

**Request for Proposals
Affordable Housing Administrative Agent**



Town of Westfield, Union County, New Jersey

**Issue Date: September 20, 2016
Submission Deadline: October 21, 2016 by 4:30pm prevailing time**

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Request for Proposals: Affordable Housing Administrative Agent

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The Town of Westfield, New Jersey, is accepting proposals for an Affordable Housing Administrative Agent in compliance with the Rules on Affordable Housing promulgated by the Council on Affordable Housing (COAH) of the State of New Jersey and as defined and set forth in the Uniform Housing Affordability Controls (UHAC) adopted by the New Jersey Housing and Mortgage Finance Agency (HMFA), N.J.A.C. 5:80-26.1 et seq. The administrative agent selected must be COAH approved and enter into a contract with the Town of Westfield.

A. AGENCY AND ENFORCEMENT DELEGATION

The Consultant will act primarily as the affordable housing Administrative Agent for the Town of Westfield; and the Town of Westfield will delegate to the Consultant primary responsibility for enforcing substantive provisions of the Fair Housing Act and the Uniform Housing Affordability Control (UHAC) regulations (N.J.A.C. 5:80-26.1 et seq.). The Town of Westfield will retain the ultimate responsibility for ensuring effective compliance with the UHAC regulations and the Consultant will come under the supervision of the Town of Westfield's Municipal Housing Liaison.

B. TERMINATION AND RENEWAL

The term for the scope of services is from the **date of appointment through December 31, 2016, and then from January 1 through December 31 in subsequent years.** The Agreement may be terminated by either party, by giving 60 calendar days advanced written notice to the other, to the address and in the form as set forth below, provided however, that no such termination may take effect unless and until an alternate Administrative Agent has been selected by the Town of Westfield and approved by all required governmental authorities.

C. ASSIGNMENT OF AFFORDABLE HOUSING UNITS

For the term of the Agreement, and without exception, the Agreement entered into between the Consultant and the Town of Westfield will govern the provision of affordability control services for the existing affordable housing units located within the Town of Westfield. These affordable housing units and any additional units during the term of this Agreement will be the responsibility of the Consultant acting as the Administrative Agent.

D. SCOPE OF WORK

I. Responsibilities of the Consultant

The Consultant will be responsible to perform the duties and responsibilities of an Administrative Agent as are set forth in the UHAC regulations, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, and in the Town of Westfield Land Use Ordinance §23.09B, as well as additional responsibilities regarding the provision of affordable housing in the Town. The Consultant's specific responsibilities include the following:

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1. Affirmative Marketing

- (a) Assist the Town with the development of an Affirmative Marketing Plan and implement that plan relative to specific projects that contain affordable housing units;
- (b) Conduct an outreach process to ensure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Westfield and the provisions of N.J.A.C. 5:80-26.15;
- (c) Attend continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH or the State of New Jersey, at their own expense;
- (d) Maintain a waiting list of all eligible candidates in accordance with the provisions of N.J.A.C. 5:80-26 and using a random selection process to select occupants of low and moderate income housing;
- (e) Send annual letters to persons on the waiting list for affordable housing to identify any change in household status and verify their continued interest in affordable housing;
- (f) Provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

2. Household Certification

- (a) Solicit, schedule, conduct and follow up on interviews with interested households;
- (b) Conduct interviews and obtain sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low or moderate income unit;
- (c) Provide written notification to each applicant as to the determination of eligibility or non-eligibility;
- (d) Require that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq;
- (e) Create and maintain a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (f) Employ a random selection process as provided in Westfield's Affirmative Marketing Plan when referring households for certification to affordable units.

3. Affordability Controls

- (a) Furnish to attorneys or closing agents form of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

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- (b) Create and maintain a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensure that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Ensure the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
4. Resale and Rental
- (a) Institute and maintain an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - (b) Institute and maintain an effective means of communicating information to low and moderate income households regarding the availability of restricted units for resale or re-rental.
5. Processing Requests from Unit Owners
- (a) Review and approve requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Review and approve requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems;
 - (c) Notify the Town of Westfield of an owner's intent to sell a restricted unit; and
 - (d) Process requests and make determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement
- (a) Secure annually from the Town of Westfield lists of affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Secure from developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgment of the requirement that no restricted unit can be offered or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) Post annually in rental properties, including two family homes, a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;

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- (d) Send annual mailings to owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C 5:80-26.18(D)4;
- (e) Establish a program for diverting unlawful rent payments to the Town of Westfield's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
- (f) Create and publish a written operating manual, as approved by DCA, setting forth procedures for administering such affordability controls; and
- (g) Provide annual reports to the Town of Westfield, as required, so the Town of Westfield may comply with the monitoring requirements of DCA.

7. Other Duties

- (a) The Consultant will have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (b) Attend meetings with the Westfield Code Review and Town Property Committee on a biannual basis.
- (c) Records received, retained, retrieved, or transmitted under the terms of the contract may constitute public records of the Town of Westfield as defined by NJSA 47:3-16, and are the legal property of the Town of Westfield. The Consultant named must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules. Such records include but are not limited to and may be amended by the State from time to time as warranted:
 - (i) Affordable Housing Project File
 - (ii) Affordable Housing Project File – Approved
 - (iii) Affordable Housing Project File – Denied/Withdrawn
 - (iv) Affordable Housing Project File – Referral List
 - (v) Affordable Housing Application File – Individual
 - (vi) Affordable Housing Application File – Certification Approved
 - (vii) Affordable Housing Application File – Certificate Denied/Expired
 - (viii) Affordable Housing Unit File
 - (ix) Affordable Housing Unit File – Mailing of Notification of Responsibilities
 - (x) Affordable Housing Unit Inventory
 - (xi) Enforcement File – Projects and Units
 - (xii) Monitoring Reports – Annual Submission
 - (xiii) Operations Manual

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II. Responsibilities of the Town of Westfield

The Town of Westfield shall:

1. Provide to the Consultant the name, title and telephone number of the municipal official designated as the Municipal Housing Liaison;
2. Monitor the status of all restricted units in the Town of Westfield's Fair Share Plan;
3. Compile, verify and submit annual reports as required by COAH;
4. Coordinate meetings with affordable housing providers and the Consultant, as applicable;
5. Develop and distribute an Affirmative Marketing Plan, with the assistance of the Consultant;
6. Ensure that all restricted units are identified as affordable within the tax assessor's office. The Town of Westfield shall promptly notify the Consultant of a change in billing address, payment delinquency of two billing cycles, transfer of title or institution of a writ of foreclosure on all affordable units; and
7. Provide all reasonable and necessary assistance to the Consultant in support of efforts to enforce provisions of the Fair Housing Act, COAH regulations, deed covenants, mortgages, court decisions or other authorities governing the affordability control services.

E. SELECTION CRITERIA

1. Documentation which demonstrates that the Consultant's purposes include the provision of housing services and housing counseling and the promotion of the principles underlying the Federal Fair Housing laws and that the Consultant has knowledge of and familiarity with the New Jersey Fair Housing Act, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.) and its implementing rules;
2. Experience and reputation in the field of affordable housing administration;
3. Education and or special accreditations in the field of affordable housing administration;
4. Availability of sufficient personnel and other resources to provide the services required;
5. Ability to attend Town of Westfield meetings;
6. Familiarity with the Town of Westfield and its affordable housing portfolio;
7. Compensation proposal; and

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8. Other factors which may be in the best interest of the Town of Westfield and that the municipality deems necessary for evaluation of proposals and award of a contract.

F. SUBMISSION DEADLINE

All proposals shall be contained in a sealed envelope clearly marked "Affordable Housing Administrative Agent." **All proposals are due on or before 4:30p.m. prevailing time on October 21, 2016.** Five paper copies, and one digital copy of the proposal are to be delivered to:

Donald B. Sammet, PP/AICP, Town Planner
Town of Westfield
959 North Avenue West
Westfield, NJ 07090
E-mail: planner@westfieldnj.gov

Questions may be directed to Mr. Sammet at the above email address.

Issuance of this RFP does not commit the Town of Westfield to award a contract, to pay any costs incurred in preparation of a response to this request, or to procure or contract any services or supplies. The Town reserves the right to reject any and all proposals, and to re-solicit.

As an equal opportunity/affirmative action employer, the Town prohibits discrimination on the basis of race, creed, color, sex, age, religion, sexual orientation, marital status, disability, or national origin. Minority and women's business enterprises will be afforded full consideration and are encouraged to respond.

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