



**REQUEST FOR PROPOSALS
HOUSING DEVELOPMENT FUNDING**

**City of Charlotte
Housing & Neighborhood Services
600 East Trade Street
Charlotte, NC 28202-2859**

November 2024

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1 PURPOSE

The purpose of this RFP is to provide gap financing for housing development projects that create and preserve affordable housing in the City of Charlotte. Through this initiative, the City aims to expand the availability of safe, high-quality, and affordable rental housing for low- and moderate-income households. This funding supports projects that comply with city affordable housing policies, meet funding requirements, and align with program guidelines.

This RFP reflects the City's Affordable Housing Funding Policy by emphasizing long-term affordability, socially responsible ownership models, and housing options for populations most vulnerable to displacement. Developers will be evaluated on their experience, capability, financial feasibility, and ability to complete projects in a timely manner, with additional consideration given to proposals that prioritize outcomes related to economic mobility, residential stability, and neighborhood affordability.

The City will prioritize proposals in high-impact areas that align with the Comprehensive Plan and equitable growth framework. Mecklenburg County will collaborate in the review process and may offer rental subsidy assistance to increase housing options for very low-income households, amplifying the impact of city and county resources in creating lasting affordable housing solutions.

2 SCHEDULE

Activity	Dates
Post RFP	November 27, 2024
RFP Review Webinar	December 5, 2024
<p>Required Planning Presubmittal Meeting:</p> <ol style="list-style-type: none"> 1) Contact Nan Peterson by Friday, December 13, 2024 to schedule meeting at nan.peterson@charlottenc.gov. 2) The sketch/site plan will need to be e-mailed to Nan before December 27, 2024. 3) All meetings will be held on Thurs, January 9, 2025. 	<p>December 13, 2024 <i>Deadline to schedule</i></p> <p>December 27, 2024 <i>Deadline to email sketch/siteplan</i></p> <p>January 9, 2025 <i>Meeting date</i></p>
<p>Application Submission Deadline:</p> <ol style="list-style-type: none"> 1) Submit required Housing Trust Fund application forms/packet to Housing & Neighborhood Services at https://charlottenc.seamlessdocs.com/f/housingsubmission. 2) Submit the Site Plan and Building Elevation Documents to Accela Citizen Access (ACA) as a Sketch Plan for Review: https://aca-prod.accela.com/CHARLOTTE/Default.aspx. Please include “HTF” in project name (example: HTF The Project) and make sure you click “yes” in the General Sketch Details in the application that this is Housing Trust Fund Project. 	<p>January 24, 2025</p>
Planning Site Plan and Building Elevation Review Period	January 27 – February 21, 2025
Site Plan and Building Elevation Comments Sent Back to Applicant Through Accela Online Portal	February 21, 2025
Submit final, revised Site Plan and Building Elevations through the Accela online portal by the close of business on Friday, March 7, 2025.	March 7, 2025
Final Planning Support Letter Due to Housing & Neighborhood Services	April 2, 2025
City Council Action Review Meeting	April 8, 2025*
City Council Approval	April 22, 2025*
NCHFA Final Application Deadline (4% Bonds)	May 9, 2025

*Anticipated

3 FUNDING POLICY OVERVIEW

The [Affordable Housing Funding Policy](#), adopted by City Council on September 9, 2024, guides the City of Charlotte’s approach to addressing housing affordability, residential stability, and economic mobility. This policy prioritizes funding for projects that deliver measurable, long-term impact for Charlotte residents, particularly for populations vulnerable to displacement and lower-income workers. The core principles of the policy are as follows:

- **Economic Mobility**
The City is committed to enhancing resident’s access to services that support employment, income growth, and wealth-building opportunities, particularly in high-opportunity geographies that provide access to quality education, transportation, and economic resources. Projects are encouraged to integrate services that promote workforce development, financial wellness, and reduce barriers to housing stability, ensuring that residents can thrive in environments that foster long-term success.
- **Neighborhood Affordability**
The City aims to support a diverse mix of housing options in neighborhoods across Charlotte. Funding will be directed toward developments that contribute to affordable housing stock in thriving, accessible neighborhoods, ensuring residents of all income levels can live and remain in areas with strong economic opportunities.
- **Residential Stability**
Projects funded through this RFP will promote housing stability, providing safe and quality housing for residents while incorporating supportive services as needed. Long-term affordability will be a requirement to foster stable, resilient communities.
- **Resident and Neighborhood Outcomes**
The City prioritizes not only the production and preservation of affordable housing units but also the outcomes for residents and neighborhoods. Beginning this funding cycle, the City will track outcomes beyond unit counts, including household stability, access to opportunity, and community impact to assess the effectiveness of its investments.

The 2024 Housing Bond allocations reflect these principles, with funding targeted at key investment categories:

- **Rental Housing Production**
Funding for new construction multifamily and mixed income developments, including “missing middle” housing options where appropriate.
- **Homeownership Support**
Assistance for new homeownership opportunities, including innovated models of homeownership that provide long-term affordability (e.g., land trusts, housing cooperatives, shared equity models).
- **Supportive Housing & Shelter Capacity**
Resources for permanent supportive housing, transitional housing, and emergency shelter expansion.
- **Site Acquisition & Transit-Oriented Development**
Support for acquiring sites in current and planned transit areas to facilitate transit-accessible housing options.

This Funding Policy Overview serves as a framework for applicants, clarifying the City’s priorities and the specific outcomes it seeks to achieve. Proposals should demonstrate alignment with these priorities and aim to create impactful, sustainable solutions to Charlotte’s housing challenges.

4 AVAILABLE FUNDING TYPES

The City of Charlotte’s funding approach maximizes affordable housing development by leveraging various funding sources for gap financing. This multi-source strategy ensures a flexible, effective response to housing needs. Funding options include:

- **Housing Trust Fund**
Supported by general obligation bonds, this funding is reserved for gap financing affordable housing projects within Charlotte city limits.
- **Local Rental Subsidy Pilot Program**
Developed in partnership with Mecklenburg County, this pilot program provides rental subsidies based on the tax value of the development. While it is not intended to close financing gaps, the program deepens affordability for larger, low-income households, focusing on units with three or four bedrooms. Developers who express interest in this program may be contacted by the City and County with further details.
- **Community Development Block Grant (CDBG)**
This federal funding supports multifamily housing through rehabilitation and infrastructure investments, strengthening housing quality and availability.
- **HOME Program**
This federal source funds downpayment assistance and gap financing for single- and multifamily housing serving households at or below 80% of the Area Median Income (AMI), broadening access to homeownership and affordable rental options.
- **Housing Opportunities for Persons with AIDS (HOPWA)**
Targeted toward households impacted by HIV/AIDS, this funding supports mixed-use developments where no more than 15% of units are designated for HIV-positive households. This helps ensure inclusivity within a larger, mixed-use housing model.

If federal funding is awarded, the City and developer will determine the most suitable funding type before final approval by the City Council.

5 PREFERENCES AND PRIORITIES

The City of Charlotte’s approach to affordable housing funding is designed to address diverse community needs and leverage resources for the highest impact. To this end, the City prioritizes development projects that align with specific housing goals, provide long-term affordability, and support key populations. These preferences and priorities guide the allocation of funds across rental, homeownership, and supportive housing initiatives, ensuring that resources benefit vulnerable residents, promote inclusive communities, and create pathways to stability and economic opportunity.

Community and Location-Based Priorities

The City emphasizes the importance of location, particularly in terms of transit access, areas of opportunity, and geographies vulnerable to displacement. Funding preferences favor projects located in:

- Transit-oriented development zones to reduce transportation barriers for residents and promote sustainable growth.
- High-opportunity neighborhoods with access to quality schools, employment, and services, to improve life outcomes for low-income households.
- Areas identified as at risk of displacement, where affordable housing can stabilize communities and protect existing residents from rising costs.

All sites will be scored using the City’s Housing Locational Score tool, found here:

<https://community.charlottenc.gov/pages/housing-locational-tool>

Affordability & Long-Term Impact

All funded developments are required to record long-term deed restrictions to ensure sustained affordability and compliance with source of income protections. The City’s commitment to affordability extends to deepening subsidies and exploring creative financing models that allow developers to offer lower AMI units. Additionally, federal, state, and local funds will be allocated strategically to optimize each project’s capacity to contribute to the City’s overarching housing goals, addressing both immediate housing needs and broader, systemic challenges.

Rental Housing Priorities

The City prioritizes rental developments that target households with the greatest needs. Projects that include deeply affordable units (serving households at or below 60% AMI, with an emphasis on extremely low-income families living at or below 30% AMI) are favored, as they address the most significant gaps in housing affordability. The City also seeks rental developments that:

- Provide larger unit sizes to accommodate families, particularly with 3- and 4-bedroom units.
- Are in transit-accessible areas or within resource rich neighborhoods to support residents’ access to employment, education, and services.
- Offer integrated resident services that enhance stability and opportunity, such as workforce development, healthcare, and financial wellness programs.
- Provide affordable housing options without leveraging the Low-Income Housing Tax Credit program (LIHTC).
- Are part of a larger, transformational development/redevelopment effort.

Homeownership Priorities

For homeownership developments, the City supports projects that expand affordable ownership opportunities and promote stability for moderate- and lower-income families. Homeownership projects should prioritize:

- Targeting households earning 80% AMI or below, with an emphasis on entry-level buyers and first-generation homebuyers.
- Incorporating innovative ownership models, such as shared equity or community land trusts, to support long-term affordability.
- Include sustainable building practices that reduce long-term costs for homeowners and align with environmental goals.
- Focusing on high-impact areas, such as neighborhoods undergoing revitalization or areas at risk of displacement, to build resilient, economically diverse communities.

Supportive Housing Priorities

For projects that provide supportive housing, the City emphasizes development serving populations who face barriers to stable housing, such as individuals experiencing homelessness or those with special needs. Preferred supportive housing developments:

- Offer comprehensive support services on-site or through partnerships to address residents' specific needs, such as mental health services, addiction recovery, and job training.
- Create mixed-income environments to foster inclusive communities where supportive housing units are integrated within broader developments.
- Are strategically located in areas with easy access to healthcare, social services, and transit to support residents' daily needs.

This strategic focus allows the City to align funding with projects that best meet community needs, contribute to a resilient housing stock, and support Charlotte's mission of building diverse, inclusive, and sustainable neighborhoods.

6 ELIGIBILITY, EVALUATION, AND UNDERWRITING CRITERIA

6.1 GENERAL

- **Eligibility**
 - Comply with all City affordable housing policies, funding source requirements, and program guidelines.
 - Provide housing opportunities to households at or below 80% of the Area Median Income.
 - Meet Charlotte Water Capacity and Connection requirements.
- **Developer Qualifications**
 - Developers must have a demonstrated track record of affordable housing development experience. Submission requirements can be found in Section 9. Developers without such experience are encouraged to partner with a co-developer with such experience.
 - Developers with open projects must either be actively under construction or have a valid commitment in place to remain eligible for new applications. Developers with significantly delayed or severely delinquent projects will not be considered for new awards, as the City prioritizes successful and timely project completion to ensure resources are effectively utilized.
 - Developers may receive no more than two awards in each cycle. Further, the City will consider all pre-existing, outstanding City financing commitments in its decision-making.
- **Project Requirements**
 - Must primarily serve households earning 80% of the Area Median Income or below.
 - Projects must align with the City's housing goals and priorities, as described in the Affordable Housing Funding Policy outlined in Section 3.
 - Must commit to long-term affordability periods.
 - Must agree to provide a nonprofit or the City with a Right of First Refusal.

6.2 RENTAL HOUSING CRITERIA

6.2.1 Eligibility requirements

- Comply with the City's Source of Income Protections Policy.
- Must have a minimum of 50 units in the same development.
- Target at least 20% of the total units to households up to 30% of the Area Median Income. Of those units targeted to 30% AMI households, at least 10% of the units must be targeted to households with rental subsidies, including vouchers funded directly or indirectly by the federal government.
- Provide a minimum affordability period of fifty (50) years.
- Developers must cover all City legal closing costs up to \$25,000.
- Developers must pay a compliance monitoring fee of the lesser of \$50 per unit per year or \$7,500 per year, escalating at 3% annually.
- Rental increases shall be no more than 3% per year.
Rent increases above this level must be requested in advance and approved by the city in writing. The City reserves the right to request financial documentation to aid in its decision-making.
- All financing (city loan and all other funding) must be closed within 12 months of award. Up to a 90-day extension can be granted if the developer shows significant progress towards closing.

6.2.2 Evaluation Protocol

The City will consider all proposals that meet or exceed the minimum underwriting and programmatic requirements. In the likely event that there are competing proposals, priority will be given to developments that align with one or more of the following preferences:

- Developments that best achieve and/or advance the City's priorities and preferences, as outlined in Section 3 and Section 5.
- Developers with demonstrated experience and success in developing affordable housing, and a proven track record of effectively managing and executing similar projects.
- Developments with timely yet feasible delivery timelines, as evidenced by the developers track record with similar projects, especially those that have been award City financing.
- Developments willing to accept some or all their award in federal funds (HOME, CDBG, HOPWA).
- Developments that commit to extended affordability periods, ensuring long-term affordability for residents.
- Developments that include larger size units that can house families (3- or 4-bedroom). (does not apply to senior-only communities)
- Projects with nonprofit ownership or offering a right of first refusal to a nonprofit or local government beneficiary to promote community-oriented and socially responsible ownership structures.
- Utilization of teamforce housing approaches. Teamforce housing partners with a large employer that becomes an investment partner in the development, as either debt or equity. In exchange for a financial investment, the employer may use a portion of affordable units for eligible employees.

The City will also consider the following factors when ranking projects:

- Non-housing economic mobility investments
- Timeliness of previous and current projects with City investments
- Developer utilization of UDO development bonuses
- Higher CBI participation percentages
- Cost per unit per year

6.2.3 Underwriting Standards

- **Developer's Qualifications:** The developer must demonstrate a proven track record and

expertise in multifamily development. Previous successful completion of similar projects is required.

- **Affordable Housing Objectives:** The funding program prioritizes affordable housing goals. The developer's project must align with the city's affordable housing objectives, as outlined in Section 5, including meeting income eligibility requirements and adhering to rent restrictions.
- **Market Demand and Feasibility:** The developer must provide a comprehensive market analysis demonstrating the demand for multifamily housing in the local market (see section 9.3). The project should address the housing needs of the community effectively.
- **Financial Viability:** The developer must demonstrate financial viability and the ability to manage the multifamily project. Financial statements, cash flow projections, and evidence of additional financing or subsidies should be provided if necessary.
- **Equity Contribution:** The developer is required to contribute a specified percentage of their own funds as equity in the project. The equity contribution should be in line with the funding program's guidelines.
- **Sources, Uses and Proforma:** The developer must submit a detailed project cost estimate, including land acquisition, construction expenses, permits, fees, and contingencies. The submittal should accurately detail the full sources and uses of the project and the proforma use city assumptions and show appropriate debt coverage.
 - *Debt Service Coverage:* The City seeks projects with a desirable debt service coverage ratio of at least 1.15 for the term of any debt financing.
 - *Break-Even Occupancy:* The City seeks projects with a desirable break-even occupancy that is lower than 85%.
 - *Other Assumptions:*
 - 7% Vacancy Rate
 - 2% Annual Rent Annual Increase
 - 3% Operating Expense Annual Increase
 - 3% Replacement Reserve Annual Increase
 - \$50 per unit or \$7,000 per year Asset Management Fee (lesser)
 - \$4,000 per unit per year, not including taxes, reserves, and residential support services (minimum)
 - Developers Fee: May be loaned to a project to cover a gap. Repayment projections for loans must not negatively impact the operations of the development. If applicable, a resolution from the Board of Directors allowing such a loan to the project must be provided.
 - 10% hard cost contingency
 - *Operating Reserve:* *Operating Reserves* shall be based on six months debt service and operating expenses and must be maintained for one full calendar year starting at the point that the 1:15 debt service coverage ratio is achieved (or as low as 1:10 for projects in which at least 20% of the units serve households earning 40% and below AMI). The City must approve any withdrawals from the operating reserves account to meet the project's operating deficits that exceed \$5,000 in aggregate during any three-month period. Withdrawals from the operating reserve account must be replaced to maintain the initial required funds as reflected in the City's loan agreement.
 - *Replacement Reserve:* Replacement reserves funded from the development budget or deducted monthly from cash flow are indicators of the sustainability of the project. The city requires a minimum \$350 per unit per year replacement reserve for

NOAH projects with a 4 percent increase per year. Alternatively, the applicant may provide a detailed physical conditions assessment report completed by a licensed engineer and base year 1-15 replacement reserves on replacement costs and timing provided in the report and adding a 10% contingency.

- *Please note that the City may consider projects submissions outside of the operating and financial risk guidelines as stated above. Consideration however will be given based on the number of affordable and workforce units, income limits served, and the project's ability to meet the City's goals and overall viability of the project.*
- **Construction Timeline:** The developer must provide a realistic construction timeline that ensures timely completion of the project. The ability to manage construction risks and adhere to the schedule is essential.
- **Legal and Regulatory Compliance:** The developer must comply with all relevant local building codes, zoning regulations, and environmental standards. Proof of obtaining necessary permits, licenses, and approvals is required.
- **Project Impact:** The developer must demonstrate how the project will positively impact the community. This may include job creation, neighborhood revitalization, and incorporation of sustainability measures.
- **Affordable Housing Affordability and Tenant Selection:** The developer must adhere to specific guidelines regarding affordable housing affordability levels and tenant selection. Established income verification and tenant eligibility criteria must be strictly followed.
- **Property Management:** Effective property management is crucial for the success of a multi-family project. A qualified property manager should have a proven track record that includes a history of low collection losses, minimal vacancy rates compared to similar projects, adherence to budgetary constraints, implementation of a comprehensive maintenance program, and establishment of clear operating policies and procedures. Furthermore, the property manager should be knowledgeable about the various funding sources for affordable housing development and rental subsidies.
- **Market Analysis and Other External Factors:** The developer shall provide a comprehensive market feasibility analysis, considering the City as the investor. The market analysis should provide detailed information on the location and neighborhood, socio-economic and demographic trends, and competitive landscape. Specifically, the analysis should include the following areas:
 - *Location and Neighborhood Information:* This should include a detailed project description, neighborhood characteristics, proximity to amenities such as shopping centers and schools, and other relevant factors that may impact the marketability of the development.
 - *Socio-Economic and Demographic Development:* This should provide an overview of the economic context of the area, growth trends, and demographic and income characteristics of the target market, including factors such as population growth, employment trends, and income levels that may influence demand for affordable housing.
 - *Competitive Analysis:* This should assess the existing housing stock in the area, including rental and for-sale markets, as well as any proposed developments.

Market data should also include a detailed analysis of affordability, including an assessment of the local market demand for affordable housing and comparable rents. Reliable data and

analysis should be provided to support the acquisition decision.

6.3 HOMEOWNERSHIP CRITERIA

6.3.1 Eligibility requirements

- Utilize ownership models and/or restrictions that balance long-term affordability and economic mobility.
- Leverage existing affordable homeownership programs.
- Minimum affordability periods that match the federal HOME program resale or recapture requirements.
- Developers must cover all city legal closing costs up to \$25,000.

6.3.2 Evaluation Protocol

The City will consider all proposals that meet or exceed the minimum underwriting and programmatic requirements. In the likely event that there are competing proposals, priority will be given to developments that align with one or more of the following preferences:

- Developments that best achieve and/or advance the City's priorities and preferences, as outlined in Section 3 and Section 5.
- Developers with demonstrated experience and success in developing affordable housing, and a proven track record of effectively managing and executing similar projects.
- Developments with timely yet feasible delivery timelines, as evidenced by the developers track record with similar projects, especially those that have been award City financing.
- Developments willing to accept some or all their award in federal funds (HOME, CDBG, HOPWA).
- Developments that commit to extended affordability periods, ensuring long-term affordability for residents.
- Innovative projects that use ADU development to create affordable units on site or within the primary unit will create an income stream for the homeowner.
- Structures that promote social and economic mobility by supporting first time homeownership, BIPOC homeownership and minority participation through Charlotte Business INCLUSION participation above required minimums.

6.3.3 Underwriting Standards

- **Developer's Experience:** The city will assess the developer's track record and experience in constructing residential properties. They may consider the number of previous projects, their success rate, and the developer's overall expertise.
- **Project Feasibility:** The city will evaluate the feasibility of the proposed construction project. This includes examining the location, market demand, and potential profitability of the homes.
- **Financial Stability:** The city will assess the financial stability of the developer, including the developer's credit history, financial statements, and cash flow, to ensure they have the capacity to manage the project.
- **Project Cost and Budget:** The city will review the estimated total project cost, including land acquisition, construction expenses, permits, fees, and contingencies. They will evaluate the reasonableness of the budget and ensure it aligns with industry standards and local market conditions. The city requires the full cost of the development to be reflected in the submitted documentation.
- **Sales:** The city will review the applicant's sales and marketing plan to assess the applicant's

ability to sell inventory in a timely fashion. The buyer selection and marketing plan should reflect city homeownership priorities and comply with fair housing law.

- **Construction Timeline:** The city will assess the construction timeline and evaluate whether it is reasonable and achievable. They may also consider the developer's ability to manage construction risks, such as delays and cost overruns.
- **Legal and Regulatory Compliance:** The city will verify that the developer has obtained all necessary permits, licenses, and approvals required for the construction project. Compliance with local building codes, zoning regulations, and environmental standards is crucial.
- **Appraisal and Collateral:** The city will conduct an appraisal to determine the value of the property upon completion. The appraised value will serve as the basis for the loan amount. Collateral, such as the land or completed homes, will be evaluated for their adequacy and marketability.
- **Debt Service Coverage:** The city will assess the developer's ability to service the debt by evaluating the project's projected cash flow and income generated from the sales or leasing of the homes. They will calculate the debt service coverage ratio to ensure sufficient cash flow to cover loan payments.
- **Market Analysis:** To facilitate the city's investment in single-family housing, the developer is required to conduct a thorough market feasibility analysis. This analysis should focus on providing detailed insights into the location, neighborhood, socioeconomic and demographic trends, as well as the competitive landscape specific to single-family housing.

The market analysis should cover the following key areas:

- *Location and Neighborhood Information:* The analysis should include a comprehensive project description, highlighting the characteristics of the neighborhood, and providing information on the proximity of essential amenities like shopping centers and schools. Additionally, it should consider other relevant factors that may impact the marketability of the single-family housing development.
- *Socio-Economic and Demographic Development:* This section should offer an overview of the economic context within the area under consideration. It should assess growth trends, and provide insights into the demographic and income characteristics of the target market for single-family homes. Factors such as population growth, employment trends, and income levels should be carefully examined as they play a crucial role in influencing the demand for housing.
- *Competitive Analysis:* The analysis should evaluate the existing stock of single-family housing in the area, encompassing both rental and for-sale markets. Furthermore, any proposed single-family housing developments should be taken into account, in order to assess their potential impact on the market.

Moreover, the market data provided should feature a comprehensive analysis of affordability. This should include an evaluation of the local market demand for affordable single-family housing. The analysis should be supported by reliable data and thorough analysis, enabling the city to make an informed investment decision.

6.4 SUPPORTIVE HOUSING CRITERIA

6.4.1 Eligibility requirements

- Nonprofit ownership.
- Demonstrates appropriate supportive services based on the target population, including a

- financial plan for fully supporting the supportive programming.
- Minimum affordability period of 50 years.

6.4.2 Evaluation Protocol

The following factors will be considered:

- **Compliance with Minimum Underwriting Requirements:** Proposals will be evaluated based on their ability to meet or exceed all minimum underwriting requirements established in the RFP. This evaluation ensures that the proposed project is financially viable and capable of fulfilling its intended purpose.
- **Development Experience:** The city will carefully assess the development experience of the proposed organization. This includes evaluating their past successes, relevant expertise, and ability to effectively manage and execute similar projects.
- **Development and Construction Timeline:** The proposed timeline for development and construction will be reviewed and the city will assess the feasibility of the proposed schedule, considering potential risks and the likelihood of timely project completion.
- **Cost:** The proposed cost will be evaluated to determine its reasonableness and alignment with current cost standards. The city aims to ensure that the proposed cost is appropriate for the scope of the project and leverages other funding opportunities to provide a superior value proposition for city residents.
- **Location:** The proposed location of the project will be carefully examined. Factors such as accessibility, proximity to essential services, transportation options, and community resources will be considered. The city seeks locations that promote connectivity and convenience for future residents.
- **Supportive Services Provided:** The proposed supportive services will be evaluated to determine their adequacy in meeting the needs of the target population. The city emphasizes the importance of comprehensive support, including case management, counseling, skills training, employment assistance, healthcare access, and social activities.
- **Population Service:** The extent to which the proposal caters to an underserved target population will be assessed. The city values initiatives that prioritize providing housing solutions for individuals experiencing homelessness, those with mental health issues, survivors of domestic violence, individuals with disabilities, those struggling with substance abuse, and individuals transitioning from the justice system. Underserved populations will be prioritized.
- **Collaboration with Local Grassroots Organizations:** The extent to which the sponsoring organization collaborates with local grassroots organizations will be considered. The City recognizes the value of community partnerships in addressing social challenges effectively and encourages proposals that demonstrate a commitment to collaboration and community engagement.

6.4.3 Underwriting Standards

- Must have a leverage ratio of at least 1:2.
- Rental increases shall be no more than 3% per year. Rent increased above this level must be requested and approved by the city in writing.

7 GENERAL REQUIREMENTS

Developers must adhere to all requirements outlined in this RFP. **Proposals must be complete**, as incomplete submissions will not be accepted.

Key Points:

- Submit proposals as outlined in the **RFP and Submittal Checklist**.
- Follow all **federal, state, and local regulations** for residential housing development.

7.1 REPORTING AND MONITORING

Developers must comply with the loan agreement by submitting reports as required. The City will monitor projects to ensure compliance, including:

Required Submissions (Quarterly/Annually):

- Certificates of occupancy (if applicable).
- Payments (as stipulated in the loan agreement).
- Insurance certificate naming the City as insured.
- Notifications of:
 - Governance or management changes.
 - Additional debt or borrowing for any project.
 - Property and casualty insurance changes.
 - Pending legal actions.

Monitoring Activities:

- **Rental Projects:** Asset management reviews to ensure compliance with regulatory requirements, including site visits, financial analyses, and property inspections.
- **Homeownership Projects:** Monitoring during construction and post-sale to ensure affordability requirements are met.

7.2 UNIFIED DEVELOPMENT ORDINANCE – AFFORDABLE HOUSING BONUSES

The City encourages affordable housing through incentives outlined in the Unified Development Ordinance (UDO). Bonuses include:

- **Voluntary Mixed-Income Residential Development:** Increase development intensity by including affordable housing units.
- **Height Bonuses & Open Space Reduction:** Earn additional building height or reduce open space requirements by providing affordable housing (see UDO Table 16-1).
- **Affordable Housing-Specific Bonuses:** Meet criteria such as affordability period and income limits for additional allowances (see UDO Section 16.4).

More Information: [Charlotte UDO](#)

7.3 CHARLOTTE BUSINESS INCLUSION (CBI)

The Charlotte Business INCLUSION program (CBI) aims to foster diversity, inclusion, and local business opportunities within the City's contracting and procurement process, specifically for Minority-owned and Women-owned Business Enterprises (MWBES) within the State of North Carolina and York County, South Carolina and Small Business Enterprises (MWSBES) based in the Charlotte Combined Statistical

Area (CSA).

The City of Charlotte is dedicated to promoting extensive participation by certified and registered MWSBEs in City-funded contracts, whether as Prime contractors or Subcontractors. To ensure that MWSBE participation contributes towards meeting the established goal, MWSBEs must fulfill the certification and geographic requirements outlined in the CBI Policy and CBI Manual. The CBI goal matrix is structured as follows:

HTF Award Amount	Minimum Goal
Under \$1,000,000	9 Percent
Between \$1,000,001 and \$2,000,000	11 Percent
\$2,000,000 and above	13 Percent

More information about the Charlotte Business Inclusion program including definitions and compliance requirements can be found here: [Charlotte Business INclusion](#).

7.4 COMMUNITY ENGAGEMENT

Developers must:

1. Notify the City Council district representative about the proposed development.
2. Hold at least one community engagement meeting (in-person or virtual).
3. Provide:
 - An **Outreach and Marketing Plan**.
 - Evidence of notifying:
 - Residential property owners within 300 feet.
 - Neighborhood Organizations within one mile: [See Interactive Map Here](#)
 - Documentation of community concerns and resolutions.

Meetings must occur before the first City Council review hearing. See Schedule/RFP checklists for more details.

7.5 ADDITIONAL INFORMATION

Additional information about city solicitation processes is found in this section and Appendix C: Legal.

7.1.1 Proposal Accuracy

Developers are responsible for verifying all information in the RFP. Errors should be reported in writing.

7.1.2 City's Rights and Options

The City reserves the right to:

- Amend, cancel, or clarify the RFP.

- Investigate qualifications.
- Accept, reject, or negotiate proposals.

7.1.3 Costs of Submittal

The City is not liable for proposal preparation costs.

7.1.4 Proposal Conditions

The following terms are applicable to this RFP and the respondent's proposal:

- Proposals are firm offers for 120 days.
- Trade secrets and PII must be clearly marked and submitted separately.
- Entire proposals cannot be designated as trade secrets.

7.1.5 Developer Questions and Inquiries

Direct inquiries to:

Michael Englehart
 Housing & Neighborhood Services
 600 East Trade Street
 Charlotte, NC 28202
 Phone: 980-297-1732
michael.inglehart@charlottenc.gov

7.1.6 Agreements

The City reserves the right to accept or reject offers made in proposals.

8 SUBMITTAL INSTRUCTIONS & DOCUMENTATION REQUIREMENTS

Using the checklist in Section 9, submit the documentation required per the project type.

Requirements are listed as "R" in the checklist document. Documents listed a "C" are conditional, refer to the checklist for submittal requirements. Items listed at "O" are optional documents and may be submitted if desired but are not required. Submit completed applications at <https://charlottenc.seamlessdocs.com/f/housingsubmission>.

- Developer Application – This is a city provided word document. The developer will complete the word document following the instructions found in the word document, convert to pdf and submit as: **Application – Project Name – Developer Name – CLTHousingFund25rW.pdf**
- Application Data Sheet – This is a city provided excel workbook. Complete the workbook and attach it to the submittal as **Datasheet – Project Name – Developer Name – CLTHOUSINGFUND25rW.xlsx**

In addition to these two documents, the following section detail additional submittal requirements. Please see the submittal checklist as to what documents are required, optional or conditional. For all documents requested, please include them in pdf format unless otherwise stated, and attach them to your submittal as "document name – project name – developer name – CLTHOUSINGFUND25rW.pdf". For example, Attachment 9 – org chart – Apple Apartments – Apple Developer – CLTHOUSINGFUND25rW.pdf.

- **Developer References**
 If you have not been previously funded by the City, please submit at least three references from parties familiar with your development experience, with preference for references from state or local governmental funding partners.
- **Appraisal**
 The appraisal for the proposed project must be conducted by a licensed commercial real estate appraiser in North Carolina. It should be dated within one year of the application submittal date and clearly state the purpose and function of the appraisal. The appraisal should identify the specific parcels being appraised, outline the assumptions made and the definition of market value used, describe the valuation approach(es) employed, specify the property rights being appraised, provide a detailed site description along with any existing improvements, list any limitations, and include the qualifications of the appraiser.
- **Project Budget**
 The project budget should detail the full project cost including acquisition costs, relocation costs, site improvements, vertical construction costs, all soft costs, developers fee, and contingencies. Costs must be provided per eligible unit and costs per square foot (include documentation in the form of construction contract or source of the cost estimates) Detail all developer fees and equity shares. If the project includes acquisition, provide evidence that acquisition cost is not more than sixty (70%) of the total replacement costs.
- **Proforma**
 Proformas shall be submitted in the city requested form provided excel document. It should include city required assumptions found in section 8.
- **Single Family Workbook**
 For single family development projects and in lieu of a proforma, developers shall submit the city provided workbook detailing the full cost of the development and sales information for unit out-sales.
- **Evidence of Site Control**
 Site control can be evidenced by a signed option to purchase, fully executed purchase and sale agreement, deed or a lease that exceeds the proposed period of affordability.
- **Planning Department Submittal**
 If your project will require planning department review prior to issuance of building permits, please provide a copy of your initial submittal. Some project may already be appropriately zoned, or only conducting renovations. In these cases, no attachment is required.

9 SUBMITTAL CHECKLIST

Submittal Checklist	Multifamily New Construction	Homeownership	Supportive Housing
R – Required, C – Conditional, O - Optional			
Submittal Checklist	R	R	R
Affordable Housing Funding Application (provided excel sheet)	R	R	R
Developer Text Submittal (provided word document)	R	R	R
References - Attachment 1 – Developer References.pdf	C	C	O
Financial Statements			
<ul style="list-style-type: none"> Current year financial statement and previous two years financial statements - Attachment 2 – Project Name - Financial Statements.pdf 	R	R	R
<ul style="list-style-type: none"> Most recent independent audit and auditor’s management letter - Attachment 3 – audit.pdf 	R	R	R
<ul style="list-style-type: none"> Form 990 (current & prior year if applicable – nonprofit applicants only) Attachment 4 – 990.pdf 	C	C	C
<ul style="list-style-type: none"> Verification that all state and federal taxes are current (including IRS withholdings) (nonprofits exempt) Attachment 5 – tax certification.pdf 	C	C	C
Applicant’s organization / background information			
<ul style="list-style-type: none"> Articles of Incorporation and current bylaws Attachment 6 – articles.pdf 	R	R	R
<ul style="list-style-type: none"> IRS 501c (3) determination letter (if non-profit) Attachment 7 – 501c3.pdf 	C	C	C
<ul style="list-style-type: none"> List of Board of Directors including address and telephone numbers; list of officers and their positions for non-profits Attachment 8 – Board of Directors.pdf 	R	R	R
<ul style="list-style-type: none"> Current organizational chart Attachment 9 – org chart.pdf 	R	R	R
<ul style="list-style-type: none"> Certificate of Good Standing from the North Carolina Secretary of State or State where the developer/development team is incorporated Attachment 10 – cert of good standing.pdf 	R	R	O
<ul style="list-style-type: none"> Verification of any committed and/or anticipated funding for the project (e.g. approval letters, letters of intent, feasibility letters.) Attachment 11 – funding commitments.pdf 	R	R	R

Site Specific			
Commercial Appraisal Attachment 12 - appraisal.pdf	R	R	O
Screenshot of locational site score (can be found at community.charlottenc.gov) Attachment 13 – site score.pdf	R	R	O
Proforma Attachment 14 – proforma.xls	R		R
Single Family Workbook Attachment 14a – Sfworkbook.xls		R	
Tax Card – all parcels Attachment 15 – tax card.pdf	R	R	R
Relocation plan and statement of proposed relocation assistance (if applicable) Attachment 16 – relocation plan.pdf	C	C	C
Project budget (including relocation costs if applicable) Attachment 17 – budget.pdf – single family developments only need a separate budget if the full cost of the project is not detailed in the single family workbook.	R	C	R
Evidence of site control Attachment 18 – site control.pdf	R	R	R
Tenant Selection Plan Attachment 19 – tenant selection plan.pdf			
Planning			
Provide a copy of the Planning Department submittal including site plan, elevations, graphics and sketch plan application Attachment 20 – planning submittal.pdf	C	C	C
Community Engagement			
List of owners and neighborhood associations contacted Attachment 21- community engagement log.pdf	R	R	R
Meeting minutes or recording – Attachment 22 - public meeting.pdf or public meeting.vid (or other public video format)	R	R	R
Other			
Other documents as appropriate	O	O	O
CHARLOTTE BUSINESS INCLUSION/ MWSBE Attachment 23 - MWSBE.pdf	R	R	R
ADDENDA RECEIPT CONFIRMATION FORM Attachment 24 – Addenda Receipt.pdf (if addenda are released)	C	C	C

10 FORM 1 - ADDENDA RECEIPT CONFIRMATION FORM

Please acknowledge receipt of all addenda by including this form with your Proposal. All addenda will be posted at <https://www.charlottenc.gov/Streets-and-Neighborhoods/Housing/Resources-for-Developers-and-Contractors/Request-for-Proposals>

Addendum #	Date Downloaded

I certify that this proposal complies with the specifications and conditions issued by the City except as clearly marked in the attached copy.

Print Name

Date

Authorized Signature

Title

Company Name

11 FORM 2 – CHARLOTTE BUSINESS INCLUSION/ MWSBE

The City maintains a strong commitment to the inclusion of MWSBEs in the City’s contracting and procurement process when there are viable subcontracting opportunities.

Companies must submit this form with their proposal outlining any supplies and/or services to be provided by each City-certified Small Business Enterprise (SBE), and/or City-registered Minority-owned Business Enterprise (MBE) and Woman-owned Business Enterprise (WBE) for the Contract. If the Company is a City-registered MWSBE, note that on this form.

The City recommends you exhaust all efforts when identifying potential MWSBEs to participate on this RFP.

Company Name:	
---------------	--

Please indicate if your company is any of the following:

MBE WBE SBE None of the above

If your company has been certified with any of the agencies affiliated with the designations above, indicate which agency, the effective and expiration date of that certification below:

Agency Certifying: _____ Effective Date: _____ Expiration Date: _____

Identify outreach efforts that were employed by the firm to maximize inclusion of MWSBEs to be submitted with the firm’s proposal (attach additional sheets if needed):

Identify outreach efforts that will be employed by the firm to maximize inclusion during the contract period of the Project (attach additional sheets if needed):

[Form continues on next page]

List below all **MWSBEs** that you intend to subcontract to while performing the Services:

Subcontractor Name	Description of work or materials	Indicate "M," "S," and/or "W"	City Vendor #

Total MBE Utilization	%
Total WBE Utilization	%
Total SBE Utilization	%
Total MWSBE Utilization	%

Representative (signed): _____

Date

Representative Name

Estimated Total Contract Value

12 FORM 3 – HOUSING TRUST FUND SITE PLAN APPLICATION

CITY OF CHARLOTTE – PLANNING, DESIGN, & DEVELOPMENT

A Housing Trust Fund site plan and building elevations cannot be processed or reviewed without the following information.

Name of Project: _____

Property Owner: _____

Property Address: _____

Tax Parcel Number(s): _____

Total Acreage: _____ Current Zoning: _____ Rezoning Petition #: _____

(If applicable)

of Units Proposed: _____ Unit Type: _____

(Apts, Condominiums, Townhomes, Single Family Lots)

Designer: _____ Designer's Phone Number: (____) _____

Designer's E-Mail Address: _____

Architect: _____ Architect's Phone Number: (____) _____

Architect's E-Mail Address: _____

Developer: _____ Developer's Phone Number: (____) _____

Developer's E-Mail Address: _____

Submittal Requirements:

A. Site plan and building elevations must be submitted through the Accela online portal.

B. Building elevations shall include either all proposed buildings or typical building elevations. Label all building materials and the Zoning height from average grade to peak of roof. See the attached Multi-family Design Guidelines for other minimum requirements.

C. Minimum requirements for the site plan are as follows:

- Vicinity map
- Scale less than or equal to 1"=100'
- Survey of the property proposed for development
- Improvements and other site elements (buildings, streets, parking, buffers, etc.)
- Site data or development table
- Dimensions labeled (setbacks, yards, buffers, parking spaces, etc.)
- Existing easements located on the property

- Existing right-of-way width(s) and location of centerline
- Intersecting property lines along with adjoining property's current zoning and use
- Any existing driveways adjacent to site including across any public right-of-ways
- All creeks located on or within close proximity to the site
- Water quality buffers & floodplain (SWIM, Watershed and PCO)

The Housing Trust Fund site plan review is preliminary in nature and solely to establish general locations of streets, building and parking envelopes, and buffers and is not a comprehensive review. This site plan review does not include other departments that may have requirements triggered by the proposed development such as Fire, Urban Forestry, Stormwater Engineering, CDOT, NCDOT, and others.

13 APPENDIX A: MULTI-FAMILY DESIGN GUIDELINES

MULTI-FAMILY DESIGN GUIDELINES

(Legacy Code Only; if project is in a UDO zoning district – district design requirements will apply)

Exterior Building Materials

1. All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 30% of that building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material approved by Planning Director.
2. Prohibited exterior building materials: vinyl siding (not including handrails, windows, or door trim) and Concrete Masonry Units not architecturally finished.

Building Placement & Site Design

Building placement and site design shall focus on and enhance the pedestrian environment through the following:

1. Buildings shall be placed to present a front or side (with an entrance) to all network required streets (public or private).
2. Buildings shall front a minimum of 50% of the total network required street frontage on the site (exclusive of driveway, pedestrian access points, accessible open space, tree save or natural areas).
3. Parking lots shall not be located between any building and any network required public or private streets.
4. Driveways intended to serve single units shall be prohibited on all network required streets.

Building Mass & Height

Building mass shall be designed to break up long monolithic building forms as follows:

1. Buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 6 feet extending through the building.

Architectural Elevation Design

Elevations shall be designed to create visual interest.

1. Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding, and change in materials or colors.
2. Buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.
3. Building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

Roof Form & Articulation

Roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure.

1. Long pitched or flat rooflines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers, or parapets.
2. For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls.
3. Rooftop HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.

Service Area Screening

1. Service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. Such design shall include a minimum 20 percent Preferred Exterior Building Materials or a Class B buffer not less than 10' in depth at all above grade perimeter not paved for access.

Optional/Site Dependent

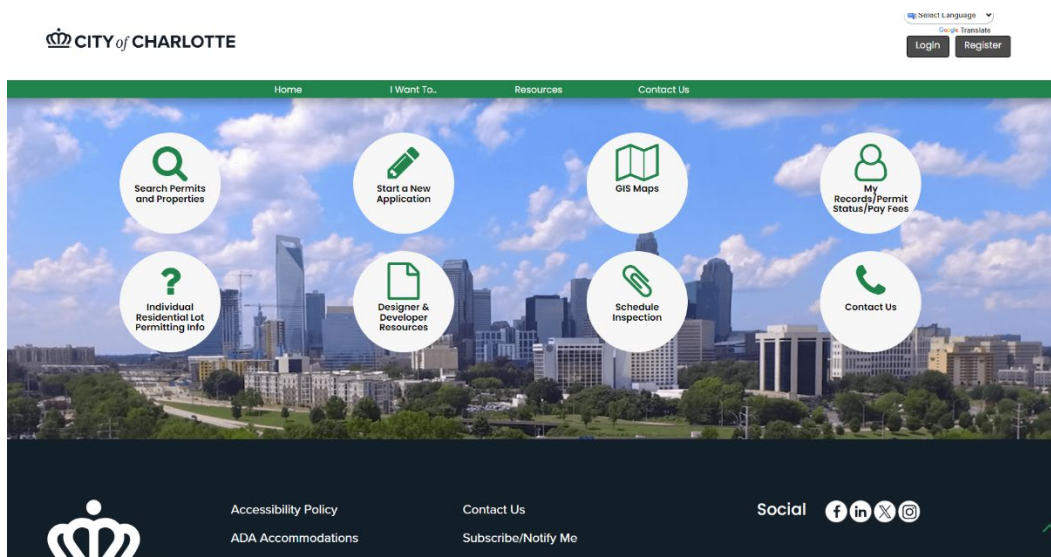
1. Exposed multi-level parking decks shall provide screening so that interior lighting and cars are not visible from public streets. This is primarily accomplished using architectural louvers or decorative screens on all levels.
2. All residential ground floor units will have entrances facing the street, and when within 15 feet of a street shall be raised a minimum of 12-24". Stoops should be provided on all public and private streets.
3. Sidewalk extensions should be provided between all street trees on all public and private network required streets when parking is adjacent.

14 APPENDIX B: PLANNING HOUSING TRUST FUND SITE PLAN & ELEVATION SUBMITTAL PROCESS

Planning Housing Trust Fund Site Plan & Elevation Submittal Process

Please submit a **Sketch Plan Application through Accela**, our online review portal. To access Accela, please navigate to the following website in your browser: <https://aca-prod.accela.com/CHARLOTTE/Default.aspx>.

If you are an existing Accela user, please log in. If you are new to Accela, please follow the steps on the website to create and register for your account. Once you are logged in, please proceed with creating the sketch plan application where you will submit your documents to Planning for review.



Go to Start a New Application. Select from List. Click on Land Development, Sketch Plan Review

Announcements ▾ Logged in as: nanpeterson Collections (0) Account Management

Acela How-To Guide :: HDC How-To Guide :: Questions for the Development Center :: Acela Technical Issues Support

Select a Record Type

Choose one of the following available record types. For assistance or to apply for a record type not listed below please contact us.

+ Land Development

- As-Built
- Charlotte Zoning Review
- Individual Residential Lot
- Land Development Construction Plan
- Parking Reductions
- Plat
- Pre-Submittal Meeting
- Required Submittal Verification
- Sketch Plan Review
- Street Exemption
- Traffic Impact Study

+ CMCSI

+ Planning

+ Charlotte Water Care

Continue Application >

Complete the Application. Make sure you add HTF in front of the Project Name and you mark that this is a Housing Trust Fund application (under General Sketch Details)

Step 1: Application Information > Sketch Plan Information * indicates a req.

General Sketch Details

GENERAL INFORMATION

<p>* Development Type: <input type="text" value="--Select--"/></p> <p>Additional Parcel Numbers: <input type="text"/></p> <p>Disturbed Acreage: <input type="text"/> Acres</p> <p>State Maintained Road: <input type="radio"/> Yes <input type="radio"/> No</p>	<p>* Are you submitting this Sketch Plan under the Zoning prior to June 1st 2023?: <input type="radio"/> Yes <input type="radio"/> No</p> <p>Acreage (Total Site): <input type="text"/> Acres</p> <p>Units (Total Site): <input type="text"/></p> <p>* Is this a Housing Trust Fund Project?: <input checked="" type="radio"/> Yes <input type="radio"/> No</p>
---	---

Continue with Contact Information

Acknowledge Plan Room

Visit [EPLAN Required Documents](#) for a copy of all required documents to include the signature page and/or a complete list of required documents.

FEES: Please note payment of review fees must be done via personal check delivered to the Charlotte Development Center. For commercial projects, a Mecklenburg County bond account may be used for payment.

Please DO NOT include an apostrophe (') or any special characters in your document file name.

Plans and supporting documentation must be submitted as a PDF and the maximum individual file size allowed is 100MB.

* indicates a required field

Plans Submission Acknowledgement

PLAN ROOM ACKNOWLEDGEMENT

* I acknowledge that I will upload plans, supporting documentation, and attachments following the submission of my application.:

Continue Application

Review application and acknowledge Plans Submission

The screenshot shows a web form titled "Plans Submission Acknowledgement" with a blue header. Below the header, contact information for Nan Peterson at the City of Charlotte Land Development is listed. The main section is titled "PLANS ROOM ACKNOWLEDGEMENT" and contains a text area where the user has entered "Yes" to acknowledge the submission. A certification statement follows, stating that the user has read and understood the instructions and that the information provided is true and complete. A link to "User Fee Schedules" is provided. At the bottom, there is a checkbox for agreement, a "Date:" field, and two buttons: "Save and resume later" and "Continue Application >".

Continue Application

Upload Plans and Elevations

The screenshot displays the "Sketch Plan Review" process with five steps: 1. Application Information, 2. Project Contacts, 3. Document Upload, 4. Review, and 5. Application Confirmation. The current step is "Step 5: Application Confirmation", which features a green checkmark icon and a message stating "Your application has been successfully submitted." It also includes instructions to print the application and retain a copy, and a note about the 24-hour check validity. Below this, the user is thanked for using the online services and provided with their application number, SKETCH-2023-00204. There are buttons for "Print/View Summary", "Upload Plans and Documents", and "View Record Details", with a note that clicking "View Record Details" will redirect to a Record Details page.

Upload Plans and Elevations. Validate

Browse or drag and drop the desired files to upload. Once all files are added, the Upload and Validate button is displayed. Click on it to validate the files and add them to your review package. When all of the desired files are uploaded and validated, click the Continue button to prepare your files for review.

Note: Please do not combine plans and documents of various types into a single PDF document.



Files

Name	Description	Type	Status	Uploaded By	Date	Signature
Proposal for Process Improvement Assistance revised v2.10292024.pdf		Plans	VALIDATED	nanpeterson	11/20/2024	

Continue

Continue

Record: SKETCH-2024-00181
Address: 600 E 4TH ST 1100, CHARLOTTE NC 28202
Status: **INTAKE**

Record Details | Summary | **Uploads** | Issues | Conditions | Notes | Approved

Review Version #1

1 Upload | 2 Sheets | 3 Review

Displayed below are the sheets extracted from files in this review package. Please review the sheet numbers that automatically populated for each title block to ensure they are correct and match the plan page. If any title block is missing the corresponding sheet number, you will need to manually enter that number. You can save your work and come back later if needed, or click Continue when you are done.

Showing a total of 1 sheet Show only error sheets

Title Block	Thumbnail	Sheet number and title
		1 Sheet title (optional) IRL PDF.pdf (Page 1)

Save and Continue Later Continue

Label sheets if required. Continue

Once document upload is complete, the final step is to finish your application.

Search... 

Record: SKETCH-2024-00180
Address: 600 E 4TH ST 1100, CHARLOTTE NC 28202
Status: INTAKE

Record Details	Summary	Uploads	Issues	Conditions	Notes	Approved
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Review Version #1

1 Upload	2 Sheets	3 Review
----------	----------	----------

Please review the information below and ensure you have uploaded all of the plans and documents for this review cycle. Click the **Edit** buttons to make any needed changes or to upload any remaining documents. Once you click **Finish**, your review cycle will begin and additional documents cannot be uploaded until after the review cycle has been completed.

Description

Please enter a description of the plans and documents you are uploading here...

Save

Files Edit

These are all the files that will be submitted with this package.

Name	Description	Type	Updated By	Updated Date	Signature
Proposal for Process Improvement Assistance revised v2 10292024.pdf		Plans	nanpeterson	11/20/2024	

Finish



15 APPENDIX C: LEGAL

It is imperative to carefully review and adhere to all requested items contained in the Request for Proposals ("RFP") packet. Development Teams are required to submit proposals in strict accordance with the requirements outlined in the RFP documents. The entire set of documents enclosed in the RFP packet constitutes the RFP, and the Developer must ensure that all necessary information is submitted for proper analysis. The city will only consider complete proposal packets for review, and incomplete packets will not be accepted.

Each Developer shall fully comply with all federal, state, and local ordinances and statutes governing residential housing development.

Request for Proposals will be accepted only in accordance with the instructions provided in this request and documents in the submittal checklist. Developers are solely responsible for the timely and accurate submission of their Proposals.

RFP Not an Offer

This RFP does not constitute an offer by the city. No binding contract, obligation to negotiate, or any other obligation shall be created on the part of the city unless the city and the respondent execute a Contract. No recommendations or conclusions from this RFP process concerning the Respondent shall constitute a right (property or otherwise) under the Constitution of the United States or under the Constitution, case law, or statutory law of North Carolina.

Trade Secrets and Personal Identification Information.

Definition

Upon receipt by Housing & Neighborhood Services, all materials submitted by a respondent (including the Proposal) are considered public records except for (1) material that qualifies as "trade secret" information under N.C. Gen. Stat. § 66-152 et seq. ("Trade Secrets") or (2) "personally identifiable information" protected by state or federal law, to include, but not be limited to, Social Security numbers, bank account numbers, and driver's license numbers ("Personally Identifiable Information" or "PII").

Instructions for Marking and Identifying Trade Secrets

If any Proposal contains Trade Secrets or PII, such Trade Secrets and PII must specifically and clearly be identified in accordance with this section by clearly separating them from the rest of the Proposal. For hard copy documents, it must be submitted in a separate, sealed envelope, marked either "Personally Identifiable Information – Confidential" or "Trade Secret—Confident and Proprietary Information." For electronic submissions it must also be submitted on a separate flash drive. In both hard copy or electronic format, the confidentiality caption stated above must appear on each page of the Trade Secret or PII materials.

Availability of Proposals to City Staff and Contractors

By submitting a Proposal, each Respondent agrees that the City may reveal any Trade Secret materials and PII contained therein to all City staff and City officials involved in the selection process, and to any outside consultant or other third parties who serve on the Evaluation Committee or who are hired or appointed by the City to assist in the evaluation process.

Availability of Proposals via Public Records Requests

Any person or entity (including competitors) may request Proposals submitted in response to an RFP. Only those portions of RFPs properly designated as Trade Secret or PII are not subject to disclosure. The public disclosure of the contents of a Proposal or other materials submitted by a Respondent is governed by N.C. Gen. Stat. §§ 132 and 66-152, et seq.

When determining whether to mark materials as Trade Secret, please note the following:

- Entire Proposals may not be marked as Trade Secret
- Pricing may not be marked as Trade Secret

The City may disqualify and Respondent that designates its entire Proposal as a trade secret, or any portion thereof that clearly does not qualify under applicable law as a Trade Secret or PII. Each Respondent agrees to indemnify, defend, and hold harmless the City and each of its officers, employees, and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the Respondent has designated as a Trade Secret or PII. This includes an obligation on the part of the Respondent to defend any litigation brought by a party that has requested Proposals or other information that the Respondent has marked Trade Secret or PII.

Amendments to RFP.

If the city amends this RFP, addenda will be posted to the IPS website at www.ips.state.nc.us and the city's HNS_RFP Site. Companies are required to acknowledge receipt of each addendum by including the Addenda Receipt Confirmation Form (Form 1) with their Proposals.

Proposal Terms Firm and Irreversible.

The signed Proposal shall be considered a firm offer on the part of the Respondent. The City reserves the right to negotiate price and other terms. All Proposal elements (including all statements, claims, declarations, prices, and specifications) shall be considered firm and irrevocable for purposes of future Contract negotiations unless specifically waived in writing by the City. The Respondent chosen for award should be prepared to have its Proposal and any relevant correspondence incorporated into the Contract, either in part or in its entirety, at the City's election.

Proposal Binding for 120 Days.

Section 6, Form 3 contains a statement to the effect that the Proposal is a firm offer for one-hundred-twenty (120) calendar day period from the date of the opening. This statement must be signed by an individual authorized to bind the Respondent. All prices quoted shall be firm and fixed for the full Contract period. The City shall have the option to accept subject to exception by Contract.

Charlotte Business INclusion Program.

Pursuant to Charlotte City Council's adoption of the Charlotte Business INclusion (CBI) Policy, the CBI program promotes diversity, inclusion, and local business opportunities in the City's contracting and procurement process for Minority-owned, Woman-owned, and Small Business Enterprises (MWSBEs) with a significant business presence in the Charlotte Combined Statistical Area. The CBI Policy is posted at www.charlottebusinessinclusion.com.

The City is committed to promoting opportunities for maximum participation of certified MWSBEs on City-funded contracts at both the prime and subcontract level. For MWSBE participation to count towards a Subcontracting Goal, MWSBEs must meet both the certification and geographic requirements as detailed throughout this solicitation and in the CBI Policy.

The City intends to negotiate utilization of MWSBE(s). The Respondent is required to submit Form 2 attached herein. Failure to submit this form with the Proposal shall render the Proposal non-responsive.

Equal Opportunity.

The City has an equal opportunity purchasing policy. The City seeks to ensure that all segments of the business community have access to supplying the goods and services needed by City programs. The City provides equal opportunity for all businesses and does not discriminate against any Companies regardless of race, color, religion, age, sex, and national origin or disability.

Advertising

No advertising, sales promotion, or other materials of the Respondent or its agents or representatives may identify or reference the City in any manner absent the prior written consent of the City.

Withdrawal for Modification of Proposals

Companies may change or withdraw a previously-submitted Proposal at any time prior to the Proposal due date. Only formal written requests addressed in the same manner as the Proposal and received by the City prior to the Proposal due date will be accepted. The request must be in a sealed envelope that is plainly marked "**Modifications to Proposal.**" No oral modifications will be allowed. If the Respondent complies with this Section, after the Proposal due date, the Proposal, will be withdrawn or corrected in accordance with the written request(s).

No Bribery.

In submitting a response to this RFP, each Respondent certifies that neither it, any of its affiliates or subcontractors, nor any employees of any of the foregoing has bribed, or attempted to bribe, an officer or employee of the City in connection with the Contract.

Exceptions to the RFP.

Other than exceptions that are stated in compliance with this Section and Section 4.2.4.5, each Proposal shall be deemed to agree to comply with all terms, conditions, specifications, and requirements of this RFP. All exceptions taken must be identified and explained in writing in your Proposal and must specifically reference the relevant section(s) of this RFP. If the Respondent provides an alternate solution when taking an exception to a requirement, the benefits of this alternative solution and impact, if any, on any part of the remainder of the Respondent's solution, must be described in detail.