

REQUEST FOR PROPOSALS FOR HOME MODIFICATION LOAN PROGRAM
LEGAL SERVICES

Timeline

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| 1. RFP available | Monday, November 16, 2020 |
| 2. Bidders' Written Questions Due | Monday, November 23, 2020 |
| 3. Questions & Responses Posted to CEDAC website | Tuesday, December 1, 2020 |
| 4. RFP Responses Due | Tuesday, December 15, 2020 |
| 5. Bidders Informed of Responses | No later than December 31, 2020 |
| 6. Approximate Start Date of Contract | ASAP |

Please note, CEDAC reserves the right to alter this timeline and request additional and clarifying information from bidders. CEDAC will posted any changes necessary to the timeline at CEDAC.org.

SUMMARY

The Community Economic Development Assistance Corporation (CEDAC) seeks at least one qualified law firm to provide select legal services to the Home Modification Loan Program (HMLP). This state bond-funded program provides loans to homeowners requiring access and/or safety modifications or adaptations to their home. Target households include low-and moderate-income elders, adults with disabilities and families with children with disabilities. Eligible modifications are modifications made to the primary residence of a person with a limitation(s) affecting their ability to function on a day-to-day basis or which allow the person to live more independently in the community.

The Massachusetts State Legislature initially established the program in 1999. To date, HMLP has served approximately 3,000 Massachusetts residents. HMLP funding was last authorized in the 2018 Housing Bond Bill; a copy of the legislation can be found here:

<https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter99>.

CEDAC is contracted by the Massachusetts Rehabilitation Commission (MRC) to administer HMLP funds and to contract with the regional provider agencies, who work directly with applicants throughout the loan process (visit: cedac.org/hmlp to learn more about the loan application process). HMLP is funded by the Housing Bond Bill. The Department of Housing and Community Development (DHCD) entered into an inter-agency service agreement with MRC, the agency which also collaborates on program administration policy. CEDAC and MRC have jointly developed program guidelines, which are used by the regional provider agencies. Additionally, CEDAC convenes the HMLP Loan Committee, which is comprised of staff from CEDAC and MRC as well as a consumer advocate. The committee discusses the policy direction of the program and issues not specifically addressed in the guidelines, including specific consumer requests not directly addressed in the program guidelines.

MRC promotes equality, empowerment and independence of individuals with disabilities. These goals are achieved through enhancing and encouraging personal choice and the right to succeed or fail in the pursuit of independence and employment in the community. HMLP is designed to allow for a great deal of consumer choice, and the program strives to empower borrowers to control and manage their selected contractor and overall home modification project.

The HMLP offers 0% interest, deferred payment loans to homeowners with household gross incomes of up to 200% of the area median income (AMI) as determined by the U.S. Department of Housing and Urban Development, using the Boston metropolitan statistical area (MSA) for all communities in the Commonwealth. The program offers loans of up to \$50,000 to property owners and up to \$30,000 to owners of manufactured homes, with each regional provider agency managing the loan application and commitment process and closing the loan with borrowers in their designated region. Eligible landlords are offered 3% interest, amortizing loans, for a tenant who has a household member requiring a necessary accessibility modification, and the tenant's gross income is used to determine income eligibility.

CEDAC will contract annually with the selected law firm(s), who will work closely with Susan Gillam, HMLP Project Manager, beginning in the winter of 2020/21, with an option to renew

annually, at CEDAC and MRC's discretion, for a total of five years, subject to funding availability.

On average HMLP has approximately 20-30 loans per year requiring the legal services outlined in the scope of services below. One or more firms will be selected.

Please note, a criterion used when comparing and selecting a firm will be the diversity of the firm. We are seeking firms with equity partners who identify as a women, veteran, minority or person with disabilities. Firms with a more limited diversity make-up could consider developing a partnership with a firm with greater diversity to meet this criterion.

Any questions regarding this RFP should be directed to Susan Gillam, HMLP Project Manager at sgillam@cedac.org and must be submitted by Monday, November 23, 2020.

SCOPE OF SERVICES

1. The law firm selected through this RFP shall review the documentation of HMLP borrowers and provide legal advice on a range of issues including one or more of the following:
 - Realty or other trust
 - Affordability Restriction
 - Power of Attorney
 - Life Estates
 - Reverse Mortgage
2. For HMLP applicants with one or more of the above circumstances, the firm will determine if HMLP is able to enter into a loan with the homeowner and identify any requirements to do so. When applicable, the law firm will provide HMLP instructions for how the borrowers should be reflected on the loan documents and identify the appropriate authorized signatories. In some cases, it will also be necessary to identify and prepare the additional documents (i.e. Trustee certificate) which must be signed and maintained in the borrower's file and/or recorded with the HMLP mortgage.
3. The firm will also review for accuracy drafts prepared by HMLP's Project Manager of name change affidavits and assignment and assumption documents, or communication with HMLP borrowers.
4. The firm will also review bankruptcy filings of HMLP borrowers to see if HMLP's mortgage security is affected and provide instructions when applicable.
5. The firm will also review some foreclosure filings of HMLP borrowers which may have excess proceeds from the sale to see if some of the HMLP loan is recoverable.
6. The firm will also be asked to provide advice and guidance on a newly developed landlord grant program, which will enter its pilot phase in 2021.
7. The firm may be asked to provide HMLP advice and guidance on consumer disputes, including responses to demand letters, or in rare cases, litigation.
8. The firm may be asked to provide HMLP advice and guidance on state and or federal regulations, as it pertains to program policies and procedures.
9. In very limited cases, the law firm may be asked to assist HMLP when approached by a housing cooperative.

RESPONSE CONTENT

A complete response includes the following:

- a) Cover letter on letterhead describing the bidder's interest and qualifications.
- b) Names, job title, and hourly rate for all attorneys and paralegals, that will be responsible for carrying out the Scope of Services. Please also identify the lead attorney responsible for managing the contract.
- c) Resumes of personnel identified in bullet b) above, as well as the Board of Bar Overseers license number for each attorney.
- d) If the personnel's resume does not include a detailed description of the staff experiences relevant to each element of the Scope of Services outlined in the RFP, please briefly describe each personnel's relevant realty law background and experience.
- e) The number and percentage of total equity partners that identify as female, minority, or disabled.
- f) Appendix A: Complete the chart to identify the key personnel, hourly rate and the estimated number of business days to complete each frequently required document type.
- g) Appendix B: Three (3) references of clients for which Bidder has provided services similar to those outlined in this RFP.
- h) The firm shall determine whether there are any known conflicts of interest that would preclude them from representing: CEDAC, DHCD, MRC or a current HMLP Provider (Community Teamwork, Metro Housing|Boston, NeighborWorks Housing Solutions, South Middlesex Opportunity Council, RCAP Solutions Financial Services, Inc., Pioneer Valley Planning Commission, and Way Finders). If there are any known conflicts, please provide a list of the agency(ies) and a brief statement of the conflict.

SELECTION PROCESS

Bidders with the best-qualified background, providing a response that demonstrates the ability to accomplish the requirements of this RFP in a timely manner at a reasonable cost, shall be selected for this project. The following criteria will be considered:

A. Minimum Requirements:

To be considered for further evaluation, bidder(s) shall have the following **minimum** qualifications:

- a) All attorneys providing services must be members of the Massachusetts Bar and in good standing with the Board of Bar Overseers.
- b) The lead attorney must have a minimum of five (5) years' experience in the elements of the Scope of Services.
- c) The proposal must be complete.

B. Comparative Criteria:

- a) The degree to which the response demonstrates that bidders have the staff capacity to carry out the elements of the Scope of Services.

- b) The degree to which the response demonstrates bidders can respond to requests for services in a timely manner. It is expected that requests for services should be completed, in most cases, within five (5) business days.
- c) The degree to which bidders demonstrate experience in the elements of the Scope of Services.
- d) Relative cost for the services, including any proposed discounts to fees.
- e) If the firm is considered a minority, women, veteran or person with a disability owned business. Or if a substantial number of equity partners identify as female, service veteran, minority, or disabled. It is highly encouraged for bidders to consider establishing a partnership with other attorneys or law firms to increase their competitiveness under this criterion.

Bidders may be asked to provide additional or clarifying information, if the need arises from the RFP review committee. Bidders will be given additional time to submit the requested information.

INSTRUCTIONS FOR SUBMISSION OF RESPONSES

Bidders are encouraged to review the included HMLP program guidelines and loan documents carefully. Program application materials can be found at www.cedac.org/HMLP.

Bidders can submit written questions to Susan Gillam, sgillam@cedac.org, by end of day November 23, 2020. Please note, any question easily answered from the program materials made available, will be referred to those materials. All bidders can return to CEDAC's website to view the list of questions and answers by end of day December 1, 2020.

The full response should be submitted electronically via email to Susan Gillam, Home Modification Loan Program Project Manager, sgillam@cedac.org by the end of the day, Tuesday, December 15, 2020.

To ensure no responses are lost in transmission, bidders should also send a copy of the cover letter via the United States Postal Service (no courier/FedEx or UPS can be accepted) to:

Community Economic Development Assistance Corporation (CEDAC)
18 Tremont Street, Suite 500
Boston, MA 02108
Attn: Susan Gillam

Appendix A

Complete the chart to identify the key personnel, hourly rate and the estimated average number of business days required to complete a review of documents and when applicable draft instructions for the regional provider, or advise HMLP on the loan status.

Type of Documentation	Key Personnel	Hourly Rate	Estimated # of Business Days
<u>Affordability Restriction</u>			
<u>Power of Attorney</u>			
<u>Life Estate</u>			
<u>Reverse Mortgage</u>			
<u>Realty Trust</u>			
<u>Bankruptcies</u>			

Appendix B

References

Please provide three references for work or projects similar to the scope of services required in this RFP.

Reference #1

Agency: _____
Contact Person: _____
Address: _____
Phone: _____
Email: _____
Brief Description of Work/Project: _____

Reference #2

Agency: _____
Contact Person: _____
Address: _____
Phone: _____
Email: _____
Brief Description of Work/Project: _____

Reference #3

Agency: _____
Contact Person: _____
Address: _____
Phone: _____
Email: _____
Brief Description of Work/Project: _____

