

Clackamas County Affordable Homeownership Scattered Site Acquisition Program

REQUEST FOR EXPRESSIONS OF INTEREST for Affordable Homeownership Opportunities for Qualified Low-Income Households

November 18, 2024



Responses received prior to January 10, 2025 will be included for initial consideration

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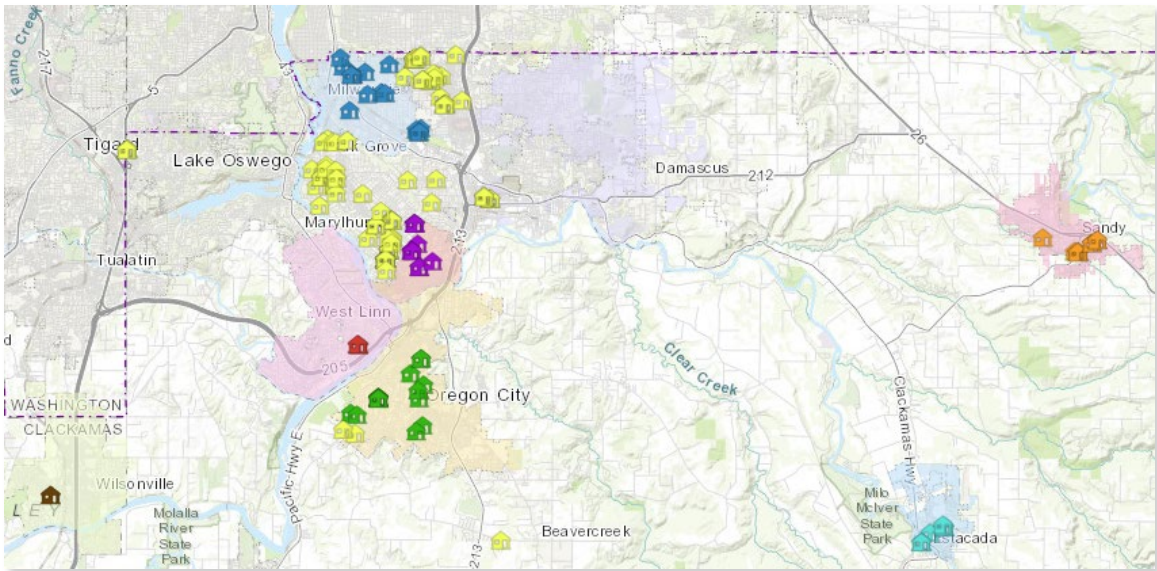
Contact

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

1. Introduction & Overview

Introduction

The Housing Authority of Clackamas County (HACC or Housing Authority) 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. The portfolio consists of 114 single family homes, 12 duplexes, 1 triplex, and 1 fourplex located in Clackamas County (145 total units in 128 total properties). Like many PHAs, the Housing Authority has determined that operating its scattered site portfolio under the Public Housing program is unsustainable given insufficient capital and operating resources provided by the federal Public Housing program and higher expenses accompanying single family homes in comparison to multifamily developments. This is a nationwide trend and the Department of Housing and Urban Development (HUD) has incentivized single family home dispositions by PHAs in recent years.



The Housing Authority of Clackamas County is seeking to preserve the affordability of up to 70 of its scattered site home by working with Community Land Trusts and other Homeownership Partners to provide opportunities for affordable home-ownership.

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, Oregon, 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 391 units of public housing undergoing repositioning.

Affordable Homeownership Overview

Each resident residing in a Scattered Sites home will be given the opportunity to purchase their home outright before they are offered for sale to another entity. Residents who are unable to purchase their home will receive a Tenant Protection Voucher and relocation services from the Housing Authority to assist them with finding a new home.

The Housing Authority intends to make up to 70 homes available to Community Land Trust Organizations or Homeownership Partners to provide homeownership opportunities through this Request for Expressions of Interest (RFEI). 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.

Solicitation Overview

This Request for Expressions of Interest sets forth the Housing Authority's intentions for this program, including the selection criteria and selection process. This RFEI is intended to provide flexibility. The Housing Authority is not seeking detailed proposals for the sites or portfolio at this time. Rather, the Housing Authority seeks expressions of interest from Community Land Trust Organizations, Affordable Homeownership Organizations, or other developers, consultants, and organizations with experience in affordable homeownership to better understand the programs, priorities, and capacity of potential partner organizations.

Based on the responses to this RFEI, the Housing Authority intends to select one or more respondents to work with the Housing Authority to develop a program to sell up to 70 of its scattered site homes into affordable homeownership opportunities. The Authority is open to different approaches, including:

- A Land Trust model of affordable homeownership.
- Direct acquisition re-sale as affordable homeownership.
- Brokerage model with firm acting as broker in sale as affordable homeownership.

The Housing Authority expects any disposal will include restrictive covenants or other encumbrances running with the land that ensures use of the property for the intended purposes.

Housing Authority Seller Financing

The Housing Authority may, in its sole discretion, provide seller financing for acquisition. The seller financing will be part of the exclusive negotiations with a selected respondent, and is expected to be in the form of a 3-5 year seller note bearing a competitive interest rate and/or a down payment requirement.

CDBG Disaster Recovery Funding

Clackamas County is eligible for a direct allocation of CDBG funds to support wildfire-affected communities in Clackamas County. CDBG-DR funding can be used to provide Down Payment Assistance (DPA) and it can also be used to purchase and rehabilitate existing housing stock for resale for affordable homeownership. Should the County allocate CDBG-DR funds to support acquisition associated with this RFEI, it will come through a subsequent Notice of Funding Opportunity (“NOFO”).

- CDBG-DR has three levels of prioritization for households served with this funding:
 - First Priority: Fire-impacted households with verified loss under 80% AMI;
 - Second Priority: Fire-impacted households with verified loss up to 120% AMI; and
 - Third Priority: Non-fire-impacted households under 80% AMI.

Please be aware that any proposer who is interested in CDBG-DR funding to assist in acquisition of a property will need to respond to the subsequent County-issued NOFO. Grant funding is not being made available as part of this RFEI.

The subsequent NOFO is a separate process, and applicants will be reviewed and evaluated for eligibility for funding under the terms and conditions of that NOFO.

Submittal and Review Process Overview

The Housing Authority has identified criteria it will consider when evaluating responses to this RFEI. The criteria include each proposal’s responsiveness to the objectives set forth in Section 3.

The deadline for submittals is January 10, 2025 at 5:00 PM (PST). The Housing Authority will enter into exclusive negotiations with successful respondents following the deadline.

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

The Authority reserves the right to cancel or postpone this RFEI at any time and for any reason.

2. Program Goals and Information

Overview

The Housing Authority seeks expressions of interest from proposers for the disposition of its scattered site single-family homes with the goal of maintaining affordability and creating affordable homeownership opportunities. The Housing Authority is open to various financing structures with a preference for proposals seeking to acquire 20 or more units in one transaction.

Creative & Innovative Concepts Encouraged

The Housing Authority is receptive to a wide-range of transaction and partnership structures insofar as the structure aligns with its programmatic goals. Respondents can propose any structure and are encouraged to pursue creative and innovative concepts that incorporate other sources of funding or opportunity. The ability to close the transaction(s) in a timely fashion is a critical component of the selection. Should the proposer suggest alternative acquisition programs or structures, a preference will be placed on readiness and the ability to house affordable homebuyers as quickly as possible. **Please note that the homes must be sold “as-is” by the Authority and at “fair market value.”**

Intentional Simplicity & Flexibility

This RFEI is intended to be simple and to provide flexibility for the Housing Authority and respondents to work through key details as part of exclusive negotiations. This solicitation does not require a complex or expensive response on the part of prospective respondents. The Housing Authority is looking for creative responses that detail the respondent’s ability to successfully manage the sale of homes and provide affordable homeownership opportunities in alignment with program goals.

Please note that a preference to provide affordable homeownership opportunities for current HACC residents will be a program stipulation. In addition, in the event that Clackamas County makes CDBG-DR funds available, it would require a preference for wildfire affected renters at 80% MFI and 120% MFI, including a requirement for outreach to affected households.

3. Selection Criteria & Process

Selection Criteria

The following are criteria the Housing Authority will use to evaluate responses to this RFEI. Depending on the nature of any particular proposal, not all of these criteria may apply.

- Experience in the facilitation of affordable homeownership.
- 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.

Evaluation Criteria

Submission Requirement	Points
Cover Letter	5
Proposal	45
Organization and Management Team	40
References	10
Total	100

Post-Selection Process

Upon selection, the Housing Authority will enter into exclusive negotiations with selected respondent(s) to negotiate the terms of the transaction. During this period, the Housing Authority will work with the selected respondent(s) on the proposed program, deal structure, financing, and other components. Structures or terms may be modified as a more defined proposal is developed. The Housing Authority may, at any time, and in its sole discretion, cease negotiations with the selected respondent or respondents.

During this post-selection, but pre-sale phase, the Housing Authority may negotiate a Memorandum of Understanding (MOU), term sheet, or other agreement with the selected respondent, setting forth in non-binding terms the financial, programmatic, and other general aspects of the sale. This agreement will also serve as the basis for the negotiation and execution of a subsequent binding document(s), including a purchase and sale agreement and encumbrance on the property. The final, binding document(s) will govern the final disposition of the property, setting forth the terms of the transaction.

The agreement may include provisions reserving to the Housing Authority the right to terminate negotiations with the selected respondent, if the Housing Authority, in its sole discretion, determines that negotiations during the pre-sale phase are not progressing in a satisfactorily and/or timely manner.

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

Anticipated Schedule

<u>November 18, 2024</u>	Issuance of RFEI
<u>December 11, 2024</u>	Deadline to request clarifications to RFEI
<u>December 18, 2024</u>	Authority responses to requests for RFEI clarifications posted on website
<u>January 10, 2025 at 5:00 pm (PST)</u>	Deadline for RFEI submissions (see Section 1)
<u>January 29, 2025 (tentative)</u>	Authority completes preliminary evaluation of submissions; decision regarding next steps (short list interviews, etc.)
<u>February 12, 2025 (tentative)</u>	Preliminary selection of respondent(s), pending further negotiations

4. Submission Format & Content

Preferred Format

Responses of 10 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 interest in the program.
- b. Summarize the anticipated number of homes the organization has the capacity to purchase and/or facilitate.

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. Complete Exhibit 2. Property Interest Form.
 2. Narrative outlining the process for training first-time homebuyers on homeownership including support after the home is purchased.
 3. Narrative describing the current waitlist and how HACC public Housing residents will be prioritized for homes in this solicitation.
 4. Funding structure.
- b. Estimated time frame to carry out the proposed program.
- c. Description of how proposal aligns with program goals.

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. Describe the organizations experience with similar programs and service delivery models.
- d. Example of a ground lease used from a previous transaction if Land Trust Model is proposed.

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 10-page response limit.

5. General Conditions

1. The Housing Authority reserves the right, in its sole discretion, to accept any response or to reject any or all responses to this RFEI.
2. The Housing Authority reserves the right, in its sole discretion, to modify the selection process or other aspects of this RFEI, including canceling the RFEI at any time. The Housing Authority will take reasonable steps to ensure that any modification or clarification to the RFEI are distributed in writing to all persons who have requested a copy of the RFEI.
3. The Housing Authority reserves the right to request additional information following review of the initial RFEI response submission. In addition, the Housing Authority may retain one or more consultants to assist in the evaluation of submissions.
4. In the interest of a fair and equitable selection process, the Housing Authority 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 the Housing Authority. Respondent(s) shall not copyright, or cause to be copyrighted, any portion of their submission. To the extent permitted by public records laws, the Housing Authority 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. The Housing Authority makes no representations as to whether or not a project to be developed as a result of this RFEI, 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 the Housing Authority.
8. The Housing Authority 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. The Housing Authority 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 the Housing Authority), or any other costs incurred as a result of this RFEI are entirely the responsibility of the respondent, and will not be reimbursed in any manner by the Housing Authority

11. By submitting a proposal, respondent certifies the following;
- i. **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.
 - ii. **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.
 - iii. **CONFLICT OF INTEREST:** The undersigned hereby certifies that no elected official, officer, agent or employee of Clackamas County or the Housing Authority is personally interested, directly or indirectly, in any resulting contract from this RFEI, or the compensation to be paid under such contract, and that no representation, statements (oral or in writing), of the County, the Housing Authority, 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.

6. Exhibits: Background Documents

1. Property Interest Form
2. Lobbying Certificate
3. Debarment Certificate
4. Form HUD 5369-B: Instructions to Offerors Non-Construction
5. [List of properties available upon request](#)