

HCD MULTIFAMILY HOME

# NOFA

AT OUR
PRE-APPLICATION
CONFERENCE

THURSDAY, APRIL 11 | 10AM





John Whitmire, Mayor

Michael C. Nichols, Director







## **AGENDA**

- Introductions
- Funding and Solicitation Schedule
- Multifamily NOFA Overview
- ADA Accessibility Standards
- Compliance Requirements
  - Environmental Review
  - MWSBE/Section 3/Pay or Play
  - Davis Bacon and Related Acts
  - Uniform Relocation Assistance and Real Property Acquisition Act(URA)
  - Complaints and Appeals
- Accessing the NOFA
- Submitting an Application
- Comments & Questions



# Funding and Solicitation Schedule Presentation by Linsi Broom

# **Funding**

 Approximately \$20,000,000 of HOME Investment Partnership (HOME) funding available

# 2024 Estimated Timeline

NOFA Issued	April 8, 2024
Pre-Application Conference	April 11, 2024
Question Submittal Deadline	April 18, 2024
Application Deadline	April 26, 2024

Mail to:HCD\_NOFA@houstontx.gov



# Multifamily NOFA Overview Presentation by Ryan Bibbs

# Loan Terms

- Awards to be structured as nonamortized loans payable at maturity subordinated to senior debt\*
- Repayment obligation in event of sale or refinance
- 1% interest only\* (subject to cash flow)
- Minimum 20-year loan term and LURA
- LURA senior to all other liens

\*Not applicable to PSH

## **Eligible Activities**

**New Construction** 

Rehabilitation of multifamily properties

Demolition (with reconstruction)

Project-related soft costs

Permanent Supportive Housing Units

# THRESHOLD ITEMS

- ✓ 2023 or earlier 9% tax credit award, 4% tax credit award, or a current active bond reservation for 4% tax credits
- ✓ Located within the Houston City Limits
- Census tract poverty rate for new construction cannot exceed 25% or must be mitigated by CRA designation
- ✓ In good standing with the City
- ✓ Site control
- ✓ Minimum of 64 units
- Demonstrate successful development of a minimum of 5 affordable housing developments
- ✓ Request must be a minimum of \$1,500,000 and cannot exceed \$3,000,000
- ✓ Application Fee \$1500
- ✓ Not debarred or suspended
- ✓ Not located in the 100-year flood plain

## Scoring Criteria (Maximum 100 points total)

#### Organization Experience (25 points)

- Organization Experience
- •Real Estate Experience
- Financial Capacity

#### Site Location (25 points)

- Concerted Revitalization Area
- Deconcentration of Poverty
- Access to Local Transit
- School Performance
- Neighborhood Amenities
- Employment

#### Project Information (25 points)

- Project Readiness
- Sources and Uses
- Market Rate Composition
- Housing for special needs
- •Energy Efficiency and Resilient Design
- Resident Services
- Local Support
- Quality Onsite Educational Programming

#### Financial Analysis (25 points)

- Proforma Analysis
- Debt Coverage
- Cost Analysis
- ·Leverage and Gap Analysis
- HOME Match Funds





# **HCD Accessibility Standards**



HCD enforces 2010 ADA Standards for Accessible Design with 11 HUD Exceptions



# Green Building Standards

- Energy Star (applicable to construction)
- Enterprise Green Communities
- LEED (any level)
- IC-700 National Green Building Standard
- Rehabs Meet HUD CPD Green Building Checklist
- Documentation certifying green standards required at application

# Compliance Requirements



**Environmental** 



Minority Women Owned Small Business Enterprise (MWSBE)



Uniform Relocation Act (URA)



Pay or Play (POP)



Davis-Bacon Act (DBRA)



Section 3: Economic Opportunities



**Complaints and Appeals** 









# Environmental Requirements

HUD 24 CFR Part 58

Presentation by Melissa Lahey



# **Environmental Applicability**

- Environmental analysis is required for projects with a federal nexus, meaning projects that receive some form of federal funding or assistance
  - Has no federal funding threshold
  - When federal funds are used in whole or part
  - Is subject to any part of the entire project

### **Environmental Review**

- A current ASTM-certified Phase I Environmental Site Assessment (ESA) is required.
- Phase I/II Environmental Site Assessment (ESA) should not be older than 6 months at the time of public notice, in particular when the site has not yet been acquired.
- HUD and non-HUD funds cannot be committed on any activity until HUD issues the Authority to Use Grant Funds (AUGF) or clearance.
  - Non-HUD funds can be used to undertake some activities of the project <u>but with limitations</u>.
  - 24 CFR § 58.22 details choice-limiting actions
- An option agreement on a proposed site is allowable prior to the completion of the AUGF issuance in order to establish site control before issuance of environmental approval.

	Request for Releas and Certification	e of Funds	and Urban Office of Con	ment of Housing Development nmunity Planning evelopment		OMB No. 2506-00 (exp. 08/31/202
	This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HLD programs dentified by statutes that provide for the assumption of the environmental review responsibility year for general load operement and States. Public reporting busined for this collection of information is estimated materially by such of general load operemental and States. Public reporting busines for this collection of information is estimated materially the data needed, and completing and reviewing the robotics of information in this paper, may not consist or source, and a person in not required to respond s, occledent on information unless that collection displays a valid ORM coorded number.					
	Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)					
	Program Title(s)		2. H	UD/State Identification Nu	3. Recipier (optional)	nt Identification Number
	OMB Catalog Number(s)     For information about this request	contact (name & phone number		ame and address of respo	onsible entity	
	8. HUD or State Agency and office of	nit to receive request	7. N	ame and address of recipi	ient (if different than I	responsible entity)
	The recipient(s) of assistance grant conditions governing th	ander the program(s) lister	d above reque	sts the release of fund	is and removal of	environmental
	Program Activity(ies)/Project Nam			ocation (Street address,	city, county, State)	
Authority to Use Grant Funds		··				
To: (name & address of Grant Res	11. Program Activity/Project Descrip	tion				
We received your Request i Your Request was for HUE All objections, if received, You are herby authorized File this form for proper re						
Typed Name of Authorizing Officer  Title of Authorizing Officer		Signature of Authorizing Offices	,		Date (mm/dd/yyyy)	
Previous editions are obsolete.				form HU ref. H	ID-7015.16 (2/94) landbook 6513.01	

# **Environmental Review**

- If the AUGF includes mitigation conditions, these conditions must be followed in order for the property to be eligible for federal funding, and documentation of said mitigation must be provided to the HCD Environmental Team and other appropriate parties to the project.
- Lower-level projects, for example, minor to moderate repairs <u>without</u> acquisition, may be environmentally clearable in-house without having to secure the AUGF from HUD if no mitigation measures are required and the scope of work meets all applicable requirements found at 24 CFR 58.35(a).
  - However, the <u>full</u> scope of the project must be submitted for environmental review regardless of what percentage or what portions of the project are completed with federal funds. This is known as project aggregation and is required under 24 CFR § 58.32. Activities cannot be partitioned.

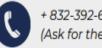
## We're Here To Help!

THE CITY OF HOUSTON | HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

## **WE OFFER**

## **ENVIRONMENTAL** TEAM

### CONTACT **US NOW**



+ 832-392-6200 (Ask for the environmental team)



hcdenvironmental@houstontx.gov



2100 Travis St. 9th floor. Houston, TX 77002



#### TECHNICAL ASSISTANCE

Provide technical assistance internal/external customers regarding environmental compliance



#### **ENVIRONMENTAL REVIEWS**

Complete environmental review process in compliance with HUD Environmental Guidelines



#### **GUIDANCE**

Help and advice about how to address possible concerns related with environmental compliance

https://houstontx.gov/housing/

**BUILDING A MORE EQUITABLE CITY** 









# Davis Bacon and Related Acts (DBRA)

24 CFR Parts 1,2,3,5,7, and 9

Presentation by Michelle Perales

## **DBRA General Guide**

### **Purpose**

 Protects communities and workers from non-local contractors underbidding local wage levels

#### Acts

- Davis Bacon Act
- Contract Work Hours and Safety Standards Act
- Copeland (Anti-kickback) Act
- Fair Labor Standards Act

## **Applicability**

- Contracts in excess of \$2,000
- Alterations, repairs, decorating, etc.
- All work incidental to the project

#### Costs

- Labor
- Administrative oversight

# Department of Labor Final Rule

### **After Contract Award**

Prevailing rates are subject to change when a contract or order is amended to:

- includes additional, substantial construction not within the scope of work, or
- perform work for an additional time period not originally obligated, including when an option is exercised on a contract or order.



## **DBRA Mandated** Contract **Documents**

- Federal Labor Standards Provisions (HUD Form 4010)
- General Wage Determination (GWD); more commonly referred to as the prevailing wage rates.

# DBRA Required Meetings

- Pre-bid Meeting for competitively procured contracts: This is best time to provide the bidding contractors an overview of the prevailing rates and our requirements.
- Pre-construction Meeting: In accordance with 29 CFR Part 5, a preconstruction conference must be held with prior to the commencement of construction work.
- Onboarding: Before construction starts, the contract administrator must complete the onboarding training session.



## **DBRA** Overview

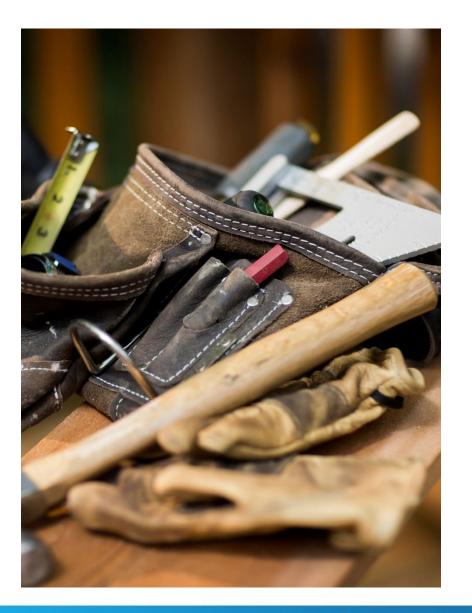
Contractors and sub-contractors including lower tier sub-contractors must:

- Notify and pay construction workers the hourly prevailing wage based on their trade
- Pay weekly and have verifiable proof of payment that itemized the rate of pay based on all hours worked
- Submit weekly certified payroll through the LCP Tracker web portal, which is accessible via phone, tablet and PC.
- Submit all initial required compliance documents prior to starting work
- Submit payroll-supporting documents; such as proof of payment, timesheets, itemized fringe benefits plans/programs, etc.)



# DBRA Contact Information

- hcddbra@houstontx.gov
- houstontx.gov/housing
- 832-394-6200





UNIFORM RELOCATION ASSISTANCE & REAL PROPERTY ACQUISITION ACT OF 1970, AS AMENDED (URA)

**Presented by Kristal Scruggs** 



## **URA** Threshold

- URA has no monetary threshold.
- URA applies to the project independent of how federal funds are used.
- Triggering activities are acquisition (transfer of title), rehabilitation, new construction, and demolition/conversion.

# **URA STAGES**



# **Application Stage**

## **Acquisition**

- URA Assurance Letter
- Notice to Seller
- Seller's Occupancy
- Certification
- Initial Title
   Commitment

## Relocation

- Relocation Plan
- Relocation Budget
- Initial Rent Roll
- Template General Information Notice (GIN)

Relocation Administrator must be knowledgeable with the URA the HUD Way and HUD Handbook 1378.

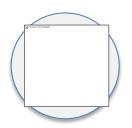
# IMPORTANT NOTICE



Approved General Information Notice are issued within 30 – 45 days of the proposal submission

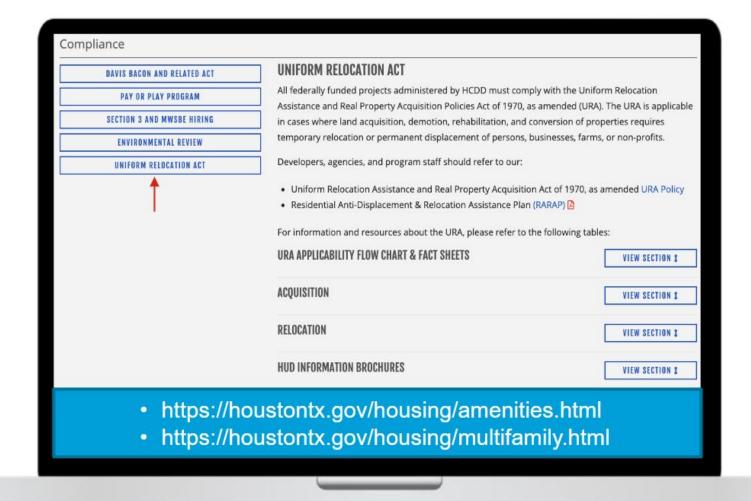


Monthly Rent Rolls and Tenant Status Reports **start** once the application proposal is submitted



Do not relocate tenants until the City Council has approved the project

## **URA** Resources



# MWSBE Program Requirements

24 CFR 85.36 Chapter 15 Ordinance Part V

Presentation by Lakesha Tates



# MWSBE Compliance Requirements

Construction projects will be advertised with a 38% MWBE goal (30% MBE and 8% WBE).



MWBE Primes are allowed to meet advertised goals by self-performing up to 50% of the total contract goal(s). MWBE Primes will have to choose which goal they would like to receive credit for on construction projects (MBE or WBE). Once a goal type for participation is selected, the Primes participation credit will be capped at the proposed percentage or the approved goal, whichever is lower.



The Prime Contractor shall make Good Faith Efforts to award subcontracts or supply agreements to MWSBEs to achieve goal requirements.



Only firms certified through the City of Houston, Office of Business Opportunity can be used to meet MWBE goal requirements.



For more information about the City of Houston MWSBE certification process, visit: https://houston.mwdbe.com/

# Section 3 Program Requirements

24 CFR Part 75

Presentation by Lakesha Tates

## Section 3 Compliance and Numerical Goals Requirements

Section 3 compliance applies to all contracts in excess of \$100,000.00 for housing construction, rehabilitation, or public construction.



If "new" contracting or employment opportunities arise, contractors are required to meet the following Numerical Goal Requirements:

10% of the Construction "hard cost" budget must be directed to Section 3

Businesses.

3% of the Non-Construction "soft cost" budget must be directed to Section 3 Businesses. 30% of new employment opportunities must be directed to Section 3 Workers.

25% of labor hours performed must be by Section 3 Workers and Targeted Workers.





### **Section 3 Business**

A Section 3 Business Concern is a business meeting at least one of the following criteria, documented within the last six-month period:

- At least 51 percent (51%) of the business is owned and controlled by low or very low income persons;
- Over 75 percent (75%) of the labor hours performed over the prior three-month period are performed by Section 3 Workers; or
- At least 51 percent (51%) of the business is owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

### **Section 3 Worker**

A Section 3 Worker is any worker who currently fits, or when hired within the past five years fit, at least one of the following criteria:

- A worker's income for the previous or current calendar year is below the income limit established by HUD;
- Employed by a Section 3 Business; or
- A Youth Build participant.



### **Section 3 Targeted Worker**

A Section 3 targeted worker for Housing and Community Development Financial Assistance projects is a Section 3 worker who:

- (1) Employed by a Section 3 Business Concern; or
- (2) A worker who currently fits or when hired fit at least one of the following categories, as documented within the past five years:
- •(i) Living within the service area or the neighborhood of the project, as defined in 24 CFR § 75.5; or;
- •(ii) A YouthBuild participant.



## Section 3 Certification Processes

(2) To offere and the discount of the second	To receive credit towards numerical goal requirements, businesses and workers must be certified through the City of Houston, Housing and Community Development Department.
Supplemental Augusti	Certification process takes 5 to 7 business days once all requirements are met.
The price with digital	Complete the online Section 3 Business application here: <a href="https://hcddsection3.gob2g.com/">https://hcddsection3.gob2g.com/</a>
(2) To place and the Appear	Section 3 Worker applications may be submitted to: <a href="mailto:HCDContractCompliance@houstontx.gov">HCDContractCompliance@houstontx.gov</a> or completed digitally at: <a href="mailto:http://arcg.is/LWXaf">http://arcg.is/LWXaf</a>
To place with this departure.	For more information visit: <a href="https://houstontx.gov/housing/section3.html#section3">https://houstontx.gov/housing/section3.html#section3</a>

# Pay or Play (POP) Program

Executive Order 1 – 7 and Ordinance 2007 - 534

Presentation by Lakesha Tates



# Covered Contracts

Subcontracts valued at or above \$200K including contingencies, amendments, and supplemental terms;

Professional Service, Construction, and Service type contracts

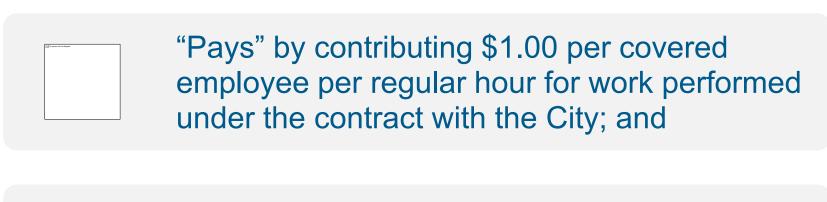


### Covered Employees

The program applies to employees of a covered contractor or subcontractor, including contract labor, who are:

- Over the age of 18
- Work at least 30 hours per week
- With any amount of time under a covered city contract or sub-contract.

### Pay Option





### Play Option

"Plays" by providing health benefits to covered employees. Health benefits must meet or exceed the following standards;



The employer contributes no less than 75% of the total premium costs per covered employee per month toward the total premium cost; and



The covered employee contributes, if any amount, no greater than 25% of the total monthly premium costs.

### POP Additional Information

HCD provides POP-related help, POP forms, and all POP-related updates through their website <a href="https://www.houstontx.gov/obo/popforms.html">https://www.houstontx.gov/obo/popforms.html</a>

# Complaints and Appeals

Presented by Kris Robinson

### Complaints & Appeals

	Complaint*	Appeal**
Grievance Type	HCDD Operations	HCDD Program Determination
Common Types	<ul><li>Processing Time</li><li>Status Update</li><li>Program Requirements</li><li>Conflict of Interest</li></ul>	<ul><li>Non-receipt of an award</li><li>Denial of services</li><li>Denial of a Resolution</li><li>Procedural error</li></ul>
Est. Written Response	15 days	30-45 days
Resources	https://houstontx.gov/housing/complaints.html	https://houstontx.gov/housing/appeals.html

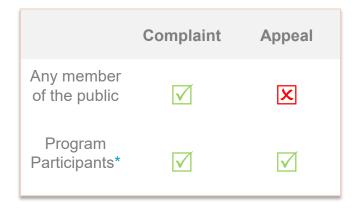
\*No Complaints will be accepted for NOFAs during the No Contact Period. \*\*Appeals cannot be filed until after a determination is made.





# Basics of Filing Complaints & Appeals

### Who can file a Complaint or an Appeal?



\*Program participants includes program applicants, developers, contractors, agencies, bidders, vendors, and subrecipients.

### Complaint or Appeal Filing Requirements?

- First and Last Name
- Address
- Name of Project/NOFA/RFP
- Phone Number
- Preferred Contact Method
- Reason for Complaints or Appeal

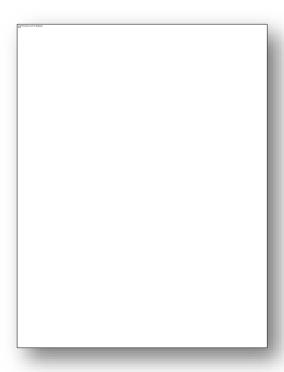
### Appeals

#### **Appeal Tier Reviews**

- Tier I: Program Area
- Tier II: Appeals Review Committee
- Tier III: State Escalation\*

#### **Important Timelines**

- Appellant <u>MUST</u> file Appeal <u>in writing</u> within 30 days of award determination
- HCD acknowledges receipt within 1 business day
- Appellant has 5 days to submit supporting documentation
- HCD renders an Appeal Determination Letter within 45 days for NOFAs.



For more information visit https://houstontx.gov/housing/appeals.html

<sup>\*</sup>DR-17 Funded programs ONLY

## Filing Information Hours of Operation: Monday – Friday 8am - 5pm



#### Hotline\*

832-394-6200 ext. 2



#### **Email**

HCDDComplaintsAppeal@houstontx.gov



#### In-Person or Mail

Housing and Community Development ATTN: Complaints & Appeals 2100 Travis Street, 9th FL Houston, TX 77002





HOW TO APPEAL (2)

<sup>\*</sup>For complaints ONLY

Presented by Linsi Broom



### NOTICE OF FUNDING AVAILABILITY (NOFA)

VIEW DR-17 NOFAS 🗗

#### FEATURED NOFAS

#### MULTIFAMILY HOME INVESTMENT PARTNERSHIP GRANT

The Housing and Community Development Department of the City of Houston (HCD) oversees a number of programs intended to help low to moderate-income citizens improve and strengthen their neighborhoods. Under the HOME Investment Partnership Grant Program (HOME), the City seeks to build safe and affordable homes across our city where people can thrive and leverage public and private resources to maximize development and renovation efforts throughout the city.

HCD seeks to procure applications from developers of multifamily housing to finance construction, reconstruction, rehabilitation or acquisition of multifamily properties to provide affordable housing within the corporate boundaries of the City of Houston. Applicants must demonstrate a capacity to construct, or rehabilitate, and operate multifamily housing that benefits low-income individuals.

Eligible applicants must have a 2023 or earlier 9% tax credit award, 4% tax credit award, or a current active bond reservation for 4% tax credits. Note: Applicants who have (1) 9% tax credit awards from 2023 or earlier will be prioritized.

VIEW NOFA 🕞

#### PRE-APPLICATION CONFERENCE

April 11, 2024 at 10:00am

https://bit.ly/HOMEMultifamily2024

Meeting ID: 297 900 169 337 Passcode: MoLDsh

Or call in (audio only) +1 936-755-1521 Phone Conference ID: 725 374 041#

#### NOFA DOCUMENTS

VIEW 23

HCD DOCUMENT SUBMISSION PORTAL <

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#### NOTICE OF FUNDING AVAILABILITY (NOFA)

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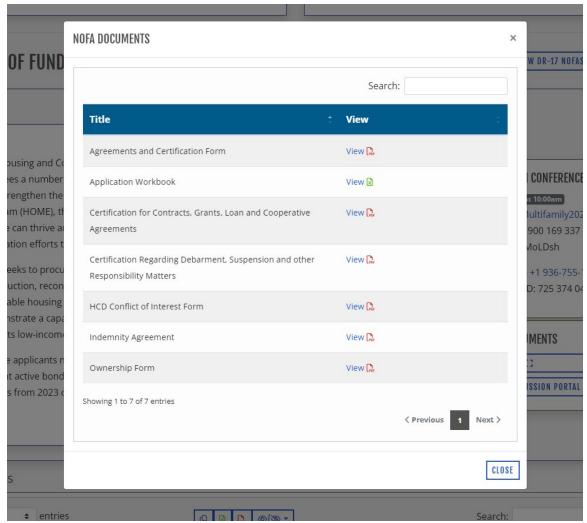
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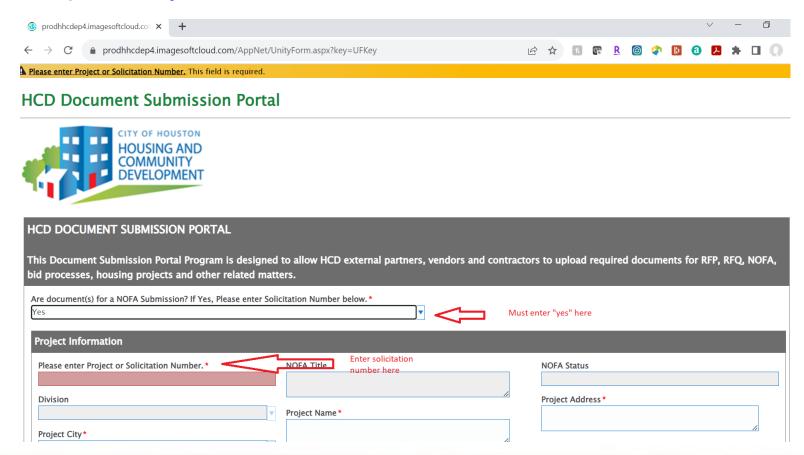
# Submitting an Application

### Presented by Linsi Broom

Applications will only be received online via HCD Document Submission Portal

### Using the OnBase Portal

https://bit.ly/NOFA-DocumentPortal



 All communication must be sent in writing to <u>HCD NOFA@houstontx.gov</u>

 NO DIRECT CONTACT WITH THE PROGRAM AREA

### No Contact Period

- Neither Applicant(s) nor any person acting on Applicant(s') behalf shall attempt to influence the outcome of the award by the offer, presentation, or promise of gratuities, favors, or anything of value to any appointed or elected official or employee of the City, their families or staff members.
- All inquiries regarding the solicitation are to be directed to the designated City Representative identified on the first page of the NOFA.

### No Contact Period

• With the exception of Applicant's formal response to the solicitation and written requests for clarification during the period officially designated for such purpose by the City Representative, neither Applicant(s) nor persons acting on their behalf shall communicate with any appointed or elected official or employee of the City, their families, or staff through written or oral means in an attempt to persuade or attempt to persuade or influence the outcome of the award or to obtain or deliver information intended to or which could reasonably result in an advantage to any Applicant from the time of issuance of the solicitation through the pre-award phase and up to the date the City Secretary publicly posts notice of any City Council agenda containing the applicable award.

### No Contact Period

 However, nothing in this paragraph shall prevent an Applicant from making public statements to the City Council convened for a regularly scheduled session after the official selection has been made and placed on the City Council agenda for action, or to a City Council committee convened to discuss a recommendation regarding the Application.

### **Comments & Questions**





## THANK YOU



2100 Travis Street, 9th floor, Houston, TX 77002 832-394-6200 | www.houstontx.gov/housing

HOUSTONHOUSING.ORG





