



Notice of Funding Availability for the
Michigan State Housing Development Authority's
Fiscal Year 2020-2021 Housing Education Program Grant for
Housing Counseling Services

Application Due:

By 4:00 p.m. Eastern Standard Time on May 28, 2020

**Notice of Funding Availability for the Michigan State Housing Development Authority's
Fiscal Year 2020-2021 Housing Education Program Grant for Housing Counseling
Services**

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Application Due: By 4:00 p.m. Eastern Standard Time on May 28, 2020

I. Funding Opportunity Description.

A. Purpose and Program Description. The purpose of the Housing Education Program ("HEP" or the "Program") is to provide education and counseling services for persons seeking to rent, purchase, or retain a home. To that end, the Michigan State Housing Development Authority (the "Authority") partners with housing counseling agencies ("Agency" or "Agencies") to provide to individuals residing in Michigan ("Clients") access to housing education and counseling to help them make informed choices about homeownership. Additionally, Agencies may aid current homeowners or renters who need foreclosure counseling, rental counseling and other related housing counseling.

B. Eligible Services. The Authority's HEP aligns with HUD on its definition of eligible services, and therefore, requires that a Grantee use HEP grant funds for housing counseling and education in accordance with 24 CFR 214 and the HUD Housing Counseling Handbook. Agencies providing group education must also provide one-on-one individual counseling of the same service type.

One-on-One Individual Counseling:

1. Rental Topic.
2. Pre-Purchase/Homebuying.
3. Home Maintenance and Financial Management for Homeowners (Non-Delinquency Post-Purchase).
4. Resolving or Preventing Mortgage Delinquency or Default.
5. Homelessness.

Group Education:

1. Financial literacy workshop, including home affordability, budgeting and understanding use of credit.
2. Predatory lending, loan scam or other fraud prevention workshop.
3. Fair housing workshop.
4. Rental workshop.
5. Homeless prevention workshop.
6. Pre-purchase homebuyer education workshop.
7. Non-delinquency post-purchase workshop, including home maintenance and/or financial management for homeowners.
8. Resolving or preventing mortgage delinquency workshop.
9. Disaster preparedness.

Other Non-HEP Eligible Services: (these services do not impact funding grant award)

1. Financial Self-Sufficiency (“FSS”)
2. Key-to-Own (“KTO”) clients

C. Definitions.

Agency (or Agencies) means those certain housing counseling agencies that the Authority partners with for purposes of carrying out the Housing Education Program.

Applicant, as used herein, means the individual and/or organization completing the application and submission requirements under this NOFA.

Authority (or MSHDA) means the Michigan State Housing Development Authority.

Award, as used herein, means the Authority’s Housing Education Program Grant Award for Housing Counseling Services.

Eligibility requirements are mandatory requirements for an application to be eligible for funding.

Grant, as used herein, means the financial assistance provided by the Authority’s Housing Education Program Grant for Housing Counseling Services.

Grantee, as used herein, means the individual or organization that is selected to receive grant funding under this NOFA.

HEP means the Authority’s Housing Education Program.

MSHDA (or the Authority) means the Michigan State Housing Development Authority.

Personally Identifiable Information (PII) means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. For more detail, refer to 2 CFR 200.79.

Threshold Requirement – Threshold requirements are a type of eligibility requirement. Threshold requirements must be met for an application to be reviewed and are not curable. Similarly, there are eligibility requirements under Statutory and Regulatory Requirements Affecting Eligibility.

II. Award Information.

- A. Number of Awards.** The number of awards under this NOFA will depend on the number of eligible applicants and other factors. MSHDA reserves the right to adjust funding levels for each grantee. Once Applicants are selected and notified of the grant award, HEP staff will determine the total amount to be awarded to any grantee, based upon the scope of services to be provided, funds available, and other factors that HEP staff may determine.
- B. Grant Period.** The grant period for this NOFA is July 1, 2020 to June 30, 2021.

III. Eligibility.

- A. Eligible Applicants.** Eligible applicants must satisfy the following criteria:

1. The Applicant must be a HUD-approved agency to participate in the MSHDA Housing Counseling Program prior to an Award under this NOFA.
2. The Applicant must possess statutory authority to provide housing counseling in the State of Michigan and adhere to all program requirements outlined in 24 CFR Part 214, the HUD Housing Counseling Handbook, and other MSHDA and HUD governing documents.
3. The Applicant must complete and submit all application requirements as described herein.

- B. Ineligible Applicants.** Applicants that do not meet the criteria of Section III.A. are ineligible.

- C. Threshold Eligibility Requirements.** Applicants who fail to meet any of the following threshold eligibility requirements will be deemed ineligible. Applications from ineligible applicants will not be evaluated.

1. **Timely Submission of Applications.** Applications submitted after the deadline stated within this NOFA that do not meet the requirements of the grace period policy will be marked late. Late applications are ineligible and will not be considered for funding.

- D. Statutory and Regulatory Requirements Affecting Eligibility.** Applications must comply with applicable state and federal statutory and regulatory requirements, including but not limited to,

- E. Program-Specific Requirements Affecting Eligibility.** Applications must comply with the NOFA requirements and the Authority's HEP grant program requirements.

F. Applicant Qualifications/Requirements. Applications not including requested information may be viewed by the Authority as non-responsive and not considered further. Applicants are strongly encouraged to review their applicants prior to submission to ensure that all requested information is included. Additionally, the following information is required:

1. **Applicant's Experience.** The Authority has identified the following qualifications that it believes are necessary for the successful performance and completion of the services described herein. The Applicant's organization must be a HUD-approved local housing counseling agency (LHCA) and services must be conducted by HUD-certified housing counselors.
2. **Applicant's Authorized Signatory.** An official authorized to commit the Applicant to the terms and conditions of the proposal must sign the application being submitted. The Applicant must clearly identify the full title and authorization of the designated official and provide a statement of application commitment with the accompanying signature of the official. Attach any resolutions authorizing the approved signatory with the proposal. Include the name and telephone number of person(s) in your organization authorized to expedite any proposed contract with the Authority.
3. **Applicant's Organization Authorized to Transact Business in Michigan.** The Applicant must be a Michigan entity (limited partnership, Limited Liability Company, for-profit corporation or non-profit corporation, etc.), private or public nonprofit organization or local government or, if foreign, authorized to do business in the State of Michigan. The Applicant must be legally organized and in good standing with the State of Michigan's Department of Licensing and Regulatory Affairs (LARA) as evidenced by a certified copy of the entity's Articles of Incorporation and Good Standing Certificate (or comparable documentation if the organization is not a corporation), or a Certificate of Authority to Transact Business, if the contractor is a foreign corporation (or entity). All such certificates shall be dated within thirty (30) days of submission and issued by State of Michigan's Department of Licensing and Regulatory Affairs (LARA).

Proposals from Sole Proprietors Will Not be Accepted.

Questions regarding specific requirements to transact business in the State of Michigan should be referred to or otherwise contact the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau at:

http://www.michigan.gov/lara/0,4601,7-154-61343_35413---,00.html.

4. **Partnership Profile.** Applicant must have an approved (or approval pending) Partnership Profile in MATT 2.0, the Authority's online grant/contract management system.
5. **HUD-Approved Agency.** As noted herein, the Applicant's organization must be a HUD-approved housing counseling agency (LHCA) and services must be conducted by HUD-certified housing counselors.
6. **Applicant's Minimum Internet/Technological Capabilities.** The Applicant must have phone, internet, and e-mail access. Internet and e-mail access must be adequate enough to allow the Applicant to receive, download and upload data, files and attachments from Authority staff. (Current state standards are limited to a functional size of 20 MB).
7. **Limits on Liability & Indemnification.** The Applicant must review and acknowledge that the Authority will require the Applicant to satisfy the following requirements prior to the execution of a grant agreement with the Authority. If the Applicant has objections, please provide an explanation with your Explanation of Proposed Use of Grant Funds outlining the objection.

If awarded a grant, the Applicant agrees to:

Indemnify, defend and hold harmless the Authority, its Board, officers, employees and agents, from and against all losses, liabilities, penalties, fines, damages and claims (including taxes), and all related costs and expenses (including reasonable attorneys' fees and disbursements and costs of investigation, litigation, settlement, judgments, interest and penalties), arising from or in connection with any of the following:

- a. any claim, demand, action, citation or legal proceeding against the Authority, its employees and agents arising out of or resulting from (1) the services provided ("Services") or (2) performance of the Services, duties, responsibilities, actions or omissions of the Applicant or any of its subcontractors under an awarded grant.
- b. any claim, demand, action, citation or legal proceeding against the Authority, its employees and agents arising out of or resulting from a breach by the Applicant of any representation or warranty made by the Applicant in an awarded grant.
- c. any claim, demand, action, citation or legal proceeding against the Authority, its employees and agents arising out of or related to occurrences that the Applicant is required to insure against as provided for in an awarded grant.

- d. any claim, demand, action, citation or legal proceeding against the Authority, its employees and agents arising out of or resulting from the death or bodily injury of any person, or the damage, loss or destruction of any real or tangible personal property, in connection with the performance of services by the Applicant, by any of its subcontractors, by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable; provided, however, that this indemnification obligation shall not apply to the extent, if any, that such death, bodily injury or property damage is caused solely by the negligence or reckless or intentional wrongful conduct of the Authority.
 - e. any claim, demand, action, citation or legal proceeding against the Authority, its employees and agents which results from an act or omission of the Applicant or any of its subcontractors in its or their capacity as an employer of a person.
 - f. any action or proceeding threatened or brought against the Authority to the extent that such action or proceeding is based on a claim that any piece of equipment, software, commodity or service supplied by the Applicant or its subcontractors, or the operation of such equipment, software, commodity or service, or the use or reproduction of any documentation provided with such equipment, software, commodity or service infringes any United States or foreign patent, copyright, trade secret or other proprietary right of any person or entity, which right is enforceable under the laws of the United States.
8. **Applicant's Insurance Coverage.** The Applicant acknowledges and must maintain required insurance coverage in accordance to the Authority of the following minimum insurance coverage:
- a. General Liability Insurance for \$2,000,000 with the Authority shown as additional insured;
 - b. Errors and Omissions Insurance for \$1,000,000 for each occurrence and \$1,000,000 annual aggregate;
 - c. Worker's Compensation Insurance (if required under state law). Any citing of a policy of insurance must include a listing of the States where that policy's coverage is applicable.
 - d. If required by the Authority, Cyber Security Insurance for \$1,000,000.

9. **Project Personnel.** Applicants must acknowledge and identify project personnel who will be performing services pursuant to an awarded grant and (a) sign the grant on behalf of the selected grantee and/or (b) are listed in the form attached and incorporated into this NOFA as Exhibit C – Project Personnel Certification.

10. **Payments to Pensioned Retirees.** 2007 PA 95, MCL 38.68c requires retirees of the State Employees Retirement System (“Pensioned Retirees”) who become employed by the State either directly or indirectly through a contractual arrangement with another party on or after October 1, 2007 to forfeit their respective state pensions for the duration of their reemployment. Accordingly, any pensioned retiree who provides or renders services pursuant to the contract for which bids will be made under this NOFA RFP shall be required to forfeit his or her pension during the term of the contract.

Applications must acknowledge and confirm whether pensioned retirees will render services under the grant being sought through this NOFA. If the Applicant intends to use a pensioned retiree, the Applicant must submit written confirmation from the pensioned retiree that he or she agrees to forfeit his or her pension during the term of the contract, if awarded. If awarded a grant, the Applicant must submit a copy of the pensioned retiree’s directions to the State of Michigan’s Office of Retirement Services (“ORS”) to withhold the retiree’s pension payments until the end of the contract term by having the pensioned retiree complete a Retiree Rehire Certificate. A copy of the Retiree Rehire Certificate will be required to be submitted prior to executing an awarded contract.

11. **Grant Award Approvals.** If applicable, grants that equal or exceed \$55,000 must be approved by the Authority’s Board. Thereafter, an awarded grant will be forwarded to the selected Applicant with instructions to review and sign it. Upon receiving the signed grant, the Authority’s Homeownership Division will submit the contract to a duly authorized signatory for final execution on behalf of the Authority. One fully executed grant will then be returned to the selected grantee.

12. **Applicable Laws.** The selected grantee will be required to comply with all Michigan and federal laws, as well as acquire any permits or permission-related documents to provide services being sought. State and local licenses and permits for all workers; it is the Applicant’s responsibility to ensure that any and all applicable federal, state and local laws, requirements and ordinances are met including MIOSHA designations, certification, operator license and other requirements. Contractors selected must provide to grantee evidence and ongoing certification that any sub-contractors are also in compliance with all applicable federal, state and local regulations and ordinances.

13. **Submissions Subsequent to Award.** As part of an awarded grant the selected contractor will be required to review and provide and/or acknowledge additional documents including but not limited to:

- a. W-9 Request for Taxpayer Identification Number and Certification.
- b. Retiree Rehire Certificate, if necessary.
- c. Proof of proper insurance.

IV. **Application and Submission Information.**

A. Application Due Dates and Timely Submission. Application Packages responding to this NOFA are **due by 4:00 p.m. Eastern Standard Time on May 28, 2020.** Applications must be received no later than the due date and time. The Authority strongly recommends that applications be submitted at least 48 hours before the due date during regular business hours to allow enough time to correct errors or overcome other problems. An application received after the NOFA due date will be marked late and will not be received by the Authority for funding consideration.

B. Submission Contact. Application Packages must be electronically submitted in a PDF format via email.

Via Email to: Tara Gilman, gilmant@michigan.gov

C. Confirmation of Receipt. The Authority's Homeownership Division will verify receipt of the Application Package within 24 hours of receipt. If Applicant has not received verification, the Applicant should verify the email address provided above and resubmit an email asking for verification.

D. Application. The Applicant must complete and submit the application attached in **Exhibit A.**

E. Budget. The Applicant must complete and submit the budget attached in **Exhibit A.** The Authority's HEP aligns with HUD for eligible services and requires grantees to use grant funds for housing counseling and education in accordance with 24 CFR 214 and the HUD Housing Counseling Handbook. To be eligible for reimbursement as direct costs, costs must be incurred pursuant to one or more of the following activities:

- 1. Housing counseling and group education.
- 2. Oversight, compliance, and quality control.

3. Supervision of housing counseling staff.
4. Housing counselor training and certification.
5. Marketing and outreach of the housing counseling program to potential clients.

- F. Organization Certification.** The Applicant must complete and submit an organization certification using the form in the attached **Exhibit B**.
- G. Project Personnel Certification.** The Applicant must complete and submit an organization certification using the form in the attached **Exhibit C**.
- H. Liability for Costs.** The Authority shall not be liable for any costs that an applicant may incur while preparing an application.
- I. Revisions to NOFA.** If, prior to the application proposal deadline, the Authority deems it necessary to provide additional clarifying information, or to revise any part of the NOFA, supplements or revisions will be provided to all Applicants who have indicated they will submit an application. Applications will then be evaluated based on the terms and conditions of the NOFA, any supplements or revisions to the NOFA, and the answers to any written questions.
- J. Michigan Freedom of Information Act.** All documents submitted to the Authority are subject to the Michigan Freedom of Information Act ("FOIA"). In the event a request for submitted documents is made to the Authority, the Authority's FOIA Coordinator will redact or withhold information and/or documents that are exempt from disclosure under FOIA. See MCL 15.243 et seq. Please note that any requests by non-Authority personnel to review proposals will be denied until the deadline for submission of the bids has expired. See MCL 15.243(1)(i).

Please submit FOIA requests to the Authority as follows:

MSHDA FOIA Coordinator c/o Legal Affairs
Email: MSHDA-FOIA@michigan.gov

V. Application Review Information.

- A. Scope of Review.** The Authority will review applications in accordance with the requirements of this NOFA and the Housing Education Program. The Authority may rely on performance monitoring and audit reports, financial status information, and other information available to the Authority to make score determinations. In evaluating applications for funding, the Authority will consider an applicant's past performance in managing funds. Items considered include, but are not limited to:
1. The ability to account for funds appropriately.
 2. Timely use of funds received from MSHDA.
 3. Timely submission and quality of reports.
 4. Meeting program requirements.

5. Meeting performance targets as established in the grant agreement.
6. Applicant's organizational capacity, including number of HUD-certified Housing Counselors.
7. Receipt of promised matching or leveraged funds.
8. The number of clients projected to be served.

B. Ability to Leverage Outside Resources. Grantees are expected to seek other sources of funding, both private and public, to supplement Authority grant funding. It is not permissible for Authority grant funds or HEP Housing Counseling grant funds to be the sole source of funds for a housing counseling program.

C. Calculation of Funds Based on Ability to Leverage Outside Resources. The Authority will calculate the ratio of an Applicant's anticipated HEP grant to its total qualified leveraged funding. Applicants are evaluated based on the extent to which they have obtained non-federal resources including direct financial assistance (grants), fees, program income, and in-kind contributions for the period of performance. Resources provided by non-federal government sources, public or private nonprofit organizations, for-profit organizations, or other entities will be counted toward the Applicant's leveraged funding total. Do not include funds unless they are exclusively allocated for the housing counseling program. Grantees must maintain evidence that leveraged funds were actually provided to the agency. Files may be reviewed by MSHDA or HEP staff as a part of the performance reviews and on-site monitoring visits. Leveraging resources cannot consist of federal funds, directly or indirectly. Federal funds that are passed through state and local governments are ineligible.

D. Selection of Application Subject to Legal Review. The selection of an application shall be subject to a review by the Authority's Legal Affairs Division concerning conflicts of interest and/or participation in Authority programs by the Applicant, its officers, employees, subcontractors or independent contractors.

VI. Application Selection.

A. Timeline. The Authority's review may take up to four weeks after the closing date for submitting applications. The Authority anticipates notifying the selected application on or about **June 23, 2020** via e-mail and posting on the Authority's website; however, the selection and final notice of award will be contingent on approval by the Authority's Board.

B. Cancellation of Selected Application. The selection of an application by the Authority may be cancelled at any time prior to the complete execution of a grant agreement. If the Authority cancels its selection of an application, the Authority may repost this or a similar NOFA and seek new applications. Reasons for canceling the selected application may include, but are not limited to, the following:

1. Refusal of the Authority's Legal Affairs Division to provide approval.
2. Refusal of duly authorized Authority signatory to execute the grant agreement and/or other grant requirements.

VII. Award Administration Information.

- A. Commencement of Activities.** Activities shall not commence until all grant requirements are completed, which must be found acceptable to the Authority's Director of Legal Affairs. The selected grantee shall not proceed with performance of the project work or incurring of project costs until all parties have signed the grant agreement and related documents to show acceptance of its terms and conditions.
- B. Performance Standards.** The selected grantee shall perform the tasks and activities and complete the objectives in accordance with, but not limited to, the following standards:
1. The Grantee agrees to provide the services incorporated into this NOFA, and further agrees to comply with both Authority- and HUD-policies and guidelines.
 2. The Grantee agrees to report activity and accomplishments using a HUD 9902 and upload information in MSHDA MATT 2.0, including Time and Activity Reports (TARs), and documents (e.g. invoices) in accordance with MSHDA/HUD requirements.
 3. The Grantee is required to enter itemized amounts and supporting expense documentation for each billing expense line.
 4. The Grantee agrees to incorporate any reporting changes the Authority may deem necessary throughout this NOFA.

VII. Contact Information.

- A. Authority Staff.** Authority staff may provide clarification on the contents of this NOFA. Questions regarding specific program requirements for this NOFA should be directed to the contact(s) listed below.
- B. Questions Regarding NOFA.** Questions raised by Applicants concerning the NOFA must be submitted in writing via email to the contacts listed in the Contact Information section. **Submit questions to: Tara Gilman, gilmant@michigan.gov**
- Address all questions regarding the NOFA to the Authority's Homeownership Division.
 - Questions must be received in writing via email by **4:00 p.m. Eastern Standard Time on May 7th.**

- Responses to properly submitted questions will be posted on or around **May 13th**.
- To ensure a fair and impartial process, the Authority's Homeownership Division will only address on time and properly submitted questions.
- Phone calls involving the NOFA or related questions will not be accepted.
- Organizations submitting applicants shall not contact any Board member or Authority staff.
- Submit questions using the subject line Housing Education NOFA.
- All questions and answers related to this NOFA will be supplied to Applicants that submitted questions, and/or to organizations providing the Homeownership Division with notification of intent to submit an application.

VIII. Other Information.

- A. Intentionally omitted.

IX. Exhibits.

Exhibit A – Application and Budget Form
Exhibit B – Organization Certification
Exhibit C – Project Personnel Certification.
Exhibit D – Agency Leveraged Funding Chart