

City of Winston-Salem

Permanent Supportive Housing Development Program

2023 Guidelines for the Applications

Community Development Department
City of Winston-Salem
100 East First Street, Suite 423,
PO Box 2511
Winston-Salem, NC 27102



City of Winston- Salem

Permanent Supportive Housing Development Program Overview

The City of Winston-Salem (the “City”) has created the Permanent Supportive Housing (PSH) Development Program (the “Program” or the “PSH Program”) to increase housing options for Winston-Salem residents who are low income, physically or mentally disabled, and/or are currently experiencing homelessness. In addition, the PSH Program will provide a set number of units designated to homeless families and individuals, prioritizing those who are chronically homeless. The Program will offer flexibility to accommodate a range of development types, including acquisition, new construction, redevelopment of vacant units, or adaptive reuse of non-residential properties.

From time to time, the City will issue requests for development proposals under the PSH Program. This overview should be followed as a resource on the guidelines for the City’s approval.

A. Income Restrictions and Eligible Activities

The target populations for the PSH Program are low-income and disabled households. All Projects that receive any amount of funding through the PSH Program must be disability-neutral unless a committed or anticipated capital or operating subsidy source requires disability-specific targeting.

At minimum, 35% of the units must be designated for those who are currently or have previously experienced homelessness and have an income at or below 50% AMI with priority of placement to those with income of 30% or below. Further, inclusive of the 35% designated units and pursuant to Section 2-9 of the Code of Ordinances for the City of Winston-Salem, every Project funded under this program will have an affordability period of at least 30 years and 65% of the units must be developed or renovated for affordable housing.

- 20% of the units shall be set aside for eligible households with incomes at 30% and below of the area median income.
- 30% of the units shall be set aside for eligible households with incomes at 31%-50% of the area median income and
- 50% of the units shall be set aside for eligible households with incomes of 51-80% of the area median income.

Further, under the PSH Program, at minimum, every Project funded must encumber at least 30% of total units as Coordinated Intake Units (“CIU”), or units dedicated to the Coordinated Intake Center process. Coordinated Intake Units shall mean a citywide referral process that links Supportive Housing Resources to a matching process through a collaboration between the City and local social services providers.

Exceeding the minimum number of CIUs, and/or offering additional 30% AMI units not subject to the Coordinated Intake Unit network, is encouraged.

The CIUs will be designated to assist those who are currently enrolled in a Continuum of Care program. It is expected that referrals in need of ongoing social services will have them arranged by the referring service provider.

The remaining 35% of the units may be occupied or leased to persons meeting the income requirements for either workforce housing, market rate housing, or a combination of thereof. To the extent that specific funding sources are already committed or requested, applicants must demonstrate the ability to comply with the most restrictive requirements.

Eligible activities under the PHS Program include but are not limited to:

- Acquisition Rehabilitation
- New Construction
- Redevelopment of Vacant Units
- Adaptive Reuse of Non-Residential Properties

The City welcomes creative models that will help meet a diverse array of needs. Projects may offer PSH units in a wide range of settings, including but not limited to:

- **Projects with Integrated PSH Units-** affordable or mixed-income buildings that include some Permanent Supportive Housing units, in which links to community-based services are coordinated, and in which some limited supportive services may be offered to tenants on site.
- **Single Site PSH Projects-** on-site Projects in which the majority of units are filled by Supportive Housing Populations, and which offer both a broad array of on-site services and links to community-based services.

Funding under this Program may be used to create office space that is specifically used for social services or building management; additional office space must be paid for by a non-City source.

Transitional housing and housing with age restrictions are not eligible activities under this Program.

B. Priority Activities

As reflected in Application Scoring Criteria, priority will be given to Projects that:

- Leverage other capital funding sources.
- Offer Operating assistance or project-based rental assistance.
- Show partnerships with local provider agencies, local community resources, and/or health and hospital systems, including financing or services provided by the health and hospital system.

C. Eligible Applicants

Non-profit, for-profit, and joint-venture developers are eligible to apply for funds under the PSH Program. PSH development and operation require knowledge and skills that may not currently exist in full at any one organization. Projects that build on the strengths of several organizations, including development partners, will be accepted. The roles, responsibilities, and capacity (including financial capacity) of each entity will be analyzed.

D. Types of Funding

The City will evaluate the viability of each proposal and then determine which, if any, funding sources are eligible and most appropriate. The amount of funding to be awarded will not exceed the amount necessary to make the Project financially feasible, as determined by the City in its sole and absolute discretion. The City may add or remove costs as deemed necessary to support the development and operation of the Project. Awards may be in the form of amortizing loans, forgivable loans, or grants. Funding can come from various sources including but not limited to: Housing Opportunities for Persons With AIDS (“HOPWA”), HOME Investment Partnerships Program (“HOME”), Community Development Block Grant (“CDBG”), and General Obligation Bond (“GOB”) funds.

If the proposal is approved, the City reserves the right to select the funding source(s) for all Projects. One or more of the aforementioned funding sources may not be available or appropriate. All funding awards, including the amount of the award and the funding source, remain subject to final approval by the Winston-Salem City Council.

E. Funding Provisions

This is a competitive application process for limited funding. Applicants that meet the minimum criteria are not guaranteed an award. Also, the City may fund successful applications for less than the amount requested. No contracts can be executed until the selection process has been completed and all regulatory requirements have been met.

Each Project awarded under the Program will be required to execute a land use restriction agreement at the initial closing which outlines the terms of the thirty (30) year compliance period during which a Project must comply with the occupancy restrictions (both income and rent) and amenities represented in the Project’s Application. Further, each Project funded through the PSH Development Program must comply with the requirements imposed by its most restrictive funding source.

F. Project Concept Meeting/ Preliminary Project Assessment

The City will establish a timeframe between release of a request and the Preliminary Project Assessment (“PPA”) due date during which all potential applicants will be required to schedule a project concept meeting. This meeting can be viewed as a “pitch” meeting to City staff, and applicants should be ready to outline their Project concept including, but not limited to project size, project type, proposed financing structure, and proposed partnerships, if any. Project concept meetings may be virtual meetings.

All Projects must complete a PPA process prior to the submission of an Application. Additional information regarding the PPA, as well as the timing for submittals, will be available on the City's website.

Required PPA documentation includes Project description, site plan and floor plan, proposed target tenant population (including number of proposed CIUs), experience summaries for the Developer, Architect, General Contractor, Property Manager and Social Service Providers, that will be involved in the development, and financing assumptions.

PPAs will be reviewed for specific parameters under the following categories:

1. Project Site(s).
2. Target Tenant Population.
3. Preliminary Financial Feasibility.
4. Development Team; and
5. Organizational Chart.

After review, the City will issue a letter directly to the Proposer with one of the following statements:

1. Preliminary Approval – The PPA is approved for a full review. A full application will be accepted by the City within a specified timeframe.
2. Denied – The PPA is denied, and an application will not be accepted by the City.

Applicants with Conditional Approvals will be encouraged to meet with City representatives to discuss the noted concerns before submitting an Application.

The City may rescind a PPA approval before the Project's Application is submitted based on the availability of City resources. Proposers will be notified in writing if a PPA approval has been rescinded. All PPA outcome letters will include Pre-Screening, Assessment, Intake, and Referral waitlist data for CIU units within the proposed area. If the ratio of the people on the waitlist is less than 4 people to every 1 unit (4:1), then the City will request documentation of how the sponsor will work with local service providers to ensure CIU units will be filled. Projects will be unable to score for additional CIU units if the additional units cause the ratio to fall below the 4:1 ratio.

Changes between PPA and Application:

The City expects the Application for a Project with an approved PPA to be substantially similar to the Project as approved under the PPA. Any subsequent material changes must be approved by the City prior to finalization. In no case will the City approve an Application for a Project which has changes to site(s), population served, or construction type. The City must be notified in writing of any material changes to the Project involving, e.g., the number of units, target rents and amenities.

Section 2: Application Submission and Evaluation Process

A. Application Submission

A copy of the Developer's Application and checklist are located on the City's website. Complete proposals must be submitted on the portal at: [Submission Portal](#). Applicants are encouraged to provide

as much detail and background information about the Project as possible. Detailed information will assist the City in determining whether (1) there is adequate market demand for the Project in terms of unit mix and rental structure; (2) the Project is in an area with a shortage of PSH units; and (3) the Project is in an environment that will meet the needs of the tenants. Instructions for accessing the Neighborly Software portal and registering an account are provided in the [Developer's Guidelines](#)

Once in Neighborly Software, applications are to be submitted under the “**Community Developer Funding**” section. When initiating an application in Neighborly Software, please use the following naming convention for the project: “Applicant Name-PSH.” For example, if an Applicant named “Helping Benefits” is applying for funding, the case name would be “Helping Benefits PSH.”

Applications must be certified by an authorized signer. An electronic signature on the application indicates the applicant’s representative has permission to submit the application. All application materials will be available on the City website at least 30 days prior to the application deadline.

Applications will not be accepted in paper form. Please direct any questions to tanyas@cityofws.org.

B. Evaluation of Applications

Applications will be reviewed for completeness and eligibility.

Applications will be evaluated in the following manner:

- i. **Completeness of Application-** The Application must be received by the designated Application deadline, if applicable, and will be reviewed for completeness. This includes the following:
 - a. Completed Application forms all supporting documentation the Applicant wishes for the City to review
 - b. Payment of non-refundable \$200 application fee

If the City finds that the Application is not complete, the City reserves the right to reject the Application and notify the Applicant with stated reasons for denial.

- ii. **Financial Feasibility** – Developers must demonstrate that the project is financially feasible with proposed funding sources that would leverage the City funds. Commitment Letters evidencing availability of funds from other sources must be submitted with the application. The funding requested, the reasonableness of project costs and the relevance of the project to the housing needs of the area will all be considered during the evaluation.
- iii. **Development Quality** – Proposals will also be evaluated on how well the units blend into the existing community. These criteria include design, sensitivity to the natural environment, and connections (pedestrian and vehicular) to nearby amenities, such as schools, shopping, parks, greenways and/or places of employment. Applicant must submit representative floor plans, elevations, and conceptual site plans with the proposal. All new construction must meet or exceed Energy Star guidelines. For rehabilitation, Energy Star guidelines should be used and met where feasible. Proposals are expected to embrace all possible sustainability measures, including conservation and protection of environmental resources, green building (LEED standards), water conservation, tree conservation, recycling of construction and residential waste, energy efficiency, integration/use of local pools of low-income labor, etc.

- iv. **Development and Management Team** –Developers will be evaluated based on their development experience and financial capacity. The development and management team must demonstrate prior successful experience with comparable size and type projects. The credit and financial management of the developer or sponsor will be evaluated to ensure acceptable financial capacity to carry the project forward. The developer’s experience in the development of similar projects will receive priority consideration.
- v. **Supportive Services Plan** – The supportive services plan must be provided and appropriate for the intended recipients, funded at a reasonable level, and on-going for the lifetime of the development.
- vi. **Diversity and Inclusion-** The City is an equal opportunity employer. Minority participation in the project is an important factor for selection. The City has a general goal of 10% minority and women owned business participation in projects. Applicants must demonstrate a good faith effort to achieve this goal and should include documentation with their proposal that addresses these criteria.

C. Mandatory Criteria

- i. The agency must have “Current-Active” status with the North Carolina Secretary of State to conduct business in the State of North Carolina. ([Link to NC SOS](#)).
- ii. The agency has submitted third-party financial review or audited financial statements prepared by a qualified accountant or accounting service covering the organization’s most recent fiscal year. Audit findings may make the applicant ineligible to receive assistance from the City.
- iii. The agency must not be debarred or suspended by any federal agency.
- iv. The application must be complete and responsive. All questions must be answered completely. Please refer to the developer’s [application](#) and [Developer's Checklist](#) for a comprehensive listing of documentation needed for review.
- v. The agency must be not on the North Carolina State Treasurer’s list of companies engaged in a boycott of Israel in violation of N.C.G.S. § 147-86.80 et seq., nor will it be allowed to utilize any entity on said list in connection with the Project.
- vi. The agency must not be on the North Carolina State Treasurer’s list of persons engaging in business activities in Iran prepared pursuant to N.C.G.S. § 147-86.58, nor will it be allowed to utilize any entity on said list in connection with the Project.

Section 3: Mandatory Application Criteria

A. Permanent Supportive Housing Development Application Certification

All Applications must include a signed PHS Program Application Certification, Organizational Chart, and an Identity of Interest form. These documents can be found on the City’s website.

Applicants are encouraged to provide as much detail and background information about the Project as possible. Detailed information will assist the City in determining whether: there is adequate market demand for the Project in terms of unit mix and rental structure; and the Project is in an environment that will meet the needs of the tenants.

B. Architectural Standards, Universal Design, and Amenities Certification

The City accepts the Designs Quality Standards and Requirements standards provided under Appendix B of the 2023 Qualified Allocation Plan issued by the North Carolina Finance Agency (link- [NCFA Appendix B](#)). Each proposal submitted must meet the minimum design standards set forth therein. The project architect must certify to approved design codes and standards and amenities at closing and for final funding.

Universal Design is a concept in which products and environments are designed to be usable by all people, regardless of to the greatest extent possible with the need for adaptation or specialized design. The City views Universal Design not as a building code or standard, but rather as a set of features that should integrate seamlessly into the design of a dwelling unit, providing market appeal and possibility for residents to age in place. Whether applied to standard units or units designed under an accessibility code, the challenge of Universal Design is to produce as normal and appealing an outcome as possible.

i. Amenities

The Application must include Project amenities, and a minimum of five amenities selected from the list below must be incorporated in the Project and identified. A minimum of three of the five shall be from First Priority Categories.

The City encourages creativity and dual function design and, therefore, it is possible for a single amenity to qualify as more than one option in the following list.

Accessibility	Community Spaces	Sustainability
First Priority	First Priority	First Priority
Looped Walking Paths or Connected sidewalks throughout the entire Project	Computer room equipped with at least 2 (two) computers	Upgraded landscaping including one tree planted on site for every 8 units. 100% native and adaptive plantings/ landscaping
Private Services Office	Health and wellness center	
On-site Management Office	Exercise/ fitness center with at least two machines for every 8 units	Gated entry which requires visitors to check in/ access by codes or cards for gate entry
On site community laundry room	Secured bicycle parking (minimum of 3 slots per 8 units)	On site car sharing
	Equipped sports courts (volleyball, tennis, basketball etc. for every 20 units)	Screen doors on all exterior doors
	Porch/ patio/balcony for each unit	Dedicated recycling area within the Project
Second Priority	Second Priority	Second Priority
Walk in closets available in at least one bedroom of every unit	Garden plots/designated community garden area with a minimum of 15 square feet per unit	Trash and or recycling disposal chutes or other refuse collection system
Washer and dryer in every unit	One picnic table and one grill for every eight units	

	Community Room	Green roof with available seating or other community activity area available on the roof
	Outdoor entertainment space such as an outdoor theater and gazebo with available seating	
	At least one additional common room in conjunction with a community room for an identified activity (e.g., community kitchen, library, hair salon, billiards room, arts & crafts room, game room, dining room, etc.)	

Section 4: Application Scoring Criteria

A. Scoring Criteria

Projects that pass all mandatory application requirements will be scored on the following items and ranked according to total score. Points will be awarded based solely on the information submitted in the Application. The City reserves the right to verify all information submitted in the Application.

The City may deny the Applicant points if the correct forms or required information for each scoring category are not submitted, or if information available to the City negates a claim for points. The Applicant’s commitment to various scoring criteria shall, at the sole discretion of the City, be binding and may be incorporated into a land use restriction agreement. Regulatory Agreement for a period no less than 99 years.

Rating Factors	Basis of Rating	Maximum Points
Project Overview & Completeness	The proposal presents a sound approach for delivery of the services and will engage the intended beneficiaries; the proposal establishes the need and benefits as appropriate. Project meets mandatory criteria. The application is completed and submitted by deadline. The program takes actions to affirmatively further fair housing. Gives priority to targeted households as outlined in these Guidelines. Has a tenant selection plan preference that is feasible to the targeted population. Tenant-in-place rehabilitation projects must include relocation budgets, relocation plans and schedules.	5
Development Quality	Proposals will be evaluated on how well the units blend into the existing community. These criteria include attractive design, sensitivity to the natural environment, connections (pedestrian and vehicular) to nearby amenities, such as schools, shopping, parks, greenways and/or places of employment. Design is efficient and creative. Best practices for plumbing and the development of building layouts are shown in the	20

	proposal. Design includes amenities, with at least five of the amenities included from page 6.	
Development & Management Team	Consideration will be given to the capacity and experience of the development and management team. The development and management team must demonstrate prior successful experience with comparable size and type projects. The credit and financial management of the developer or sponsor will be evaluated to ensure acceptable financial capacity to carry the project forward. The developer's experience in the development of similar projects will be reviewed and evaluated. Developers will be evaluated on their developmental capabilities and credit worthiness.	20
Financial Feasibility	Developers must demonstrate that the project is financially feasible with proposed funding sources that would leverage the City funds. Proposals with evidence of commitments from other funding sources will be preferred to those without commitments. The project funding needs, the reasonableness of project costs and the relevance of the project to the housing needs of the area will all be considered during the evaluation.	25
Leverage Resources	The proposed uses leveraged resources as a percentage of total funding sources in the Project's development budget. Leveraged resources under this category are defined as permanent funding provided by a non-City source and excluding deferred developer fees. In Projects where the leveraged resource is a contribution of direct financial assistance from an area employer that is otherwise not participating in the development of the Project, the assistance must be in the form of an unsecured loan giving no foreclosure rights to the employer or a grant giving no recapture rights to the employer.	20
Services Provided	The supportive services plan must be appropriate for the intended recipients, funded at a reasonable level and on-going for the affordability period of the development. Memorandum of Understanding from experienced service provider must be provided.	10
Additional Points	Universal Design, Neighborhood Assets, Access to Transportation, Collaboration with Local Agencies or Hospitals	Up to 40

a. Explanation of Additional Points

Additional points may be earned for projects that include

1. Universal Design

Projects identifying Universal Design elements to be provided within the architectural design in excess of code required features plus five additional items for 100% of the units, as certified by the Project Architect, can earn up to ten (10) points as follows:

Universal Design Features Beyond Code Requirements	Points
Projects which select ten (10) additional Universal Design items beyond code requirements in 50%-99.99% of units.	7
Projects which select ten (10) additional Universal Design items beyond code requirements in 100% of units	10

2. Access to Transportation

Projects may earn up to ten (10) points for access to transportation. Points in this category are cumulative.

Projects will be awarded five (5) points for transit-oriented development if the proposed Project is within Close Proximity to fixed-route public transportation, excluding inter-city transportation. “Close proximity” will be defined as being within a half (.5) mile radius of a scheduled stop or pick up location. Transportation routes and distance to the Project Site must be identified on a map submitted with the Application along with a current schedule for the routes being considered.

Projects will be awarded an additional five (5) points if served by publicly available modes of transportation that are at a minimum available between Monday and Friday from 7:00 am to 6:00 pm. The Applicant must include a letter from the provider stating the following:

1. The Project is located within the service area and
2. The service is at a minimum available between the hours of 7:00 am and 6:00 pm Monday through Friday

3. Collaboration with Local Agencies to provide Supportive Services

The City recognizes the advantages of supportive housing to individuals, communities and on public resources. To encourage more comprehensive housing environments for vulnerable populations, proposals that include collaboration with local agencies, hospitals or service providers offering significant services tailored to the tenant population will receive preference in funding. Proposed services should consider the unique characteristics of residents and help them to identify, access and manage available resources. The desired outcome is for residents to stay housed, have social and community connections, improve their physical and mental health, increase their income and employment and to be satisfied with the services and housing.

Some examples of services include, but are not limited to the following:

- a. Literacy sources for adults.
- b. Credit and budget counseling
- c. Life skills and employment services,
- d. Nutrition and cooking classes
- e. Food pantry
- f. Clothes closet
- g. Job training and job placement services
- h. Reentry programs for ex-offenders
- i. Onsite health Screenings

Points	Scoring Threshold
10	A detailed supportive services plan explaining the type of service to be provided, who will provide them, how they will be provided, and how they will be funded. A Letter of intent from the service provider must also be provided.

Section 5. Post Award

The City’s Community Development Department staff will review and recommend approval for eligible projects based on the highest score. A Conditional Commitment will be issued by the Community Development Department specifying the project’s set aside and terms for funding has been approved for presentation to Winston-Salem City Council for approval. Upon final approval from the Winston-Salem City Council, the City will fund the Project. If the Applicant does not satisfy the terms and conditions of the Commitment, or subsequent requirements added by Winston Salem City Council within the specified time frame specified, then, subject to City’s sole and absolute discretion, the funds may not be awarded and may be withdrawn.

Aside from certain costs associated with preparing a successful Application (for example, physical needs assessments), no Project costs may be incurred prior to the closing of the award and funding of the Project by the City. Closing shall be at such time as the applicant satisfies the terms and conditions of the Commitment as determined by the City in its sole and absolute discretion. Upon closing, the Applicant must sign a 30-year land use restrictive covenant or other document that provides rent restrictions in accordance with the approved project documents.

Applicants must agree to comply with all applicable Federal and State of North Carolina requirements. Such requirements may have significant impact on the costs and complexity of the Project.

Applicants are expected to be familiar with the full range of all legal and statutory compliance requirements applicable to the funds awarded, and to obtain all necessary information and advice so that they can comply with such requirements. The following is a brief, but not complete, summary of certain aspects of the major compliance requirements.

A. Approval of Final Plans and Specifications

The City must approve the complete final architectural plans and specifications for the Project. The complete plans and specifications must incorporate all mandatory requirements, as well as any scoring criteria for which the Project received points. The Project Architect and Owner will issue compliance certifications upon closing and funding.

B. Environmental Assessment

If a Project Site(s) will require remediation, the Applicant’s development budget must include both an environmental remediation line item to cover the scope of the remediation, and an environmental remediation contingency line item in the amount of ten percent (10%) of the remediation costs.

If federal funds are awarded, a determination will be made as to whether an environmental clearance from HUD will be required. If such clearance is required, the Applicant may not undertake, or commit

any funds to, physical or choice-limiting actions, including property acquisition, demolition, tenant relocation, rehabilitation, conversion, repair, site prep or construction prior to receipt of environmental clearance from HUD.

C. Excluded Parties

The Excluded Parties List System (“EPLS”) includes information regarding entities that have been debarred, suspended, proposed for debarment, excluded, or disqualified under the no procurement common rule, or otherwise declared ineligible from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits. The City will check all names of all Participants against the EPLS found at www.epls.gov. The City may rescind a conditional approval of a funding award if a Participant appears on EPLS.

D. Labor Standards

The City will implement labor standards on demolition, construction, and rehabilitation Projects. The City will ensure the Project complies with Davis Bacon and Related Acts (DBRA). Federal Regulations can be found in part from the Code of Federal Regulations (Title 29 CFR, parts 1,3,5,6 and 7). If a loan or grant from another source requires a Project to comply with the Davis-Bacon Act, 40 USC 276a et seq., the requirements of the other source will prevail.

E. Fair Housing

Fair housing is otherwise known as equal housing opportunity. Federal, state, and various local laws legally define fair housing and identify specific protected classes, based on documentation of past patterns of discrimination. The term protected class is used in U.S. antidiscrimination law to describe groups of people who are protected from discrimination and harassment that characterize members of protected classes, as defined by federal and North Carolina State laws. The following descriptors characterize members of protected classes as defined by federal and State laws.

- Federal: race, color, religion, national origin, sex, handicap or disability, and familial status.
- State of North Carolina: race, color, religion, national origin, sex, familial status, and disability.

i. Fair Housing Act of 1968 as amended in 1988 (“Fair Housing Act”)

Title VIII of the Civil Rights Act of 1968, also known as the Fair Housing Act, prohibits discrimination based on race, color, religion, national origin, sex, familial status, or disability and requires landlords to make reasonable accommodations and modifications for tenants with disabilities.

The Fair Housing Act requires the Secretary of HUD to administer housing and development programs and activities that “affirmatively further” (actively support and encourage) fair housing. Participants must undertake specific activities to affirmatively further equal opportunity and fair housing and must assure all activities and services are accessible to persons with disabilities.

ii. Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

Section 504 prohibits discrimination in federally funded programs. For a federally assisted new construction housing Project, Section 504 requires five percent (5%) of the dwelling units, or at least one

unit, whichever is greater, to meet Uniform Federal Accessibility Standards (UFAS) or a standard that is equivalent or stricter, for persons with mobility disabilities. An additional two percent (2%) of the dwelling units, or at least one unit, whichever is greater, must be accessible for persons with hearing or visual disabilities.

iii. The Americans with Disabilities Act of 1990 (“ADA”)

The ADA prohibits discrimination on the basis of disability in government-funded programs, including housing programs (Title II) as well as public accommodations (Title III), which means that rental offices, homeless shelters, and other on-site business locations used by the public, including common areas of public/assisted housing, must be accessible to persons with disabilities.

iv. *Olmstead v. L.C.*, 527 U.S. 581 (1999)

Olmstead found that persons with disabilities have a right to receive their services in the most integrated setting according to their needs and desires. The following guidance on *Olmstead* and how it relates to housing has been released by HUD and the U.S. Department of Justice:

<http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>

http://www.ada.gov/olmstead/q&a_olmstead.htm

v. Non-Discrimination Ordinance

The Applicant must fully comply with the City's Non-Discrimination Policy, as set forth in Chapter 2, Section 2-8 Entitled “Policy of Nondiscrimination” of the Winston-Salem City Code. As part of such compliance, the Applicant shall not discriminate on the basis of race, ethnicity, color, creed, religion, sex, sexual orientation, gender identity, gender expression, pregnancy, veteran status, disability, age, marital status, familial status, protected hairstyle, political affiliation, or national origin in the screening of applicants, the hiring and treatment of its employees, the provision of the services set forth herein, and the solicitation, selection, hiring, or treatment of its sub-grantees/subcontractors, vendors, or suppliers (collectively “subcontractors”), if any, in connection with this Agreement or contract solicitation process if applicable, nor shall the Applicant retaliate against any person or entity for reporting instances of such discrimination. The Applicant shall enact employment policies consistent with this obligation to refrain from such discrimination and shall provide evidence of such to the City within 90 calendar days of the first receipt of City funds. The Applicant shall provide equal opportunity for subcontractors to participate in all of its subcontracting and supply opportunities, if any, under this Agreement, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that has occurred or is occurring in the marketplace. The Applicant understands and agrees that a violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the Applicant from participating in City contracts, or other sanctions.

The Applicant agrees to: (a) promptly provide to the City in a format specified by the City all information and documentation that may be requested by the City from time to time regarding the screening of applicants, the hiring and treatment of its employees particularly if City funds were used for such, and the solicitation, selection, treatment, and payment of subcontractors, if any, in connection with this Agreement; and (b) if requested, provide to the City within sixty days after the request a truthful and complete list of the names of all subcontractors that the Applicant has used on the Project, including the total dollar amount paid by the Applicant on each subcontract or supply contract. The Applicant further

agrees to fully cooperate in any investigation conducted by the City pursuant to the City's Non-Discrimination Policy and to provide any documents relevant to such investigation that are requested by the City. The Applicant agrees to provide to the City, from time to time on the City's request, payment affidavits detailing the amounts paid by the Applicant to subcontractors and suppliers in connection with this Agreement within a certain period of time. Such affidavits shall be in the format specified by the City from time to time. Nothing in this Agreement shall infringe upon the rights of the Applicant afforded by state or federal law.

F. Section 3 and Minority- and Women-Owned Business Enterprises

Projects will comply with Section 3 of the Housing and Urban Development Act of 1968 if an awarded loan or grant from a funding source triggers such requirement. In addition, hiring practices shall comply with any applicable State or Federal requirements, including but not limited to the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. It is the policy of the City to provide minorities and women equal opportunity to participate in all aspects of City contracting and purchasing programs, including but not limited to, participation in procurement contracts for commodities and services, as well as for contracts relating to construction, repair work and/or leasing activities.

It is further the policy of the City to prohibit discrimination against any person or business in pursuit of these opportunities based on race, color, sex, religion, or national origin and to conduct its contracting and purchasing programs so as to prevent such discrimination. The City requires a 10% M/WBE participation goal to be set on all submittals for professional and other services. A proposer may meet this goal through the participation of certified M/WBE sub-consultants, through his/her own performance on the project if the proposer is a certified minority/woman-owned firm, or through demonstrating a good faith effort to meet the M/WBE participation goal. Proposals that demonstrate the utilization of M/WBE firms pursuant to City standards will receive priority consideration.

The 10% M/WBE goal shall be satisfied by an entity that qualifies as a Minority Business Enterprise under N.C. General Statute 143-128, and that has been certified by the State of North Carolina's Office for Historically Underutilized Businesses and must be HUB certified at the time the proposal is submitted. If an entity is certified as a Minority Business by a state other than North Carolina, proof of certification must be submitted with the proposal. Firms shall remain certified for the duration of the contract.

If the M/WBE Office determines that the business is not certified at the time the proposal is submitted, the business will not be counted towards the M/WBE goals.

G. Management Documents

All Projects will prepare a tenant selection plan, management plan, management agreement, affirmative fair housing marketing plan, and sample lease to be reviewed and approved by the City. At the City's discretion, some Projects may be required to provide a marketing plan and marketing agreement.

H. Regulatory Period

Projects will be required to execute a land use restriction agreement with the City, whereby the Owner shall agree to maintain unit affordability, and serve the targeted populations, for a minimum 30-year period.

I. Reporting and Monitoring

The City will assess property and unit condition, compliance with affordability and targeting requirements, and financial stability through submission of audits on an annual basis.

CONTACT INFORMATION

Questions may be emailed to tanyas@cityofws.org and in the subject line include "RFP-PSH."