

New Mexico Housing Trust Fund Rental Assistance Notice of Funding Availability (NOFA) and Application

Introduction and Background

The New Mexico Housing Trust Fund (NMHTF) was established in 2005 by the New Mexico Housing Trust Fund Act, which designates the New Mexico Mortgage Finance Authority as the administrator and trustee of the NMHTF (MFA). The purpose of the NMHTF is to provide flexible funding for housing initiatives in order to produce significant additional housing investment in the state.

A portion of NMHTF funds will be available under this NOFA to provide short-term rental assistance to eligible tenants of income-restricted properties monitored by MFA who are experiencing financial hardship caused by the COVID-19 pandemic.

Contact Person

Applicants are encouraged to direct questions regarding the New Mexico Housing Trust Fund Rental Assistance Notice of Funding Availability (NOFA) and application to:

Sabrina Su
New Mexico Mortgage Finance Authority
344 Fourth Street SW
Albuquerque, NM 87102
Phone: (505) 767-2249 or toll-free statewide (800) 444-6880
E-mail: ssu@housingnm.org
TTY/Voice: 711, or if no answer
1-800-659-8331 (English) OR 1-800-327-1857 (Spanish)

Application Submission and Due Date

In order to be considered for funding, completed applications must be received no later than 5:00 PM MDT on May 25, 2020 for the first round. Applications must be submitted electronically starting May 18, 2020 via a link that will be posted at http://housingnm.org/asset_management/new-mexico-housing-trust-fund-rental-assistance. All applicants may attend an online training session on application submission to be held on Monday, May 18, 2020 at 10:00 am MDT. Details regarding the online training session will be posted at http://housingnm.org/asset_management/new-mexico-housing-trust-fund-rental-assistance.

If funding is available after the first round, MFA may, in its sole discretion, make additional funding available either through future rounds and/or additional months of rental assistance depending on need as demonstrated by submitted applications and other factors as determined by MFA. Future round application deadlines, if any, will be announced through addendums to this NOFA.

Eligible Applicants

To be eligible to receive NMHTF rental assistance, an applicant must be an owner of an income-restricted property monitored by MFA, as Trustee or otherwise, and must:

- Be organized under state, local, or tribal laws and provide proof of such organization and that the applicant is in good standing, as applicable;

- Have a functioning accounting system that is operated in accordance with generally accepted accounting principles or have designated an entity that will maintain such an accounting system consistent with generally accepted accounting principles;
- Have (1) no significant financial audit findings, and (2) no significant outstanding or unresolved monitoring findings from any governmental entity, or from the MFA as Trustee or otherwise; or if it has any such findings, it has a certified letter from the governmental entity, MFA as Trustee or otherwise, stating that the findings are in the process of being resolved;
- Not have been suspended, debarred or otherwise restricted by MFA as Trustee or otherwise or any department or agency of the Federal Government or any State government from doing business with such department or agency because of misconduct or alleged misconduct;
- Have among its purposes significant activities related to providing housing or services to persons of low or moderate income;
- Not have defaulted on any obligation covered by a surety or performance bond;
- No mortgage on the property for which applicant is applying for rental assistance is currently in default, assigned to the United States government or foreclosed; and
- There has not been a suspension or termination of payments under any federal rental assistance contract in which the Applicant has had a legal or beneficial interest.

If the applicant is a nonprofit organization, or has a nonprofit member or partner as part of its ownership structure, the nonprofit organization must:

- Have a primary mission to provide housing or housing related services to persons of low or moderate income;
- Provide proof of its 501(c)(3) tax status;
- Provide proof that it is in compliance with the Charitable Solicitations Act NMSA 1978, §57-22-1, et seq. and with the filing requirements by the New Mexico Attorney General’s Office under that Act; and
- Have no part of its net earnings inuring to the benefit of any member, founder, contributor or individual.

Eligible Activities

Funds may be used to provide rental assistance, including rental arrears beginning April 1, 2020, but may not be used for utility expenses, late fees or other non-rent charges, or eviction fees (please see “Funding Availability, Terms and Conditions” below for additional details). Such rental assistance may only be provided for tenants who reside in income-restricted properties with regulatory agreements or land use restriction agreements in place that are monitored by MFA and who meet the below eligibility requirements.

Tenant Household Eligibility Requirements

To be eligible for rental assistance under this NOFA, tenant household incomes are limited to 80% of the area median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development for the Section 8 Program. Rental assistance may be provided to tenants who (1) are not currently receiving full rental assistance from another program, and (2) are experiencing a reduction in household income due to circumstances related to the COVID-19 pandemic, including:

- Job loss;
- Reduction in compensation;
- Closure of place of employment;

- Loss of clients/customers if self-employed;
- Obligation to be absent from work to care for home-bound school-aged child;
- Requirement to be quarantined based on a diagnosis of COVID-19;
- Requirement to self-quarantine based on a directive of the Governor, the advice of a healthcare provider, the advice or directive of a local or state public health authority or the directive of a law enforcement officer;
- Tenant’s belief that self-quarantine is in the best interest of public health and human safety due to an exposure or high-risk activity;
- Being over 65 or having any health condition that places tenant at enhanced risk for COVID-19; or
- Other pertinent circumstances.

Only tenants experiencing a reduction in household income will be eligible. For purposes of determining whether a reduction in income has occurred, enhanced unemployment benefits under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136, herein “CARES Act”) must be included in determinations of current household income; however, federal stimulus payments under the CARES Act must not be included in current income.

Tenants residing in any unit in an income-restricted property monitored by MFA are eligible for rental assistance, regardless of whether the unit is income-restricted, as long as the tenant meets the above requirements.

Affordability Period

During the month(s) for which a unit is receiving NMHTF rental assistance, the owner may not charge the household more than 30% of the household’s income.

Funding Availability, Terms and Conditions

All awards shall be subject to the availability of funds and applicable law. Up to \$3 million is available for the first round of funding. MFA may, in its sole discretion, make additional funding available depending on need as demonstrated by submitted applications and other factors as determined by MFA.

In the first round of funding, MFA will award no more than one month of rental assistance and will award only the amount of rental assistance that it determines is supported by documentation submitted in the application. If funds remain after the first round, MFA will notify all eligible applicants that a second round will be held, during which additional properties may apply. If funds remain after the second round, MFA will notify all awardees from the first and second rounds that they are eligible to submit recertifications for an additional month or more, depending on fund availability, of rental assistance. In addition, depending on fund availability, awardees from the first and second rounds may be eligible to submit updates to their original applications in order to receive rental assistance for additional units.

Following each round of funding, MFA may, in its sole discretion, amend the NOFA and notify all eligible applicants of the amendment.

There is no cap on the amount that one application can receive. However, MFA, in its sole discretion, may set limits on the amount of NMHTF funding to be awarded per unit and shall award no more per unit than the amount that is equal to the difference between 30% of tenant’s income, as determined by MFA, and tenant’s rent payment, which amount shall not include any allowance for late fees or other non-rent charges. If, following receipt of an award, a tenant of the awardee receives another form of

rental assistance for the same period, the awardee must notify MFA, and MFA may require that the awardee return the portion of the award that was applied to the tenant's rent.

Evaluation of Applications and Documentation

Applications will be evaluated and scored by MFA staff using the criteria listed below with final selection to be made by MFA pursuant to the delegations of authority adopted by the MFA Board of Directors on April 15, 2020. Staff may contact applicants for clarification of information provided. If funding requests exceed the amount of available funds, the applications will be funded from highest score to lowest until funds are no longer available. In the event of a tie score, staff will recommend approval based on the income level of families served (i.e. the lower the average AMI percentage, the higher the weight), financial need, and other factors as determined by staff. MFA shall enter into agreements with applicants selected for awards. The agreements shall include remedies and default provisions in the event of unsatisfactory performance by an awardee.

Threshold Criteria

To be considered for funding, an applicant must first demonstrate that it meets each of the following threshold criteria:

1. The applicant must meet the eligibility criteria described above under "Eligible Applicants;"
2. The applicant or the applicant's agent must sign the Omnibus Signature Page and Applicant Certification in Appendix B; and
3. The application must provide sufficient documentation of household income and loss of income due to COVID-19 for all tenants for whom rental assistance is being requested, and the applicant must certify that all tenants meet eligibility requirements, as described in Appendix A.

Applications that do not meet all threshold requirements will not receive further consideration for funding and will be returned to the applicant.

Scoring Criteria

Applicants meeting all threshold requirements will be scored based on the following:

1. Five points: Applicants certifying that they have halted and will not resume non-payment eviction actions, issuances of three-day notices for nonpayment of rent and terminations of month-to-month leases for the duration of, and consistent with the terms of, New Mexico Supreme Court Order No. 20-8500-007 staying the execution of writs of restitution issued for non-payment of rent and to the extent applicable, are in compliance with the temporary moratorium on evictions required by Title IV of the CARES Act.
2. Five points: Applicants certifying that they have maintained and will continue to maintain staffing, maintenance and services at the same level as those in 2019.
3. Two points: Applicants providing a narrative description of efforts that they have made to assist tenants, such as waiving late fees and other non-rent charges, notifying tenants that it will assist them with payment plans and notifying tenants of available benefits and services for which tenants can apply.

- Up to three additional points: Applicants providing documentation of these efforts, such as copies of notifications provided to tenants.
4. Up to five points: Applicants demonstrating financial need as follows:
- One point: total amount of monthly award/monthly budgeted property operating expenses and debt service = 20% or below
 - Two points: total amount of award/monthly budgeted property operating expenses and debt service = 21% to 40%
 - Three points: total amount of award/monthly budgeted property operating expenses and debt service = 41% to 60%
 - Four points: total amount of award/monthly budgeted property operating expenses and debt service = 61% to 80%
 - Five points: total amount of award/monthly budgeted property operating expenses and debt service = 80% or above

Application Format and Instructions to Applicants

All applications must include the items in the application checklist in Appendix A, as applicable, and must be submitted electronically starting May 18, 2020 via a link that will be posted at http://housingnm.org/asset_management/new-mexico-housing-trust-fund-rental-assistance. Applicants may attend an online training session on application submission to be held on Monday, May 18, 2020 at 10:00 am MDT. Details regarding the online training session will be posted at http://housingnm.org/asset_management/new-mexico-housing-trust-fund-rental-assistance.

Award Notice

MFA shall provide written notice of awards via e-mail to all awardees in June and July. The award shall be contingent upon signing a Rental Assistance Agreement. Upon receiving notice of an award, the awardee must notify all tenants awarded rental assistance of the amounts awarded and the months to which the assistance applies. Proof of such notice must be provided to MFA prior to execution of the Rental Assistance Agreement.

Applicants not receiving awards will also be notified via e-mail in June and July. Upon receiving such notice, the applicant must notify all tenants for whom rental assistance was requested of the outcome of the application.

Protest

Any applicant who is aggrieved in connection with this NOFA or the award of an agreement pursuant to this application process may protest to MFA. The protest must be written and addressed to the Contact Person. The protest must be delivered to MFA within fifteen (15) calendar days after the notice of award or decline. Upon the timely filing of a protest, the Contact Person shall give notice of the protest to all applicants who appear to have a reasonable prospect of being affected by the outcome of the protest. The applicants receiving notice may file responses to the protest within seven (7) calendar days of notice of protest. The protest and responses to the protest shall be reviewed by a committee appointed by the MFA Board Chair. In the discretion of the Board Chair, and pursuant to the Emergency Resolution adopted by MFA's Board of Directors on April 15, 2020, the committee shall either make a final determination, or shall make a recommendation to the MFA Board of Directors regarding the disposition of the protest. Applicants or their representatives shall not communicate with MFA Board of Directors or staff members regarding any proposal under consideration, except when specifically permitted to present testimony to

the committee appointed by the MFA Board Chair. A proposal will be deemed ineligible if the applicant or any person or entity acting on behalf of applicant attempts to influence members of the Board of Directors or staff during any portion of the review process, or does not follow the prescribed application and protest process.

Appendix A: NMHTF Rental Assistance Application Checklist

Appendix B: Omnibus Signature Page and Applicant Certification

Appendix C: Self-Certification of Income Loss Due to COVID-19

Appendix D: Applicant's Certification of Moratorium on Eviction-Related Actions

Appendix E: Applicant's Certification of Maintenance of Staffing, Property Maintenance and Services

Appendix F: Additional NOFA Provisions

Appendix A: NMHTF Rental Assistance Application Checklist

Applications are due May 25, 2020 at 5:00 pm MDT and must be submitted electronically starting May 18, 2020 via a link that will be posted at http://housingnm.org/asset_management/new-mexico-housing-trust-fund-rental-assistance. Applicants may attend an online training session on application submission to be held on May 18, 2020 at 10:00 am MDT. Details regarding the online training session will be posted at http://housingnm.org/asset_management/new-mexico-housing-trust-fund-rental-assistance.

Item #	Items required to meet threshold criteria
1	Omnibus Signature Page and Applicant Certification (Appendix B)
2	Audited financial statements for property's last fiscal year
3	Budget (annual or monthly) for property, showing operating expenses and debt service
4	Certificate of Good Standing or Certificate of Existence for ownership entity
5	<p><i>For nonprofit owners, including nonprofit members or partners of the ownership entity, only:</i></p> <ul style="list-style-type: none"> a. Proof of 501(c)3 status b. Proof of compliance with the Charitable Solicitations Act, NMSA 1978, §57-22-1 et seq. and the filing requirements of the New Mexico Attorney General's Office under that Act c. Certification that no part of its net earnings inure to the benefit of any member, founder, contributor or individual
6	Current rent roll for all units in property
7	Entry of tenant information for all tenants for whom rental assistance is being requested into online application system
8	<p>Tenant file for each tenant for whom rental assistance is being requested. Each tenant file must include the items below, including signatures of the head of household, all adults over the age of 18, and an authorized property management representative:</p> <ul style="list-style-type: none"> • Tenant self-certification of income loss due to COVID-19 (see Appendix C for sample); • Tenant Income Certification (TIC); • Income verification documents as described in http://housingnm.org/assets/content/Appendix_D_-_Exhibit_4-3_4-4.pdf, and affidavits/certifications as needed, samples of which can be found at http://housingnm.org/asset_management/lihtc-compliance-plan-appendix; • Asset verification documents such as those described in http://housingnm.org/assets/content/Appendix_D_-_Exhibit_4-3_4-4.pdf, and affidavits as needed, samples of which can be found at http://housingnm.org/asset_management/lihtc-compliance-plan-appendix; • Dwelling lease; <p>Important Note: Federal stimulus payments under the CARES Act must <u>not</u> be included in determinations of household income or assets when completing the Tenant Income</p>

	<p>Certification that determines if the household meets the NOFA’s 80% AMI or below requirement. When the U.S. Department of Housing and Urban Development (HUD) issues final guidance regarding the temporary federal enhancement to unemployment insurance provided by the CARES Act, which <u>will</u> affect the Tenant Income Certification, MFA will provide notification at http://housingnm.org/asset_management/new-mexico-housing-trust-fund-rental-assistance. No matter the determination of HUD, enhanced unemployment benefits under the CARES Act <u>must</u> be included in determinations of current household income for purposes of determining whether a reduction in income has occurred and thus the tenant self-certification of income loss due to COVID-19 can be signed, while federal stimulus payments under the CARES Act must <u>not</u> be included.</p>
	<p>Items required to meet scoring criteria</p>
9	<p>Applicant’s certification that it has halted and will not resume non-payment eviction actions, issuances of three-day notices for nonpayment of rent and terminations of month-to-month leases for the duration of, and consistent with the terms of, New Mexico Supreme Court Order No. 20-8500-007 staying execution of writs of restitution issued for non-payment of rent and to the extent applicable are in compliance with the temporary moratorium on evictions required by Title IV of the CARES Act. (Appendix D)</p>
10	<p>Applicant’s certification that it has maintained and will continue to maintain staffing, maintenance and services at the same level as those in 2019 (Appendix E)</p>
11	<p>a. Narrative description of efforts that applicant has made to assist tenants, such as waiving late fees and other non-rent charges, notifying tenants that it will assist them with payment plans and notifying tenants of available benefits and services for which tenants can apply</p> <p>b. Documentation of these efforts, such as copies of notifications sent to tenants</p>

**Appendix B: NMHTF RENTAL ASSISTANCE OMNIBUS SIGNATURE PAGE
and APPLICANT CERTIFICATION**

_____ (“Applicant” as that term is further defined below) is submitting an application (“Application”) to the New Mexico Mortgage Finance Authority as Trustee (“MFA”) for the New Mexico Housing Trust Fund (NMHTF) Rental Assistance program pursuant to the New Mexico Housing Trust Fund Notice of Funding Availability and Application (the “NOFA”). In conjunction with this Application, Applicant herewith certifies that:

1. Applicant understands and agrees that it is executing this NMHTF Rental Assistance Omnibus Signature Page & Application Certification (the “Certification”) as part of its Application, that MFA is entitled to rely on Applicant’s representations and certifications contained herein in conjunction with the Application, and that any misrepresentation by Applicant contained in this Certification or in any part of the Application may be cause for MFA, in MFA’s sole discretion, to reject the Application, to revoke or rescind any reservation or award of NMHTF funds to Applicant that may have been made pursuant to the NMHTF NOFA.
2. Applicant understands and agrees that the signature(s) below of its authorized representative(s) constitute an “omnibus” signature that is applicable to every document, certification, and assurance that must be executed or submitted in connection with its Application. By signing this Certification, Applicant hereby acknowledges that it has read the NOFA and all forms required to be submitted with its Application and hereby certifies that its signature(s) on this Certification shall apply with equal force to each and every document, certification, schedule, or other assurance that is or must be made by Applicant in conjunction with its Application.
3. Applicant will abide by all applicable Federal and State of New Mexico laws and all applicable statutory, regulatory, and judicially created rules and guidelines.
4. All information contained in Applicant’s Application submitted of even date herewith is accurate and complete and contains no misstatements of fact.
5. Applicant certifies that:
 - (a) it is organized under state, local, or tribal laws and is in good standing, as applicable;
 - (b) it has a functioning accounting system that is operated in accordance with generally accepted accounting principles or has designated an entity that will maintain such an accounting system consistent with generally accepted accounting principles;
 - (c) it has (i) no significant financial audit findings, and (ii) no significant outstanding or unresolved monitoring findings from any governmental entity, or from the MFA as Trustee or otherwise; or if it has any such findings, it has a certified letter from the governmental entity, MFA as Trustee or otherwise, stating that the findings are in the process of being resolved;
 - (d) it has not been suspended, debarred or otherwise restricted by MFA, as Trustee or otherwise, or any department or agency of the Federal Government or any State government from doing business with such department or agency because of misconduct or alleged misconduct, nor is it delinquent on any debt or non-tax judgment lien;
 - (e) it has among its purposes significant activities related to providing housing or services to persons of low or moderate income;
 - (f) it has not defaulted on any obligation covered by a surety or performance bond;

- (g) no mortgage on a project listed on such certificate is currently in default, assigned to the United States government or foreclosed;
 - (h) there has not been a suspension or termination of payments under any federal rental assistance contract in which the Applicant has had a legal or beneficial interest;
 - (i) if it is a non-profit organization,
 - 1) it has as a primary mission to provide housing or housing related services to persons of low or moderate income;
 - 2) it has 501(c)(3) tax status;
 - 3) it is in compliance with the Charitable Solicitations Act NMSA 1978, §57-22-1, et seq. and with the filing requirements by the New Mexico Attorney General's Office under that Act; and
 - 4) no part of its net earnings inure to the benefit of any member, founder, contributor or individual.
6. Applicant hereby certifies and affirms, as a condition to Applicant's Application, that Applicant has not directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with its Application.
7. No political contribution or gift valued in excess of \$250.00 (singularly or in the aggregate) has been made by Applicant or on Applicant's behalf to any elected official of the State of New Mexico who is currently serving, or who has served, on the MFA Board of Directors in the past three (3) years.
8. Except to the extent Applicant operates a property which is monitored by MFA, Applicant has no current or proposed business transaction with MFA or any of its officers or employees, that would constitute a conflict of interest, nor is Applicant aware of any other facts or circumstances that may give rise to a claim of conflict of interest. Further, Applicant certifies that it has no interest, direct or indirect, that would conflict in any manner or degree with the rental assistance it requests in its Application. For purposes of this Certification MFA acknowledges Applicant's interest in receiving rental payments and does not consider the same a conflict of interest.
9. Applicant shall, at all times, conduct itself in a manner consistent with the MFA Code of Conduct. A copy of the MFA Code of Conduct is posted on the MFA website for review at <http://www.housingnm.org/rfp>. Upon request by MFA, Applicant shall disclose information MFA may reasonably request relating to conflicts or potential conflicts of interest.
10. Applicant is an Equal Opportunity Employer and complies fully with all government regulations regarding nondiscriminatory employment practices. Further, Applicant understands that MFA will monitor its performance under and compliance with terms contained in any agreement(s) resulting from its Application and in accordance with the NOFA. Applicant further understands and represents that any agreement it enters into with MFA will be binding in all respects.
11. Applicant will comply with all applicable Federal statutory and regulatory requirements including, without limitation: Title VIII of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, the Equal Credit Opportunity Act, the Age Discrimination Act of 1975, Executive Order 12898, the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

12. Applicant has not been found by the United States Equal Employment Opportunity Commission, the Department of Housing and Urban Development, the New Mexico Human Rights Commission, or a court of law to be in noncompliance with any applicable civil rights laws.
13. Applicant is eligible to participate in any and all federal- or state-funded housing programs, is not currently facing disciplinary action by any federal, state or local entity, is not suspended, debarred or excluded from participation in any federal- or state-funded housing program, and is not listed as an excluded party(ies) on the System for Award Management's list of excluded parties accessed at www.sam.gov.
14. Applicant agrees that, if it plans to utilize additional financing from other local, state or federal agencies, MFA and those agencies may share applications, forms, information, and related details with each other concerning the Application.
15. Applicant consents to MFA obtaining information from other local, state and federal agencies regarding its performance and compliance with respect to other housing projects that it has developed, owned, or managed and which have received local, state or federal subsidy.
16. The information provided, under penalty of perjury, is true and correct to the best of Applicant's information, knowledge, and belief. Further, as witnessed by the signature(s) below, Applicant certifies that the signor(s) have authority and are competent to legally bind the Applicant to the certifications and assurances made herein. Applicant further understands that the terms "Applicant" in this Certification means the Owner of the property for which rental assistance is sought and includes all individuals, joint ventures, partnerships, corporations, trusts, nonprofit organizations and any other public or private entity that have an ownership interest in Owner, but excludes investors (i.e. limited partners or investor members) for properties with Low Income Housing Tax Credits.

On behalf of Applicant, the person(s) below so certify:

Date: _____

Date: _____

By: _____

By: _____

Name:
Title:

Name:
Title:

[ACKNOWLEDGMENT(S) APPEAR ON THE NEXT PAGE(S)]

ACKNOWLEDGMENTS:

STATE OF)
) ss.
COUNTY OF)

The foregoing instrument was duly acknowledged before me on _____, 20__ by
_____ as _____, of _____.

Notary Public

My commission expires: _____

STATE OF)
) ss.
COUNTY OF)

The foregoing instrument was duly acknowledged before me on _____, 20__ by
_____ as _____, of _____.

Notary Public

My commission expires: _____

Appendix C: Self-Certification of Income Loss Due to COVID-19

Date: _____
Recipient Name: _____
Address: _____
Street City, State Zip Code _____
Phone Number: _____ E-Mail Address: _____

I, _____, hereby certify that my household does not currently receive full rental assistance from another program, and is experiencing a reduction in income due to circumstances related to the COVID-19 pandemic¹, including:

- Job loss;
- Reduction in compensation;
- Closure of place of employment;
- Loss of clients/customers if self-employed;
- Obligation to be absent from work to care for home-bound school-aged child;
- Requirement to be quarantined based on a diagnosis of COVID-19;
- Requirement to self-quarantine based on a directive of the Governor, the advice of a healthcare provider, the advice or directive of a local or state public health authority or the directive of a law enforcement officer;
- Tenant’s belief that self-quarantine is in the best interest of public health and human safety due to an exposure or high-risk activity;
- Being over 65 or having any health condition that places tenant at enhanced risk for COVID-19; or
- Other pertinent circumstances.

Ongoing rental assistance is needed for my household and no additional funding sources are available. The undersigned further understand(s) that providing false representations herein constitutes an act of fraud. False, misleading or incomplete information may result in the termination of housing assistance.

Signature of recipient

Date

Signature of other adult household member

Date

Signature of other adult household member

Date

¹ Enhanced unemployment benefits under the CARES Act must be included in determinations of current household income for purposes of determining whether a reduction in income has occurred and thus the tenant self-certification of income loss due to COVID-19 can be signed, while federal stimulus payments under the CARES Act must not be included.

Appendix D: Applicant’s Certification of Moratorium on Eviction-Related Actions

The undersigned hereby certifies that _____ (Applicant) has halted and will not resume non-payment eviction actions, issuances of three-day notices for nonpayment of rent and terminations of month-to-month leases for the duration of, and consistent with the terms of, New Mexico Supreme Court Order No. 20-8500-007 staying the execution of writs of restitution issued for non-payment of rent and to the extent applicable, are in compliance with the temporary moratorium on evictions required by Title IV of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-36, herein “CARES Act”).

On behalf of Applicant, the person(s) below so certify:

Date: _____

Date: _____

By: _____

By: _____

Name:

Name:

Title:

Title:

Appendix E: Applicant’s Certification of Maintenance of Staffing, Property Maintenance and Services

The undersigned herewith certifies that _____ (Applicant) has maintained and will continue to maintain staffing, property maintenance and services for _____ (property) at the same level as those in 2019.

On behalf of Applicant, the person(s) below so certify:

Date: _____

Date: _____

By: _____

By: _____

Name:

Name:

Title:

Title:

Appendix F: Additional NOFA Provisions

Use of Electronic Versions of this NOFA

This NOFA is being made available by electronic means. If accepted by such means, the applicant acknowledges and accepts full responsibility to ensure that no changes are made to the NOFA. In the event of conflict between a version of the NOFA in the applicant's possession and the version maintained by MFA, the version maintained by MFA shall govern.

Funding Limits and Restrictions

MFA's decision as to whether New Mexico Housing Trust Fund Assistance may be awarded subject to applicable law shall be accepted by any applicant and shall be final.

Incurred Expenses

MFA shall not be responsible for any expenses incurred by an applicant in applying for NMHTF funding. All costs incurred by an applicant in the preparation, transmittal or presentation of any application or material submitted in response to this NOFA will be borne solely by the applicant.

Application Confidentiality

Prior to the application deadline, MFA encourages inquiries and contacts with its Contact Person from potential applicants regarding the NOFA or sound housing project policies and procedures. The MFA shall not disclose any information regarding a proposed application provided during such inquiries and contacts to any third party. After the application deadline and until awards are made and notice given to all applicants, the MFA will not disclose the contents of any application or discuss the contents of any proposal with an applicant or potential applicant, so as to make the contents of any offer available to competing or potential applicants. After awards have been made and notice given to all applicants, all applications shall be available and open to the public for review, pursuant to MFA's Policies and Procedures and provided that tenant Personable Identifiable Information shall first be redacted

Irregularities in Applications

MFA, in its sole discretion, may waive technical irregularities in the form of proposal of any applicant selected for award, provided, however that the date and time of application submission as indicated herein under "Application Submission and Due Date" cannot be waived under any circumstances.

Responsibility of Applicants

If an applicant who otherwise would have been awarded funds is found not to be a responsible applicant, a determination, setting forth the basis of the finding, shall be prepared and the applicant disqualified from receiving the award.

A responsible applicant means an applicant who submits an application that conforms in all material respects to the requirements of this NOFA and the NMHTF application and who has furnished, when required, information and data to support applicant's application, as shall be determined by MFA in its sole discretion, and to otherwise prove applicant's ability to make satisfactory delivery of the rental assistance described in this NOFA.

Code of Conduct

Applicant shall warrant that except to the extent applicant operates a property which is monitored by MFA it has no current or proposed business transaction with MFA or any of its Board members or employees, nor is aware of any other potential conflict which may give rise to a claim of conflict of interest. For purposes of this NOFA MFA acknowledges applicant's interest in receiving rental payments and does not consider the same a conflict of interest. Any violation of this provision, as determined by MFA, will render the agreement void, unless it is approved by the Board of Directors after full disclosure.

Applicant shall warrant that it has no interest, direct or indirect, which would conflict in any manner or degree with the performance of services related to this application. Applicant shall at all times conduct itself in a manner consistent with the MFA Code of Conduct. A copy of the MFA Code of Conduct is posted on the MFA website for review at <http://www.housingnm.org/rfp>. Upon request by MFA, Applicant shall disclose information the MFA may reasonably request relating to conflicts or potential conflicts of interest