this solicitation. The determination of the HA with regard to such protest or to proceed to award notwithstanding such protest shall be final unless appealed by the protestor.

9. Offer Submission

Offers shall be submitted as follows and shall be enclosed in a sealed envelope and addressed to the office specified in the solicitation. The proposal shall show **the hour and date specified in the solicitation for receipt, the solicitation number, and the name and address of the offeror, on the face of the envelope.**

It is very important that the offer be properly identified on the face of the envelope as set forth above in order to insure that the date and time of receipt is stamped on the face of the offer envelope. Receiving procedures are: date and time stamp those envelopes identified as proposals and deliver them immediately to the appropriate contracting official, and only date stamp those envelopes which do not contain identification of the contents and deliver them to the appropriate procuring activity only through the routine mail delivery procedure.

[Describe bid or proposal preparation instructions here:]