



# CITY *of* CLOVIS

AFFORDABLE HOUSING PROGRAMS  
1033 FIFTH STREET • CLOVIS, CA 93612

## **JUNE 7, 2024** **NOTICE OF FUNDING AVAILABILITY** **AFFORDABLE HOUSING DEVELOPMENT** ***IMPACT FEE DEFERRAL PROGRAM***

for  
**New Housing Construction**  
**(Single or Multi-Family Housing)**

**FUNDING AVAILABLE TO ELIGIBLE PROJECTS**  
**ON A FIRST COME FIRST SERVED BASIS STARTING:**  
**JULY 1, 2024**

### **A) Introduction**

The City of Clovis (City) is providing a Notice of Funding Availability (NOFA) for participation in the 2024-2025 City of Clovis Affordable Housing Development Impact Fee Deferral Program (AH Fee Deferral Program, Program). Funding will be made available on a first come, first served basis, for 120 affordable housing units, starting on July 1, 2024.

The selected developer(s) will be required to perform all aspects of the affordable housing development (i.e.: property acquisition, entitlement, environmental clearance, financing, construction, sales and/or rental management). As an incentive in the production of affordable housing units in the City of Clovis, the City is proposing to provide funding through the AH Fee Deferral Program for the deferral of payment of a portion of pre-identified development impact fees, as described in Section C below.

Upon selection of a proposed project, the City and developer will enter into a funding agreement for the project. Funding agreements will, without limitation, prescribe requirements such as occupancy, resale, affordability covenants, notices to the City of changed circumstances, City's right of first refusal, options to purchase, equity share, and related terms to ensure long term Affordability of all units, and will include, may not be limited to, the following documents: recorded Development Agreement, recorded Deed of Trust, recorded Declaration of Restrictions, and Promissory Note. Funding for the deferred fees will be provided as a residual receipts loan, at zero percent interest, with a term of seventeen (17) years for multi-family units, and thirty (30)

years for single-family units, or the terms/years as required by senior financing and agreed to in advance by the City.

## **B) Submittal Requirements, Forms and Checklist**

Applicants will be required to include the following submittals, in the following order, as part of their response to this NOFA. This NOFA includes a checklist to facilitate the submittal, and the checklist should be included in the proposal when submitted (Exhibit A – Submittal Checklist)

### **Sections:**

1. Applicant Information and Project Summary, utilize form attached as Exhibit B.
2. Project Description – see submittal requirements included in Exhibit C (maximum 10 pages).
3. Site and Project Readiness – see submittal requirements in Exhibit D (maximum 5 pages)
4. Project Schedule, utilize form attached as Exhibit E.
5. Tenant Relocation Plan – see submittal requirements in Exhibit F, if applicable (maximum 3 pages)
6. Applicant/Development Team Experience – see submittal requirements in Exhibit G
7. Letter confirming the ability to comply with City’s insurance requirements included as Exhibit H.
8. Letter confirming the ability to comply with other federal and state regulations included as Exhibit I.
9. Underwriting Worksheets (or comparable information) – see submittal requirements in Exhibit J.
10. Project Budget (Sources and Uses) – attach your Budget as Exhibit K

## **C) Eligible Uses, Units**

1. Eligible affordable housing units include multi-family and single-family housing units constructed after July 1, 2024, and for which construction is planned to commence within the current fiscal year. All units are required to be constructed and have received a certificate of occupancy no later than December 31, 2031.
2. Program funds may be used to defer up to 50% of City of Clovis’ major facility sewer and water fees, depending on income targeting/affordability. Deferred fees shall be calculated as a percentage of each development’s major facility sewer and water fees, rather than as a prescribed dollar amount.
3. The balance of the fees (those not deferred) are due and payable as is customary in the City of Clovis.
4. Funding is available, on a first-come, first-served basis for up to 120 eligible housing units, starting July 1, 2024.
5. Funding for the deferred fees will be provided as a residual receipts loan, at zero percent interest, with a term of seventeen (17) years for multi-family units, and thirty

(30) years for single-family units or the terms/years as required by senior financing and agreed to in advance by the City.

6. Depending on the income targeting of the affordable housing unit(s), 40-50% of the City's major facility sewer and water fees may be deferred from payment, as follows
  - a) For Low-Income Affordable Housing Units, that are set aside for those households earning 80% or below of the applicable area median income (AMI), then 40% of the major facility sewer and water fees for each affordable restricted unit may be deferred at project development.
  - b) For Very Low-Income Affordable Housing Units, that are set aside for those households earning 50% or below of the applicable AMI, then 45% of the major facility sewer and water fees for each affordable restricted unit may be deferred at project development.
  - c) For Extremely Low-Income Affordable Housing Units, that are set aside for those households earning 30% or below of the applicable AMI, then 50% of the major facility sewer and water fees for each affordable restricted unit may be deferred at project development.

#### **D) Ineligible Uses/Housing Units**

1. The City of Clovis is developing a Mixed Income Zoning ordinance that will potentially require the construction of affordable housing units in all future housing developments, or payment of an in-lieu fee. Although this ordinance has not been developed as of the publishing date of this NOFA, it shall be clear that once the Mixed Income Zoning ordinance is adopted by the Clovis City Council, then the funding available under this NOFA, and the AH Fee Deferral Program, may not be used to pay or defer any impact fees of any affordable housing units that may be required as part of that Zoning ordinance.
2. Funding cannot be applied to housing units that do not meet the affordability and income targeting requirements of this NOFA.
3. Funding cannot be applied to units constructed before July 1, 2024.
4. Funding cannot be applied to units with building permits issued before July 1, 2024.
5. Funding cannot be retroactively applied to units for which development impacts fees have been previously paid for.
6. Funding cannot be used for housing units that will have certificates of occupancy after December 31, 2031.

## **E) Program Criteria**

The following criteria, without limitation, and in no particular order, may be considered in determining Program funding allocation and priority:

1. Projects that provide senior housing and/or multi-family housing units.
2. Projects that are compliant with the Housing Needs Assessment identified in the City's Consolidated and Annual Action Plan for Community Development Block Grant Funds.
3. Projects that can provide evidence of site control.
4. Projects that have initiated/completed Site Plan Review, and/or applicable land use entitlements.

## **F) Selection Process**

Project selection will be based on the City's review of the submittals listed below.

1. Ability to meet Program Criteria as identified in Section E above.
2. Ability to obtain site control, through an existing/executed Purchase and Sale Agreement, or currently be in written negotiations with the property owner.
3. Key personnel experience with the proposed project type.
4. Submittal of a current signature authorization by minute order or Resolution to enter into a funding agreement with the City for a specified amount of funds.
5. Provide maximum accessibility of the units to low-income households
6. Budget, cash flow statement, evidence of viable financing structure, and financial documentation in sufficient type to complete preliminary underwriting of the proposed project
7. History of successful completion of at least 5 similar projects.

## **G) Submittal Instructions**

This NOFA and any Addenda to this NOFA, if needed, will be posted on Planet Bids and emailed to interested parties list. It shall be the Applicant's responsibility to check the Planet Bids website, and/or email to obtain any Addenda that may be issued.

All applicants interested in submitting a project for funding consideration are invited to submit **TWO HARD COPIES** and **ONE ELECTRONIC COPY** (thumb drive, or via email) of their Proposal, and any required exhibits on, or after, July 1, 2024, to Claudia Cazares, as follows:

### **MAIL OR DELIVER TO:**

City of Clovis  
Affordable Housing Programs  
Attention: Claudia Cázares, Management Analyst  
1033 Fifth Street  
Clovis, CA 93612

**ELECTRONIC COPY TO:**

[housing@cityofclovis.com](mailto:housing@cityofclovis.com)

All Proposals must include the following title on the outside of the package/envelope:  
**“OFFICIAL PROPOSAL – AFFORDABLE HOUSING DEVELOPMENT IMPACT FEE”**

**OVER THE COUNTER APPLICATIONS WILL BE ACCEPTED, STARTING JULY 1, 2024 UNTIL SUCH DATE AS THE MAXIMUM PROGRAM UNIT COUNT OF 120 AFFORDABLE HOUSING UNITS ASSISTED PER FISCAL YEAR HAS BEEN MET. ANY APPLICATIONS RECEIVED AFTER THAT DATE MAY BE RETURNED TO THE APPLICANT.**

**Award Schedule**

Proposals Due Starting: July 1, 2024

Proposals to be Reviewed: within 45 days of submittal

Applicant Notifications: within 60 days of submittal

Funding Agreements to be executed: within 120 days of submittal

**Questions** about this NOFA may be directed to Claudia Cázares, by email at [housing@cityofclovis.com](mailto:housing@cityofclovis.com).

**H) Terms and Conditions**

1. The City reserves the right, at its sole and absolute discretion, to suspend, amend, or modify the provisions of the NOFA and selection process. If such an action occurs, the City will post the revision to Planet Bids, and notify interested parties via email.
2. All selected applications received by the City for funding consideration will not be returned to the applicant or any third party.
3. The cost of preparing applications shall be borne by the applicant.
4. Completion of this proposal/application process in no way guarantees or commits City funding to a proposed project.
5. In addition, the City reserves the right to:
  - Request clarification of the proposal submitted.
  - Request additional information from any applicant responding to this NOFA.
  - Award funds to the next most feasible project, if the successful applicant does not execute a funding agreement within the timeline identified in Section G “Award Schedule”, above.
  - Reject any application that does not address the items listed in the NOFA.
  - Negotiate with selected applicants.
  - Reject all applications submitted at its sole and absolute discretion .
  - Accept application(s) that it considers to be in the interest of the City, with or without negotiation.
  - Application responses become the property of the City and are subject to public disclosure.
  - Waive any informality or minor irregularity when in the best interest of City to do so.
  - Have no obligation to enter into an agreement with any party responding to this

NOFA.

- Request the applicant to make a presentation.
- Request or deny any one-on-one meetings between the City and the applicant.

## I) Exhibits

Exhibit A – Submittal Checklist

Exhibit B – FORM: Applicant Information and Project Summary

Exhibit C – Project Description Requirements

Exhibit D – Site and Project Readiness Requirements

Exhibit E – FORM: Project Schedule

Exhibit F – Tenant Relocation Plan Requirements

Exhibit G – Applicant/Development Team Experience Submittal Requirements

Exhibit H – City of Clovis Insurance Requirements

Exhibit I – Federal/State Requirements

Exhibit J – Underwriting Worksheets

Exhibit K – Project Budget

The City encourages minority- and women-owned firms to submit applications consistent with the City's policy to ensure that minority- and women-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services.

### **Accessibility and Language Services**

If you require reasonable accommodation or need language assistance, translation services or interpretation services to participate in this meeting please contact Claudia Cazares at (559) 324-2094. Notification of 48-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

### **NOTICE OF NON-DISCRIMINATION:**

It is the policy of the City of Clovis to not discriminate on the basis of race, color, national origin, religion, sex, and sexual preference. If you have a complaint or concern, please contact the City of Clovis 504 Coordinator at (559) 324-2060.

**Need Assistance Contacting the City of Clovis?** California Relay Service provides specially trained Communication Assistants to relay conversations between deaf, hard of hearing, or speech-loss individuals and people who use a standard telephone. You can use this service to contact the City of Clovis by dialing 711.

This NOFA is available in Spanish by contacting our offices at (559) 324-2060. Este a notificación de fondos accesibles está disponible en español llamando al (559) 324-2060. Si usted requiere servicios de interpretación o traducción favor de llamar a Claudia Cázares al (559) 324-2094.

## **Exhibit A – Submittal Checklist**

**SUBMITTAL CHECKLIST**

Separate the sections and number accordingly

**X**

Section	Section Heading	Attachment/Documents	
<b>1</b>	Applicant Information and Project Summary	<ul style="list-style-type: none"><li>• Provided Form</li></ul>	<input type="checkbox"/>
<b>2</b>	Project Description	<ul style="list-style-type: none"><li>• Narrative</li><li>• Pictures</li><li>• APN Page &amp; Site Plan</li></ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>3</b>	Site and Project Readiness	<ul style="list-style-type: none"><li>• Narrative</li><li>• Zoning &amp; Local Approval</li><li>• Site Control Documentation</li><li>• Phase I, Phase II, etc.</li></ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>4</b>	Project Schedule	<ul style="list-style-type: none"><li>• Provided Form</li></ul>	<input type="checkbox"/>
<b>5</b>	Tenant Relocation Plan	<ul style="list-style-type: none"><li>• Narrative (if applicable)</li></ul>	<input type="checkbox"/>
<b>6</b>	Applicant/Development Team Experience	<ul style="list-style-type: none"><li>• Narrative</li><li>• Resumes</li><li>• Provided Form</li></ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>7</b>	City of Clovis Insurance Requirements	<ul style="list-style-type: none"><li>• Letter confirming ability to Comply</li></ul>	<input type="checkbox"/>
<b>8</b>	Federal/State Funding Requirements	<ul style="list-style-type: none"><li>• Letter confirming ability to Comply</li></ul>	<input type="checkbox"/>
<b>9</b>	Underwriting Worksheets or Comparable Worksheets	<ul style="list-style-type: none"><li>• Use recommended templates or comparable worksheets</li></ul>	<input type="checkbox"/>
<b>10</b>	Project Budget	<ul style="list-style-type: none"><li>• Applicant Form</li></ul>	<input type="checkbox"/>



**Exhibit B – FORM: Applicant Information and  
Project Summary**

**SECTION 1 – APPLICANT INFORMATION AND PROJECT SUMMARY (page 1)**

Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

Federal Tax I.D. Number: \_\_\_\_\_

Organization Type (check all that apply):

- Local Government
- Housing Authority
- Non-Profit Community Based Organization
- Regional Non-Profit Housing Assistance Organization
- Statewide Non-Profit Housing Assistance Organization
- Qualified Tenant Organization
- Private Development Corporation/Individual
- Community Housing Development Organization (CHDO)
- Community Based Development Organization
- Community Development Corporation
- Other: \_\_\_\_\_

Executive Director/President Name: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Project/Application Contact Name: \_\_\_\_\_

Contact Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

*(continued on next page)*

**SECTION 1 – APPLICANT INFORMATION AND PROJECT SUMMARY (page 2)**

Project Name: \_\_\_\_\_

Project Address or Location: \_\_\_\_\_

Assessor's Parcel Number(s): \_\_\_\_\_

For Existing Housing Stock Only (check one):

- Existing Privately Owned
- Existing Publicly Owned
- Other (please specify): \_\_\_\_\_

**Project Activities (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Acquisition                      | <input type="checkbox"/> Independent Seniors      |
| <input type="checkbox"/> Rehabilitation (Single Family)   | <input type="checkbox"/> Assisted Living          |
| <input type="checkbox"/> Rehabilitation (Multi-Family)    | <input type="checkbox"/> Housing for the Homeless |
| <input type="checkbox"/> New Construction (Single Family) | <input type="checkbox"/> Homeownership            |
| <input type="checkbox"/> New Construction (Multi-Family)  | <input type="checkbox"/> Housing for Farmworkers  |
| <input type="checkbox"/> HUD/USDA Preservation            | <input type="checkbox"/> Other: _____             |
| <input type="checkbox"/> Permanent Supportive Housing     |   |

**Target Populations**

Length of Commitment to Target Population:  55 years for rental housing  
 30 years for homeownership  
 Other: \_\_\_\_\_

**Number of Units/Beds for Special Needs Populations:**  Check if Not Applicable

Units	Beds	Population
		Mentally Ill
		Physically Disabled
		Developmentally Disabled
		Domestic Violence
		Frail Elderly
		Homeless
		At Risk of Homelessness
		HIV/AIDS
		Alcohol/Substance Abuse
		Youth Under Age 21
		Other: _____

*(continued on next page)*

**SECTION 1 – APPLICANT INFORMATION AND PROJECT SUMMARY (page 3)**

Proposed Number of Units Per Bedroom Count and Income. Place an asterisk next to the City-funded units. Include the square foot of the units. [INCLUDE MARKET RATE UNITS WITHIN PROJECT.](#)

% Median Income	Studio/ sq. ft.	1-bed /sq. ft.	2-bed /sq. ft.	3-bed /sq. ft.	4-bed /sq. ft.	5-bed /sq. ft.	Totals
<b>Totals</b>							

**Construction and Permanent Financing Sources and Total Development Cost**

<b>CONSTRUCTION SOURCES</b>			
Source (Insert Name)	Proposed Funding Amount	Committed/Conditional Funding Amount	Total Funding Amount
<b>Total</b>			
<b>PERMANENT SOURCES</b>			
Source	Proposed Funding Amount	Committed/Conditional Funding Amount	Total Funding
<b>Total</b>			
<b>TOTAL DEVELOPMENT COST</b>			
	Proposed Funding Amount	Committed/Conditional Funding Amount	Total Funding
<b>TOTAL</b>			

Signature of authorized official (attached Board/company Resolution).

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

## **Exhibit C – Project Description Requirements**

## **SECTION 2 - PROJECT DESCRIPTION REQUIREMENTS**

Provide a complete description of the project activity and the population to be served.

Include the following:

- Describe the property to be acquired, constructed and/or substantially rehabilitated. Include the acreage, square footage, physical description of the proposed project that includes the bedroom/bathroom size, number of stories, type of construction, layout of the buildings on the site, open space, and any other unique features of the proposed project. If there is a community room within the project, provide the square footage. If parking is provided, include the total square footage and number of parking spaces (covered and uncovered).
- If the developer already owns the project site(s), provide the date of acquisition, purchase price, appraisal, Deed, Preliminary Title Report, and the escrow closing statement.
- Provide a detailed description of any proposed on- and off-site improvements, including map, pictures, aerial photos, etc.
- Describe any environmental mitigation or abatement issues for the project/site.
- Provide a description of the type of household(s) to be served, including information such as the number of tenants, the size and description of the households, and known special characteristics of tenants (i.e., age, disabilities, special needs, seniors, etc.). Also include a description of the living arrangement (i.e., individual apartments, shared housing with onsite management, etc.).
- If a property management company has been selected, provide a copy of the signed agreement.
- Explain how the selected design features are compatible with the housing needs of the target population.
- Describe the project location and the surrounding neighborhood. Include a discussion of the transportation options, amenities, nearby health and medical services, schools, etc.
- Include APN page, site plan and site/neighborhood pictures.

*maximum 10 pages*

**Exhibit D – Site and Project Readiness  
Requirements**

### **SECTION 3 - SITE AND PROJECT READINESS REQUIREMENTS**

Discuss any issues with site control, zoning, special permits, environmental hazards and how they can be resolved in a timely manner.

Include the following:

- Status of site control. If in discussions with a property owner, provide a written agreement or a similar written commitment. If in negotiations with the owner to purchase the property, provide a proposed Purchase and Sale Agreement or written correspondence between the owner and developer.
- Status of the architectural plans, specification, and design elements.
- Description of proposed and firm financing sources and a plan for obtaining additional financing including a timeline. Provide any letters of commitment or funding agreements.
- Proposed project consistency with existing zoning and permit process. If not consistent, describe the steps necessary to alleviate the inconsistency.
- Describe how any required mitigation of existing conditions noted in the environmental assessment, Phase I, Phase II, and any special study prepared for the site will be addressed.
- Substantial rehabilitation projects shall include a discussion for abatement of asbestos, lead-based paint, and/or mold as noted in the environmental documents and studies.
- If substantial rehabilitation, describe how ADA features will be introduced and where.
- Include any environmental documents completed to date.

*maximum 5 pages*



## **Exhibit E – FORM: Project Schedule**



## **Exhibit F – Tenant Relocation Plan Requirements**

## SECTION 5 - TENANT RELOCATION PLAN REQUIREMENTS

If relocation is required (**STOP**) read carefully. If not, skip to Section 6.

Relocation benefits are triggered under the Uniform Relocation Act (“URA”) when a resident is displaced permanently or temporarily. If a proposed development is located on property that is partially or fully occupied, a relocation plan must be submitted concurrently with this application and the applicant is required to contact the City of Clovis, Affordable Housing Programs, for instruction on tenant notification.

A relocation plan should describe the process to be used for permanent or temporary relocation and how these activities will be funded.

- List availability of comparable replacement units
- Include a budget for relocation with estimates
- Describe how the relocation plan is consistent with the relocation requirements of the funding sources anticipated for the project
- Include sample letters to the tenants
- Include consultant information if applicable

*maximum 3 pages*

**Exhibit G – Applicant/Development Team  
Experience Submittal Requirements**

**SECTION 6 – APPLICANT/DEVELOPMENT TEAM EXPERIENCE SUBMITTAL REQUIREMENTS**

Demonstrate in narrative form how the skills and experience of the development team are appropriate to the size and complexity of the proposed project.

- Describe the applicant’s experience and capacity to develop the housing type proposed.
- Describe the applicant’s experience with the utilization of state and/or federal funds or other public funds.
- List key development team members, including consultants such as legal counsel, architects, engineers, planners, general construction contractor, property manager, etc. and their qualifications, and their experience. Attach current resumes and agreements.
- Identify the roles of key individuals in the development team (Development Director, Project Manager(s), Project Coordinator(s), etc.). Attach current resumes.
- Provide a fully executed Minute Order or Resolution identifying the person(s) with the authority to represent and make legally binding commitments on behalf of the organization. The Resolution must be project specific and include the amount and type of funding requested.
- If the applicant is also providing funds to the project, provide a fully executed Minute Order or Resolution outlining the funding commitment to the project.
- Identify any legal action, bankruptcies, or lawsuits currently involving the organization.

*maximum 5 pages for information above*

**COMPLETED PROJECTS**

Complete one form with the applicant’s information and a second form with the developer’s information (if separate entities). Each must show at least five prior completed projects.

Name	Location	# of Units	Year Completed	Total Project Cost	Sources of Financing

*\*attach additional pages if needed*

*(continued on next page)*

**SECTION 6 – APPLICANT/DEVELOPMENT TEAM EXPERIENCE SUBMITTAL REQUIREMENTS (continued)**

**PROJECTS UNDER DEVELOPMENT:**

Include all projects currently under construction or projects for which you plan to seek funding in the next 6 months or have received at least one funding commitment.

Name	Location	# of Units	Funding Status	Anticipated Begin Construction Date	Anticipated Complete Construction Date	Key Staff

*\*attach additional pages if needed*

**OTHER COMMERCIAL AND/OR RENTAL PROPERTIES OWNED:**

Include all commercial and rental properties owned by the applicant.

Name	Location	# of Units	Management Agency/Name

*\*attach additional pages if needed*

## **Exhibit H – City of Clovis Insurance Requirements**



**SECTION 7**  
**LETTER OF ABILITY TO COMPLY WITH**  
**CITY OF CLOVIS INSURANCE REQUIREMENTS**

**CITY OF CLOVIS**  
**INSURANCE REQUIREMENTS**

Prior to commencement of the Services, Contractor shall take out and maintain at its own expense the insurance coverage required by this **Exhibit C**. Contractor shall cause any subcontractor with whom Contractor contracts for the performance of Services pursuant to this Agreement to take out and maintain equivalent insurance coverage. Said insurance shall be maintained at all times during Contractor's performance of Services under this Agreement, and for any additional period specified herein. All insurance shall be placed with insurance companies that are licensed and admitted to conduct business in the State of California and are rated at a minimum with an "A:VII" by A.M. Best Company, unless otherwise acceptable to the City.

a. Minimum Limits of Insurance. Contractor shall maintain the following types of insurance with limits no less than specified:

(i) General Liability Insurance (including operations, products and completed operations coverages) in an amount not less than \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

(ii) Worker's Compensation Insurance as required by the State of California.

(iii) Automobile Liability Insurance in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

(iv) Umbrella or Excess Liability. In the event Contractor purchases an Umbrella or Excess insurance policy(ies) to meet the "Minimum Limits of Insurance," this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies). In addition, such Umbrella or Excess insurance policy(ies) shall also apply on a primary and non-contributory basis for the benefit of the City, its officers, officials, employees, agents and volunteers.

If Contractor maintains higher limits than the minimums shown above, the City shall be entitled to coverage at the higher limits maintained.

b. Other Insurance Provisions. The general liability policy is to contain, or be endorsed to contain, the following provisions:

(i) The City, its officers, officials, employees, agents, and volunteers are to be covered as insured's with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the Contractor; and with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33 or CG 20 38; and CG 20 37 forms if later revisions used).

(ii) For any claims related to the Services performed pursuant to this Agreement, the Contractor's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

(iii) Each insurance policy required by this section shall be endorsed to state that the City shall receive written notice at least thirty (30) days prior to the cancellation, non-renewal, or material modification of the coverages required herein.

(iv) Contractor grants to the City a waiver of any right to subrogation which any insurer of said Contractor may acquire against the City by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

(v) Any deductibles or self-insured retentions must be declared to and approved by the City of Clovis Risk Services. The City may require the Contractor to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

c. Evidence of Coverage. Contractor shall deliver to City written evidence of the above insurance coverages, including the required endorsements prior to commencing Services under this Agreement; and the production of such written evidence shall be an express condition precedent, notwithstanding anything to the contrary in this Agreement, to Contractor's right to be paid any compensation under this Agreement. City's failure, at any time, to object to Contractor's failure to provide the specified insurance or written evidence thereof (either as to the type or amount of such insurance), shall not be deemed a waiver of City's right to insist upon such insurance later.

d. Maintenance of Insurance. If Contractor fails to furnish and maintain the insurance required by this section, City may (but is not required to) purchase such insurance on behalf of Contractor, and the Contractor shall pay the cost thereof to City upon demand, and City shall furnish Contractor with any information needed to obtain such insurance. Moreover, at its discretion, City may pay for such insurance with funds otherwise due Contractor under this Agreement.

e. Subcontractors. If the Contractor should subcontract all or any portion of the work to be performed in this Agreement, the Contractor shall cover the subcontractor, and/or require each subcontractor to adhere to all the requirements contained herein. Similarly, any cancellation, lapse, reduction or change of subcontractor's insurance shall have the same impact as described above.

f. Special Risks or Circumstances. The City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

g. Indemnity and Defense. Except as otherwise expressly provided, the insurance requirements in this section shall not in any way limit, in either scope or amount, the indemnity and defense obligations separately owed by Contractor to City under this Agreement.

## **Exhibit I – Federal/State Funding Requirements**

## **SECTION 8 - FEDERAL/STATE FUNDING REQUIREMENTS**

Developments funded in part with City funds are subject to applicable federal and state laws. Any, or all, of the following, as applicable may be part of the funding agreement between the City and the development organization.

- Title 1 of the Housing and Community Development Act of 1974 at 42 USC 5309, Section 109, and 24 CFR § 6.
- Title VI of the Civil Rights Act of 1964, and its implementing regulations at 24 CFR § 1.
- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), and its implementing regulations at 24 CFR § 100
- Equal Opportunity and Fair Housing at 24 CFR § 92.350
- Affirmative Marketing at 24 CFR § 92.351
- Tenant Selection and Participation at 24 CFR § 92.303
- Environmental Review at 24 CFR § 92.352
- Layering Review at Section 212(f) of the Cranston-Gonzalez National Affordable Housing Act, 24 CFR § 91,92.250(b), and CPD Notice 98-01
- Davis Bacon and Related Acts at 24 CFR § 92.354 (12 or more HOME-funded units)
- Lead-Based Paint at 24 CFR § 92.355
- Debarment and Suspension at 24 CFR § 92.350 and E.O. 12549 and 12689
- Section 504 of the Rehabilitation Act of 1973 at 29 USC § 794
- Section 3 - Resident Training/Employment of the HUD Act of 1968 and HUD regulations at 24 CFR Part 135
- Minority Business Enterprise/Women's Business Enterprise at 24 CFR § 92.351(b)
- Equal Opportunity and Housing, E.O. 11063
- Drug-Free Workplace Act of 1988 (42 USC § 701), in accordance with the Act and with HUD regulations at 24 CFR Part 24, subpart F
- Byrd Anti-Lobbying Amendment at 31 USC § 1352
- National Environmental Policy Act of 1969, 42 USC § 4321, et seq.
- Copeland "Anti-Kickback" Act at 18 USC § 874, as supplemented by Department of Labor regulations at 29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"
- Equal Employment Opportunity, as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity", as supplemented by regulations at 41 CFR Part 60, Office of Federal Contract Compliance Programs, Equal Employment Opportunity, and Department of Labor
- Contract Work Hours and Safety Standards Act at 40 USC § 327-333, as supplemented by Department of Labor Regulations at 29 CFR Part 5, in regards to the construction and management of the proposed project
- Property Standards at 24 CFR § 92.251

*(continued on next page)*

- Project Requirements at 24 CFR Part 92, Subpart F, as applicable and in accordance with the type of project assisted
- Maximum Per-Unit Subsidy Limits at 24 CFR § 92.250(a) and Interim Policy: Notice CPD Notice15-003, CPD Notice 15-11
- Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally

Assisted Programs and applicable regulations at 42 USC 61 Sec. 4601, 49 CFR 24, 42 USC 69 Sec. 5304, 24 CFR 570.606 (a-g), 24 CFR 92.353

- Violence Against Women at 24 CFR 92.253(a) and 92.504(c)(3)(v)(F) and 92.359
- Charging Fees at 24 CFR 92.253(a)
- New Construction - Broadband Infrastructure at 24 CFR 92.504(c)(3)(xi), 24 CFR 5.100.251(a)(2)(vi)
- Rehabilitation – Broadband Infrastructure at 24 CFR 92.251(a)(2)(vi), 24 CFR 5.100
- Compliance with State and local codes, ordinances, and requirements at 24 CFR 92.251(b)(1)(x), 24 CFR 92.251(f)(1)(i), 24 CFR 5.705, 24 CFR 92.2, 24 CFR 5.703

## **Exhibit J – Underwriting Worksheets**

## SECTION 9 – UNDERWRITING WORKSHEETS

Include underwriting templates that provide project financial information (i.e., Construction budget, permanent phase budget, 55- or 30-year cash flow statement, gap financing analysis, property management itemized costs, rents, utility allowance, income level, itemized development budget, etc.). Preferred example templates are identified below:

- HOME Multi-Family Underwriting template can be found at the HUD Exchange at: <https://www.hudexchange.info/resource/2468/home-multifamily-underwriting-template/>
- Cost comparison worksheet can be found at the HUD Exchange at: <https://www.hudexchange.info/search/?km=10&ct=&dsp=&q=Home+cost+allocation+tool>
- Sufficient financial information to complete thorough underwriting.
- If this is a Low-Income Housing Tax Credit project, provide a full copy of the application.
- Or any comparable form that includes all the listed items above.