

# Request for Proposal

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## **Project**

2021 Statewide Analysis of Impediments

## **Geographic Scope of Project**

State of Idaho

## **Date of Request**

December 16, 2020

## **Clients**

Idaho Housing and Finance Association (IHFA)

Idaho Department of Commerce (IDC)

## **Primary Contact**

Genevieve Hix

Idaho Housing and Finance Association

GenevieveH@ihfa.org

## **Proposal Submission Deadline**

A .pdf version of proposal with links to supporting documents must be received no later than 4pm (MST) January 29, 2021 by IHFA. Proposals will only be accepted electronically. Interested applicants may contact Genevieve Hix, Idaho Housing and Finance Association, 565 West Myrtle Street, Boise, ID 83702 to request access to the portal system for electronic submission.

## **Equal Opportunity**

IHFA and IDC are equal opportunity affirmative action contractors. Each proposal will receive consideration without regard to race, color, religion, disability, ancestry, age, sex or national origin. Qualified women- and minority-owned businesses are encouraged to submit proposals. Alternate formats of this document are available on request.

## **Abstract**

Section 109 of Title 1 of the Housing and Community Development Act of 1974 requires that the US Department of Housing and Urban Development (HUD) administer its programs in a manner to affirmatively further fair housing. The regulations of the Community Development Block Grant (CDBG) and HOME programs require grantees to certify that they will affirmatively further fair housing.

The Idaho Housing and Finance Association (IHFA) and Idaho Department of Commerce (IDC) share responsibility for overseeing Idaho's statewide *Analysis of Impediments to Fair Housing* (AI).

With some exceptions, IHFA and IDC primarily focus on 'non-entitlement' areas of the state (i.e., smaller communities and unincorporated county areas). Idaho has nine 'entitlement' communities that receive (at a minimum) direct Community Development Block Grants (CDBG) allocations. These include Coeur d'Alene, Lewiston, Nampa, Caldwell, Meridian, Boise, Pocatello, Twin Falls and Idaho Falls. Communities with current or pending entitlement status are responsible for administering a local AI process with a level of detail appropriate to the geographic area and are not included in this effort.

In each case, an AI should reflect federal, state and local fair housing laws, including but not limited to laws barring housing-related discrimination on the basis of race, color, national origin, religion, gender, familial status, and disability.

On completion, vendor will provide a presentation of findings and recommendations.

**Coordination.** We hope to achieve a consistent methodology, data types and formats, and overall strategies to affirmatively further fair housing across Idaho. Where practical, this may involve reviewing AI processes and pursuing strategies that support consistency and added value for all jurisdictions. Collectively, we seek a consultant to:

1. Develop a current analysis of impediments to fair housing and strategies to address those impediments in each of Idaho's 44 counties, with a level of detail appropriate to the county level.
2. Identify impediments unique to urban and rural settings.
3. Recommend specific action items to overcome impediments.

## Section I: Client Responsibilities and Description

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IHFA and IDC are responsible for specific funding jurisdictions under the Department of Housing and Urban Development's (HUD's) Community Development Block Grant (CDBG) Program, Home Investment Partnership Program (HOME), National Housing Trust Fund (HTF), and the Emergency Solutions Grant (ESG). As a condition of these federal grants, these jurisdictions are required to certify to HUD that they will affirmatively further fair housing, and that relevant certifications are included in their annual Action Plan submissions. One way of affirmatively furthering fair housing is to prepare an Analysis of Impediments (AI) to Fair Housing Choice and to maintain records on actions taken to overcome impediments to fair housing choice.

### **Client Information**

Principal clients for the purposes of this RFP include IDC and IHFA. Each has an interest in affirmatively furthering fair housing. While the IDC is a unit of state government, IHFA is a uniquely created, independent body corporate and politic. Although IHFA administers federal funds on behalf of the state of Idaho, it is neither a unit of state government nor receives state funds. IHFA and IDC are referenced as (the) Grantees in this document, while subgrantees and project sponsors refer to local recipients of HUD funds administered by IHFA and Commerce. The 'State of Idaho' refers to the Executive and Legislative branches of state government (responsible for proposing, passing and funding laws) or in some cases, the geographic boundaries of the state—also known as the non-entitlement jurisdiction—served by IHFA and Commerce. For purposes of this RFP, IHFA will serve as initial lead contact for all applicants, and will coordinate RFP review and selection with IDC. IHFA will also work closely with the successful applicant to coordinate the AI process.

*Limitations.* Neither IHFA nor IDC is able to influence or enact legislation; such recommendations shall be limited to state government and differentiated from Client responsibilities.

### **Client Responsibilities for Administering HUD Funding**

IHFA and IDC jointly coordinate planning and reporting activities associated with federal funding allocated by the U.S. Department of Housing and Urban Development (HUD) within the state of Idaho (excluding federal funding allocated directly to entitlement communities). These include the *State of Idaho Five-Year Strategic Plan for Housing and Community Development* (aka the Consolidated Plan); the *State of Idaho Annual Action Plan*; and the *State of Idaho Annual Performance Report*.

In addition, both IHFA and IDC contribute to statewide efforts to affirmatively further fair housing and accessibility in Idaho through education and outreach activities. These efforts aim to reduce unintentional violations in the areas of lending, rental and real estate transactions, and the design and construction of housing and places of public accommodation. To further these efforts, IHFA and IDC support training opportunities to those involved in housing and community development, and require subgrantees to affirmatively further fair housing in their covered activities. IHFA, for example, is currently administering a Fair Housing Innovative Partnership-

Education Outreach Initiative (FHIP\_EOI) grant through June 30, 2020 with in-kind and direct support from IDC and other stakeholders.

### **Client Partners and Networks**

In pursuit of housing solutions, IHFA and IDC maintain cooperative partnerships throughout the housing and community development universe. These include lenders, investment bankers, REALTORS®, building contractors, building officials, developers and property management professionals, as well as planning and zoning professionals, elected officials and educators. In addition, we work closely with nonprofit housing groups, consumer advocates, and government representatives at the local, state and federal levels.

Examples of existing stakeholder networks include the following: The Idaho Fair Housing Forum ([www.fairhousingforum.org](http://www.fairhousingforum.org)), Idaho Homelessness Coordinating Committee (IHCC), IHFA's [Regional Housing Roundtable](#), the Idaho Community Review process, and the Idaho Rural Partnership ([www.irp.idaho.gov](http://www.irp.idaho.gov)), American Planning Association-Idaho Chapter (<https://idahoapa.org/>), Idaho Access Project ([www.idahoaccessproject.org](http://www.idahoaccessproject.org)) Northwest Community Development Institute ([www.nwcdi.com](http://www.nwcdi.com)), Idaho Affordable Housing Management Association (<https://www.idahoahma.org/>), Southwest Idaho Chapter of the National Association of Residential Property Managers (<https://swidaho.narpm.org/about/>), and the Idaho Chapter of the National Association of Housing and Redevelopment Officials. IDC networks also include Regional Planning Districts and Certified Grant Administrators.

## Section II: Requirements

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The 2017 Idaho Analysis of Impediments/Assessment of Fair Housing was recognized by HUD as an example of a comprehensive strategy for a rural statewide process, although Assessment of Fair Housing (AFH) requirements, per 24 CFR 5.154, do not apply to states. The 2017 AI/AFH can be viewed at <https://www.idahohousing.com/documents/idaho-assessment-of-fair-housing-final-report.pdf>

The AI shall be prepared in accordance with HUD's Fair Housing Planning Guide, Volume 1, which can be found online at <http://www.hud.gov/offices/fheo/images/fhpg.pdf>, and shall reflect current case law and proposed changes in federal regulations as appropriate. Key elements of the AI are as follows:

### **Define Jurisdiction Background Data**

1. Demographic and household income/poverty data, including Racial and Ethnically Concentrated Areas of Poverty (R/ECAPs), disability and Limited English Proficient (LEP) populations.
2. Employment and housing data
3. Geographic distribution of Section 8 Housing Choice Vouchers, and subsidized and tax credit rental sites by County for the Statewide AI (and by Census tract for entitlement communities as needed)
4. Maps—when appropriate, maps should be used to illustrate background data; particularly as they relate to racial/ethnic integration and housing costs/availability/affordability (mapping option should be included as a separate line item cost)

### **Evaluate Current Fair Housing Legal Status**

1. Findings resulting from fair housing complaints and lawsuits
2. Indicators for trends or patterns
3. Discussion of other fair housing concerns or problems

### **Identify Impediments to Fair Housing Choice**

1. Public Sector
  - a. Presence or absence of public policies and actions affecting approval of sites and other building requirements used in the approval process for the construction of housing
    - i. Zoning laws and policies, exclusionary zoning
    - ii. Land use policies, impact fees
    - iii. Planning and zoning boards – structure and decision-making trends

b. Presence or absence of administrative policies that may affect the location of affordable housing opportunities (i.e., outside areas of minority concentration as defined by jurisdiction, disparate impact on one or more protected classes, etc.), including:

- i. Displacement
- ii. Neighborhood revitalization
- iii. Municipal services
- iv. Sale/demolition of subsidized housing
- v. Property tax policies
- vi. Construction of affordable housing programs
- vii. Housing rehabilitation loan/grant programs

c. Barriers to full access to housing services provided by IHFA, IDC and their subgrantees.

d. Public Housing and other assisted/insured housing provider tenant selection procedures; housing choices for voucher holders

e. Availability of affordable housing services

## 2. Private Sector

a. Sale or rental of housing

- i. Real estate practices, such as steering or blockbusting – broken out by race and ethnic group
- ii. Deed restrictions, trust, or lease provisions
- iii. Conversion of apartments to all-adult/senior status
- iv. Property management firms “occupancy quotas”
- v. Exclusionary advertisements and questionable application forms/procedures

b. Change in housing availability, affordability and access from 2017 to 2020 by county

- i. Net gain/loss of rental units affordable to households with incomes under \$41,600
- ii. Conversion of owner-occupied units to investment property
- iii. Change in local vs out-of-state ownership of housing stock
- iv. Percentage of residential units considered short-term rentals/vacation properties and impacts on local housing choices for local residents and workforce.
- v. Percentage of accessible/visitable single-family residential units

c. Provision of housing brokerage services

- i. Exclusion of minority brokers from participation in multiple listing service or professional associations
- ii. Assignment of brokers by areas of racial/ethnic composition of County (or Census tracts for entitlement communities)
- iii. Restrictions in use of privileges, services, or facilities by all brokers

- d. Provision of financing assistance for housing, including second mortgage/refinancing lending
  - i. Discriminatory lending patterns, practices, and disclosures
  - ii. Discriminatory appraisal and underwriting practices
  - iii. Disinvestments and redlining practices
  - iv. Racial credit steering
  - v. Predatory lending
  - vi. Discrimination in property insurance risk assessment and underwriting

### **Identify and Assess Public and Private Fair Housing Activities**

#### 1. Fair Housing Enforcement

- a. Identify stakeholders involved in fair housing enforcement
- b. Roles/responsibilities/limitations and quantifiable accomplishments compared to prior studies

#### 2. Fair Housing Education

- a. Identify stakeholders involved in fair housing education or fair housing advocacy
- b. Describe stakeholder activities and accomplishments compared to prior studies
- c. Identify gaps in fair housing education and outreach

### **Conclusions and Recommendations**

Each of these elements is to be summarized, with findings and recommendations for the Consolidated Plan for the State of Idaho to eliminate or reduce housing impediments and improve access to fair housing and housing choice. Recommendations shall be consistent with Clients' mission and limited scope of authority.

Recommendations should reflect economic and social impacts of supporting affordable housing choices, including productivity, childhood development, health outcomes and access to essential community assets for individuals, as well as impacts to the local tax base from foregone spending linked to housing cost burden or displacement. (example: <https://www.shiftresearchlab.org/projects/housings-impact-on-local-government-finance-copy-2>)

### **Strategies to Overcome Barriers to Fair Housing Choice**

Compare conclusions and recommendations of this Impediment Study with prior jurisdictional studies and already implemented strategies to address fair housing. Based on these comparisons, develop short- and long-term statewide strategies to improve fair housing and housing choice. These strategies may act as an Implementation Plan for jurisdictions, subject to local approval.

### **Geographic Regions for Identifying Impediments**

Impediments will be identified within each of Idaho's 44 counties, which may be grouped into Idaho's seven major Regions (Ada, Panhandle, North Central, Southwest, South Central, Southeastern, and Eastern).

## Section III: Proposal Specifications, Submission and Review

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### Specifications

The selected contractor must be able to research and submit a completed AI study to the satisfaction of the clients within six months of date contract awarded, or as otherwise agreed to by all parties.

**Submission length and deadline.** Proposals shall not exceed ten pages (excluding key personnel bios), and shall include links to online work samples. Completed proposals should be submitted electronically no later than 4pm (MST) January 29, 2021.

**Questions.** Vendor questions must be submitted by email to [GenevieveH@ihfa.org](mailto:GenevieveH@ihfa.org) no later than January 15, 2021. After Client partner review, responses will be available on or before January 22, 2021 at: <http://www.ihfa.org/ihfa/grant-programs/plans-and-reports.aspx>.

**Statewide AI.** Proposals addressing the state-level AI for IHFA and IDC should address the above Client needs and project descriptions and include the following:

- ❑ Vendor information, including company size and capacity; key personnel and areas of expertise; major relevant projects completed in both the past 5 years and/or in Idaho or adjacent rural/western states; and links to at least three representative samples of projects similar in size and scope to the proposed Idaho Housing Needs Assessment. Please limit key personnel bios to one page each.
- ❑ Relevant references from recent clients at the state, regional or national level.
- ❑ Bid for services, including line item costs for travel, data collection, mapping, project coordination, design and production, and any and all anticipated costs up to and including submission of the final product. To include a one-day preliminary scoping meeting subsequent to contract signing, and up to seven regional forums during public comment period in early 2021.
- ❑ Projected project timeline, outline of steps to completion and proposed payment schedule.
- ❑ Projected need for Client involvement and support in each stage of project development and production (milestones to clarify project direction and seek course corrections).
- ❑ Proof of Vendor's current Worker's Compensation Insurance coverage for any and all principals and employees of Vendor as a condition of any agreement.
- ❑ Copy of proposal (.pdf copy via procorem) including transmittal letter signed by a Vendor representative authorized to approve bid amount.



## Section IV: Selection Criteria

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Clients will select the proposal that most closely demonstrates current experience and competence in areas specified below. Clients require accurate data and sound projections in our partnerships and activities. Along with our partners and constituents, we realize that sound policy decisions cannot be made without reliable and pertinent information. In general, we will focus on four main areas in evaluating proposal submissions:

### General Criteria

**Vendor capacity.** Vendor must possess staff and expertise sufficient to address project research; data collection, organization and analysis; and document coordination and production in a timely manner.

**Portfolio.** Vendor must document production and delivery of projects and products on a scale similar to the proposed AI. Samples must meet the highest professional standards in content, organization, utility, formatting/typesetting and basic production values.

**References.** Vendor references must address Clients' areas of interest and concern.

**Direct experience.** Vendor must demonstrate to Clients' satisfaction an expert-level knowledge of housing and community development, and related industries; familiarity with similarly-situated rural states and communities, needs and challenges and an ability to work with all appropriate stakeholders.

Clients explicitly seek Vendor with detailed and first-hand experience with specific challenges in rural western states.

### Specific Criteria and Scoring

Proposals will be rated and ranked in accordance with the following criteria:

1. Continuity and stability of Vendor .....(15 points)
  - a. Business résumé and years in operation
  - b. References
  - c. Legal structure
  - d. Financial stability
2. Technical qualifications of individuals to be assigned to project .....(30 points)
  - a. Team/subcontractor skills and expertise (limit team member bios to 1 page each)
  - b. Knowledge of current issues and trends involving the Analysis of Impediments (AI) process and
  - c. Identify project manager responsible for day-to-day management of project tasks and who will serve as primary point of contact for Clients.
3. Vendor's demonstrated ability and capacity .....(25 points)
  - a. Qualifications and experience in providing the requested services as exemplified by past projects that demonstrate an understanding of Analysis of Impediments to Fair Housing Choice and HUD required Consolidated Planning Process.
  - b. Understanding of case law and court decisions impacting the interpretation and implementation of fair housing and related laws.

- c. Satisfactory performance on previous and present contracts similar in scope to this RFP.
- d. List of public sector clients whom you have performed similar work in the past 2 years.
- e. Any alternative approach that the Clients may wish to consider.

- 4. Quality of proposal .....(15 points)
  - a. Approach for conducting AI study (sample data sources and relative impact on outcome)
  - b. Specific methodologies for completing various aspects of the AI study
- 5. Ability to meet proposed timeline.....(15 points)

Note. Finalists may be asked to provide an on-site or virtual presentation if necessary at their own expense. Final selection will be up to the discretion of IDC and IHFA.

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## Section V: Proposed Timeline

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### 2021

January 29 .....Proposals due  
February 26 .....Vendor selection  
March 12 .....Notice to proceed  
July 16.....Draft AI submitted for review  
August 13 .....Client review and comments to vendor  
Sept 6 –Oct 4.....Public review and comment period to coincide with Idaho’s Regional  
Housing Roundtable meetings.  
November 15, 2021....Final electronic version of AI and supporting documents submitted

## Section VI: Contract Terms and Conditions

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### **Indemnity by Vendor**

Vendor must covenant and agree to indemnify and hold Clients and Clients' Partners harmless from any and all claims, demands, liabilities, actions, fees, costs or expenses of any kind relating to, arising from or out of, or incidental to any negligent or intentional actions of Vendor in performance of Vendor's obligations hereunder or in performance of services on behalf of Clients. This indemnity is irrevocable and severable from, and shall survive the termination of any Agreement resulting from Vendor selection. This indemnity does not extend to Clients' obligations to affirmatively further fair housing.

### **Proof of Insurance**

Proof of Vendor's current Worker's Compensation Insurance coverage for any and all principals and employees of Vendor is a condition of any agreement resulting from Vendor selection.

### **Independent Contractor Status**

Both Clients and Vendor agree that Vendor will act as an independent contractor in the performance of the duties under this Agreement and that this Agreement does not create an employer-employee relationship between the parties. Accordingly, Vendor shall be responsible for payment of all taxes including Federal, State and local taxes arising out of Vendor's activities in accordance with this Agreement, including by way of illustration but not limitation, Federal and State income tax, Social Security tax, Unemployment Insurance taxes, Workers' Compensation taxes, and any other taxes or business license fees as required.

### **Production and Distribution Rights**

Clients retain all rights to additional production and distribution of final document to intended audience groups as needed, including text, graphics, photos or other attachments contained in the finished product, with source attributions as presented by Vendor.

### **Reservation of Rights**

IHFA and IDC reserve the right to reject any and all proposals, to waive any irregularities in the proposals received, and to accept the proposal(s) deemed in the best interests of the partners and our constituents. Following receipt and initial review of proposals, partners may schedule interviews for the top-ranked proposals if necessary.