

# REQUEST FOR PROPOSALS



## KIPS BAY, MANHATTAN

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Pre-Submission Conference: July 31, 2012

Proposal Submission Deadline: September 14, 2012



**Michael R. Bloomberg, Mayor**

Robert K. Steel, Deputy Mayor for Economic Development

**NYC™**

Department of  
Housing Preservation  
& Development

Mathew M. Wambua,  
Commissioner

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Forms are available for download on the website in Word and Excel formats as part of this RFP.

Form A-1:	Completeness Checklist
Form A-2:	Applicant's Letter

Form B:	Project Summary
Form C-1 C-2:	Development Team Information and Applicant Questionnaire
Form D-1:	Residential Development Experience and Current Workload
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Form D-3:	Management Questionnaire
Form E:	Assets Statement
Form F:	Rental Pro Forma
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## **I. INTRODUCTION**

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Pursuant to this Request for Proposals (“RFP”), the City of New York (“City”), through its Department of Housing Preservation and Development (“HPD”) in consultation with the Department of City Planning (DCP), the Department of Buildings (DOB), and the Mayor’s Office, is inviting developers (“Applicants”) to submit development proposals (“Proposals”) for an innovative housing pilot. adAPT NYC is a pilot program to develop a new model of housing that will respond to the City’s changing demographics. The goal of this pilot is to develop compact apartments (“Micro-units”) to accommodate small households, which constitute a large share of the City’s population. adAPT NYC will test the market for this housing type, which, if successful, may be scaled to other neighborhoods across the City.

adAPT NYC is part of Mayor Michael R. Bloomberg’s *New Housing Marketplace Plan*, a multi-billion dollar initiative to create or preserve 165,000 units of affordable housing by 2014. Additionally, adAPT NYC will further the City’s leadership in housing innovation and sustainability by fulfilling a 2011 *PlaNYC* commitment to enable new and expanded housing models to fit the changing population.

Developing housing that meets the needs of how New Yorkers live today is critical to the City’s future economic success. Currently, the City’s housing stock is misaligned with the changing demographics of its population. There are 1.8 million one- and two-person households (more than 60 percent of New York City households) and only one million studios and one-bedrooms to meet this housing demand. According to the 2010 Census, the growth rates of the one- and two-person household populations exceed the growth rate of households with three or more people. adAPT NYC seeks to create additional choice within New York City’s housing market.

This RFP seeks Applicants for the design, construction and operation of a Micro-unit building on a transit-oriented site. The development site, Manhattan Block 933, Lot 10, (“Development Site” or “Site”), is located on the block bounded by First Avenue, East 28<sup>th</sup> Street, Mount Carmel Place, and East 27<sup>th</sup> Street in Community District 6. The Development Site measures approximately 4,725 square feet and is currently City-owned. (See Appendix A, Maps). The City intends to override certain zoning regulations to allow for the development of Micro-units.

Based on the results of the pilot project, the City may consider pursuing regulatory changes that would permit the as-of-right development of Micro-unit buildings on privately-owned land. Other high-cost, high-density cities are experimenting with the concept of Micro-units in order to provide new housing options to serve changing demographics.

All Applicants must adhere to the requirements of this RFP. HPD will select an Applicant based on an evaluation of professional qualifications; feasibility of the Proposal; experience in development and management of housing and mixed-use projects; affordability of residential units; and overall quality of design and construction. HPD will require 75% of the dwelling units in the building to be constructed as Micro-units. No HPD subsidy will be made available for this development. Applicants are responsible for securing all necessary construction and permanent sources of financing.

Applicants are responsible for assembling a development team (“Development Team”) that has the talent and expertise to create a new model of housing for New York City that is both innovative and replicable. In addition, the team must include members with expertise in housing development and/or affordable housing development, mixed-use development, and leasing. The Development Team will be responsible for undertaking the design and construction of the dwelling units, retail space(s), accessory open space and/or community facilities, and leasing.

This RFP does not represent any obligation or agreement whatsoever on the part of the City. Any obligation or agreement on the part of the City may only be incurred after the City enters into a written agreement approved by the Mayor and Corporation Counsel.

A pre-submission conference will be held on July 31, 2012 at 2 pm at the American Institute of Architects’ Center for Architecture, 536 LaGuardia Place, New York, New York 10012. Every Applicant wishing to submit a Proposal in response to this RFP is encouraged to attend, as this will be the only opportunity to ask questions and receive answers in person regarding this RFP. Proposals are due by hand on September 14, 2012 no later than 4:00 p.m. at the HPD Office of Development, Division of Planning and Pipeline Development, 100 Gold Street, Room 9-E4A, New York, NY 10038.

## **II. DEFINITIONS**

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### **Applicant**

An individual, partnership, limited liability company, corporation, joint venture, or other entity that submits a Proposal in response to this RFP.

### **Area Median Income**

Area Median Income (AMI) shall mean the median income levels as modified by household size for the New York Metropolitan Statistical Area as determined from time to time by the U.S. Department of Housing and Urban Development (HUD). For 2012, 100 percent of the AMI is \$83,000 for a family of four in the New York Metropolitan Statistical Area and \$58,100 for a single person.

### **Developer**

The entity or entities selected by the City to commence negotiations regarding the development of the Site offered through this RFP. The entity or entities will provide equity; secure financing; assemble a Development Team; and design, develop, build, market, and manage the Project.

### **Development Proposal or Proposal**

The Proposal submitted by an Applicant in response to this RFP.

### **Development Site or Site**

The property being offered for development under this RFP. (See Appendix A, Maps)

### **Development Team**

The Developer and the professional, technical, and construction entities (e.g. general contractor, architect, engineer, legal counsel, not-for-profit organization, marketing agent, and managing agent) that will participate in the design, development, construction, marketing, and/or management of the Project.

### **Interagency Design Review Team**

The team composed of members representing HPD, DCP, DOB, and the Mayor's Office that will review the design documentation for the selected project during pre-development as described in Section I, "Obligations of the Selected Developer."

### **Micro-unit**

An innovative apartment model, which includes a kitchen and a bathroom, that is smaller than what is allowed under current zoning.

### **Multiple Dwelling Law**

The New York State Multiple Dwelling Law prescribes standards for construction and habitability of multiple dwellings, and includes requirements for sufficient light and air, sanitation and protection from fire hazards.

**Principal**

An individual, partnership, limited liability company, corporation, or other not-for-profit or for-profit entity that will act as a general partner, officer, or managing or other member of the Applicant, or any entity, known limited partner, or any entity that has at least a 10% ownership interest in the Applicant.

**Project**

The development of housing, retail that provides local services, active community facilities, and/or accessory open space envisioned for the Development Site.

**Subordinated Debt**

The amount equal to the sum of:

1. The difference between the cash portion of the purchase price paid at closing and the appraised value of the Development Site(s); plus
2. The aggregate amount of any State or Federal construction subsidies for the construction of the units less the amount required to be repaid from proceeds from the sale of the units, if applicable; plus
3. Any additional value as reflected by the difference between the home sales price and the as-built market value of the Site and improvements, if applicable.

**Uniform Land Use Review Process (ULURP)**

The process, set forth in the City Charter, prescribing the City's land use review process, including public hearings and several levels of government approvals. Actions requiring ULURP include, among others, changes to the City Map, designation or change of zoning districts, Special Permits within the New York City Zoning Resolution requiring approval of the City Planning Commission (CPC), and disposition of City-owned property.

**Zoning Override**

A waiver, with justification, of certain aspects of the New York City Zoning Resolution on sites that are City-owned.

### **III. SITE DESCRIPTION, PROGRAM REQUIREMENTS, AND GUIDELINES**

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#### **A. Development Site**

The development site, Manhattan Block 933, Lot 10, is located on the block bounded by First Avenue, East 28<sup>th</sup> Street, Mount Carmel Place, and East 27<sup>th</sup> Street in Community District 6. It measures approximately 4,725 square feet. The site is located on the same block as a New York City Housing Authority development (334 East 28<sup>th</sup> Street) and is currently being used for parking. To the east, across First Avenue, is the Bellevue Hospital Campus. (See Appendix A, Maps)

#### **B. Neighborhood and Project Context**

##### **Neighborhood Land Use**

The housing stock in Community District 6 is primarily comprised of large multi-family buildings, many of which have ground floor commercial uses. Larger multi-family buildings are located, for the most part, on the corners and avenues, with smaller multi-family buildings and rowhouses lining the cross streets. The site is in close proximity to both the Kips Bay Tower development, designed by architect I.M. Pei, as well as Peter Cooper Village. According to the 2010 US Census, 88 percent of the housing stock in the Community District is comprised of multi-family buildings of 20 units or greater and the overwhelming majority of those units are in buildings of 50 units or more. The area is well served by local retail and restaurants.

The neighborhood is a vibrant institutional center with the campuses of Bellevue Hospital, NYU Medical Center, NYU College of Dentistry, Veterans Affairs Medical Center, Hunter College Brookdale Campus, and Tisch Hospital all within close proximity to the Development Site.

The surrounding area contains several open spaces. The development site is located directly across Mount Carmel Place from Bellevue South Park and the Manhattan Waterfront Greenway is less than a mile away.

##### **Neighborhood Access**

The neighborhood is accessible by several means of public transportation and is within walking distance of retail, restaurant, and recreational activities. The Site is seven blocks from the 23<sup>rd</sup> Street stop and six blocks from the 28<sup>th</sup> Street stop of the Lexington Avenue Local 6 subway. The M15 and M15 Select Bus Service run along First and Second Avenues and the M34 Select Bus Service runs across town along 34<sup>th</sup> Street. M23 buses run across town along 23<sup>rd</sup> Street.

##### **Neighborhood History**

Kips Bay was an inlet of the East River running from what is now 32<sup>nd</sup> Street to 37<sup>th</sup> Street. The bay extended into Manhattan Island to just west of what is now First Avenue and had two streams running from it. The bay was named after New Netherland Dutch settler Jacobus Hendrickson Kip (1631-1690), whose farm ran north of present day 30<sup>th</sup> Street

along the East River. The bay became reclaimed land, yet “Kips Bay” remained the name of the neighborhood. In 1878 and 1880, respectively, elevated railways were constructed along Third and Second avenues and many of the estates were replaced by tenements. The Second Avenue Elevated was razed in 1942; the Third Avenue line was razed in 1956. Beginning in the 1960s, large apartment buildings and complexes were built, including Kips Bay Towers and Kips Bay Plaza, which include the first exposed concrete structures in the City. Over the last century, Kips Bay became dominated by several educational and medical campuses that have served as anchors to the neighborhood.

### **C. Development Program**

HPD is issuing this RFP to develop Micro-units and to test the market for this housing type. Micro-units will provide additional housing choices for the growing number of one- and two-person households citywide. Based on the results of the pilot project, the City may consider pursuing regulatory changes that would permit as-of-right development of Micro-unit buildings on privately-owned land.

### **D. Design Guidelines**

#### **I. General Use and Design Guidelines**

The primary goal of these guidelines is to promote innovative design that facilitates the development of functional and affordable Micro-units. The proposals are encouraged to present a mixed-use building whose exterior design is as innovative as its interior design. The activation of the pedestrian street is encouraged through ground floor commercial space, exterior lighting, attractive common spaces for residents, and multiple building entrances. While a mix of Micro-units and regular units is acceptable, 75% of the dwelling units in the proposed building are required to be constructed as Micro-units. The project should aim to maximize the number of Micro-units within the building. The unit’s interior layout and design should optimize floor area without compromising the residents’ quality of life and safety. Appendix C (adAPT NYC Micro-Units) provides background information on Micro-unit design as well as the overall building layout.

Proposals should closely adhere to the Guidelines in Part III, Section D, “Design Guidelines.” In any instance of conflict, these Guidelines should supersede the HPD Design Guidelines for New Construction. (See Appendix B)

#### **II. adAPT NYC Guidelines**

- Micro-units should measure between 250 and 350 square feet.
- Proposals should consider all three dimensions of units and amplify the sense of openness by:
  - Maximizing the floor-to-ceiling height;
  - Increasing the number and size of windows to provide substantial access to light and air;
  - Providing windows that are operable, even where not required by law; and
  - Designing the interior surfaces to accommodate multi-functional use of the space, for living, sleeping, dining, etc. For example, counter-tops could be used as

dining/work space and “Murphy-beds” could increase the flexibility of living space. Developers are not expected to provide furniture for the Micro-units.

- Floor space requirements: Building Code Section 1208.3.2 requires at least 150 square feet per unit with a minimum clear dimension of eight feet for a room (BC 1208.1). These dimensions cannot include a kitchen.
- The materials for interior finishes, architectural details, and equipment should be durable.
- Efficient and attractive storage systems are encouraged.
- Common areas and spaces like corridors and stairwells are critical to the quality of life in buildings containing a large number of Micro-units. Common areas that are accessible to all residents are encouraged. These areas could be designed for multiple purposes, such as a reading room, lounge area, or meeting rooms. It is intended that these common spaces be distributed throughout the building. In designing these spaces, attention should be given to natural light. The design team should refer to the principles laid out in *The Active Design Guidelines* (available online at [http://www.nyc.gov/html/ddc/html/design/active\\_design.shtml](http://www.nyc.gov/html/ddc/html/design/active_design.shtml)).

### **III. Streetscape Guidelines**

Activation of the street is important to the Project. The building should strive to:

- Maintain a ground floor-level street wall on street frontages;
- Ensure adequate exterior lighting is maintained on adjacent sidewalks and pedestrian walkway;
- Retain existing street trees adjacent to the Development Site to the extent feasible; and
- Retain the benches/seating on the pedestrian walkway adjacent to the Site on East 27<sup>th</sup> Street.

### **IV. Building Massing and Exterior Guidelines**

The building should feature:

- A ground floor height of 15 feet (measured floor-to-floor), which is recommended for commercial uses.
- 50 percent ground floor glazing between two feet to 12 feet where there is a ground floor commercial space.
- Use of special materials, details, or changes in color or texture to distinguish the ground floor from rest of the building and create greater variation at the pedestrian scale.
- A façade designed in segments to maximize variation. Each segment should contain a variety of scales, materials, patterns, window types/arrangements, and/or balconies.
- A sense of openness where the Micro-unit meets the building exterior using balconies, bay windows, window groupings, etc.
- A top floor that has architectural definition, such that it creates a prominent or distinct building edge against the sky.

### **E. Building Management Guidelines**

The proposals should consider the unique aspects of managing a building comprised primarily or entirely of Micro-units. For example:

- How will the management prevent tenants from sub-letting units?
- How will the management encourage social interaction in common areas and spaces?
- What best practices from comparable Micro-unit building managers would be incorporated in the management of this building?

#### **F. Energy Efficiency and Green Design**

Proposals must achieve Certification through the Enterprise Green Communities Program, which is a comprehensive green building framework for affordable housing that provides cost effective standards for creating healthy and energy efficient homes. Enterprise Green Communities offers an online certification process for affordable housing developments built using these criteria. (See Appendix D, Green Communities Checklist) For affordable housing developments funded by the City of New York, instructions can be found online at: [http://www.greencommunitiesonline.org/tools/certification/nyc\\_hpd\\_certification.asp](http://www.greencommunitiesonline.org/tools/certification/nyc_hpd_certification.asp)

In addition to the documentation requirements of the Green Communities Program, the designated Developer will be required to periodically provide budgets that identify project costs specifically related to green design, energy efficiency measures, and building operations upon HPD's request.

#### **G. Zoning**

The Site is currently zoned R8. Utilization of all available FAR is encouraged. Buildings developed according to height factor regulations must meet Quality Housing requirements for refuse rooms and laundry facilities. ULURP approval of a zoning map change (C2-5 commercial overlay along East 27<sup>th</sup> Street) will be needed to permit commercial use on the ground floor. Zoning overrides pertaining to density (ZR sec. 23-22) and minimum size of dwelling units, if developed as a Quality Housing building (ZR Sec. 28-21), will be given in order to permit Micro-units.

Proposals which require other zoning overrides may be submitted and will be considered if they satisfy City objectives; however, proposed overrides of maximum FAR regulations will not be considered.

#### **H. Land Use Approvals and Environmental Review Requirements**

##### **Uniform Land Use Review Procedure (ULURP)**

Anticipated land use actions requiring approval under ULURP for development of the Site include the disposition of City-owned property and a zoning map change for commercial use on the ground floor.

HPD will be the applicant for the ULURP application, with assistance from the Developer in preparing supporting documentation. This Project will also require City Council and Mayoral disposition approval. Applicants should be advised that their development timelines should take into account the period required for the ULURP application to be certified and approved. Please refer to Appendix G for an estimated project timeline.

## **City Environmental Quality Review (CEQR)**

The Developer will be responsible for preparing an Environmental Assessment Statement (EAS) in accordance with the guidelines contained in the 2010 CEQR Technical Manual. It is anticipated that HPD will serve as lead agency for the CEQR review and will oversee the preparation of all CEQR documentation; however, the Developer will be responsible for retaining an environmental consultant, the preparation and submission of all CEQR documents and the cost of the studies and analyses required for the completion of CEQR. Completion of the CEQR review maybe required prior to the commencement of ULURP. The CEQR assessment will consider the discretionary ULURP approvals described above, including, but not necessarily limited to, zoning map amendments and the disposition of City-owned property.

### **I. Obligations of the Selected Developer**

#### **Development Team**

The Developer will be responsible for assembling a Development Team, including at minimum a contractor, architect/planner, marketing agent, and managing agent. The Development Team will design, construct, and lease the completed units.

#### **Design**

Within three (3) months of selection the Development Team must complete a set of schematic site plans, floor plans, and elevations that include any modifications to the original plans included in the Proposal in response to this RFP, as agreed upon by HPD and the Developer, and submit them to HPD for review and approval. Prior to disposition, the Developer must submit a complete set of final site plans, floor plans, elevations, samples of exterior building materials, and detailed specifications to HPD for review.

The Development Team must prepare documentation, including drawings and specifications, for review by the Interagency Design Review Team to ensure compliance with the design intent of the winning Proposal at the following stages:

- Completion of schematic designs;
- Completion of design development; and
- 50 percent level construction drawings.

#### **Environmental Documents**

The Developer will be responsible for preparing and submitting a CEQR Environmental Assessment Statement (EAS), which includes an EAS form, graphics, and technical assessments and appendices, as necessary. The Developer(s) should select a reputable environmental planning consultant with experience in the preparation of CEQR documents for rezonings. The selected environmental consultant should also have expertise in acoustical studies and extensive familiarity with CEQR and HUD noise assessment methodologies.

In addition, the Developer will be responsible for preparing associated environmental studies including, but not limited to, Phase I Environmental Site Assessments (ESA), Phase IA

archaeological assessments, and site-specific (subsurface) soil and groundwater investigations. In connection with the design, construction, and operation of the building, the Developer will be responsible for the provision of window-wall attenuation, including alternate means of ventilation, as necessary. In the event federal funds are used in connection with construction financing, the Developer will be responsible for the preparation and submission of all environmental reviews to HPD in accordance with the National Environmental Policy Act (NEPA) and other federal environmental requirements. The Developer will obtain all necessary environmental approvals and will fund and undertake any environmental review, soil testing, and/or remediation required on the Site.

### **Community Outreach**

The Developer will participate in required public forums, hearings, and briefings with the Community Board, elected officials, City agencies, and other organizations, as needed.

### **Public Approvals**

The Developer will assist HPD in the preparation of the ULURP application and will be responsible for obtaining all necessary public approvals.

### **Equity and Financing**

The Developer must provide an equity contribution in the form of cash and/or payment of pre-development costs, secure necessary construction and permanent financing, provide guarantees if required, and meet any other terms and conditions as required by HPD, other lenders, and/or investors.

### **Taxes**

The Developer will pay all transfer taxes associated with the conveyance of the Site to the Developer(s), and all transfer and recording taxes associated with project financing.

### **Marketing**

The Developer will market the residential units in accordance with City requirements and policy. (See Appendix E, HPD-HDC Marketing Guidelines)

### **Maintenance and Operations**

The Developer(s) will be responsible for submitting maintenance and operations costs and data to HPD, as requested.

### **Schedule**

The Developer will be responsible for arranging timely commencement and completion of the Project. The Developer will be held accountable for the schedules outlined in their Proposal and agreed upon with HPD. The Developer will be required to submit ongoing status reports regarding Project development, financing, marketing, sales/leasing, and management. Please refer to Appendix G for an estimated project timeline.

## **J. Disposition and Disposition Price**

Proposals that include a competitive land purchase price will be given preference.

Disposition of the Development Site to the Developer will be subject to the following:

- Receipt of all public approvals required for disposition of the Site and development of the proposed Project on such Site, including without limitation, approval by the Mayor.
- Execution and delivery of the documents necessary to complete the disposition process within a time period specified by HPD. These documents include, but are not limited to, a Land Disposition Agreement (“LDA”).
- The Site will be conveyed in accordance with the terms of the LDA to be entered into between the Developer and HPD and will be conveyed in “as is” condition, including without limitation, all environmental conditions and hazards. The LDA will contain covenants running with the land that require the Developer to develop the Site in accordance with plans and specifications determined and approved by HPD.
- The simultaneous closing of a bona fide construction loan required to finance the full development of such Site.

#### **K. Financing**

It is the responsibility of the Developer to obtain construction and permanent financing from lenders in amounts consistent with the Proposal. **No HPD subsidy will be made available for this development.** Developers may use different lenders for construction and permanent financing. The amount of the Developer’s equity will be determined by the lender(s). The Developer will be required to submit a term sheet and letter of intent from a lender indicating willingness to lend an amount for construction financing of the Project within a period of time to be defined in a Negotiation Letter executed upon the selection of the Developer. See Part V, “Submission Requirements and Selection Process” for information on letters of interest from lenders.

#### **L. Real Property Taxes**

The Development Site is subject to New York City Real Property Taxes and charges. However, the tax exemptions described below may be available. For details of each program, it is necessary to consult the relevant statute and rules. Applicants should indicate in the Project Narrative which tax exemption program(s), if any, they plan to utilize. It is the responsibility of the Developer to apply for and meet the requirements of the specific tax benefit program(s). **HPD makes no representations or warranties as to the continued availability of these benefits or as to the eligibility to receive these benefits.**

The 421-a partial tax exemption for new multiple dwellings provides an exemption from the New York City Real Property Tax on the increase in assessed valuation resulting from the improvement to the property. The full amount of New York City Real Property Tax on the assessed valuation of the property in the tax year preceding the tax year in which construction commences must be paid each year. In addition, New York City Real Property Tax must also be paid for any commercial, community facility, or accessory uses that in total exceed 12% of the aggregate floor area of the project. The 421-a partial tax exemption allows up to three (3) years of construction period exemption, and up to twenty-five (25) years of post-construction exemption, including a gradual phase-in of full taxes over the last four (4) years of the exemption.

The 420-c tax exemption provides an exemption from New York City Real Property Tax for up to sixty (60) years for housing financed or previously financed in part with Federal Low Income Housing Tax Credits (LIHTC). Projects must be owned or leased for at least thirty (30) years by a corporation, partnership, or limited liability company, of which at least fifty percent (50%) of the controlling interest is held by a tax exempt 501(c)(3) or 501(c)(4) charitable organization whose purposes include low income housing, or a wholly-owned and wholly-controlled subsidiary of such a charitable organization. The Developer must execute a regulatory agreement approved by HPD that requires use as low-income housing pursuant to LIHTC and that may require a payment in lieu of taxes (PILOT).

#### **M. Marketing and/or Leasing**

Marketing of the rental and retail portions of the Project is the sole responsibility of the Development Team. In carrying out these functions, the Developer must comply with HPD's marketing requirements, which are designed to ensure that the availability of the units is disseminated as widely and fairly as possible. The HPD-HDC Marketing Guidelines are included in Appendix E, and will be part of the LDA that the Developer will execute. The marketing of the units will be monitored by HPD staff to ensure compliance with these requirements.

The rents of the units projected in the Proposal are to be determined by the Developer in accordance with HPD and the requirements outlined in Part III, Section C, "Development Program."

#### **N. Rent Stabilization**

Initial rents will be established in accordance with the regulatory agreement consistent with the income requirements outlined in this RFP. Prior to initial occupancy all units must be entered into the New York State Rent Stabilization system at rents specified in the regulatory agreement.

#### **O. Fair Housing and Accessibility Requirements**

The Developer is required to comply with all applicable Federal, State, and local laws, orders, and regulations prohibiting housing discrimination. The Developer must also construct the project in compliance with all laws regarding accessibility for people with disabilities, including but not limited to the New York City Building Code, the federal Fair Housing Act, the Americans With Disability Act, and Section 504 of the Rehabilitation Act of 1973

#### **P. Resale, Refinancing, and Recapture Restrictions**

##### **Residential Rental Component**

The portion of the Subordinated City Debt attributable to any residential rental component of the Project is subject to repayment from refinancing and resale profits, and is non-evaporating.

**Retail/Commercial and Community Facility Components (if applicable)**

The portion of the Subordinated City Debt attributable to the retail/commercial and community facility components of the Project is repayable from refinancing and resale profits, and is generally non-evaporating and non-extinguishing.

**Q. Equal Opportunity**

Agreements resulting from this RFP will be subject to the provisions of Executive Order 50 and its implementing regulations. (See Appendix F, Equal Opportunity) A representative from the Developer and each entity with which the Developer partners will be required to attend a class administered by HPD outlining the requirements of Executive Order 50 and to submit Equal Opportunity forms provided by HPD verifying their compliance with its provisions.

**R. Section 3 Clause**

The project resulting from this RFP may be subject to Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135. If applicable to the project, (i) to the greatest extent feasible, opportunities for training and employment arising in connection with the planning and carrying out of the project must be given to "Section 3 Residents" as such term is defined in 24 CFR 135.5; and (ii) to the greatest extent feasible, contracts for work to be performed in connection with any such project must be awarded to "Section 3 Business Concerns" as such term is defined in 24 CFR part 135.5.

**S. Exhibition and Publication**

By submitting a Proposal, Applicants grant the City and its respective agents, affiliates, subsidiaries, directors, officers, and employees, an irrevocable, perpetual, world-wide and fully paid up license to reproduce, publish, exhibit, transmit or otherwise utilize in any format now known or hereafter devised the Applicant's Submissions and any and all portions thereof. The City will make every effort to credit the Applicant or winner for use of their Proposal for such purposes.

## **IV. DEVELOPER SELECTION PROCESS**

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HPD will evaluate each Proposal and each Applicant according to the threshold requirements (A. “Threshold Requirements”) below, taking into account the information provided in the Proposal, references, and any other available information about the Applicant’s performance. Proposals that are not complete or do not conform with the requirements of this RFP will be eliminated from further consideration.

Proposals that meet all Threshold Requirements will be comprehensively evaluated, rated, and ranked according to the competitive selection criteria (B. “Competitive Selection Criteria”) below. HPD may request additional information, site visits, interviews, or presentations. The selected Applicant will be chosen from among the highest rated and ranked Proposals.

### **A. Threshold Requirements**

#### **Completeness of Proposal**

The Proposal must contain all documentation required under Part V, “Submission Requirements and Selection Process.” All of the required forms must be fully completed and application requirements met at the time of submission. Upon review, however, HPD, at their discretion, may notify an Applicant that additional information or clarification is necessary.

#### **Comparable Development Experience**

At least one Principal of the Applicant must have had prior development experience, as Principal, by successfully completing new construction of at least one project of comparable size and scope to the one proposed in this RFP. “Development Experience” is defined as the successful completion of the construction of at least one mixed-use, mixed-income new construction project of at least seventy-five (75) residential units within the past seven years.

#### **Comparable Management Experience**

At least one Principal of the Applicant or the proposed managing agent must have comparable rental management experience. “Comparable Management Experience” is defined as the successful management of at least seventy-five (75) residential units in New York City within the past seven (7) years. The Principal must have been the owner and manager, or the owner acting through a management entity, to fulfill this qualification. No changes in managing agent may be made without prior HPD approval.

#### **Conformance with RFP**

Proposed Projects must meet all minimum requirements outlined in Part III, “Site Description, Program Requirements, and Guidelines.”

### **Ability to Finance**

Applicants must demonstrate adequate financial resources to develop a project of the scope proposed in their submission. HPD will evaluate the Applicant's assets, bank or other lender references, and current commitments in order to assess the Applicant's capacity to secure construction and permanent financing, meet construction lender's equity requirements, absorb any cost overruns, and commence and complete construction of Applicant's entire Project in a timely manner.

### **Feasibility of Development Proposal**

The Applicant's financing plan must be considered feasible. Estimated Project costs must be within current industry parameters. Proposed rents for the housing units must be deemed realistic based upon Proposal information and market conditions. An estimate of the square footage construction costs using both net and gross square footage must be provided along with the Project budget.

### **No Adverse Findings**

An Applicant's Proposal will be rejected at any time during the evaluation process and thereafter if there are any adverse findings that would prevent HPD from conveying the Site to the Applicant or any person or entity associated with the Applicant. Such adverse findings include, but are not limited to:

- Negative findings from the Inspector General's Office;
- Arson conviction or pending case;
- Harassment conviction or pending case;
- City, State, Federal or private mortgage arrears, default, or foreclosure proceedings;
- *In rem* foreclosure; sale of tax lien or substantial tax arrears;
- Fair Housing violations or current litigation;
- Defaults under any Federal, State or City-sponsored program;
- A record of substantial building code violations or litigation against properties owned and/or managed by the Applicant or by any entity or individual that comprises the Applicant;
- Past or pending voluntary or involuntary bankruptcy proceeding; or
- Conviction for fraud, bribery or grand larceny.

## **B. Competitive Selection Criteria**

Proposals that satisfy the Threshold Requirements above will be evaluated and ranked according to the Competitive Selection Criteria described below. In evaluating Proposals under these criteria, the combined experience and resources of all Principals of the Applicant will be considered. HPD may request additional information, site visits, interviews, or other presentations by the Development Team.

### **Innovation and Quality of Design Proposal**

**Weight:** 30%

Proposals will be evaluated on overall quality of design and construction. The Interagency Design Review Team will evaluate each Proposal to determine the Project's ability to create an innovative housing design that responds to the adAPT NYC Design Guidelines and addresses the programmatic goals of Micro-units. The project should aim to maximize the number of Micro-units. Site planning, building arrangement, street wall elevations, massing, interior layouts, building materials, amenities, and streetscape treatment will be considered. Structures should complement and elevate the level of urban design in the neighborhood. Street trees, lighting, and other streetscape features should be provided around the Development Site. Proposals must comply with all applicable codes and the requirements. (See Appendix B, HPD Design Guidelines for New Construction) Where there is a conflict between the adAPT NYC Design Guidelines and the HPD Guidelines, the adAPT NYC Guidelines will supersede. Preference will be given to those Proposals that most closely adhere to the guidelines outlined in Part III, Section D, "Design Guidelines." Applicants are strongly encouraged to exceed those standards to provide the best quality Project possible.

### **Programming and Affordability Mix**

**Weight:** 20%

Proposals that provide the greatest affordability to a range of incomes will be given preference. In addition, greater consideration will be given to Proposals that provide a greater mix of income levels at multiple tiers separated by at least 10%.

### **Financial Feasibility of Development Proposal**

**Weight:** 20%

Proposals will be evaluated based on estimated development costs, proposed rents, demonstrated financial condition to complete the Project, the feasibility of the financing sources proposed to finance the Project, and the ability to support operating expenses, capital costs, and debt service.

### **Development Experience, Management, and Capacity**

**Weight:** 20%

Previous development experience will be evaluated as it reflects the Applicant's demonstrated ability to successfully carry out a quality project of this type, size, and complexity in a timely manner. Among the factors that will be considered are:

- Quality of construction and design in projects completed or currently being built by the Applicant;
- Extent of the Applicant's experience, in terms of number, size, type, and scale of projects completed within the last seven (7) years;
- History of delivering quality projects on time and within budget; and
- Experience with sustainable design practices consistent with Enterprise Green Communities requirements.

**Competitive Purchase Price****Weight:** 10%

Proposals that include a competitive purchase price for the Site will be given preference.

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## **V. SUBMISSION REQUIREMENTS AND SELECTION PROCESS**

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### **A. Inquiries**

All communications and inquiries regarding this RFP should be directed in writing to Gabriella Amabile at:

E-mail: [adaptnycrfp@hpd.nyc.gov](mailto:adaptnycrfp@hpd.nyc.gov)

All written questions should be submitted by August 14, 2012 to be included in the RFP addendum.

### **B. Pre-Submission Information**

A pre-submission conference will be held on July 31<sup>st</sup> at 2 pm at the American Institute of Architects' Center for Architecture, 536 LaGuardia Place, New York, New York 10012. The date, time, and location of this pre-submission conference and any updates and/or additional communications regarding this RFP will also be posted on HPD's website at the following address: <http://www.nyc.gov/hpd/adapt>

HPD strongly recommends that interested Applicants attend this pre-submission conference, as this will be the only opportunity to ask questions and receive answers in person regarding the RFP. Responses to all inquiries will be collectively provided at the pre-submission conference and in an addendum, which will be posted on HPD's website and sent to all registered prospective Applicants after the pre-submission conference.

People with disabilities requiring special accommodations to pick up the RFP or to attend and/or participate in the pre-submission conference should contact Gabriella Amabile at [adaptnycrfp@hpd.nyc.gov](mailto:adaptnycrfp@hpd.nyc.gov).

### **C. General Requirements**

#### **Time and Place of Submission**

On or before the submission deadline, the Applicant must submit a development proposal in accordance with the instructions and attachments contained in this RFP, as well as in any addenda that may be issued to the RFP. All submissions become the property of HPD.

Proposals must be delivered by hand no later than 4:00 p.m. on Friday, September 14, 2012 to:

N.Y.C Department of Housing Preservation and Development  
Office of Development  
Division of Planning and Pipeline Development  
100 Gold Street, Room 9-E4A  
New York, NY 10038  
Attention: Gabriella Amabile

Late submissions will not be accepted.

### **Format of Proposal**

Each Proposal must include one (1) bound original, seven (7) bound copies and one (1) CD with all components of the Proposal. All Financing Forms must be submitted as Excel files and in original formatting on the CD. All Proposals must be bound in three-ring binders of an appropriate size. An authorized representative of the Applicant must sign the original proposal.

Each original and copy must contain a label showing the following information:

Project Name  
Name of Applicant  
Date of Submission

Each proposal must be tabbed as indicated below in "H. Contents of Proposal and Tabbing." All forms associated with the Proposal must follow the format included in this RFP. All Forms included in Appendix H (Proposal Forms) will be made available for download on the HPD website.

### **D. Proposal Modifications**

An Applicant may submit a complete modified Proposal to replace all or any sections of a previously submitted proposal up until the submission deadline of September 14, 2012. HPD personnel will not insert pages or otherwise modify the Applicant's Proposal. The Applicant has the full responsibility for ensuring that its final Proposal has been submitted in the desired form by the submission deadline. The front cover of a modified Proposal must identify the submission as a modified proposal and include the date on which the modified Proposal is submitted.

Modifications received after the submission deadline due date will not be considered. If HPD determines, upon review of a Proposal, that any items are missing and/or incomplete, HPD, in its sole discretion, by written notification given to the Applicant, may permit the Applicant to provide or clarify such items. Failure to provide complete information in a timely fashion could result in rejection of the Proposal.

### **E. RFP Addenda**

HPD reserves the right to amend or withdraw this RFP at any time. In order to be considered, Proposals must conform to any amendments that may be issued to this RFP. Amendments may include, without limitation, any requirements and terms or conditions contained in this RFP. HPD will advise each Applicant that has requested a copy of this RFP of any clarifications or revisions.

If, in HPD's judgment, additional time is required for Applicants to prepare their Proposals, HPD reserves the right to grant an extension of the deadline for submission of a Proposal, and such extension will then be granted to all Applicants.

## **F. Complete Proposals**

Proposals that are not complete or not in conformance with the requirements of this RFP will be eliminated from further consideration. Applicants should note carefully the submission requirements listed below in "H. Contents of Proposal and Tabbing."

## **G. References and Requests for Further Information**

Submission of a Proposal shall constitute permission from the Applicant for HPD to make such inquiries concerning the Applicant as HPD deems necessary. HPD reserves the right to communicate with any of the Applicants, but HPD is not obligated to do so. HPD may discuss the Proposals of any Applicants concurrently or sequentially, as HPD may determine. No Applicant has any rights against HPD arising from any such invitation to a discussion, or from any negotiations that may arise pursuant to the discussions.

Applicants must comply with all requests for information and, if requested by HPD, appear for presentations or discussions. If any Applicant fails to do so within the time period given (or within any time extension that HPD may grant), HPD may deem this as a failure and act of non-compliance with the RFP, which will permit HPD to select another Applicant or to solicit new Proposals. In furtherance and not in limitation of the foregoing, before a final selection is made, an Applicant may be required to produce more detailed information concerning the professional background of those persons who own and manage such Applicant, a report on the financial background of such Applicant, and information concerning the nature and status of any past or pending threatened charges or actions (including lawsuits, criminal or disciplinary actions, administrative proceedings by any governmental or regulatory agency or bankruptcy action) against such Applicant or any of its partners, directors, officers, employees, shareholders, subsidiaries, or affiliates, as the case may be.

## **H. Contents of Proposal and Tabbing**

Each Proposal must contain the forms and supporting documentation described below. Each copy of the Proposal must be tabbed as indicated below. The tabs should run down the right hand side of the bound Proposal document. All Proposal Forms can be found in Appendix H.

### **TAB A – Completeness Checklist and Applicant’s Letter**

Each Applicant must submit a **Completeness Checklist** (Form A-1) and **Applicant’s Letter** (Form A-2). The letter must be printed on the Applicant’s letterhead and signed by an authorized representative of the Applicant.

### **TAB B – Project Summary and Project Narrative**

Applicants must complete the **Project Summary** (Form B).

In addition, Applicants must include a narrative of one or more pages that describes the Proposal. The narrative must include, at a minimum, the size of the Project, proposed uses, a breakdown of all residential units by type and affordability, the income and rent levels contemplated, the sources and amounts of financing, including any tax exemption

assumptions, and a brief description of the most relevant development experience of at least the Principal(s) who would manage the Project.

#### **TAB C – Applicant Description**

All Applicants must complete the **Development Team Information and Applicant Questionnaire** (Forms C-1 and C-2). Applicants that include a not-for-profit organization as a Principal of the Developer or a member of the Development Team must also complete the not-for-profit section of the Applicant Description.

If the Applicant is a joint venture, the Principals of each entity that comprises the joint venture must be identified, and a Principal of each entity must sign the Form.

Applicants must include a chart or diagram explaining the intended form and structure of any proposed partnership or joint venture. The structure and percentages of ownership and investment must be included.

Applicants are encouraged to provide resumes describing key members of the Development Team and/or brochures describing the Applicant and any similar projects in which the Applicant has been involved. This information may include information regarding projects that the Applicant has developed in the vicinity of the Development Site or clarification of information provided in the forms included in the Proposal. Provide a staffing plan indicating which Principals and staff members would have primary responsibilities for implementing the Project and their roles in day-to-day management of the Project.

#### **TAB D – Development Experience, Management Experience and Current Workload**

Each Principal of the Applicant must complete the **Residential Development Experience and Current Workload** and **Residential Management Experience and Current Workload** (Forms D-1 and D-2). If an individual has no experience, this shall be indicated by including a form marked “None.” These forms should be submitted as Excel files in original formatting on disc.

A separate form shall be provided for each Principal with residential management experience (Form D-3, **Management Questionnaire**). Care should be taken to provide accurate information about references. In addition, a separate form shall be provided for a Principal or managing agent proposed to manage the Development.

#### **TAB E – Assets Statement**

Each Principal of the Applicant must submit audited or reviewed financial statements describing in detail the Principal’s financial status in the two (2) most recent fiscal years preceding the deadline for the submission of Proposals in response to this RFP. Publicly-owned companies must submit the latest annual report and Form 10K as well as any Form 10Q submitted after such Form 10K. As an alternative, the **Assets Statement** (Form E) may be used.

## **TAB F – Financing Proposal**

Applicants must submit a completed **Rental Pro Forma** (Form F) in both hard copy and Excel format. Electronic copies of the forms can be downloaded from the HPD website. If portions of the Project are separately financed, the Applicant should provide separate proposals for each portion.

All proposals must reflect the rent price affordability calculations, and utility allowances described in Form F. In addition to the minimum affordability requirements described throughout this RFP, any subsidy programs that are utilized will determine additional, if any, required affordability levels.

Specific information about the superintendent's unit(s) should be included, as appropriate, in Form F. If the superintendent is not located onsite, a letter explaining alternative provisions for janitorial services that satisfy the Housing Maintenance Code must be included in this tab.

In addition to Form F, a narrative description that clearly explains the financing structure of the Project should be included. The narrative must explicitly identify proposed financing programs.

Market comparables for both residential and retail, in the form of detailed rental listings of at least three properties/projects within less than a mile of the Site and with similar operations, should be provided, if available.

## **TAB G – Letters of Interest**

### **Private and Public Funds**

**Private Financing** – If private financing is proposed, a letter or letters of interest from a private lender or lenders must be included. Letters must be dated no earlier than two (2) months from the date of submission of the Developer's proposal. The letter(s) must indicate a willingness to provide construction and permanent financing in amounts and with terms consistent with the proposal, and must include the following:

#### **Construction Loan**

- The amount of financing that the lender would consider based on the lender's preliminary determination of feasibility, based on expected development costs, and rent levels and/or sales prices; and
- The interest rate, fixed or variable, the equity requirement, and other terms under which the lender would provide construction financing.

#### **Permanent Loan**

- The amount of financing that the lender would consider based on the lender's preliminary determination of feasibility, based on expected development costs and rent levels; and

- The maximum loan to value ratio and other underwriting criteria, including treatment of rental income, minimum maintenance and operating expenses, and debt service coverage requirements.

The letters must be provided on the lender's letterhead, signed by a representative of the lender, and must state the amount and terms of the financing. Applicants may use different private lenders for construction and permanent financing.

### **Public Financing**

If bond financing from the State or the New York City Housing Development Corporation ("HDC") is proposed, a letter of interest from the State or HDC is NOT required. However, a letter of interest from a credit enhancer acceptable to the State or HDC, as applicable, must be provided. No HDC subsidy will be available.

### **Competitive Sources**

Any Proposal that includes funding or financing that is awarded on a separate competitive basis must submit an alternate scenario using non-competitively awarded sources and must provide appropriate letters of interest from those sources.

### **TAB H – Environmental Proposal**

Applicants must submit a proposal for environmental testing and/or remediation, if applicable.

The Developer(s) should select a reputable environmental planning consultant with experience in the preparation of CEQR documents. The selected environmental consultant should also have expertise in acoustical studies and extensive familiarity with CEQR and HUD noise assessment methodologies.

### **TAB I – Design Team Experience & Narrative**

Applicants must submit design team's resume, focused on projects in the last ten (10) years, and qualifications detailing applicable residential and mixed-use development experience.

Applicants must provide a detailed narrative description outlining the proposed concept and methodology of the Project and include, among other things, the Applicant's approach to the Project, critical Project issues and problem solving techniques, primary design objectives of the Project intended to meet the standard of design and construction described throughout this RFP for both the core and shell and the residential units, level of engagement anticipated by the Applicant, and specific high performance and sustainable design opportunities appropriate for this Project. This description should identify:

- A rationale for the design concept chosen for the Project that includes circulation (private and public), new building configuration and lot coverage, heights, orientation and relationship to surroundings, primary building materials, major architectural features, and sustainable design elements;

- Type, location, and total Project square footage (gross and rentable, including basement(s), if applicable), as well as total square footage breakdown for each use;
- Type, number, and characteristics of the residential units, including unit distribution, number of bedrooms, approximate square footages and amenities;
- Detailed description of construction methods, foundation type(s), and building systems for all new buildings;
- Description and location of all mandatory infrastructure and other public improvements, including public and private open spaces, landscaping, and parking;
- Description of the zoning overrides needed for the project; and
- How the development complies with other zoning and legal requirements.

#### **TAB J – Architectural Submission**

All plans must be prepared by a Registered Architect or Professional Engineer. All materials must be on paper size of 11" by 17" or smaller and must be easily reproducible. The following must be included:

- Area Plan: A copy of the most recent Sanborn map of the area; indicate vehicular traffic directions and locations of bus stops in a two-block radius.
- Zoning / Statistics: a zoning map for the Development Site, a detailed zoning computation and analysis to demonstrate compliance or noncompliance with existing zoning, and Building Code information indicating occupancy group and construction classification. Also include apartment count and distribution, retail space and/or community facility space.
- Development Site Plan: Clearly legible site plan indicating all components of the Project and other development within one block of the Development Site. It must include walkways, sidewalks, parking, driveways, building access points, tree locations, plant materials, fences, gates, lighting, easements, and encroachments.
- Typical and Atypical Floor Plans: It is not required that design and architectural documents submitted include full apartment layouts for the floor plans. Submissions, however, must show blocked out units, furniture layout, and clearly indicate all dimensions and total square footages. Community spaces (laundry room, play room, etc.) should be indicated in the floor plans. Unit plans must be  $1/8"=1'0"$ . Unit and bedroom dimensions should be computed to the inside of finished surfaces of walls, excluding columns, pipe chases, kitchens, kitchenettes, entryways, and closets. Plans should include a North arrow, actual scale and graphic scale.
- Retail Plan (if applicable): Provide plans for the ground floor retail space(s) and/or community facility space. Clearly indicate access points, existing columns, storage space, electrical outlets and bathrooms. Provide any additional plans and details if they provide a better understanding of the retail space and/or community facility space.
- Elevations: All elevations of the buildings at the same scale as the plans. Finishes, construction materials, ceiling heights, and floor elevations (level) must be shown and labeled on drawings. Perspective drawings/renderings are optional; however, they must not replace required elevations. Color renderings and/or elevations are expected.

- Any other architectural drawings such as axonometric, street frontage elevations, perspective or sectional drawings or computer generated modeling, if they provide a better understanding of the development concept.

#### **TAB K – Sustainability Elements**

Applicants should provide a concise narrative in Tab K describing sustainability elements included in their proposal. Applicants should also include the **Green Communities Intended Methods Workbook** (Form G) in this tab. Applicants should clearly indicate which of the elements are included in their proposal.

#### **TAB L – Marketing Plan**

Applicants must provide marketing plans for all components of the Project. The marketing plans should include information about pricing structures, amenities, assessment of competition, and absorption rates assumed; anticipated target markets for all components of the Project; advertising strategy; description of marketing plans for analogous projects; and other relevant information.

#### **TAB M – Development Schedule**

Applicants must provide a development schedule, including benchmarks for commencement and completion of plans and drawings, DOB plan approval, site preparation, construction commencement and completion, marketing, and occupancy of the Project.

#### **TAB N – OPTIONAL New Housing Paradigm Narrative**

A major goal of this RFP is to create a replicable development model suitable to address the needs of the City's changing demographics. The design team is asked to consider what changes they would make to the zoning and building codes to facilitate future housing models, although the proposed Micro-units as part of this RFP must adhere to *current* regulations.

Potential changes include:

1. Smaller room sizes (less than 150 square feet);
2. Narrower room width (less than eight feet);
3. Exemption from requirement of providing a kitchen, with the condition that a common kitchen would not be allowed; and
4. Allowance for kitchenette to merge with living room (sleeping permission).

The following will not be considered:

1. Changes to accessibility requirements;
2. Changes to light and air requirements;
3. Common bath and toilet allowance; and
4. Common kitchen allowance.

In a narrative, please describe which regulations you believe impede the development of small, efficient Micro-units. What would the ideal Micro-unit look like if you could change

such regulations? Please note that development proposals submitted in response to the RFP must adhere to *current* regulations.

**I. Review**

Each Proposal will be reviewed according to the Threshold Requirements detailed in Part IV, Section A, "Threshold Requirements." Proposals that fail to meet the Threshold Requirements will not be further evaluated.

Proposals that pass the Threshold Requirements will be evaluated and ranked based on the Competitive Selection Criteria detailed in Part IV, Section B, "Competitive Selection Criteria." HPD may request additional information, site visits, interviews, or other presentations by the Development Team(s). HPD may disapprove the inclusion of any member of an Applicant's Development Team and/or require the selected Applicant to substitute other individuals or firms.

**J. Selection**

Selection of a Developer(s) under this RFP means only that HPD will commence negotiations with such Applicant regarding the proposal for the Development Site.

**Negotiation Letter**

Upon such selection, HPD will send written notification ("Negotiation Letter" or "Letter") to the Developer(s) regarding the commencement of negotiations. This Negotiation Letter will set forth certain information regarding the Development and procedures that will form the basis for such negotiation.

Form A-2 is an Applicant's Letter that describes this process. Each Proposal must include this letter signed on behalf of the Applicant by a Principal. HPD reserves the right to terminate negotiations with or without cause after the issuance of such Negotiation Letter.

**Pre-Development Timetable**

The Negotiation Letter will include a development schedule setting out the major actions and timeframes necessary to start construction within 12 months from the date of the Letter, depending on the site. Failure of the Developer(s) to follow the development schedule may result in the termination of negotiations and the selection of another Developer or Developers. The selected Applicant(s) must begin pre-development work within thirty (30) days of the date of the Negotiation Letter.

**Disclosure**

The Developer(s) who receive a Negotiation Letter from HPD must thereafter disclose all previous participation with City-assisted projects. Such entity or entities and all Principals thereof will each be required to submit completed Entity and Individual Disclosure Statements which will be forwarded to the Developer(s). HPD will provide copies of these forms upon request to any Applicant.

**No Obligation**

This RFP does not represent any obligation or agreement whatsoever on the part of HPD. Any obligation or agreement on the part of HPD may only be incurred after HPD and the Developer(s) enter into a written agreement approved by the Mayor and the Corporation Counsel. HPD may use the Proposals submitted pursuant to this RFP as a basis for negotiation with Applicants as they deem appropriate. HPD may reject at any time any or all Proposals, amend or withdraw this RFP in whole or in part, negotiate with one or more Applicants, and/or negotiate and dispose of the Development Site on terms other than those set forth herein (including to parties other than those responding to this RFP). HPD may also, at any time, waive compliance with, or change any of the terms and conditions of this RFP, entertain modifications or additions to selected Proposals, or withdraw or add individual Development Sites or parcels from or to this RFP.

## **VI. CONDITIONS, TERMS, AND LIMITATIONS**

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This RFP is subject to the specific conditions, terms, and limitations stated below:

The Site is to be disposed of in its “as is” condition. The City, its officers, agents, and employees make no representation whatsoever as to the physical condition of the Site or its suitability for any specific use.

The Site shall be subject to New York City Real Property Taxes and charges. Tax benefits may be available under the 421-a, UDAAP (Section 696 of the General Municipal Law), 420-c, and/or 420-a tax exemption programs.

The proposed Project shall conform to, and be subject to, the provisions of the New York City Zoning Resolution (except as noted in Part III, Section G, “Zoning”), Building Code, and all other applicable laws, regulations, and ordinances of all Federal, State, and City authorities having jurisdiction, as the same may be amended from time to time.

Valid permits and approvals, as required by City, State, and Federal agencies, shall be obtained by the Developer prior to commencing work.

The selection of a Developer will depend on satisfaction of the additional documentation and review requirements described in this RFP, and will be subject to the subsequent approval of the Mayor.

The City will convey the Site pursuant and subject to the provisions of the LDA. HPD will recommend to the Mayor the acquisition price as stated. Where required, all documentation, including, but not limited to, the deed and LDA, shall be in form and substance satisfactory to the City Council, Mayor, and Corporation Counsel. The conveyance will be subject to satisfaction of the applicable provisions of the City Charter and Article 16 of the New York State General Municipal Law.

No transaction will be consummated if any Principal of any selected Developer is in arrears, or in default upon any debt, lease, contract, or obligation to the City of New York, including without limitation, real estate taxes and any other municipal liens or charges. The City reserves the right not to review any Proposal by any such Applicant.

HPD will consider all factors concerning the competence and integrity of any entity, and its principals, officers, and senior staff, before allowing it to serve as a sponsor or contractor on this project.

No commission for brokerage or any other fee or compensation shall be due or payable by the City, and the submission of a Proposal will constitute the Applicant undertaking to indemnify and hold the City harmless from and against any such claim for any such fee or compensation based upon, arising out of, or in connection with any action taken by the Applicant, the selection of the Applicant’s submission and invitation to the Applicant to respond to this RFP,

the commencement of negotiations with a Developer, pursuant to this RFP, or the sale of the Site.

The City is not obligated to pay, nor shall in fact pay, any costs or losses incurred by any Applicant at any time, including the cost of responding to the RFP.

The selection of an Applicant will mean only that HPD may commence negotiations with that Applicant regarding the development of the Development Site. HPD will send the Negotiation Letter to the selected Applicant. The selected Applicant must begin pre-development work within thirty (30) days of the date of the Negotiation Letter. The selected Applicant will be expected to start construction on the date specified in their Development Schedule; however, the Applicant must expect to commence construction no later than twelve (12) months from the date of the Negotiation Letter.

This RFP does not represent any obligation or agreement whatsoever on the part of the City. Any obligation or agreement on the part of the City may only be incurred after the City enters into a written agreement approved by the Mayor and Corporation Counsel. The City is under no legal obligation to convey the Development Site offered through this RFP through a competitive process. The City reserves the right to use the Proposals submitted pursuant to this RFP as a basis for negotiation with Applicants as the City deems appropriate. HPD may reject at any time any or all Proposals, amend or withdraw this RFP in whole or in part, negotiate with one or more Applicants, and/or negotiate and dispose of the Development Site on terms other than those set forth herein (including to parties other than those responding to this RFP). HPD may also, at any time, waive compliance with or change any of the terms and conditions of this RFP, entertain modifications or additions to selected Proposals, or withdraw the Site or portions of the Site from or add individual parcels to this RFP.

Selection of an Applicant's Proposal will not create any rights on the Applicant's part, including, without limitation, rights of enforcement, equity or reimbursement, until after the approvals of the City Council, Mayor, and Corporation Counsel, and until the deed, LDA, and all related documents are fully executed and approved. The terms of the deed and LDA, after execution, shall govern the relationship between the City and the Developer. In the event of any variance between the terms of this RFP and the deed or the LDA, the terms of the deed and/or LDA will govern.

All determinations as to the completeness or compliance of any Proposals, or as to the eligibility or qualification of any Applicant, will be within the sole discretion of the City.

This RFP and any agreement resulting there from are subject to all applicable laws, rules, and regulations promulgated by any Federal, State, or municipal authority having jurisdiction over the subject matter thereof, as the same may be amended from time to time.

## **VII. CONFLICTS OF INTEREST**

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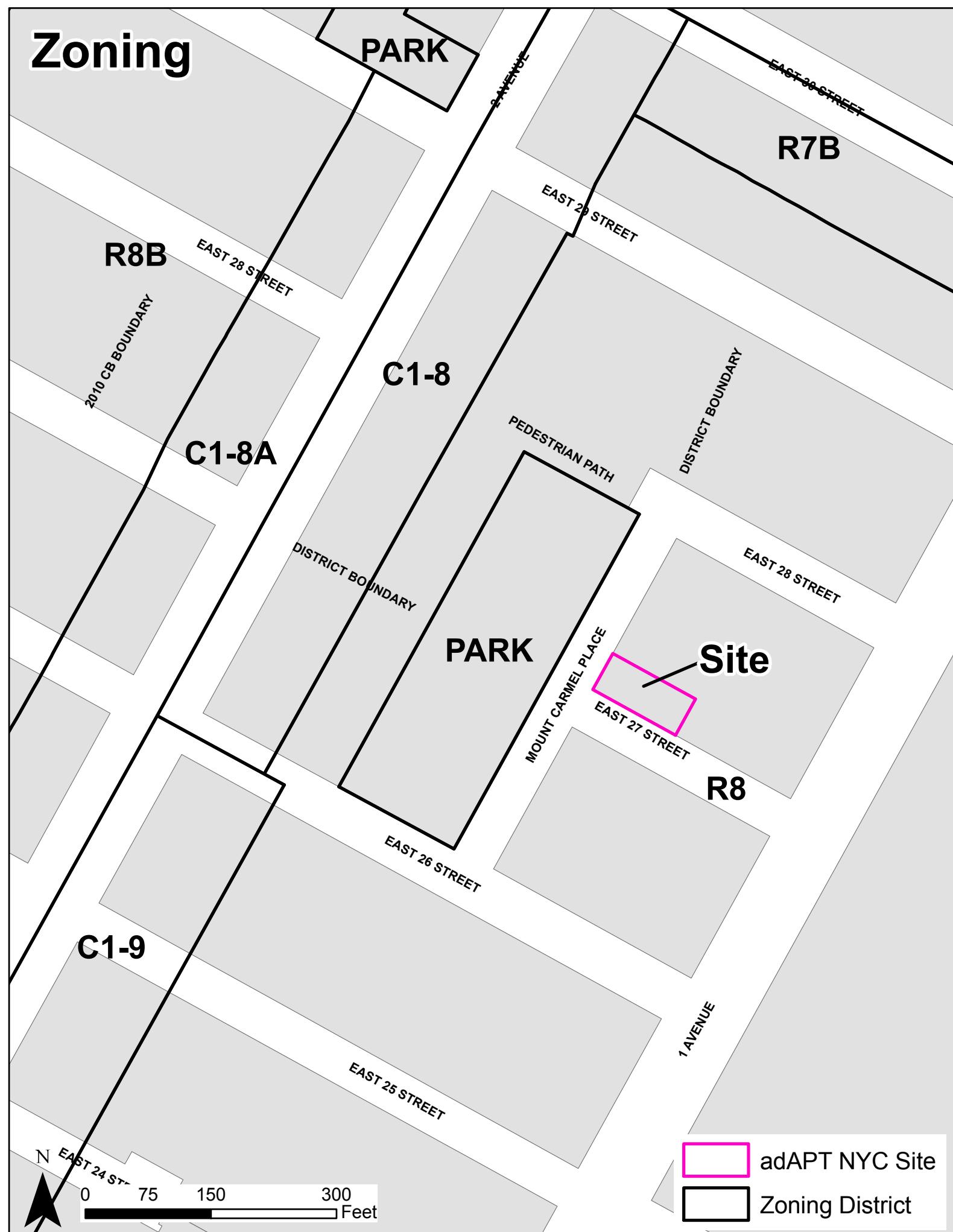
Current and former employees of the City of New York may respond to this RFP only in accordance with Chapter 68 of the New York City Charter governing ethics and conflicts of interest affecting City personnel. Section 2604(b)(7) of the City Charter contains specific prohibitions that exclude enumerated groups of employees from participating in the sales process. In addition, current HPD employees may not respond to this RFP.

Persons in the employ of the City considering the submission of a Proposal are advised that opinions regarding the propriety of their purchase of City-owned property may be requested from the New York City Conflicts of Interest Board. This body is empowered, under Section 2602 of the City Charter, to issue advisory opinions on conflict of interest questions and other matters of ethical considerations. It is not necessary, however, that such an opinion be obtained prior to responding to this RFP.

Former employees of the City of New York are also advised that the City Charter imposes certain restrictions on post-employment and business relationships with the City. Such individuals should consult the specific provisions on this issue contained in the City Charter.

## **APPENDIX A: Maps**

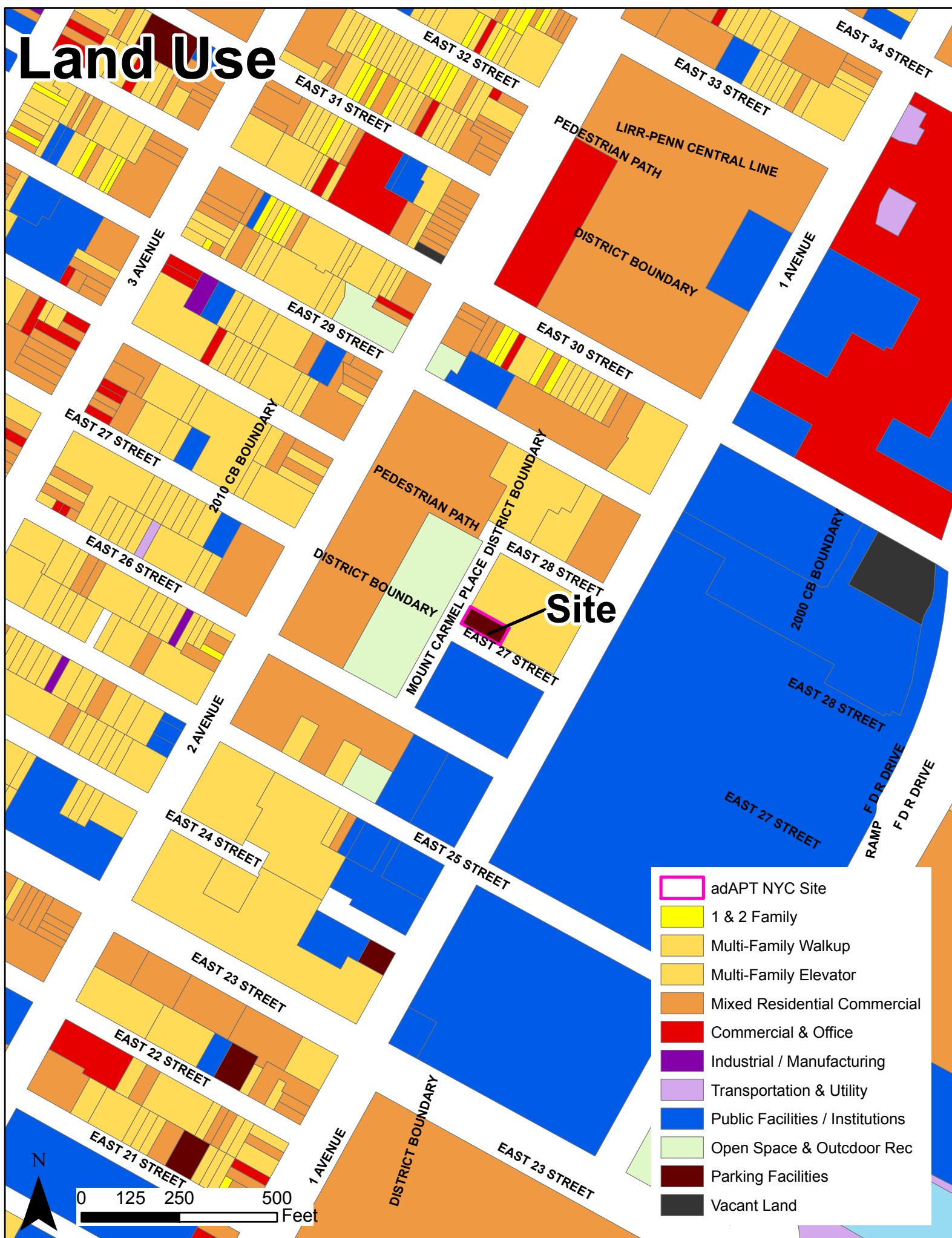
# Zoning



# Site Location



# Land Use



## **APPENDIX B: HPD Design Guidelines for New Construction**

# HPD Design Guidelines for New Construction

HPD has outlined a set of design principles and guidelines to foster quality and encourage creative approaches throughout the entire design development process. The design guidelines apply to all new construction housing projects subject to HPD review and approval.

The purpose of these guidelines is to establish minimum criteria for the design of quality housing. These guidelines are not intended to supersede the requirements of any other rules or regulations of any other agency having jurisdiction, in which case the more restrictive will govern.

Other agency rules and regulations may include but are not limited to New York City Building Code; Housing Maintenance Code; Zoning Resolution; Local Law 58 Handicap Standards, and particular program requirements. Also, projects must meet Federal, State, and City environmental laws, including those pertaining to: historic preservation; air, water, and noise quality; flood plain, wetland and coastal zone management; and solid waste management.

Guidelines using the word, must, are mandatory. However, the word, should, is advisory and minor deviations from the guidelines will be allowed if necessary to accommodate a clearly superior design. Substantial deviations from the advisory guidelines may disqualify proposals.

## I. SITE PLANNING

### A. Relationship to Neighborhood

1. When applicable, the height of a new building should relate to the prevailing heights of the existing buildings in the immediate neighborhood. The street wall and façade materials of any new building should visually and physically harmonize with the immediate neighborhood.
2. The design should be pedestrian friendly and provide architectural elements that generate activity, interest and interaction at the street level, such as stoops, porches, setbacks, bay windows, etc.

### B. Outdoor Space

1. A variety of outdoor spaces should be programmed and landscaped for specific uses according to the project's intended population, e.g.
  - If provided, front yards should be appropriately landscaped.
  - toddler play area with matting and safe equipment
  - infrastructure for tenant gardens
  - seating and game tables in the shade
2. Outdoor spaces must be buffered from vehicular service areas.
3. Wherever possible, windows should be located to insure surveillance of public and private outdoor spaces.
4. A secure barrier, such as the building or a steel picket fence (chain link fence is not acceptable along the street), should protect the perimeter of the site. The number of entry points into a building or project site should be minimized.

5. Street trees must be provided along the street frontage as per the NYC department of Parks and Recreation and the NYC Department of Transportation standards.

**C. Street Facade/Building Elevation**

1. The façade materials of all new buildings should be compatible with the surrounding neighborhood. Brick should be used in neighborhoods with a predominantly brick character.
2. Dimensions and spacing of fenestration should echo neighborhood patterns and maximize daylight into the unit.
3. Color, texture, material, and fenestration should be used to:
  - relate to adjacent buildings
  - define the base, middle, and top of buildings
  - reinforce the human scale at the base level

**D. Parking**

1. Parking should be shielded from the street and from on-site open spaces. Trees should provide a canopy over the parking areas.
2. If a large number of parking spaces is needed, consideration should be given to parking below grade.
3. Front pad parking should be avoided.

**II. BUILDING PLANNING**

**A. Lobby**

1. The lobby should be treated as an attractive and gracious space with materials and furnishings that are attractive, durable, and easy to maintain.
2. The lobby should be undisrupted by other elements, i.e.
  - garbage removal should not pass through the lobby
  - the compactor chute should not open into the lobby
  - janitor's closet and fire stair should not be visible.
3. If a mailroom is provided, it should be located in an area that is visible and accessible from the lobby.
4. Natural light should be maximized, and if possible, a view of the exterior landscaped space should be exploited.
5. The primary vertical circulation/elevator should be visible and accessible from the lobby.
6. The lobby should be visible from the street to insure security. Main residential entry should be clearly articulated and differentiated from commercial/retail entry.
7. Entry from the project's open space, the parking area, and the sidewalk should lead directly into the same lobby.

**B. Interior Circulation**

1. Public circulation space should be minimized.
2. The interior circulation system should have a minimal number of changes in corridor direction and minimal recesses or offsets.

3. Natural light should be maximized in circulation spaces.

**C. Community Spaces**

1. A variety of community spaces should be programmed for specific uses and sized accordingly with appropriate finishes and furnishings, e.g.
  - children's indoor play room with safe and durable play equipment and playful finishes
  - party room or adult lounge with comfortable furniture, T.V., bar/kitchenette, in close proximity to laundry room
  - exercise room with ventilation and natural light
  - common laundry room conveniently located and directly accessible from the public circulation. In 1 to 3 family houses, provide laundry hook-up for the homeowner.
2. All community spaces should receive natural light and have direct physical and visual access to the outdoor recreation space.
3. Appropriate relationships between community spaces should be fostered.

**D. Building Services**

1. Janitor closets should be provided with slop sinks.
2. Provide vandal/frost-proof hose bibb at front and rear of building.
3. Provide trash chutes, recycling room, and trash compactor in elevator buildings with 30 or more dwelling units.
4. The compactor room should be located for convenient transport of compacted refuse to the outside, minimizing transportation of garbage through the building's circulation space or across outdoor space.
5. Curb-side storage space for refuse/recycling pick-up should be provided and screened from the sidewalk, street, and building entrance.

**III. APARTMENT PLANNING**

**A. Unit Arrangement**

1. There must be no circulation through bedrooms to other bedrooms or to primary bathrooms. Bathrooms should be near the bedrooms. Bathrooms must not open into the Living Room, Dining Room, or Kitchen. Circulation through the Living Room should be avoided.
2. All door placements and wall lengths should accommodate furniture placement.
3. Direct access to private outdoor space should be provided from a living space within the unit, not a bedroom.

**B. Minimum Room Sizes**

<u>Name of Space</u>	<u>0-BR</u>	<u>1-BR</u>	<u>2-BR</u>	<u>3-BR</u>	<u>4-BR</u>	<u>Least Dimension</u>
LR	NA	160	160	170	180	11'-0"
LR/DA	NA	210	210	230	250	11'-0"
LR/DA/SA	250	NA	NA	NA	NA	11'-0"
LR/DA/K	NA	270	270	300	330	11'-0"
LR/SA	210	NA	NA	NA	NA	11'-0"
K/DA	100	120	120	140	160	8'-0"
DR	NA	100	100	110	120	8'-0"
BR (primary)	NA	130	130	130	130	10'-0"
BR (secondary)	NA	NA	110	110	110	9'-4"

Abbreviations:

LR	-	Living Room
DR	-	Dining Room
K	-	Kitchen/Kitchenette
BR	-	Bedroom
SA	-	Sleeping Area
0-BR	-	Apartment with no separate bedroom
NA	-	Not applicable

**Note: The room area shall be computed to the inside finished surfaces of the walls and partitions, and exclude columns, pipe chases, and closets.**

**C. Kitchenette/Kitchen**

1. Kitchen to Living Room visibility should be maximized by pass-through openings, open counters, and half height partitions.
2. Plumbing and ventilation chase walls should be shared where possible, but not at the expense of the design.
3. Kitchen equipment must consist of a 30" range, refrigerator (14 c.f. min), 24" sink, base cabinets with countertop and wall hung cabinets. In 1 to 3 family homes, provision for dishwasher and hook-ups should be provided for the homeowner.
4. Countertop work surface should be located on both sides of the sink and both sides of the range.
5. The minimum length of countertop work surface (excluding sink and appliances) and cabinet shelving must be as follows:

<u>Apartment Type</u>	<u>Countertop Work Surface</u>	<u>Shelving</u>
0-BR	5 lin. Ft	30 lin. Ft.
1-BR	6 lin. Ft.	40 lin. Ft.
2-BR	7 lin. Ft.	50 lin. Ft.
3-BR	8 lin. Ft.	55 lin. Ft.
4-BR	8 lin. Ft.	65 lin. Ft.

6. Base cabinets and countertops must be 2'-0" deep. Shelving must be 11<sup>1/2</sup>" deep.

7. Pantries are desirable, encouraged, and qualify as required shelving.

**D. Dining Area**

Every dwelling unit must contain a space for dining, which accommodates a table and chairs for the intended maximum number of occupants.

**E. Bathrooms**

1. Every dwelling unit must contain at least one full bathroom containing a bathtub with showerhead, a sink, and a toilet. Compartmentalizing the bathroom, to enable simultaneous use by more than one person, is encouraged.
2. Three bedroom apartments must have an additional half bathroom containing a sink and a toilet, and possibly a shower.
3. Four bedroom apartments must contain two complete bathrooms.

**F. Storage**

1. Every dwelling must contain a coat closet that is convenient to the entrance and is at least 2'-0" deep and 3'-0" wide.
2. Every bedroom must contain a clothes closet that is at least 2'-0" deep and 5'-0" wide.
3. Every dwelling unit must contain storage for linens that is at least 1'-6" deep and 2'-0" wide.
4. Additional general storage space, such as a walk-in-closet, should be provided within each dwelling, especially for units with more than 2 bedrooms.

**IV. HANDICAPPED/ ELDERLY REQUIREMENTS**

In addition to meeting all other applicable laws and regulations, units designed for elderly and/or handicapped persons must meet the following provisions:

**A. Lobby seating**

In all projects designed for exclusive occupancy by elderly or handicapped persons, adequate sitting space with a view of the street or open space should be provided in the lobby or adjacent lobby of each building.

**B. 2 person 0-BR units**

Every 0-BR dwelling unit designed for occupancy by elderly or handicapped persons must accommodate two persons sleeping separately.

**C. Outdoor space**

1. In all projects designed for exclusive occupancy by elderly or handicapped persons, provisions should be made for sitting space for at least 20% of all residents in appropriate outdoor areas.
2. All outdoor space must be programmed and landscaped for specific uses.
3. All outdoor spaces must be buffered from vehicular service areas.

## **V. SUBMISSION REQUIREMENTS**

All plans must be prepared by a Registered Architect or Professional Engineer. The developer or his agent must submit one easily reproduced copy of each of the following:

**A. Plans:**

Clearly indicate all community spaces on the appropriate floor plan (laundry room, playroom, adult lounge, etc).

- Site plan showing all walks, sidewalks, building access points, driveways, parking areas, play areas with equipment, benches, other exterior furnishings, trees, plant material, and elevations/grades.
- Street level commercial and/or residential lobby/entrance plan
- Typical residential floor plan
- Cellar or basement and roof plan
- Unit plans at 1/8"=1'-0".
- Any other plans needed to explain design concept.

**B. Elevations**

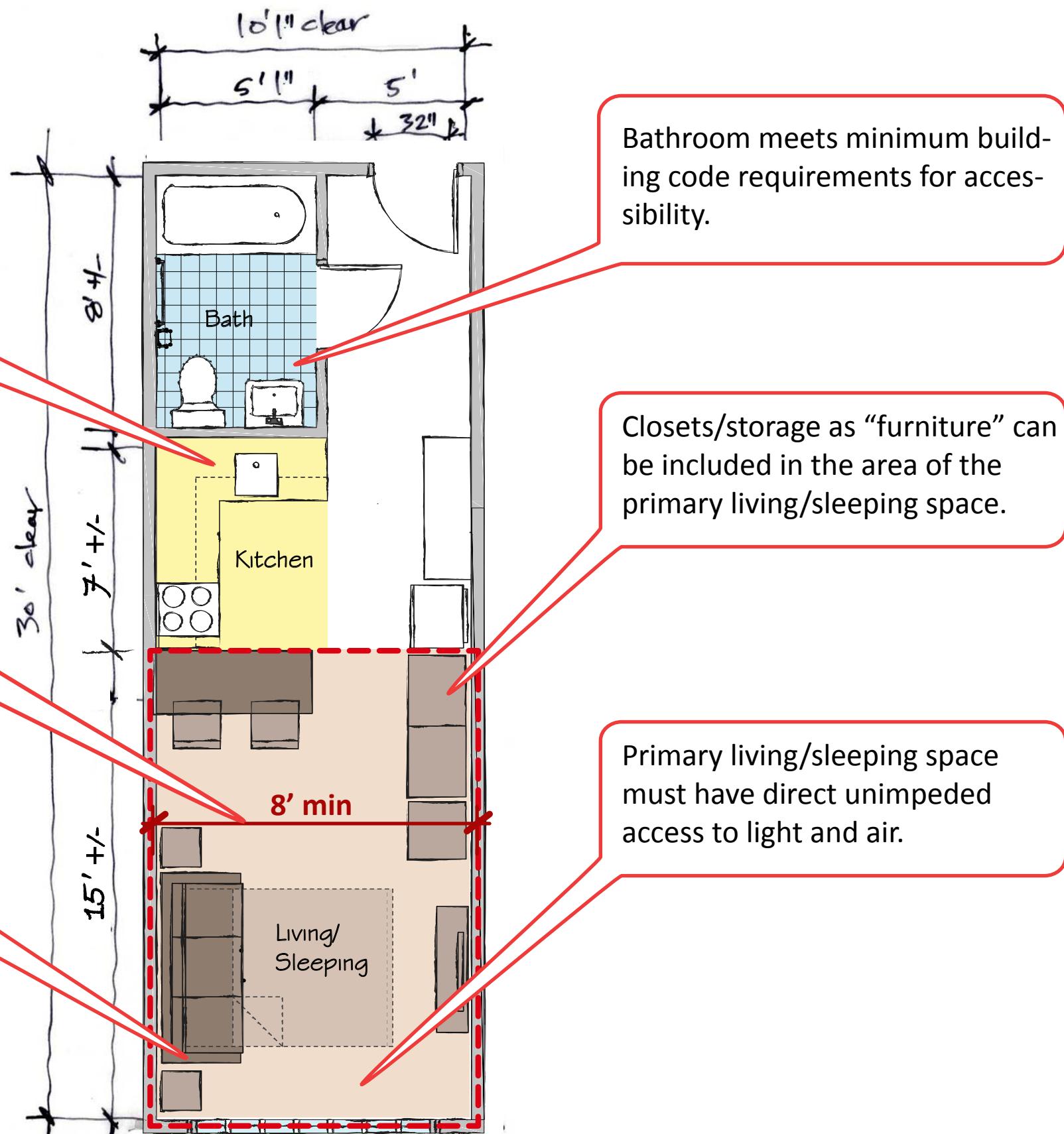
1. Street front elevations must indicate materials, colors, total building heights, and floor levels.
2. Elevations should show adjacent buildings to demonstrate the new building's compatibility.

**C. Project Statistics and Zoning Analysis**

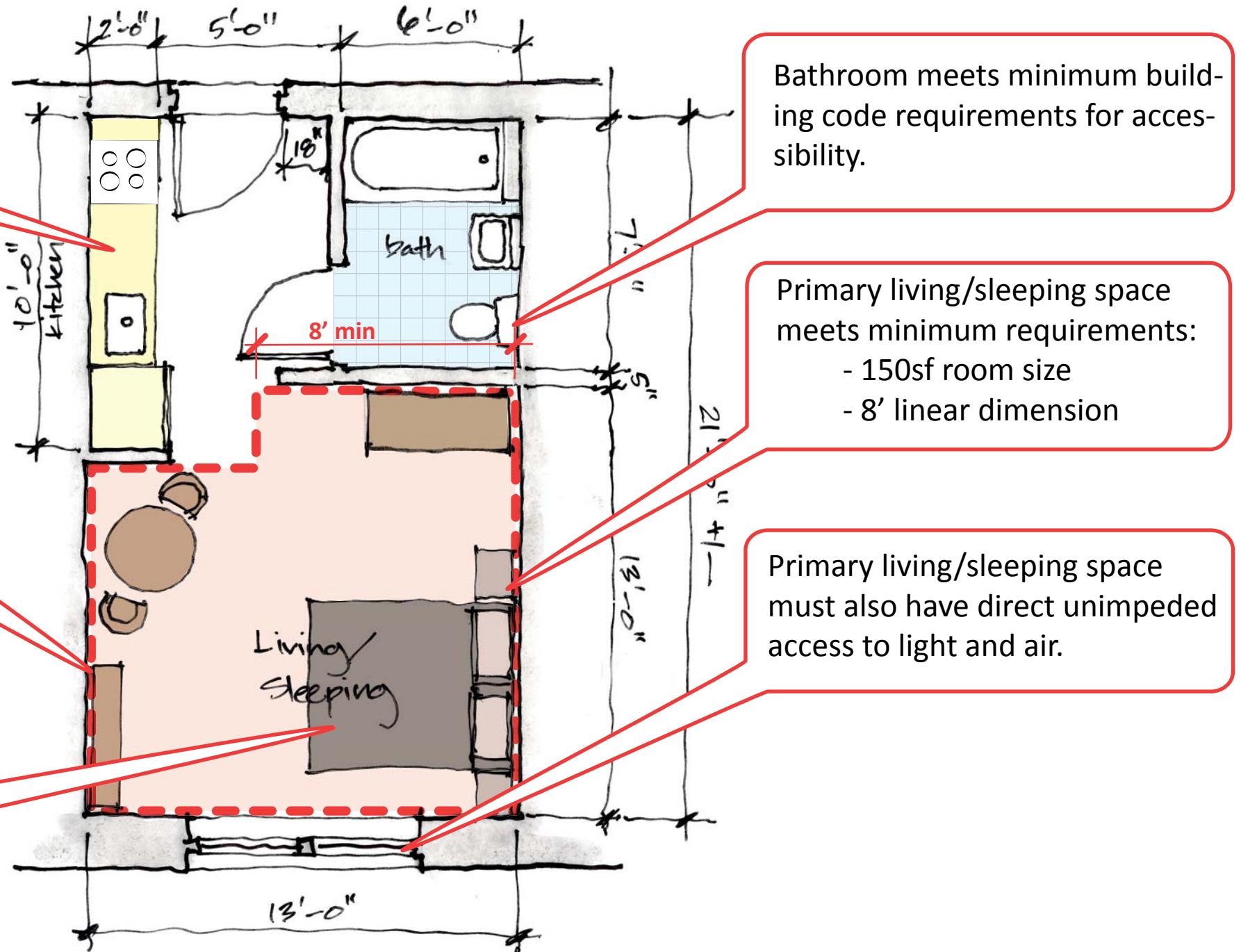
1. Complete zoning analysis is required, including allowable and proposed F.A.R; open space requirements; lot area per zoning room or dwelling unit; and parking and dwelling unit count. Zoning analysis must cite all relevant sections of the Zoning Resolution.
2. Show proposed apartment distribution and indicate building code occupancy group, construction group, and construction class.
3. Provide Topographic Survey as needed.

## **APPENDIX C: adAPT NYC Design Guidelines**

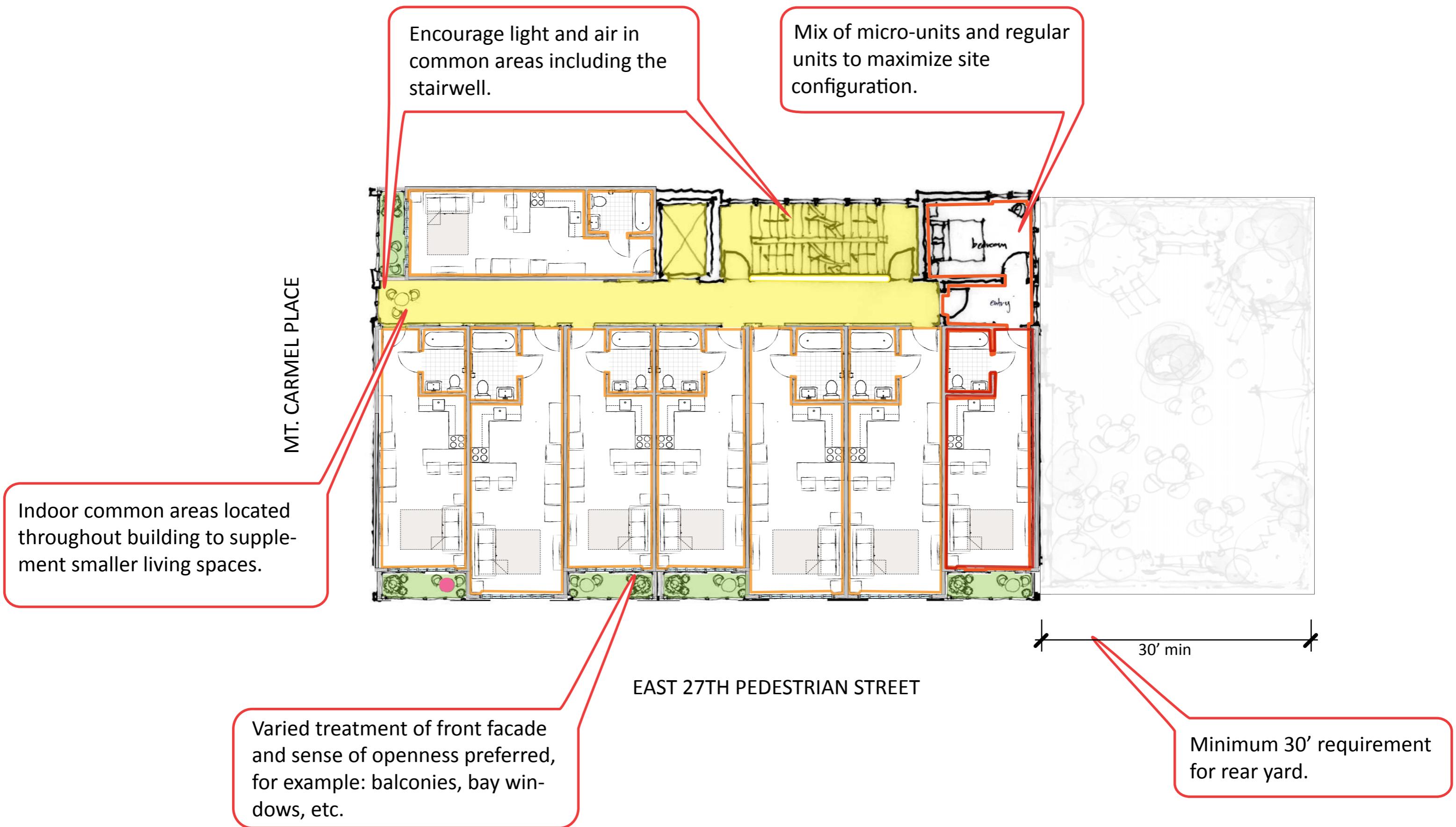
## ILLUSTRATIVE MICRO-UNIT LAYOUT - shown @ 300sf



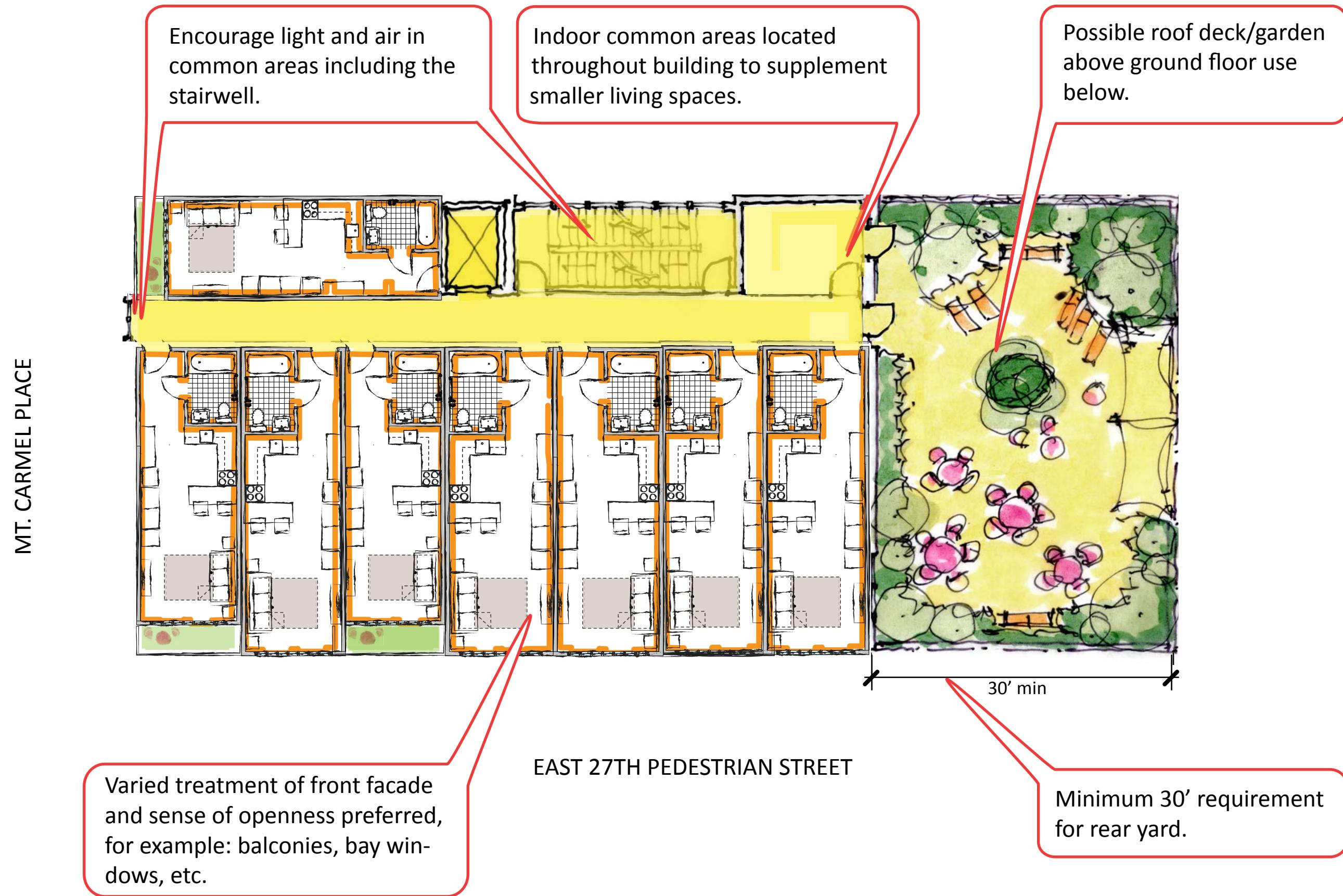
## ILLUSTRATIVE MICRO-UNIT LAYOUT - shown @ 275sf



## ILLUSTRATIVE BUILDING LAYOUT - upper floor



## ILLUSTRATIVE BUILDING LAYOUT - second floor



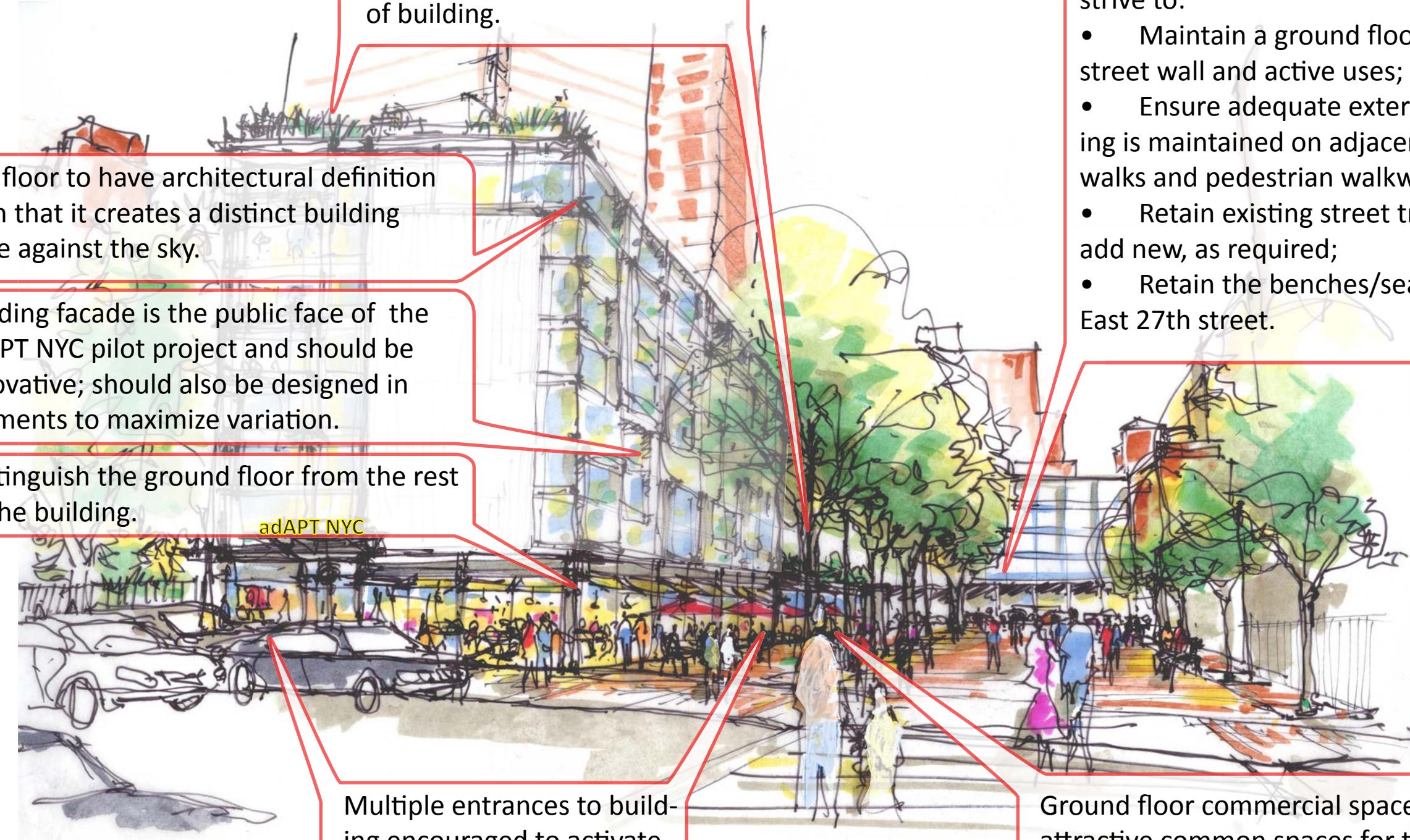
## ILLUSTRATIVE BUILDING LAYOUT - ground floor



## VIEW OF EXISTING SITE



## ILLUSTRATIVE PERSPECTIVE SKETCH



Activation of the pedestrian street is important to the project. As much as possible, the building should strive to:

- Maintain a ground floor-level street wall and active uses;
- Ensure adequate exterior lighting is maintained on adjacent sidewalks and pedestrian walkway;
- Retain existing street trees and add new, as required;
- Retain the benches/seating on East 27th street.

Top floor to have architectural definition such that it creates a distinct building edge against the sky.

Building facade is the public face of the adAPT NYC pilot project and should be innovative; should also be designed in segments to maximize variation.

Distinguish the ground floor from the rest of the building.

Multiple entrances to building encouraged to activate streets.

Ground floor commercial space and attractive common spaces for the residents are encouraged.

## **APPENDIX D: Green Communities Checklist**



M = MANDATORY  
# = AVAILABLE OPTIONAL POINTS

## 2011 Enterprise Green Communities Criteria Checklist

This checklist provides an overview of the technical requirements within the Enterprise Green Communities Criteria. **To achieve Enterprise Green Communities Certification, all projects must achieve compliance with the Criteria mandatory measures applicable to that construction type. Additionally, New Construction projects must achieve 35 optional points, Substantial Rehab projects must achieve 30 optional points, and Moderate Rehab projects must also achieve 30 optional points.**

### 1: INTEGRATIVE DESIGN

YES  NO  MAYBE

M

#### 1.1a Green Development Plan: Integrative Design Meeting(s)

Conduct one or more integrative design meetings and submit a Green Development Plan or equivalent documentation.

YES  NO  MAYBE

M

#### 1.1b Green Development Plan: Criteria Documentation

Create design and construction documentation to include information on implementation of appropriate Enterprise Green Communities Criteria.

YES  NO  MAYBE

2

#### 1.2a Universal Design (*New Construction only*)

Design a minimum of 15% of the dwelling units (no fewer than one) in accordance with ICC/ANSI A117.1, Type A, Fully Accessible guidelines.

YES  NO  MAYBE

2 or 3

#### 1.2b Universal Design (*Substantial and Moderate Rehab only*)

Design a minimum of 10% of the dwelling units (no fewer than one) in accordance with ICC/ANSI A117.1, Type A, Fully Accessible guidelines [2 points] and, for an additional point, the remainder of the ground-floor units and elevator-reachable units should have accessible unit entrances.

SUBTOTAL OPTIONAL POINTS

### 2: LOCATION + NEIGHBORHOOD FABRIC

YES  NO  MAYBE

M

#### 2.1 Sensitive Site Protection (*New Construction only*)

Do not locate new development, including buildings, built structures, roads, or other parking areas, on portions of sites that meet any of the following provisions:

- Land within 100 feet of wetlands, including isolated wetlands or streams
- Land on slope greater than 15%
- Land with prime soils, unique soils, or soils of state significance
- Public parkland
- Land that is specifically identified as habitat for any species on federal or state threatened or endangered lists
- Land with elevation at or below the 100-year floodplain

YES  NO  MAYBE

M

#### 2.2 Connections to Existing Development and Infrastructure (*New Construction only, except for projects located on rural tribal lands, in colonias communities, or in communities of population less than 10,000*)

Locate project on a site with access to existing roads, water, sewers, and other infrastructure within or contiguous to existing development. Connect the project to the pedestrian grid.



M = MANDATORY  
# = AVAILABLE OPTIONAL POINTS

YES  NO  MAYBE

M

#### LOCATION + NEIGHBORHOOD FABRIC (CONTINUED)

##### 2.3 Compact Development *(New Construction only)*

Design and build the project to a density of at least:

- *Urban/Small Cities*: 10 dwelling units per acre, or at least 75% of surrounding net residential density, whichever is greater
- *Suburban/Mid-Size Towns*: 7 dwelling units per acre, or at least 75% of surrounding net residential density, whichever is greater
- *Rural/Tribal/Small Towns*: 5 units per acre for detached or semi-detached housing; 10 units per acre for townhomes; 15 units per acre for apartments

YES  NO  MAYBE

5 or 6

##### 2.4 Compact Development

Design and build the project to a density of at least:

- *Urban/Small Cities*: 15 dwelling units per acre, or at least 75% of surrounding net residential density, whichever is greater *[5 points]*
- *Suburban/Mid-Size Towns*: 10 dwelling units per acre, or at least 75% of surrounding net residential density, whichever is greater *[6 points]*
- *Rural/Tribal/Small Towns*: 7.5 units per acre for detached or semi-detached housing; 12 units per acre for townhomes; 20 units per acre for apartments *[6 points]*

YES  NO  MAYBE

M

##### 2.5 Proximity to Services *(New Construction only)*

Locate the project within:

- *Urban/Small Cities*: a 0.25-mile walk distance of at least two *OR* a 0.5-mile walk distance of at least four of the list of facilities
- *Suburban/Mid-Size Towns*: a 0.5-mile walk distance of at least three *OR* a 1-mile walk distance of at least six of the list of facilities
- *Rural/Tribal/Small Towns*: two miles of at least two of the list of facilities

YES  NO  MAYBE

M

##### 2.6 Preservation of and Access to Open Space: Rural/Tribal/Small Towns Only

*(New Construction only)*

Set aside a minimum of 10% of the total project acreage as open space for use by residents *OR* locate project within a 0.25-mile walk distance of dedicated public open space that is a minimum of 0.75 acres

YES  NO  MAYBE

3  
max

##### 2.7 Preservation of and Access to Open Space

Set aside a percentage of the total project acreage as open space for use by residents:

20% *[1 point]*; 30% *[2 points]*; and 40% + written statement of preservation/conservation policy for set-aside land *[3 points]*

YES  NO  MAYBE

5

##### 2.8 Access to Public Transportation

Locate the project within:

- *Urban/Small Cities*: a 0.5-mile walk distance of combined transit services (bus, rail, and ferry) constituting 76 or more transit rides per weekday and 32 or more transit rides on the weekend
- *Suburban/Mid-Size Towns*: a 0.5-mile walk distance of combined transit services (bus, rail, and ferry) constituting 60 or more transit rides per weekday and some type of weekend ride option
- *Rural/Tribal/Small Towns*: 5-mile distance of either a vehicle share program, a dial-a-ride program, an employer van pool, or public-private regional transportation

YES  NO  MAYBE

5

##### 2.9 Walkable Neighborhoods: Connections to Surrounding Neighborhood—Rural/Tribal/Small Towns

Connect the project to public spaces, open spaces, and adjacent development by providing at least three separate connections from the project to sidewalks or pathways in surrounding neighborhoods and natural areas.



**M** = MANDATORY  
**#** = AVAILABLE OPTIONAL POINTS

YES  NO  MAYBE

**7**  
**max**

#### LOCATION + NEIGHBORHOOD FABRIC (CONTINUED)

##### 2.10 Smart Site Location: Passive Solar Heating/Cooling

Demonstrate a building with a passive solar design, orientation, and shading that meet specified guidelines. *Select one:*

- Single building—New Construction [7 points]
- Multiple buildings—New Construction [7 points]
- Moderate or Substantial Rehab [7 points]

YES  NO  MAYBE

**2**

##### 2.11 Brownfield or Adaptive Reuse Site

Locate the project on a brownfield or adaptive reuse site. *Select either:* adaptive reuse site [2 points] or brownfield remediation [2 points]

YES  NO  MAYBE

**6**

##### 2.12 Access to Fresh, Local Foods

Pursue one of three options to provide residents and staff with access to fresh, local foods, including neighborhood farms and gardens; community-supported agriculture; proximity to farmers market.

YES  NO  MAYBE

**4**

##### 2.13 LEED for Neighborhood Development Certification

Locate the project in a Stage 2 Pre-Certified LEED for Neighborhood Development plan or a Stage 3 LEED for Neighborhood Development Certified Neighborhood Development.

SUBTOTAL OPTIONAL POINTS

#### 3: SITE IMPROVEMENTS

YES  NO  MAYBE

**M**

##### 3.1 Environmental Remediation

Conduct an environmental site assessment to determine whether any hazardous materials are present on site.

YES  NO  MAYBE

**M**

##### 3.2 Erosion and Sedimentation Control (Except for infill sites with buildable area smaller than one acre)

Implement EPA's Best Management Practices for erosion and sedimentation control during construction.

YES  NO  MAYBE

**M**

##### 3.3 Low-Impact Development (New Construction only)

Projects located on greenfields must meet the list of low-impact development criteria.

YES  NO  MAYBE

**M**

##### 3.4 Landscaping

Provide new plants (including trees, shrubs, and ground cover) such that at least 50% of area available for landscaping is planted with native or adaptive species, all new plants are appropriate to the site's soil and microclimate, and none of the new plants is an invasive species.

YES  NO  MAYBE

**M**

##### 3.5 Efficient Irrigation and Water Reuse

If irrigation is utilized, install an efficient irrigation or water reuse system.

YES  NO  MAYBE

**2 or 6**

##### 3.6 Surface Stormwater Management

Retain, infiltrate, and/or harvest stormwater on site. *Select only one:* partial stormwater retention [2 points] or full stormwater retention [6 points]

SUBTOTAL OPTIONAL POINTS



M = MANDATORY  
# = AVAILABLE OPTIONAL POINTS

#### 4: WATER CONSERVATION

YES  NO  MAYBE

**M**

##### 4.1 Water-Conserving Fixtures

Install or retrofit water-conserving fixtures in all units and any common facilities with the following specifications: Toilets—1.28 gpf; Urinals—0.5 gpf; Showerheads—2.0 gpm; Kitchen faucets—2.0 gpm; Bathroom faucets—1.5 gpm

YES  NO  MAYBE

**6  
max**

##### 4.2 Advanced Water-Conserving Appliances and Fixtures

Install or retrofit water-conserving fixtures in all units and any common facilities with the following specifications: Toilets—1.2 gpf; Showerheads—1.5 gpm; Kitchen faucets—1.5 gpm; Bathroom faucets—0.5 gpm. *Select any, or all, of the options:*

- Toilets [2 points]
- Showerheads [2 points]
- Faucets—kitchen and bathroom [2 points]

YES  NO  MAYBE

**4  
max**

##### 4.3 Water Reuse

Harvest, treat, and reuse rainwater and/or greywater to meet a portion of the project's water needs.

- 10% reuse [1 point]
- 20% reuse [2 points]
- 30% reuse [3 points]
- 40% reuse [4 points]

SUBTOTAL OPTIONAL POINTS

#### 5: ENERGY EFFICIENCY

YES  NO  MAYBE

**M**

##### 5.1a Building Performance Standard: Single family and Multifamily (three stories or fewer) (*New Construction only*)

Certify the project under ENERGY STAR New Homes.

YES  NO  MAYBE

**M**

##### 5.1b Building Performance Standard: Multifamily (four stories or more) (*New Construction only*)

Demonstrate compliance with EPA's Multifamily High-Rise program (MFHR) using either the prescriptive or the performance pathway.

YES  NO  MAYBE

**M**

##### 5.1c Building Performance Standard: Single family and Multifamily (three stories or fewer) (*Substantial and Moderate Rehab only*)

Demonstrate that the final energy performance of the building is equivalent to a Home Energy Rating System (HERS) Index of 85.

YES  NO  MAYBE

**M**

##### 5.1d Building Performance Standard: Multifamily (four stories or more) (*Substantial and Moderate Rehab only*)

Demonstrate that the final energy performance of the building is equivalent to ASHRAE 90.1-2007.

YES  NO  MAYBE

**15  
max**

##### 5.2 Additional Reductions in Energy Use

Improve whole-building energy performance by percentage increment above baseline building performance standard for additional points.

YES  NO  MAYBE

**M**

##### 5.3 Sizing of Heating and Cooling Equipment

Size heating and cooling equipment in accordance with the Air Conditioning Contractors of America (ACCA) Manuals, Parts J and S, or ASHRAE handbooks.

YES  NO  MAYBE

**M**

##### 5.4 ENERGY STAR Appliances

If providing appliances, install ENERGY STAR-labeled clothes washers, dishwashers, and refrigerators.



M = MANDATORY  
# = AVAILABLE OPTIONAL POINTS

YES  NO  MAYBE

M

### ENERGY EFFICIENCY (CONTINUED)

#### 5.5a Efficient Lighting: Interior Units

Follow the guidance appropriate for the project type: install the ENERGY STAR Advanced Lighting Package (ALP); *OR* follow the ENERGY STAR MFHR program guidelines, which require that 80% of installed lighting fixtures within units must be ENERGY STAR-qualified or have ENERGY STAR-qualified lamps installed; *OR* if replacing, new fixtures and ceiling fans must meet or exceed ENERGY STAR efficiency levels.

YES  NO  MAYBE

M

#### 5.5b Efficient Lighting: Common Areas and Emergency Lighting

Follow the guidance appropriate for the project type: use ENERGY STAR-labeled fixtures or any equivalent high-performance lighting fixtures and bulbs in all common areas; *OR* if replacing, new common space and emergency lighting fixtures must meet or exceed ENERGY STAR efficiency levels. For emergency lighting, if installing new or replacing, all exit signs shall meet or exceed LED efficiency levels and conform to local building codes.

YES  NO  MAYBE

M

#### 5.5c Efficient Lighting: Exterior

Follow the guidance appropriate for the project type: install ENERGY STAR-qualified fixtures or LEDs with a minimum efficacy of 45 lumens/watt; *OR* follow the ENERGY STAR MFHR program guidelines, which require that 80% of outdoor lighting fixtures must be ENERGY STAR-qualified or have ENERGY STAR-qualified lamps installed; *OR* if replacing, install ENERGY STAR compact fluorescents or LEDs with a minimum efficacy of 45 lumens/watt.

YES  NO  MAYBE

M

#### 5.6a Electricity Meter (*New Construction and Substantial Rehab only*)

Install individual or sub-metered electric meters in all dwelling units.

YES  NO  MAYBE

3

#### 5.6b Electricity Meter (*Moderate Rehab only*)

Install individual or sub-metered electric meters in all dwelling units.

YES  NO  MAYBE

12  
max

#### 5.7a Renewable Energy

Install photovoltaic (PV) panels, wind turbines, or other electric-generating renewable energy source to provide a specified percentage of the project's estimated energy demand.

YES  NO  MAYBE

1 or 2

#### 5.7b Photovoltaic/Solar Hot Water Ready

Site, design, engineer, and/or plumb the development to accommodate installation of photovoltaic (PV) or solar hot water system in the future.

YES  NO  MAYBE

5

#### 5.8 Advanced Metering Infrastructure

Site, design, engineer, and wire the development to accommodate installation of smart meters and/or be able to interface with smart grid systems in the future.

SUBTOTAL OPTIONAL POINTS

### 6: MATERIALS BENEFICIAL TO THE ENVIRONMENT

YES  NO  MAYBE

M

#### 6.1 Low/No VOC Paints and Primers

All interior paints and primers must be less than or equal to the following VOC levels: Flats—50 g/L; Non-flats—50 g/L; Floor—100 g/L

YES  NO  MAYBE

M

#### 6.2 Low/No VOC Adhesives and Sealants

All adhesives must comply with Rule 1168 of the South Coast Air Quality Management District. All caulk and sealants must comply with regulation 8, rule 51, of the Bay Area Air Quality Management District.

YES  NO  MAYBE

M

#### 6.3 Construction Waste Management

Commit to following a waste management plan that reduces non-hazardous construction and demolition waste by at least 25% by weight through recycling, salvaging, or diversion strategies.



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#### MATERIALS BENEFICIAL TO THE ENVIRONMENT (CONTINUED)

YES  NO  MAYBE

**5  
max**

#### 6.4 Construction Waste Management: Optional

Determine percentage of waste diversion and earn all points below that threshold:

- 35% waste diversion [1 point]
- 45% waste diversion [1 point]
- 55% waste diversion [1 point]
- 65% waste diversion [1 point]
- 75% waste diversion [1 point]

YES  NO  MAYBE

**5**

#### 6.5 Recycling Storage for Multifamily Project

Provide one or more easily accessible, permanent areas for the collection and storage of materials for recycling.

YES  NO  MAYBE

**5  
max**

#### 6.6 Recycled Content Material

Incorporate building materials that are composed of at least 25% post-consumer recycled content or at least 50% post-industrial recycled content. *Select from the following:*

- Framing materials [1 point]
- Exterior materials: siding, masonry, roofing [1 point]
- Concrete / cement and aggregate [1 point]
- Drywall / interior sheathing [1 point]
- Flooring materials [1 point]

YES  NO  MAYBE

**5  
max**

#### 6.7 Regional Material Selection

Use products that were extracted, processed, and manufactured within 500 miles of the home or building for a minimum of 50% of the building material value (based on cost). *Select any or all of these options:*

- Framing materials [1 point]
- Exterior materials: siding, masonry, roofing [1 point]
- Concrete / cement and aggregate [1 point]
- Drywall / interior sheathing [1 point]
- Flooring materials [1 point]

YES  NO  MAYBE

**5**

#### 6.8 Certified, Salvaged, and Engineered Wood Products

Commit to using wood products and materials of at least 25% that are (by cost): FSC-certified, salvaged products, or engineered framing materials without urea-formaldehyde binders.

YES  NO  MAYBE

**1 or 3**

#### 6.9a Reduced Heat-Island Effect: Roofing

Use Energy Star-compliant roofing or install a “green” (vegetated) roof for at least 50% of the roof area. *Select only one: cool roof [3 points] or green roof [1 point]*

YES  NO  MAYBE

**2**

#### 6.9b Reduced Heat-Island Effect: Paving

Use light-colored, high-albedo materials and/or an open-grid pavement, with a minimum solar reflectance of 0.3, over at least 50% of the site’s hardscaped area.

SUBTOTAL OPTIONAL POINTS

### 7: HEALTHY LIVING ENVIRONMENT

YES  NO  MAYBE

**M**

#### 7.1 Composite Wood Products that Emit Low/No Formaldehyde

All composite wood products must be certified compliant with California 93120. If using a composite wood product that does not comply with California 93120, all exposed edges and sides must be sealed with low-VOC sealants.



M = MANDATORY  
# = AVAILABLE OPTIONAL POINTS

### HEALTHY LIVING ENVIRONMENT (CONTINUED)

YES  NO  MAYBE

**M**

#### 7.2 Environmentally Preferable Flooring

Do not install carpets in entryways, laundry rooms, bathrooms, kitchens/kitchenettes, utility rooms, and all rooms of ground-connected floors. Any carpet products used must meet the Carpet and Rug Institute's Green Label or Green Label Plus certification for carpet, pad, and carpet adhesives. Any hard surface flooring products used must be either ceramic tile, unfinished hardwood floors, OR in compliance with the Scientific Certification System's FloorScore program criteria.

YES  NO  MAYBE

**4**

#### 7.3 Environmentally Preferable Flooring: Alternative Sources

Use non-vinyl, non-carpet floor coverings in all rooms of building.

YES  NO  MAYBE

**M**

#### 7.4a Exhaust Fans: Bathroom *(New Construction and Substantial Rehab only)*

Install Energy Star-labeled bathroom fans that exhaust to the outdoors, are connected to a light switch, and are equipped with a humidistat sensor, timer, or other control (e.g., occupancy sensor, delay off switch, ventilation controller).

YES  NO  MAYBE

**6**

#### 7.4b Exhaust Fans: Bathroom *(Moderate Rehab only)*

Install Energy Star-labeled bathroom fans that exhaust to the outdoors, are connected to a light switch, and are equipped with a humidistat sensor, timer, or other control (e.g., occupancy sensor, delay off switch, ventilation controller).

YES  NO  MAYBE

**M**

#### 7.5a Exhaust Fans: Kitchen *(New Construction and Substantial Rehab only)*

Install power-vented fans or range hoods that exhaust to the exterior at the appropriate cfm rate, per ASHRAE 62.2, or install a central ventilation system with rooftop fans that meet efficiency criteria.

YES  NO  MAYBE

**6**

#### 7.5b Exhaust Fans: Kitchen *(Moderate Rehab only)*

Install power-vented fans or range hoods that exhaust to the exterior at the appropriate cfm rate, per ASHRAE 62.2, or install a central ventilation system with rooftop fans that meet efficiency criteria.

YES  NO  MAYBE

**M**

#### 7.6a Ventilation *(New Construction and Substantial Rehab only)*

Install a ventilation system for the dwelling unit capable of providing adequate fresh air per ASHRAE requirements for the building type.

YES  NO  MAYBE

**5**

#### 7.6b Ventilation *(Moderate Rehab only)*

Install a ventilation system for the dwelling unit capable of providing adequate fresh air per ASHRAE requirements for the building type.

YES  NO  MAYBE

**M**

#### 7.7 Clothes Dryer Exhaust

Clothes dryers must be exhausted directly to the outdoors using rigid-type duct work.

YES  NO  MAYBE

**M**

#### 7.8 Combustion Equipment

Specify power-vented or closed-combustion equipment when installing new space and water-heating equipment in New Construction and any Substantial and Moderate Rehab projects.

YES  NO  MAYBE

**M**

#### 7.9a Mold Prevention: Water Heaters

Provide adequate drainage for water heaters that includes drains or catch pans with drains piped to the exterior of the dwelling.

YES  NO  MAYBE

**M**

#### 7.9b Mold Prevention: Surfaces

In bathrooms, kitchens, and laundry rooms, use materials that have durable, cleanable surfaces.

YES  NO  MAYBE

**M**

#### 7.9c Mold Prevention: Tub and Shower Enclosures

Use non-paper-faced backing materials such as cement board, fiber cement board, or equivalent in bathrooms.



M = MANDATORY  
# = AVAILABLE OPTIONAL POINTS

### HEALTHY LIVING ENVIRONMENT (CONTINUED)

YES  NO  MAYBE

M

#### 7.10 Vapor Barrier Strategies *(New Construction and Rehab Projects with foundation work only)*

Install vapor barriers that meet specified criteria appropriate for the foundation type.

YES  NO  MAYBE

M

#### 7.11 Radon Mitigation *(New Construction and Substantial Rehab only)*

For New Construction in EPA Zone 1 and 2 areas, install passive radon-resistant features below the slab. For Substantial Rehab projects in those Zones, test for the presence of radon and mitigate if elevated levels exist.

YES  NO  MAYBE

M

#### 7.12 Water Drainage *(New Construction and Rehab projects replacing assemblies called out in Criterion only)*

Provide drainage of water away from windows, walls, and foundations by implementing list of techniques.

YES  NO  MAYBE

M

#### 7.13 Garage Isolation

Follow list of criteria for projects with garages, including: provide a continuous air barrier between the conditioned (living) space and any garage space to prevent the migration of any contaminants into the living space, and install a CO alarm inside the house in the room with a door to the garage *and* outside all sleeping areas.

YES  NO  MAYBE

M

#### 7.14 Integrated Pest Management

Seal all wall, floor, and joint penetrations with low-VOC caulking or other appropriate sealing methods to prevent pest entry.

YES  NO  MAYBE

M

#### 7.15 Lead-Safe Work Practices *(Substantial and Moderate Rehab only)*

For properties built before 1978, use lead-safe work practices consistent with the EPA's Renovation, Repair, and Painting Regulation and applicable HUD requirements.

YES  NO  MAYBE

9

#### 7.16 Smoke-Free Building

Implement and enforce a no smoking policy in all common, individual living areas, and with a 25-foot perimeter around the exterior of all residential buildings.

SUBTOTAL OPTIONAL POINTS

### 8: OPERATIONS + MAINTENANCE

YES  NO  MAYBE

M

#### 8.1 Building Maintenance Manual *(All Multifamily Projects)*

Provide a building maintenance manual that addresses maintenance schedules and other specific instructions related to the building's green features.

YES  NO  MAYBE

M

#### 8.2 Resident Manual

Provide a guide for homeowners and renters that explains the intent, benefits, use, and maintenance of green building features.

YES  NO  MAYBE

M

#### 8.3 Resident and Property Manager Orientation

Provide a comprehensive walk-through and orientation for residents and property managers using the appropriate building maintenance or resident's manual.

YES  NO  MAYBE

12

#### 8.4 Project Data Collection and Monitoring System

Collect and monitor project performance data on energy, water, and, if possible, healthy living environments for a minimum of five years.

SUBTOTAL OPTIONAL POINTS

TOTAL OPTIONAL POINTS

## **APPENDIX E: Marketing Guidelines**

# MARKETING GUIDELINES

*Updated March 2012*



## **MARKETING GUIDELINES – TABLE OF CONTENTS**

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1. Introduction
2. Basic Sequence of Activities
3. Marketing Plan Checklist
4. Outline of Procedures
5. Submissions and Ongoing Reporting Requirements
6. List of Attachments

# INTRODUCTION



## **MARKETING GUIDELINES – INTRODUCTION**

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### **WHAT THIS MANUAL IS:**

The Marketing Guidelines describe policies, procedures, and certain requirements for the marketing and selection of residents for developments (“Projects”) subsidized by the New York City Department of Housing Preservation and Development (“HPD”) and/or the New York City Housing Development Corporation (“HDC”) (together, the “Agencies”).

Developers, owners, marketing agents, and sponsors of Projects (“Developer(s)”) must follow these guidelines in preparing marketing plans for their Projects and comply with its specific requirements.

The Developer should consult the monitoring agency in the event any questions or concerns arise with respect to the procedures set forth in these guidelines, as well as the occupancy requirements.

The primary objective of the marketing effort for the Project is to select diverse tenants, including those with mobility, visual, or hearing impairments that require an adaptable/accessible apartment. Outreach efforts utilized by the Developer are a critical tool in the development of a diverse applicant pool and tenancy.

The Developer must also comply with all applicable fair housing and equal housing opportunity requirements and the requirements of any other governmental agencies.

## MARKETING GUIDELINES – INTRODUCTION

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### WHAT THIS MANUAL IS NOT

The Marketing Guidelines are not a comprehensive compliance manual. The Developer must ensure that its employees and agents are fully trained in all facets of the program and all requirements of the specific occupancy requirements of each Project. Maintaining compliance is the Developer's responsibility.

This manual also does not contain specific occupancy requirements for Projects. Developers must refer to their Project's Regulatory Agreement for income, rent, and other occupancy restrictions.

# **BASIC SEQUENCE OF ACTIVITIES**



NEW YORK CITY  
HOUSING DEVELOPMENT  
CORPORATION



# MARKETING GUIDELINES – BASIC SEQUENCE OF ACTIVITIES

## BASIC SEQUENCE OF ACTIVITIES

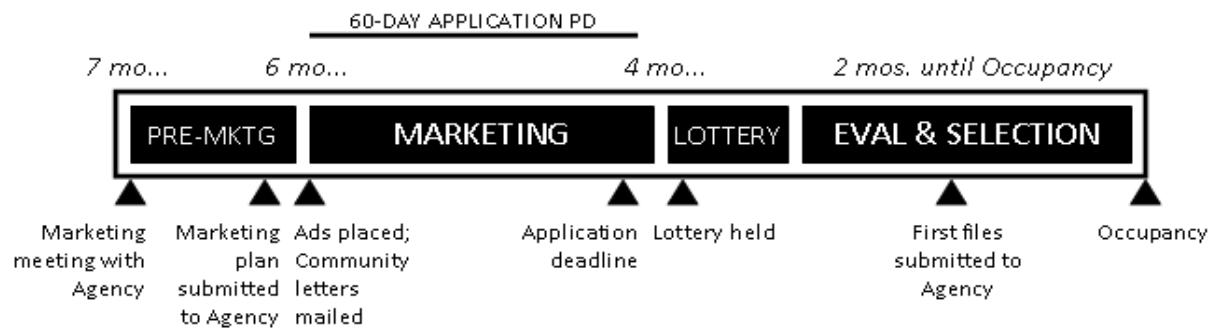


Figure 1: Major milestones in marketing process

ACTIVITY	TIMELINE
1. Project site sign erected and information posted on website and hotline	At the start of construction
2. Inquiry list maintained	On an ongoing basis
3. Marketing meeting held with Agency	Seven (7) months prior to anticipated occupancy
4. Marketing Plan submitted to Agency at Marketing meeting	At least six (6) months prior to anticipated occupancy
5. Community contact letters mailed and advertisements placed	Represents commencement of marketing period, at least sixty (60) days prior to application deadline date.
6. Marketing sign erected with information on how to obtain applications	At commencement of the marketing period
7. Lock box/P.O. Box established for receipt of applications	At commencement of the marketing period
8. Applications mailed to inquiry list; requests for applications processed as received	When first advertisement is published
9. Application postmark deadline	Represents completion of sixty (60) day marketing period
10. Compliance Meeting held with Agency	Two weeks before the Lottery
11. Lockbox/P.O. Box is opened; Hold	Seven (7) to ten (10) days after application

## **MARKETING GUIDELINES – BASIC SEQUENCE OF ACTIVITIES**

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lottery	deadline
12. Log applicants; review applications	Approximately 2-3 months before occupancy.
13. Submit files to monitoring agency	
14. After approval from agency, occupancy begins	Occupancy begins.

# **MARKETING PLAN CHECKLIST**



NEW YORK CITY  
HOUSING DEVELOPMENT  
CORPORATION



Prior to implementing the Developer's marketing plan for the Project ("Marketing Plan"), the Developer must submit the Marketing Plan for Agency review and approval. Below is a Marketing Plan Checklist.

- ✓ CONSTRUCTION SITE SIGNAGE ERECTED
- ✓ INQUIRY LIST MAINTAINED
- ✓ FILE NOTICE OF INTENT WITH AGENCY
- ✓ MARKETING MEETING WITH AGENCY
- ✓ FILE MARKETING PLAN WITH AGENCY
- ✓ SUBMIT DRAFT OF ADVERTISEMENT TO AGENCY FOR APPROVAL
- ✓ SUBMIT MARKETING AGENT AND/OR MANAGING AGENT AGREEMENT TO AGENCY
- ✓ AGENCY ESTABLISHES CALLER SERVICE BOX
- ✓ REMIT PAYMENT TO AGENCY FOR CALLER SERVICE BOX
- ✓ DRAFT AND MAIL COMMUNITY CONTACT LETTERS
- ✓ AGENCY MAILED ELECTED OFFICIAL LETTERS
- ✓ MARKETING SIGN ERECTED WITH INFORMATION ON HOW TO OBTAIN APPLICATIONS
- ✓ PLACE ADVERTISEMENTS IN NEWSPAPERS
- ✓ PROVIDE AGENCY WITH ALL COPIES OF ACTUAL ADVERTISEMENTS
- ✓ MAIL APPLICATIONS TO INTERESTED APPLICANTS ON INQUIRY LIST; REQUESTS FOR APPLICATIONS PROCESSED AS RECEIVED
- ✓ HOLD INFORMATIONAL SEMINARS AT LOCAL FACILITIES, SUCH AS COMMUNITY BOARD(S) AND/OR LOCAL ORGANIZATIONS
- ✓ SCHEDULE LOTTERY WITH AGENCY
- ✓ HIRE STAFF FOR SCHEDULE LOTTERY DATE(S)
- ✓ HOLD LOTTERY
- ✓ ATTEND COMPLIANCE MEETING WITH AGENCY
- ✓ SUBMIT ELECTRONIC LOG TO AGENCY FOR REVIEW
- ✓ PROCESS LOTTERY LOG
- ✓ SUBMIT FILES TO AGENCY FOR REVIEW AND APPROVAL
- ✓ SUBMIT INTERMITTENT LOG UPDATES WITH DISPOSITION COMMENTS AND STATS REPORT
- ✓ REQUEST WAIVER(S), IF NEEDED  
AGENCY APPROVAL DATE \_\_\_\_\_
- ✓ REQUEST OPEN MARKET, IF NEEDED  
AGENCY APPROVAL DATE \_\_\_\_\_
- ✓ SUBMIT INITIAL MOVE-IN CERTIFICATION TO AGENCY
- ✓ SUBMIT FINAL LOG WITH DISPOSITION COMMENTS AND STATS REPORT

# OUTLINE OF PROCEDURES

- I. PRE-MARKETING
- II. MARKETING
- III. LOTTERY
- IV. APPLICANT EVALUATION & RESIDENT SELECTION



# MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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## I. PRE-MARKETING

### A. PROJECT SITE SIGN AND MARKETING SIGN

The Developer must display a project site sign, provided by the Agency, on site in public view, beginning at the start of construction. The project sign is to remain erected on the site until construction is substantially complete. See *Site Sign Request Form, Attachment A-1*.

- ✓ **The Marketing Plan should state the date that the project site sign was erected.**

The Developer must also design and display on site and in public view a legible marketing sign with information on how to obtain an application for a unit. The marketing sign should be displayed upon commencement of the marketing period and remain until the conclusion of the marketing effort.

- ✓ **The Marketing Plan should include a sample marketing sign and should state the approximate date on which the sign will be erected.**

### B. INQUIRY LIST

At the start of construction, an inquiry list should be maintained by the Developer's office. Inquiries must be accepted up to the deadline date for requests for applications. The inquiry list should include the following information:

- Name and contact information of those interested in renting/purchasing a unit;
- How the inquiry was received, e.g. via telephone, email, walk-in, or mail. (The Developer may select the procedure for accepting inquiries.)
- ✓ **The Marketing Plan should outline these inquiry list procedures.**

### C. AGENCY WEB SITE AND HOTLINE POSTING

The Developer must make the following information available to the Agency for posting on the Web site and Affordable Housing Hotline (See *Web Site Posting Form, Attachment A-2*):

- Information related to the development (e.g. number of units; initial rents/sale prices);
- Developer or marketing agent contact info, if applicable;
- Expected construction completion date;
- Method for interested parties to be placed on an inquiry list.
- ✓ **The Marketing Plan should also include this basic project information.**

# MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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## D. PRE-MARKETING MEETING

At least seven (7) months prior to anticipated occupancy, the Developer must contact the Agency to schedule a marketing meeting. At that time, Developer and Agency will meet to review the procedures for marketing, applicant evaluation and resident selection, occupancy, and management, as well as any related documents and reports. The Developer shall submit to the Agency a "Notice of Intent" form to initiate the marketing process.

- ✓ **The Marketing Plan should include a dated copy of the Notice of Intent. See *Sample Notice of Intent to Market, Attachment C.***

## E. MARKETING PLAN

Following the pre-marketing meeting, the Developer must submit to the Agency for review and comment a proposed Marketing Plan which will outline procedures to be followed in the Pre-marketing, Marketing, and Applicant Evaluation and Resident Selection phases. See *Marketing Plan Summary Sheet, Attachment B* and See *Marketing Plan Checklist, p. 10.*

- ✓ **The Marketing Plan should include the approximate date at which each of these items will be implemented/completed.**

## II. MARKETING

The formal marketing process should begin at least six (6) months prior to the anticipated occupancy of the first unit. The placement of advertisements and other outreach efforts commences the official 60-day marketing period.

The Developer must ensure that the Project is always in compliance with the provisions of the Project's Regulatory Agreement. The Developer should be aware of its obligation to obtain, verify and provide the Agency, on an ongoing basis, with all required information. The Developer should fully familiarize themselves with the provisions of the Regulatory Agreement.

## A. OUTREACH

Marketing aims to achieve the broadest practical citywide representation in its outreach efforts. The Developer's outreach effort is an essential element in the development of a diverse applicant pool and tenancy. The Agency expects the Developer's Marketing Plan to be designed to achieve this objective.

The Agency requires the use of community and citywide civic organizations as part of the marketing effort.

### *Elected Official and Community Board Letters*

At the commencement of marketing, the Agency submits letters to the Community Board and elected officials affiliated with the district in which the development is located.



# MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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## *Community Outreach Letters*

The Developer must provide additional methods of community contact and describe these methods in the Marketing Plan. It should be stressed that targeted outreach is extremely important to the marketing process in order to adequately fill the preference categories. Community outreach letters should be mailed by the Developer at least sixty (60) days prior to the deadline date for receipt of applications. See *Outline of Contents for Community Contact Letter(s), Attachment D*.

At a minimum, the Developer should initiate contact with the local Community Board to discuss the project and possible outreach options. Some other examples of outreach methods include:

- Attending a monthly Community Board meeting to discuss the project;
- Meeting with other local community groups, e.g. religious congregations;
- Discussing project outreach with private and not-for-profit community organizations; and
- Posting flyers in local unions or governmental agencies.

✓ **The Marketing Plan must describe all methods of community contact, including, but not limited to:**

- Any marketing consultants the Developer intends to retain, providing the Agency with a statement summarizing their relevant experience and expertise. All marketing consultants must be approved by the Agency;
- Any management companies the Developer intends to retain, providing the Agency with a statement summarizing their relevant experience and expertise and include a brief management plan See *Outline of Management Plan, Attachment E*;
- The intended outreach time schedules and types of materials to be distributed;
- Specific organizations and institutions (e.g., Community Board, private and not-for-profit organizations, local newspapers, senior centers, labor unions, government agencies), and their respective roles in the marketing process.

## **B. ADVERTISEMENTS**

- Advertisements should appear at least sixty (60) days prior to the deadline date for receipt of applications. See *Sample Advertisement with Logos, Attachments F-1 and F-2*.

✓ **The Marketing Plan must list advertisement publication dates and indicate the name(s) of the publications and the proposed dates of the advertisements to be utilized.**

## **MARKETING GUIDELINES - OUTLINE OF PROCEDURES**

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- The Developer shall begin marketing by placing an advertisement for applicants in accordance with the following:
  - a. The Agency will provide the Developer with the final advertisement format. No changes to the format will be permitted without the prior written approval of the Agency.
  - b. Copies of the advertisements must be submitted to the Agency for approval prior to publication. Advertisement draft approvals are required from multiple parties, in addition to the Agency, depending on the number of vested parties involved in the project. The Developer should ensure to allow enough time to receive each of these approvals. See *Sample Routing Slip, Attachment F-3*.
  - c. After obtaining Agency approval, the Developer is responsible for placing the ad. The ad must be advertised in at least three (3) newspapers, including:
    - ❖ One (1) citywide daily newspaper with a circulation of at least 200,000;
    - ❖ One (1) ethnic-based newspaper with a circulation of at least 10,000;  
In order to insure that your marketing meets the Affirmative Fair Housing Requirements, in addition to choosing a citywide publication that is generally read by all ethnic groups, the ethnic publication chosen should be one that serves the minority group(s) least likely to apply for this housing. *For further guidance, see Attachment F-4 and F-5.*
    - ❖ One (1) local newspaper.
  - d. The ad is to run at least three (3) days with at least one (1) day falling on a weekend. The first day an Ad appears must be at least sixty (60) days prior to the application deadline. The Developer must run the additional two ads no later than 10 days after the first ad runs. Any delays must be reported to the Agency.
  - e. The Developer must provide the Agency with a copy of the tear sheet immediately after the advertisement runs.

### **C. APPLICATIONS**

- ✓ **The Marketing Plan must include a sample of the proposed application and cover letter to prospective applicants and samples of the response letters to applicants.**

The Marketing Plan is to include a statement that family members and employees of the Developers and its principals are ineligible to apply for or receive an apartment. The cover letter should reiterate program guidelines and highlight the post office box to which applications may be returned. The format will be provided by the Agency. Any changes to the letter must receive prior approval from the Agency. See *Sample Cover Letter and Application, Attachments G1-3*. See also *Sample Letters, Attachments H-1 through H-6*.

Additionally, the following subjects should be outlined in order that the Agency may be afforded an opportunity to comment:



## MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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- Number and type of units (if this description does not match the original underwriting and unit distribution described in the Regulatory Agreement, then the Developer must bring the discrepancy to the Agency's attention in writing);
- Initial rents or selling price to be charged;
- Minimum and maximum income range for each type of unit;  
*\*Note: Please contact the Agency if you are unclear about the program's income and rent limits.*
- Listing of proposed fees
  - Applicants shall not be required to pay an application fee, but may be charged a non-refundable credit check fee:
  - For Units with Income Limits set at or below 60% of New York City's Area Median Income (AMI) Limit: The fee is not to exceed **\$25** per application (for households consisting of 1 or 2 adult members), or **\$50** (for households with 3 or more adult household members).
  - For Units with Income Limits set above 60% of New York City's Area Median Income (AMI) Limit: the fee is not to exceed **\$50** per application (for households with 1 or 2 adult members) or **\$75** per application (for households with 3 or more adult members).
  - **\*Credit fees should only be collected when (a) an applicant appears to be otherwise eligible and (b) it is clear that a unit will be available if the applicant is approved.**
- The Developer's system and procedures for receipt and logging or numbering applications. See *Sample Log Sheet for Rental Units*, Attachment J-1 and See *Sample Log for Home Units* – Attachment J-2. For more information about the logging and receipt of applications, please see the following "Lottery" section.

# MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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## III. LOTTERY

- The Agency requires a Compliance Meeting to be held approximately two weeks before the lottery date.
- The lottery will be held on a date or dates mutually agreed by the Developer and Agency, generally seven (7) to ten (10) business days following the close of the application period, if not sooner.
- **An Agency representative must be present at the time of the lock box/post office box opening and at the time applications are opened and logged.**
- Based on anticipated response volume, the Agency will recommend a minimum number of staff or volunteers to be provided by the Developer for the full day of the lottery. The Agency recommends that there be 20-25 staff members per day during a lottery, which may be adjusted by the Agency based on lottery response. Developer staff should be made familiar with the application log process, and freed from any other duties or distractions on the day of the lottery. Additional people made available will maximize the number of applications opened and logged. Agency monitors will be present strictly to observe the opening of applications and completion of the log sheets; they will be unable to assist in the actual opening and logging as not to divert their attention from their oversight responsibilities.
- If more than one day is required for the lottery, remaining applications must be secured in a locker or footlocker (to be provided by the Developer), which can accommodate a standard combination lock. The Agency will provide the lock with a combination known only to Agency staff. This locker or footlocker will be stored by the Developer in a location approved by the Agency monitor and subsequent days of opening and logging must also occur under Agency supervision. At the completion of rent-up/sales, after enough applications have been opened to achieve occupancy and establish a waiting list equal to at least the number of units in the building, any surplus applications will be shredded by the Developer.

### A. APPLICATION COLLECTION AND PICK-UP

- The post office box used will be one governed by the United States Postal Service (i.e. not a privately owned business such as "Mailboxes Etcetera," etc.) and must be located within New York City limits (i.e. New York, Bronx, Kings, Queens or Richmond Counties). The P.O. Box location must be pre-approved by the Agency, as certain branches with a history of problems may be excluded. Protocol for the opening of the P.O. Box varies by agency:
  - HDC will purchase and reserve the P.O. Box, with all charges and fees to be reimbursed by the Developer.
  - HPD will accompany the Developer to the designated post office on the day of the opening to purchase and open the P.O. Box.

# MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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- Applications will be picked up from the P.O. Box on the day of the lottery, generally seven (7) to ten (10) business days following the close of the application period. The applications must be picked up by the Developer in the presence of Agency staff.
- If the post office requires that letters be picked up on a regular basis due to large volume of mail, the USPS will notify the Agency prior to picking up the mail and the Agency and Developer will place all letters, unopened, in a secure locker or footlocker. The Developer will then return to the post office on the day of the scheduled lottery to pick up, in the presence of Agency staff, any remaining mail.
- On the day of the lottery, Agency staff will meet the Developer at the applicable post office for the opening of the P.O. Box and the gathering of applications. Applications will be transported in the presence of at least one Agency monitor (such transportation to be provided by the Developer) to the identified location provided by the Developer for the opening of the applications.
- Any applications postmarked after the application deadline ("late applications") will be set aside for possible consideration pursuant to this Outline of Procedures, and only after all applications postmarked by the deadline have been processed.
- Any applications received by means other than regular mail (e.g. overnight, certified or registered mail) will be set aside for possible future consideration.

## B. LOG GENERATION

- On the initial lottery days scheduled, all applications, or a minimum number of applications equal to **at least fifty (50) times the number of affordable units that are being marketed**, will be opened and entered in a log in the order in which they were randomly opened. All names will then be selected in number order from this log. All subsequent loggings from this applicant pool, unless waived by the Agency, must take place in the presence of Agency staff. **No preferences will be waived unless all applications received on time have been opened.** For more information on preferences, see Section IV-B "Order of Processing" or Section IV-H-1 "Preferences."
- The log sheets have been revised in a new format and will be provided by the Agency. Rather than merely logging in the head of household, the names of all household members identified on an application must now be recorded in the log sheets. See *Sample Log Sheet for Rental Units, Attachment J-1* and See *Sample Log for Home Units – Attachment J-2*.
- A delineated line must be drawn at the end of the last log page containing all applications received up to the deadline date. Applications received after the deadline date or by other methods, such as overnight, certified or registered mail, are to be logged after the delineated line. For information on maintaining a

## MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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*waiting list, see Section IV-F “Waiting List” or Attachment H-6 for a Sample Waiting List Letter.*

- Developer must provide an electronic copy of the log to the Agency immediately after the lottery is completed.
- If the lottery takes more than one (1) day, the Developer must provide a copy of the updated log after each day’s logging is completed. In this case, remaining applications must be secured in a locker or footlocker (to be provided by Developer), which can accommodate a standard combination lock. The Agency will provide the lock with a combination known only to the Agency. This locker or footlocker will be stored by the Developer in a location approved by Agency monitors and subsequent days of opening and logging must also occur under Agency supervision. At the completion of rent-up/sales, after enough applications have been opened to achieve occupancy and establish a waiting list equal to at least the number of units in the building, the Developer must shred any surplus applications.
- Developer or representative must also provide copies of the log to the Agency for review indicating each applicant’s selection status. **Copies of the log must be provided prior to offering units to eligible applicants.** *For more information about Agency approvals required prior to signing leases and/or contracts, see Section IV-G “Agency Approval.”*
- Developer must offer units only to applicants who meet eligibility requirements in numbered order from this log, as long as units of appropriate size are available. An applicant to whom a unit has been offered must be given a reasonable specific amount of time to respond to the offer, and **not less than 5 business days** for a lease signing, before a Developer can proceed to offer a unit to the next eligible applicant on the log.
- If units of appropriate size are unavailable to eligible applicants from the log as they are being reviewed, the applicant’s name will remain on the log until an appropriate unit becomes available or until the log expires.
- Developer must retain the applicant log and all associated applications as a record for no less than three (3) years.

**Depending on the level of response generated by the lotteries, particularly for low-income developments, it may not be practical to open and process all received applications. However, the Developer must initially open and log a number of applications that is at least fifty (50) times the number of available units. This must be explained in the cover letter that accompanies the application. If this pool is sufficient to fulfill all preferences, achieve rent-up/sales, and establish an adequate waiting list, the Agency may not require that additional applications be opened at that time. If preferences cannot be met, additional applications will need to be opened. The Agency will not waive any mandatory preferences unless all received applications have been**

# **MARKETING GUIDELINES - OUTLINE OF PROCEDURES**

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processed. Agency staff must be present to supervise the opening and numbering of all applications involved in the initial lottery of a project.

## **IV. APPLICANT EVALUATION AND RESIDENT SELECTION**

The Developer will have primary responsibility for applicant evaluation and resident selection. Developer must select all prospective residents from the log sheet in the order logged in, with exceptions for permitted preferences only. Residents of the City of New York are to be given preference in the selection process over non-residents. Other statutory preferences are outlined below. See Section IV-H-1 "Preferences."

- ✓ **The Marketing Plan must specify criteria to be used for resident selection and rejection, along with procedures for handling rejected applications.**

An applicant cannot be rejected for any reason other than a reason that is consistent with the rejection criteria stated in the Marketing Plan. The Agency will approve the selection and rejection criteria outlined in the Marketing Plan prior to the start of marketing. The rejection criteria must be applied fairly and equitably to all applicants.

### **A. DISQUALIFICATION POLICIES**

- No application will be disqualified prior to entering the lottery. Every opened application received will be assigned a unique log number. Disqualification letters, for reasons outlined below, will be processed and sent in order of log number.
- After the lottery, applicants may be disqualified, regardless of other eligibility factors, for one of several reasons:
  - Developer must disqualify those applicants for whom multiple copies of an application are received.  
A "multiple" or "duplicate" application is defined as the appearance of any single applicant across two or more applications for any given project, whether or not the same household members are present.
  - **Developer, employees, agents, employees of agents, and family members of Developer, are prohibited from seeking a unit through the Developer's lotteries or Open Market, and are further prohibited from being considered through any other means for any unit being marketed by this Developer pursuant to this Outline of Procedures, regardless of their position with the firm.**
  - Employees of the Housing Development Corporation (HDC) are prohibited from seeking a unit in any project in which HDC is involved that is being marketed by the agent. \*Note: HPD employees who apply for HPD involved projects should receive a Conflict of Interest waiver from HPD.
  - Applicant is not a resident of New York City.

# MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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- Applicants may **not** be disqualified on rental projects solely on the basis that the applicant receives Section 8 assistance.

- **Note on Missing Information:**

Applications with missing required information, such as income or household size, would be processed as such. For instance, applicants without a stated income would be calculated as \$0 income, and likewise, unlisted household members would not be calculated. Unless qualified as an “extenuating circumstance,” changes to blank income and/or household size would result in an applicant being placed at the bottom of the log for consideration only after all other applications are exhausted.

Extenuating circumstances include:

- Death of a member of the household;
- Birth in the household;
- Divorce or other spousal situation;
- Court order of custody.

Developer must require the applicant to provide evidence of the extenuating circumstance.

## **B. ORDER OF PROCESSING**

- The first applications processed and submitted to the agencies from the log must be those that meet one of the approved housing preferences. The order of preference category must maximize the number of applicants filling the preference categories. Experience suggests that this order, depending on lottery results and other factors, may help boost the filling of preference categories if generally followed:
  - (1) Disability
  - (2) Community Board
  - (3) Municipal Employee

*For more information on processing of preferences, see “Preferences” Section IV-H-1.*

- If preferences are not met and there are still unopened applications remaining, another day of opening applications to identify additional preference applicants must be scheduled with the Agency. No preferences will be waived unless all received applications have been opened.
- Only after all preferences have been achieved (or waived by the Agency following the exhaustion of the lottery) may non-preference applications be submitted to the Agency for approval. This is to prevent non-preference applicants from being processed for units that are intended for preference-eligible applicants. The screening of non-preference applicants may begin prior to achieving all preferences with Agency approval.

## MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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- If units are still available after the Developer has exhausted all remaining applications, Developer must notify the Agency and randomly open and log a number of “late” applications set aside with the Developer sufficient to tenant the remaining vacancies. The Developer, or a representative, will then follow all procedures as outlined in this Section.
- Applications should be processed for submission to the Agency in groups of fifty (50) to prevent getting too far ahead in the lottery and potentially bypassing eligible applicants who are placed earlier on the log and appeal successfully within the two (2) week appeal timeframe. Even within those groups of fifty (50), attention must be given to remaining available units based on bedroom sizes and (for mixed-income buildings) income levels to allow for such appeals.
- At a minimum, a status report must periodically be issued by the Developer to the Agency to ensure that applicants are being processed in proper order. The report must outline the status of applicants on the log (i.e. if they were rejected the reason must be provided) and must be submitted electronically in an Excel format. Developer therefore must not submit a “Read Only” version. This is to ensure that applicants are being processed in proper order. Such status reports should be issued: (a) upon completion of the preferences before processing the general lottery pool and (b) upon the completion of each group of fifty (50) general lottery applicants thereafter. If a file is submitted for an applicant but there are applicants with lower log numbers whose status have not been confirmed, the agencies will withhold further approvals until the information has been satisfactorily documented. The status report, which must include all status comments, must also be accompanied by a letter reporting on the statistics, such as, but not limited to:
  - Number of logged applicants;
  - Number of units for each preference;
  - Status of each preference;
  - Number rejected for being over income;
  - Number rejected for being under income;
  - Number of applicants that fell within the income ranges; if applicable;
  - Number rejected for credit reasons;
  - Number rejected for criminal history;
  - Number rejected for housing court activity as further described in *Section IV-H-5*;
  - Number rejected for household composition;
  - Number of no-shows (include the no-show dates);
  - # terminated as per applicant’s request (applicant withdrew/cancelled application)
  - # rejected for failure to submit requested additional documentation;
  - # rejected for submitting duplicate applications ;
  - # rejected because household is comprised of full-time student(s) and does not meet any of the exceptions (in applicable programs);
  - # rejected because of household size;
  - # placed on low priority list and specify the reasons, e.g. living out of city;
  - any other rejection criteria used by the agent; and Number rejected for

# MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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submission of fraudulent information, etc.

- Stats Report Requirement is mandatory so that the Agencies may monitor the process of the lottery log. Further, such stat report information may be used to report on the statistics of the individual project and analysis of its lease-up.
- Developer must notify all applicants processed of their selection status by regular mail as soon as a determination has been made. A copy of the letter must be attached to the application and kept on file.

## C. APPEALS

Ineligibility and Rejection Letters to Applicants must provide a specific reason why an applicant cannot be approved. Responses to appeals must be even more specific and detailed. For example, stating, "You are rejected because you are over-income" is not sufficient. The letter would need to state more specifically, as an example, "You have been deemed ineligible for this housing program because you do not meet the maximum income required for your family and unit size. The maximum income is \$35,000 and your household's annual income has been determined to be \$36,000".

- Developer will provide the Agency with a copy of the completed Log, indicating the final selection status of each applicant and reason for rejection. This includes, but is not limited to:
  - Income ineligibility;
  - Applicant is an employee or family member of Developer;
  - Applicant is not a resident of New York City;
  - Lack of adequate income to support mortgage payments;
  - Ineligible household size;
  - Poor payment or credit history;
  - Receipt of more than one application per household;
  - Falsification of information, etc.

## D. INTERVIEWS

- All applicant/prospective tenant interviews, as well as lease signings, must be conducted within New York City limits (i.e. New York, Bronx, Kings, Queens, or Richmond Counties).
- Developer will notify each applicant to be interviewed by regular mail. Format for letter will be provided by the Agency. Letter will indicate:
  - Date, time, location of interview and phone number should applicant be unable to appear;
  - Required minimum amount of time, and **not less than ten (10) business days**, between letter postmark and interview date;



## **MARKETING GUIDELINES - OUTLINE OF PROCEDURES**

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- List of required documents to be brought to interview by applicant;
- That Developer may make home visits or other appropriate inquiries to assist in qualifying;
- That no broker or application fees will be charged to the applicant, except in New HOP programs;
- If credit checks will be conducted by Developer, then that fee must be approved by the Agency.
  - For Units with Income Limits set at or below 60% of New York City's Area Median Income (AMI) Limit: Credit check fees are not to exceed \$25 for households with 1 or 2 adult members; \$50 for households with 3 or more adult members.
  - For Units with Income Limits set above 60% of New York City's Area Median Income (AMI) Limit: Credit check fees are not to exceed \$50 for households with 1 or 2 adult members; \$75 for households with 3 or more adult members.
  - No credit check fees may be charged to homeless applicants in designated special needs programs referred by the city.
  - A credit check fee can only be charged after an interview has been conducted and all other threshold selection criteria have been met.
- In cases where an applicant fails to appear for an interview, Developer must send a second letter by regular mail to schedule another interview. The applicant will be given a reasonable specific amount of time, but **not less than five (5) business days** from the postmarked date of the second letter in which to respond.
- \*Note: If the Developer elects in the Marketing Plan to perform home visits, such home visits MUST occur before submitting files for approval but after the interview. Further, if an applicant is rejected for a home visit, then the rejection letter must state the reason of the home visit rejection. The letter cannot simply state that the applicant failed the home visit.

### **E. OPEN MARKETING**

If all applications have been processed and the entire applicant log has been reviewed for eligibility and there are still units available, **the Developer must contact the Agency for written approval to commence open marketing.** The Developer is required to complete a **Notice of Remarketing document** See *Notice of Remarketing, Attachment K*. Upon receipt of these forms, the Agency will create an advertisement for its website. Under open marketing, the Developer may utilize other methods to identify applicants beyond the scope of the lottery. Such methods may include additional advertising, signage on the building to attract walk-ins, or the use of brokers.

If using a broker, the Developer must fully absorb any related broker fees. No such fees may be passed on to applicants/residents of units. The exception to this, unless otherwise noted, is with HDC's New HOP programs. In the case of New HOP, a fee equal to half (1/2) of one month's rent is the maximum amount that may be charged to the residents as a broker fee. Any fee above that amount must be absorbed by the Developer.

# MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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## **F. WAITING LIST**

After the Project is initially occupied, the Developer must maintain a waiting list indicating persons interested in residing in the development and must fill vacancies from the waiting list. Whenever possible, the Developer must fill vacancies in units that have been adapted for households with disability preferences to a household that fulfills such preference. The Developer is to inform wait-listed applicants that it is the applicant's responsibility to notify the owner/manager every six (6) months that they wish to remain on the waiting list.

Upon conclusion of the rent-up, the Developer must document to the Agency how it plans to manage its waiting list going forward.

When the Developer needs to replenish a Project's waiting list, the Developer may request Agency approval to commence remarketing activity. The Agency does not supervise this process as closely as the initial marketing. However, the attached form must be completed and receive Agency approval before remarketing. See *Notice of Remarketing Attachment K*.

## **G. AGENCY APPROVAL**

**No residents may be moved into the building, and no leases or contracts signed, until Agency has approved the applicant in writing. This is true both during initial rent-up or sales and thereafter. Concurrent approvals by other involved agencies may also be required.**

**Developer may also not collect funds from prospective residents (i.e. security deposits, rents, etc.) until written Agency approval is received.**

If files are complete in accordance with the revised procedures which follow, and no additional issues are raised with any of the information contained therein, Agency approval timetable is three (3) to five (5) business days from receipt of a file. However, if files are incomplete or if issues are raised that require further review either internally or with the NYC Department of Investigation (DOI), the process will take as long as necessary to (a) acquire the missing or additional paperwork from the Developer's management staff or (b) to complete an additional review with DOI. On a case-by-case basis, if such processes extend past ten (10) business days without a resolution, the agencies may grant permission to place such questionable applicants on hold and proceed with other applications while such special reviews are being completed. Although an added step, these procedures will both ensure the integrity of the Agency's programs and protect the Developer from the potential regulatory defaults for non-compliance, which can result from admitting applicants who are not truly eligible.

- ✓ **The Marketing Plan must also include procedures for determining applicant eligibility and verifying income and family size.**

HPD and HDC perform independent review of applicant income eligibility as an



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additional means of ensuring compliance with the Regulatory Agreement. The approvals are based on information in the files submitted to us by the Developer. HPD will review a percentage of applicants, while HDC will review all applicants. *Refer to Checklist for Tenant Income Certification, Attachment L-1.*

Applicant approval letters are not given under our role as low-income housing tax credit monitoring agencies and so these letters alone are not verification of tax credit compliance. Upon the Developer's annual tax credit certification review (as required by IRS monitoring rules), the Compliance Unit in the respective agencies will review files in their entirety to monitor compliance.

Developer must submit Tenant Income Certification (TIC) and verifications to the Agency along with the Applicant Information Form (AIF) to enable a review of the Developer's computation of eligibility. Developer must inform applicants that they will not be allowed to occupy a unit until the Agency has reviewed and approved their Tenant Income Certification. All such Approvals are given to the Developer in writing. See *Tenant Income Certification Cover Letter, Attachment L-2, See Tenant Income Certification form, Attachment for Low Income Attachment L-3 or Tenant Income Verification for Middle Income Attachment L-4. See also AIF, Attachment M.*

### Tenant Lease and Related Documents

- Immediately prior to signing the lease, the statement in Pre-lease Acknowledgement and Certification must be reviewed with, and signed by, all adult household members. See *Pre-Lease Acknowledgement and Certification, Attachment N.* This statement warns against violating the primary residence rule, as well as provides a final confirmation as to the honesty of all information the applicants submitted throughout the process.
- Owners must use a lease that complies with the Rent Stabilization Law and regulations.
- **The Marketing Plan must include a copy of the lease for review.**
- For Projects financed by HDC, owners must execute an HDC lease rider which outlines the unique aspects of the program and how it differs from standard rent stabilization (such as the prohibition on sublets). See *Rider to Standard Rent Stabilization Lease for Low Income, Attachment O or See Rider to Standard Rent Stabilization for Middle Income, Attachment P.*
- If Developer finds an applicant eligible for a unit designated at 60% of AMI or below, then at the time of lease signing, the tenant must complete an Affirmation of Income. See *Affirmation of Income, Attachment Q.*
- If Developer finds an applicant to be eligible for a unit, then at the time of lease signing or sale closing, Developer must require that all adult household members execute three new IRS Form 4506-T, one listing the Developer, one listing the

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Agency and the other listing the NYC DOI in Line 5 of the form. See *IRS and State Forms, Attachments R-1 through R-5*.

## H. DETAILED SELECTION POLICIES

Additional guidance on evaluation criteria and selection factors is provided on the following pages as follows:

- 1) Preferences
- 2) Household Composition Changes to an Application
- 3) Qualification As A Household
- 4) Income Eligibility
- 5) Background Checks And Other Factors
- 6) Occupancy Standards And Unit Distribution
- 7) Rent Levels and Income Standards
- 8) Other

### 1) PREFERENCES

#### a. OVERALL RESIDENCY PREFERENCE FOR NEW YORK CITY RESIDENTS

Non-residents of New York City can only be considered after all eligible, current New York City residents have been processed.

#### b. MANDATORY PREFERENCES

The following must also be considered and detailed in the plan:

- o Community Preference

The Developer must, during initial rent-up, give an occupancy preference for fifty percent (50%) of the units to applicants who, at the time of application, are residents of the Community District in which the building is located. Applicants with community resident status must meet all other programmatic requirements of the Agency and the Developer (e.g., income qualification, credit worthiness).



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If after all applications have been opened and processed the community preference cannot be filled from applicants in the logbook, the Developer must provide a letter to the Agency stating how much of the preference has been achieved. The letter must include, but is not limited to the following information:

- Number of logged applicants;
- Number of units available for each preference;
- Number of applications approved for each preference;
- Number rejected for being over income;
- Number rejected for being under income;
- Number of applicants that fell within the income gap, if applicable;
- Number rejected for credit reasons;
- Number rejected for criminal history;
- Number rejected for housing court activity as further described in *Section IV-H-5*;
- Number rejected for household composition;
- Number of no-shows (include the no-show dates);
- # terminated as per applicant's request (applicant withdrew/cancelled application);
- # rejected for failure to submit requested additional documentation;
- # rejected for submitting duplicate applications;
- # rejected because household is comprised of full-time student(s) and does not meet any of the exceptions (in applicable programs);
- # rejected because of household size;
- # placed on low priority list and specify the reasons, e.g. living out of city;
- any other rejection criteria used by the agent;
- If any of the above rejection criteria does not apply or no applicant had been rejected for that criteria, please indicate "N/A" or "0 applicants", respectively; and
- Number rejected for submission of fraudulent information, etc.

*See Stats Report Requirements p. 22-23*

After review, the Agency may waive the remainder of this preference and authorize the Developer to proceed with the remainder of the log sequentially. If the community preference is fully achieved, any remaining community applicants will be processed from the log in the same order as other applicants.

- Disability Preferences

The Developer must also give an occupancy preference to applicants for certain units who have at least one household member with a mobility,

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visual and/or hearing impairment and, as a result, require an accessible/adaptable unit. These preferences are as follows:

- Five percent (5%) of the units in the project (or one unit, whichever is greater) will have a preference for and are to be made adaptable/accessible for disabled persons with mobility impairments.
- Two percent (2%) of the units (or one unit, whichever is greater) will have a preference for and are to be made adaptable/accessible for disabled persons with visual and/or hearing impairments.

The Developer must write to The Mayor's Office for People with Disabilities to request potential referrals (with a copy to the Agency) at the time community letters are mailed out:

Mayor's Office for People with Disabilities  
100 Gold Street, 2nd Floor  
New York, NY 10038  
Tel (212) 788-2830  
Fax (212) 341-9843  
TTY (212) 788-2838

If the disability preference is not fulfilled, applicants shall be processed from the logbook in the same order as other applicants.

○ Municipal Employee Preference:

The Developer must give an occupancy preference for five percent (5%) of the units (or one unit, whichever is greater) to municipal employees of the City of New York. See *Attachment S* for a list of agencies whose employees are eligible for the preferences. (\*Note: HDC employees are not eligible for this preference. Employees of certain other agencies, such as HPD, are only eligible if they can provide a statement of no-conflict from their agency's ethics officer).

**c. ADDITIONAL PREFERENCES AND SET-ASIDES:**

There may be additional mandatory preferences tied to certain government programs or funding sources. These mandatory set asides are not to be marketed to the general public; however, they are subject to the same selection criteria and application process and must be approved by the Agency.

✓ **The Marketing Plan must reflect such preferences.**

○ Referrals:

The Agency may refer to the Developer potential residents who are

# MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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being relocated or displaced due to a governmental action. Developer, if directed by the Agency, must first offer units to these referrals, and their applications must be processed according to program selection criteria for eligibility and must be approved by the Agency. Referrals must be entered into a separate log by the Developer or a representative. Developer must indicate the source of the referral on the log.

No additional, optional preferences may be implemented without the prior written approval of the Agency.

## 2) **HOUSEHOLD COMPOSITION CHANGES TO AN APPLICATION**

Changes to household composition in the application after it has been received will not be recognized, unless such change is an extenuating circumstance. Extenuating circumstances may include:

- Death of a member of the household;
- Birth in the household;
- Divorce or other spousal situation;
- Court order of custody.

The Developer must obtain from the applicant legitimate evidence of the extenuation circumstance, such as birth certificates.

## 3) **QUALIFICATION AS A HOUSEHOLD**

For the purposes of applying to HPD/HDC-financed affordable housing, the following terms shall have the meanings set forth below:

1. "Minor" shall mean a person under the age of 18 years.
2. "Adult" shall mean a person at or above the age of 18 years.
3. "Dependent" shall mean a Minor who is the lawful dependent of an Adult in the Household, as indicated by (i) a court order or other binding document establishing that such Adult is the legal guardian of, or is otherwise responsible for the custody and care of, such Minor, (ii) school records identifying such Adult as such Minor's legal guardian; (iii) written verification from a government agency, or a social service provider under contract to a government agency, confirming the placement of the Minor in the custody and care of such Adult, or (iv) federal or state income tax returns in which such Adult claims such Minor as a dependent.
4. "Guardian" shall mean an adult who is legally responsible for a Dependent.

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5. "Immediate Family Member" shall mean, with respect to any person, (i) his or her grandparent, parent or Guardian, child or Dependent (who meets the definition of "Dependent" set forth above), grandchild, sibling, spouse, or domestic partner, and (ii) any of their respective grandparents, parents or Guardians, children or Dependents, grandchildren, siblings, spouses, or domestic partners.
6. "Extended Family Member" shall mean, with respect to any person, (i) his or her Immediate Family Member, and (ii) his or her aunt, uncle, or first cousin, or any of their respective Immediate Family Members.

"Household" shall mean (i) a single person, or (ii) two or more persons who:

- (a) are Immediate Family Members;
- (b) are Extended Family Members who need to live together in order to support one another with respect to finances, child care, eldercare, medical care, or other extenuating family circumstance, as indicated by self-certifications explaining the family circumstances and needs; or
- (c) are financially interdependent, as indicated by (i) current leases or utility records demonstrating a shared address, and (ii) documentation, such as bank accounts, demonstrating shared assets.

If an applicant states that the applicant and his/her spouse are separated, then the Developer must require the applicant to provide "proof of a legitimate separation." A notarized statement is not sufficient proof of a legitimate separation. Examples of proof of a legitimate separation would be bank accounts or leases once held jointly are now no longer held jointly due to the separation. Both the latter and former documents must be provided to prove that the assets and/or lease were once held jointly but are no longer.

\*Note on Student Rule for IRS Program Units: Low-income units in these programs are not to be occupied exclusively by students (for Low-Income housing tax credits, the IRS defines a "student" as a full-time student during five (5) calendar months of the calendar year at an educational institution, other than a correspondence school, with regular faculty and students), unless the household qualifies for an exception under the IRS code.

### **4) INCOME ELIGIBILITY**

Income is determined in the same way income is determined under the federal Section 8 program. Developers should therefore obtain a current copy of the HUD Handbook 4350.3, which outlines these requirements. This handbook is available to print or view at <http://www.hud.gov>. In addition, the Developer should require its

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marketing staff to attend an industry training where these requirements are reviewed in detail.

## A1. Assets

### *GENERAL PROGRAMS*

The Developer must require that all adult members of the applicant household complete a certification of assets, which must be signed and notarized. Samples of such certifications are included in this manual. See *Asset Certification, Attachment T*. This form must identify both the specific assets and the actual income earned from the assets (such as the interest rate for a bank savings account).

- If the total value of assets on the certification form is less than \$5,000, and such information is consistent with the assets identified on the applicant's housing application, IRS rules for Tax Credit compliance allow that this self-certification is the only documentation required and the identified income generated from the asset is added to employment and other income. *However, it is a common misconception that this IRS rule is intended to exclude income from assets if the total value is under \$5,000. The income from assets must still be counted, but if it is under \$5,000 no further verification beyond the self-certification is required. The self-certification must still disclose the specific assets and the income from said assets. Accordingly, vague certifications that merely certify that an applicant has less than \$5,000 in assets are not acceptable.*
- If the total value of assets equals or exceeds \$5,000—or if there is an unexplained difference between the assets noted on the application and those subsequently noted on the certification—complete asset verification documents must be obtained. Refer to HUD Handbook 4350.3 for guidance regarding the appropriate documents to be obtained based on the type of assets being verified. As required under tax credit rules for all verification, documents must be current within 120 days of the tenant income certification (TIC) effective date (which is ultimately the move-in date). When over \$5,000 total, the actual earned income from the asset is compared to the imputed value (2% of the total) and the higher of these amounts is added to the household income.

### *HDC's NEW HOP PROGRAM*

**Income from assets is only considered when the applicant's income falls within \$10,000 of the maximum income level for the unit; however, applicants may submit asset income for consideration if they need it to meet the minimum income. When a household's total annual income is within \$10,000 of the program maximum income then all adult members of the applicant household must complete a certification of assets, which must be signed and notarized.**

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Samples of such certifications are included in this manual and this form must identify both the specific assets and the actual income earned from the assets (such as the interest rate for a bank savings account). See *Asset Certification, Attachment T*.

**\*Note:** If a unit is also subject to another governmental subsidy, such as State Tax Credits, that program's governing agency should be consulted regarding any additional or different income and asset requirements. All asset requirements must be disclosed in the Marketing Plan and approved by the agencies.

### A2. Employment Income

The Developer must require that for all adult household members reporting general employment income, **all of the following** must be provided:

- *The most recent year's complete tax return.* If after May 1, the most recent year's tax documents due by the preceding April *must* be provided *unless* an applicant provides a copy of his request to the IRS for an extension (IRS Form 4868). In such cases the *previous* year's complete tax return may be accepted until October 15<sup>th</sup>, when the extension expires. The gross income reflected on the most recent tax return will be "the tax return income".
- *The most recent consecutive pay stubs (minimum of 6).* Income must be calculated by both (a) averaging the pay stubs and (b) projecting the year-to-date. The higher of these two amounts will be "the pay stub income".
- *Third Party Verification directly from the employer.* The Developer must mail or fax this form (See *Attachment Z-1*) directly to the applicant's employer, with instructions for the employer to return directly to the Developer. Envelopes and fax confirmations must be maintained to document that the information was obtained via direct third party procedures, and not transmitted through the applicant's hands. This form will request current salary, year-to-date income, and information about bonuses and anticipated increases. The highest amount calculated based on this information will be "the third party income". An applicant cannot be penalized for the lack of response from his/her employer in completing and returning the verification. However, the Developer must make at least three (3) attempts to obtain such third party employment verification. Developer must also obtain Third Party Verification of Termination directly from previous employers who are listed on the applicant's application and/or previous year's tax return.
- **COMPARISON and DETERMINATION:** Based on the three employment income verification sources above, the Developer must compare the tax

## MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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return income, the pay stub income, and the third party income. *The highest of these amounts will be the employment income for the household member.*

- \*Note: If an applicant has not filed taxes on reported income, the applicant will not be eligible for Agency-financed housing unless the applicant qualifies for a filing exemption under The Internal Revenue Code (see “Publication 501” on [irs.gov](http://irs.gov)). The Agency will not make available its limited housing resources to applicants with income that is required to be reported, but is not being reported, to governmental tax authorities.
- \*Note: Unless a compelling argument can be made as to why an applicant’s income decreased, the tax return income will be the income calculated if it is the highest. The most obvious exceptions would be a decrease in income due to retirement or disability (or a widowed or divorced applicant whose most recent tax return still showed their spouse’s income).
- \*Note: The Developer may request in writing that the Agency grant an exception to the above criteria if any other truly extenuating circumstance exists. The Agency will consider such requests on a case-by-case basis.

### A3. Self-employment Income

Since self-employment income is more difficult to document via third party and subject to more variables and potential manipulation, special care must be given in the review of such income. The Developer must require that all adult household members reporting self-employment income provide both of the following:

- *Projected Self-Employment Income:* An estimate of current year’s earnings certified in (a) a letter from the applicant’s accountant, tax preparer or business manager OR (b) a notarized self-statement. If (b), the self –statement must be accompanied by additional documentation such as income receipts, a current financial statement/budget, or other information which supports the projection. This income will be “the projected self-employment income”.
- *Historical Self-Employment Income:* Most recent tax returns for the last three (3) years. (\*Again, if after May 1, the most recent year due to be filed by the preceding April deadline must be provided unless documentation of an IRS extension filing is provided). If the applicant reported self-employment income in the same line of work for each of the three (3) years, then all three should be averaged *and evaluated*. If only the most recent two (2) years reflect self-employment income in the same

## **MARKETING GUIDELINES - OUTLINE OF PROCEDURES**

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line of work, then those two years should be averaged and evaluated. The income calculated through these averages and evaluations will be “the historical self-employment income”.

- **COMPARISON AND DETERMINATION:** The projected and historical incomes are compared, and *the higher amount is what is used as income for the purposes of income eligibility.*

“Evaluated” means that the Developer must make an effort to identify any patterns that may logically result in a conclusion that the current or next year’s income will increase beyond the three (or two) year average. For example, the incomes for the past three (3) years for a self-employed applicant were \$30,000; \$32,000 and \$34,000. The straight average would be \$32,000. However, there is a clear pattern reflecting a gradual increase in this income source and so, consistent with that pattern, a logical evaluation of this applicant’s income would conclude that \$36,000 would be the current/next year’s income.

At least the most recent two years of tax returns must document that the applicant’s income has come from self-employment in the same line of work. Applicants who do not meet this “time test” have not established a suitable income-earning history through their self-employment, and there is insufficient data to accurately evaluate their income.

### A4. Sporadic Income

Certain forms of income that are sporadic and non-recurring are not considered when calculating maximum household income as they are considered temporary in nature. All sources of income must be disclosed, but such non-recurring income may be excluded in the calculation process.

### A5. Unemployed Household Members 18 and over

If a household member, who is 18 years of age or over, is unemployed, then the household member must complete an Unemployment Affidavit. See *Sample Unemployment Affidavit, Attachment I.*

### A6. Continuing Need

For programs designed to be affordable for households at or below 60% of AMI, the applicant’s eligibility is also dependent on whether the applicant can demonstrate a “continuing need” for housing assistance. Any Agency-subsidized housing development aims to serve individuals and families with a true, continuing need for housing assistance and not those with other financial resources available or those who have a recent history of higher earning power and are only temporarily at an income level eligible for the program.

**In determining “continuing need” for these programs, the below criteria must be satisfied, or the tenant is not eligible:**

## MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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- Asset Cap

The tenant must not have assets in an amount equal to or greater than \$250,000 (\*Note: This does not include specifically designated retirement funds. A portion of retirement accounts may be counted to determine overall assets and income from assets, but such funds are not to be included in the \$250,000 cap.)

- Recent Income History

In addition to reviewing current income verifications, Developers must also evaluate an applicant's most recent income history based on their most recent tax returns. Unless a compelling argument can be made as to why an applicant's income decreased, the tax return income will be the income calculated if it is the highest. The most obvious exceptions would be an increase in income due to retirement or disability (or a widowed or divorced applicant whose most recent tax return still showed their spouse's income).

Here are examples:

The maximum income for a single applicant to Plaza Towers is \$30,000.

- Mary Smith is a seamstress who was laid off by her previous employer, where her tax return shows she earned \$32,000 a year. Her new employment with a different garment company pays her \$28,000 a year as documented by her pay stubs and 3<sup>rd</sup> party employer letter. *In this case, a compelling argument can be made not to use Mary's tax return income, even though that is the highest amount. The change in Mary's income was not voluntary and her new job/earnings are generally consistent with her recent history. The amount from her current pay stubs and 3<sup>rd</sup> party should therefore be used, under which she is eligible.*
- John Hower recently quit his job as a college professor, where his tax return shows he earned \$75,000 a year, to pursue other interests. He has recently started working as a waiter and presently earns \$27,000 a year based on his pay stubs and 3<sup>rd</sup> party verification. *In this case, no exception is warranted. John has clearly demonstrated a recent history of significantly higher earning patterns. The change appears to be voluntary and/or temporary in nature, which is not the intent of Agency-financed low-income housing programs (including those participating in the LIHTC Program). John is encouraged to apply to our programs in the future, after a minimum of a full year's tax returns as well as current verifications may document a suitable pattern of eligibility.*

The Developer may request in writing that the Agency grant an exception to the above criteria if a truly extenuating circumstance exists. The Agency will consider such requests on a case-by-case basis.

# **MARKETING GUIDELINES - OUTLINE OF PROCEDURES**

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## A7. IRS Form 4506-T

The Developer must require all adult household members to execute three copies of IRS Form 4506-T, one for the owner/managing agent identified in line #5, the other for the Agency identified on the same line, and one with the New York City Department of Investigation noted in the same line. This form is a release by which the applicant authorizes the IRS to release transcripts directly to a third party. Furthermore, the applicant must complete an IRS Form 4506 – Request for a Copy of Tax Return, as well as a New York State DTF-505 Form Authorization for Release of Photocopies of Tax Returns and/or Tax Information. In the event that a tax return provided by the applicant appears to have potentially been altered or a file is otherwise suspicious, the Developer should make use of this form. The Agency also may make use of this form. Developers are encouraged to send these requests to the IRS upon receipt, so that in the event that files are flagged later at the Agency, an IRS response may already have been received back. Developer is to ONLY send in their copy. Do not send in Agency or DOI copies of forms.

If an applicant has been found to be eligible for a unit, then at the time of lease signing or sale closing, all adult household members must execute three new IRS Form 4506-T, Form 4506 and DTS-505 Form in accordance with the above. See *IRS and State Forms, Attachments R-1 through R-5*.

## A8. Authorization to Release Information Form

The Developer must require that all adult household members execute a copy of the Authorization to Release Information Form.

## **5) BACKGROUND CHECKS AND OTHER FACTORS**

### Immigration Status/Credit History

Immigration status is not a condition of eligibility for any HPD- or HDC-financed building. Immigration status may not be questioned in any manner on the application, during the interview, or at any other time during the tenant screening process. This doesn't prevent a Developer from rejecting an applicant for failure to provide a Social Security Number or an Individual Tax Identification Number (TIN) when the Developer needs such information to check credit history. All applicants must be able to provide verifiable proof of legal income. Inability to provide documentation to verify income and credit is a basis for rejection, not immigration status.

### Criminal Checks

The Developer must obtain a criminal background check for every applicant. The Developer must disclose in the project's selection plan which types of information revealed through such a check will or will not adversely impact an

## **MARKETING GUIDELINES - OUTLINE OF PROCEDURES**

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applicant's eligibility. The Developer must find an applicant ineligible if one or both of the following criminal findings is flagged during the criminal background check:

- A prior conviction of fraud in connection to any governmental housing program;
- An applicant is a criminal fugitive being sought by law enforcement for either incarceration or deportation (as such applicants would not lawfully be able to "anticipate" income or even be anticipated to be an included member of the household).

### Housing Court Records.

The Developer may not automatically reject an applicant based on the applicant's housing court records. For instance, if the applicant can show that the case was brought about at no fault of their own, the applicant would remain eligible. The Developer must allow a reasonable amount of time, **and not less than 10 days**, for an applicant to contest a housing court record. If the applicant does not provide proof of no fault within the 10 day period, then the Developer may reject the applicant for failing to provide proof of no fault. The applicant then has the allotted time to appeal the decision.

### Discovery of False Information

Submitting false or knowingly incomplete information to induce eligibility is grounds for rejection and may also lead to further investigation and, potentially, criminal prosecution.

Even before a file is submitted to the Agency, there are times when Developers may independently detect applicants who have falsified information. For example, the tax transcripts may come back and differ from the provided returns, or provided pay stubs or other documents may be detected as having been tampered with. In all such cases, this fraud (or potential fraud) must be reported. Even if it is detected early and does not result in the applicant receiving a unit, the attempt of fraud itself must be reported. Developers and their agents may report such findings to the Agency or, if they prefer, directly to The NYC Department of Investigation.

## **6) OCCUPANCY STANDARDS AND UNIT DISTRIBUTION**

### Occupancy Guidelines

The Developer must establish occupancy criteria based on unit size. Such criteria must be consistent with federal, state and local laws and with the Agency Regulatory Agreement. HUD has provided some guidance for establishing these criteria in the HUD Handbook 4350.3, Chapter 3, and Paragraph 3-23. This guidance states in part that, generally, a two person per bedroom standard is acceptable. However, it makes the following important distinction:

Owners must avoid making social judgments on a family's sleeping arrangement.

## **MARKETING GUIDELINES - OUTLINE OF PROCEDURES**

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For example, it is not for the owner to determine whether an unmarried couple may share the same bedroom or whether a young child can share a bedroom with a parent.

In keeping with the above guidance, to maximize the utilization of its affordable units (another point considered in HUD's guidance) it is clear that married or similarly committed couples are intended to share one bedroom. Apart from that, however, if a family (a) qualifies as a household as defined in these Marketing Guidelines and (b) qualifies by both number of persons and income for more than one unit size, then it should generally be that family's decision as to which unit size they choose. The only additional exceptions would be certain programs, which may have statutorily imposed occupancy standards.

- ✓ **The Marketing Plan must clearly outline the Developer's occupancy criteria and associated statutory requirements.**

### Unit Distribution

*See Attachment U, Sample Apartment Distribution Chart.*

The allocation of units (total number and number for each unit size) must match the information in the Agency Regulatory Agreement. For mixed-income buildings, please also note the following requirement pertaining to the distribution of units:

#### ***For 80/20 and other mixed-income developments only:***

As soon as any of the units in the development are available for occupancy, at least twenty percent of those units must be occupied, or made continuously available for occupancy, by low-income households. The Developer is not to segregate or physically isolate the low-income units from those units not occupied by low-income tenants. Low-income tenants must be reasonably dispersed throughout the development. The Developer must also ensure that approximately twenty percent of each unit type (i.e. studio, one-bedroom, two-bedroom units) is low-income.

\*Note: Distribution of all affordable units must be approved by the Agency.

### **7) RENT LEVELS AND INCOME STANDARDS:**

#### Rents:

The Developer must establish the rents in accordance with the Agency Regulatory Agreement.

#### Maximum Income Levels:

The Agency will provide tenant income eligibility levels as modified by household size.

# MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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## Minimum Income Levels:

Minimum income levels are established by the Developer based on the rent levels. However, the standard barometer for affordability is a family paying 30% of household income for rent purposes. In no instance should the minimum income established for initial rent-up result in a family paying more than 35% of income for rent. Although established by the Developer, minimum income levels are subject to approval by the Agency. However, the Developer may not establish minimum income levels for applicants with Section 8 or similar forms of housing subsidy. Such applicants must be accepted provided they meet all other eligibility criteria outlined in the marketing plan.

## **FOR LOW INCOME HOUSING TAX CREDIT COMPLIANCE:**

Mixed-income projects participating in low income housing tax credit program, must elect designation as either “deep rent skewed” or “non-deep rent skewed” when they are originally placed in service.

### Deep Rent Skewed Properties

Properties that Deep Rent Skew must have at least 15 percent of all the low income units occupied with tenants with incomes that are 40 percent or less of area gross median income and rents are restricted.

For properties that Deep Rent Skew, the Available Unit Rule must be implemented whenever a current household has an income level exceeding 170% of the current income limit. The Available Unit Rules states that if a tenant's income increases to over 170% of the then-current income limit for the unit occupied by such tenant, the unit may continue to be deemed a low income unit provided the Developer rents the next available low income unit at the property to a family with an income equal to or below 40% of the area gross median (AMI) income at a restricted rent.

When a Developer of a property that Deep Rent Skews submits a re-rental file for Agency review, then the Developer must submit a Deep Rent Skew Certification, *Attachment V-1* along with the file.

### Mixed-Income / “Non-deep rent skewed” properties

A Mixed-Income building is a building that includes market-rate units. For buildings that are Mixed-Income, the Available Unit Rule must be implemented whenever a current tenant has a household income level exceeding 140% of the current income limit. If a Developer discovers that a tenant's income is above 140% of the current income limit, the Developer may continue to include the unit in the applicable fraction if the Developer rents the next available unit of comparable or smaller size in the same building to a tax credit eligible family at a restricted rent.

# MARKETING GUIDELINES - OUTLINE OF PROCEDURES

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When a Developer of a Mixed-Income building submits a re-rental file for Agency review, then the Developer must submit a Mixed-Income Certification, *Attachment V-2* along with the file.

## 8) OTHER

### Incorporation of “Fair Housing Laws”

There are Federal, State and local laws, orders and regulations prohibiting housing discrimination (“Fair Housing Laws”). Such Fair Housing Laws, as they may be amended from time to time, are hereby explicitly incorporated in these Procedures, any violation thereof will be a violation of these procedures.

### Amendments

The Agency reserves the right to amend any provision of these procedures.

### Inspections

The Agency reserves the right to conduct periodic inspections and spot-checks of the Developer’s marketing budget and procedures.

### Brokers

The Broker Forms, Attachments R-7 and R-8 are to be completed and submitted with all applicant files that are not from the original lottery. If a project has gone “Open Market,” then the appropriate form must be completed by the Managing Agent or the Developer. If a new project that is still in its initial lease up goes “Open Market,” then the appropriate form must be submitted for all applicants not received from the lottery. The Third Party/Broker form does not need to be submitted for an applicant from the initial lottery.

### Household Student Status Affidavit at Recertification

For units with income limits set at or below 60% of New York City’s Area Medium Income (AMI) Limit, please use Attachment Z-2 during the Annual Recertification process.

# **SUBMISSIONS AND ONGOING REPORTING REQUIREMENTS**



## MARKETING GUIDELINES – SUBMISSIONS

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Both HPD and HDC require submission of the following items during the pre-marketing and marketing periods:

- Marketing Plan (to include all required information as described herein). See *Marketing Plan Checklist, p. 10.*
- Applicant Information Forms (AIF) and Tenant Income Certifications (TIC) completed by applicants and Developer. See *Attachments M and L1 – L4.*

Only HDC requires submission of the following items during the pre-marketing and marketing periods:

- The form of lease and all riders for Agency review. Additionally, the Pre-lease Acknowledgement and Certification and the HDC Lease Rider is to be used with all units. See *Attachments N, O and P.*
- In addition to Tenant Income Certifications, HDC projects require all documentation verifying income eligibility and family size. These certifications and verification documents, along with the Tenant Income Certification Submission Cover Letter, must be immediately forwarded to HDC for review prior to the anticipated dates of acceptance of the tenant and the signing of the lease.

For vacancies subsequent to initial project occupancy, the required Tenant Income Certifications and supporting documents must be transmitted for HDC review and approval prior to the signing of the lease.

**Applicants must be informed by the owner that they will not be allowed to occupy a unit until HDC has reviewed and approved their Tenant Income Certification (TIC).**

- Owner certification indicating the move-in date for the first tenant to occupy the development. (Once you have submitted this form for the “first tenant that occupies a unit in the project,” it does not have to be used thereafter.) See *Attachment W.*
- Unit Inspection Forms must be executed by approved residents and the owner and placed in the tenant’s file. This file must be kept at the management office. See *Attachment X.*
- After the initial lease-up of all the units in the project, certain obligations pertain to the project. In particular, Developers must submit on a quarterly basis, the move-out and/or unit transfer status report for the project along with the current rent roll. See the *Quarterly Unit Vacancy Report Instructions and Report, Attachment Y-1 and Y-2.*

# ATTACHMENTS



## MARKETING GUIDELINES – LIST OF ATTACHMENTS

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A-1. Site Sign Request Form	M. AIF
A-2. Web Site Posting Form	N. Pre-lease Acknowledgement
B. Marketing Plan Summary Sheet	O. HDC Lease Rider (Low Income)
C. Notice of Intent to Begin Marketing	P. HDC Lease Rider (Middle Income)
D. Community Contact Letters	Q. Reaffirmation of Income
E. Outline for Management Plan	R-1. IRS Form 4506-T (HDC)
F-1. Advertisement Instructions	R-2. IRS Form 4506-T (Agent)
F-2. Sample Advertisement	R-3. IRS Form 4506-T (DOI)
F-3. Routing Slip of Advertisement Approvals	R-4. IRS 4506 (DOI)
F-4. Evidence of AFHM	R-5. NYS DTF-505 Form (DOI)
F-5. HUD 935.2a Form	R-6. Authorization to Release Information
G-1. Application Cover Letter (Low Income)	R-7 & R-8. Broker / Third Party Certification
G-2. Application Cover Letter (Middle Income)	S. List of Agencies Eligible for Municipal Preference
G-3. Sample Application	T. Asset Certification
H-1. Sample Eligibility and Interview Letter	U. Unit Distribution Chart
H-2. Sample Ineligibility Letter	V-1. Certification for Deep Rent Skewed Projects
H-3. Sample Approval Letter	V-2. Certification for Mixed Income / "Non-Deep Rent Skewed" Projects
H-4. Sample Rejection Letter	W. Owner Cert of Initial Move-In
H-5. Sample Low Priority Letter	X. Unit Inspection Form
H-6. Sample Wait List Letter	Y-1. Quarterly Vacancy Report Instructions
I. Sample Unemployment Affidavit	Y-2. Quarterly Unit Vacancy Report
J-1. Log Sheet Sample (Rental)	Z-1. Employment Verification Form
J-2. Log Sheet Sample (Home)	Z-2. Household Student Status Affidavit at Recertification
K. Notice of Remarketing	
L-1. Checklist for Income Cert	
L-2. TIC Submission Cover Letter	
L-3. TIC (Low Income)	
L-4. TIC Middle Income	

## **APPENDIX F: Equal Opportunity Form**



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 50

APRIL 25, 1980

BUREAU OF LABOR SERVICES

By the power vested in me as Mayor of the City of New York,  
it is hereby ordered:

Section 1. Purpose. It is the purpose of this Order to ensure compliance with the equal employment opportunity requirements of City, State and Federal law in City contracting.

§ 2. Bureau Continued. The Bureau of Labor Services shall continue to serve such purposes and to have such responsibilities as restated by this Order.

§ 3. Definitions. Whenever used in this Executive Order, the following terms shall have the following meanings:

(a) Bureau means the Bureau of Labor Services;

(b) construction project means any construction, reconstruction, rehabilitation, alteration, conversion, extension, improvement, repair or demolition of real property contracted by the City;

(c) contract means any written agreement, purchase order or instrument whereby the City is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing;

Amended  
E.C.94

(i) Unless otherwise required by law, the term "contract" shall include any City grant, loan, guarantee or other City assistance for a construction project.

(ii) The term "contract" shall not include:

(A) contracts for financial or other assistance between the City and a government or government agency;

(B) contracts, resolutions, indentures, declarations of trust, or other instruments authorizing or relating to the authorization, issuance, award, and sale of bonds, certificates of indebtedness, notes or other fiscal obligations of the City, or consisting thereof; or

(C) employment by the City of its officers and employees which is subject to the equal employment opportunity requirements of applicable law.

(d) contracting agency means any administration, board, bureau, commission, department or other governmental agency of the City of New York, or any official thereof, authorized on behalf of the City to provide for, enter into, award or administer contracts;

(e) contractor means a person, including a vendor, who is a party or a proposed party to a contract with a contracting agency, first-level subcontractors of supply or service contractors, and all levels of subcontractors of construction contractors;

(f) Director means the Director of the Bureau of Labor Services;

(g) economically disadvantaged person means a person who, or a member of a family which, is considered economically disadvantaged under applicable law.

(h) employment report means a report filed by a contractor containing information as to the employment practices, policies and programs, employment statistics and collective bargaining agreements, if any, of the contractor in such form as the Bureau may direct by regulation;

(i) equal employment opportunity means the treatment of all employees and applicants for employment without unlawful discrimination as to race, creed, color, national origin, sex, age, handicap, marital status, sexual orientation or affectional preference in all employment decisions, including but not limited to recruitment, hiring, compensation, training and apprenticeship, promotion, upgrading, demotion, downgrading, transfer, lay-off and termination, and all other terms and conditions of employment except as provided by law;

(j) trainee means an economically disadvantaged person who qualifies for and receives training in one of the construction trades pursuant to a program other than apprenticeship programs, approved by the Bureau and, where required by law, the State Department of Labor or the United States Department of Labor, Bureau of Apprenticeship and Training.

**S 4. Responsibilities of Bureau. The responsibilities of the Bureau shall be as follows:**

(a) To implement, monitor compliance with, and enforce this Order and programs established pursuant to City, State and Federal law requiring contractors to provide equal employment opportunity;

(b) To implement, monitor compliance with, and enforce on-the-job training requirements on construction projects;

(c) To monitor compliance by contractors with State and Federal prevailing wage requirements where required;

(d) To advise and assist contractors and labor unions with respect to their obligations to provide equal employment opportunity;

(e) To advise and assist persons in the private sector with respect to employment problems;

(f) To establish advisory committees, including representatives of employers, labor unions, community organizations and others concerned with the enforcement of this Order; and

(g) To serve as the City's principal liaison to Federal, State and local contract compliance agencies.

**S 5. Contract Provisions.**

(a) Equal Employment Opportunity. A contracting agency shall include in every contract to which it becomes a party such provisions requiring the contractor to ensure equal employment opportunity as the Bureau may direct by regulation.

(b) On-the-Job Training. A contracting agency shall include in every contract concerning a construction project to which it becomes a party such provisions requiring the contractor to provide on-the-job training for economically disadvantaged persons as the Bureau may direct by regulation.

(c) Subcontractors. A contracting agency shall include in every contract to which it becomes a party such provisions requiring the contractor not to discriminate unlawfully in the selection of subcontractors as the Bureau may direct by regulation.

**S 6. Employment Reports.**

(a) Submission Requirements. No contracting agency shall enter into a contract with any contractor unless such contractor's employment report is first submitted to the Bureau for its review. Unless otherwise required by law, an employment report shall not be required for the following:

(i) a contract in the amount of \$50,000 or less;

(ii) an emergency contract or other exempt contract except as the Bureau may direct by regulation; and

(iii) a contract with a contractor who has received a certificate of compliance with the equal employment opportunity requirements of applicable law from the Bureau, or an appropriate agency of the State of New York or the United States within the preceding twelve months, except as the Bureau may direct by regulation.

(b) Bureau Review. The Bureau shall review all employment reports to determine whether contractors are in compliance with the equal employment opportunity requirements of City, State and Federal law and the provisions of this Order. The contracting agency shall transmit the employment report to the Bureau within ten business days after the selection of a proposed contractor. A contracting agency may thereafter award a contract unless the Bureau gives prior written notice to the contracting agency and the contractor as follows:

(i) If the Bureau notifies the contracting agency and the contractor within five business days after the receipt by the Bureau of the employment report that the contractor has failed to submit a complete employment report, the Director may require the contracting agency to disapprove the contractor unless such deficiency is corrected in a timely manner;

(ii) If the Bureau notifies the contracting agency and the contractor within fifteen business days of the receipt by the Bureau of the completed employment report that the Bureau has found reason to believe that the contractor is not in substantial compliance with applicable legal requirements and the provisions of this Order, the Bureau shall promptly take such action as may be necessary to remedy the contractor's noncompliance as provided by this Order.

Provided that a contracting agency may award a requirements contract or an open market purchase agreement prior to review by the Bureau of the contractor's employment report, but may not make a purchase order against such contract or agreement until it has first transmitted such contractor's employment report to the Bureau and the Bureau has completed its review in the manner provided by this Section.

(c) Employment Program. The Bureau may require a contractor to adopt and adhere to a program designed to ensure equal employment opportunity.

(d) Periodic Reports. Contractors shall file periodic employment reports after the award of a contract in such form and frequency as the Bureau may direct by regulation to determine whether such contractors are in compliance with applicable legal requirements and the provisions of this Order.

5 7. Training Programs. The Bureau shall monitor the recruitment, training and placement of economically disadvantaged persons in on-the-job training programs on construction projects. Contracting agencies shall require contractors to make a good faith effort to achieve the ratio of one trainee to four journey-level employees of each craft on each construction project.

(a) The Bureau shall determine the number of trainees and hours of training required by each contractor or subcontractor for each construction project.

(b) In the event that a contractor fails to make a good faith effort to train the required number of individuals for the required amount of hours, the Bureau, after consultation with the contracting agency, shall direct such agency to reduce the contractor's compensation by an amount equal to the amount of wages and fringe benefits which the contractor failed to pay to trainees.

(c) On-the-job training of economically disadvantaged persons shall not be required on construction contracts in the amount of \$125,000 or less.

5 8. Compliance Investigations and Hearings. The Bureau shall conduct such investigations and hold such hearings as may be necessary to determine whether contractors are in compliance with the equal employment opportunity requirements of City, State and Federal law and the provisions of this Order.

(a) Voluntary Compliance. The Bureau shall seek to obtain the voluntary compliance of contractors and labor unions with applicable legal requirements and the provisions of this Order.

(b) Noncompliance. Upon receiving a complaint or at its own instance, the Bureau shall determine whether there is reason to believe a contractor is not in compliance with applicable legal requirements and the provisions of this Order.

(c) Hearings. The Bureau shall hold a hearing on prior written notice to a contractor and the contracting agency before any adverse determination is made with respect to such contractor's employment practices or imposing any sanction or remedy for non-compliance with applicable legal requirements and the provisions of this Order. The hearing shall be held before a City hearing officer, or such other person designated by the Director, who shall submit a report containing findings of fact and recommendations to the Director. Based on the record as a whole, the Director shall determine whether a contractor has failed to comply with applicable legal requirements or the provisions of this Order and the appropriate sanctions for noncompliance.

(d) Notices. The Bureau shall give prior notice of any hearing and shall provide a copy of any hearing report and determination of the Director under paragraph (c) of this Section to the contracting agency, the Corporation Counsel and the Comptroller. The Bureau shall notify appropriate City, State and Federal agencies of violations of law and may, with the approval of the Corporation Counsel, initiate proceedings in such agencies.

§ 9. Sanctions and Remedies. After making a determination that a contractor is not complying with applicable legal requirements and the provisions of this Order, the Director may direct that such sanctions as may be permitted by law or contractual provisions be imposed, including the disapproval of a proposed contractor, the suspension or termination of a contract and the reduction of a contractor's compensation, except as follows:

(a) Within five business days of the issuance of a determination by the Director under Section 8(c), a contracting agency head may file with the Director written objections to the sanctions to be imposed. Where such objections have been filed, the Director and the contracting agency head shall jointly determine the appropriate sanctions to be imposed.

(b) In lieu of any of the foregoing sanctions, the Director may require a contractor to adopt and adhere to a program to ensure equal employment opportunity.

S 10. Public Agencies. Any administration, board, bureau, commission, department or other public agency, not subject to this Order, which imposes by rule, regulation or order equal employment opportunity requirements, may, with the consent of the Mayor, delegate such responsibilities to the Bureau as may be consistent with this Order.

S 11. Confidentiality. To the extent permitted by law and consistent with the proper discharge of the Bureau's responsibilities under this Order, all information provided by a contractor to the Bureau shall be confidential.

S 12. Regulations. The Bureau shall promulgate such regulations, subject to the approval of the Mayor, as may be necessary to discharge its responsibilities under this Order, including regulations increasing the dollar amounts referred to in this Order. Any regulations of the Bureau establishing terms and conditions for contractors shall be approved as to form by the Corporation Counsel.

EQUAL EMPLOYMENT OPPORTUNITY

This contract is subject to the requirements of Executive Order No. 50 (1980) as revised ("E.O.50") and the Rules and Regulations promulgated thereunder. No contract will be awarded unless and until these requirements have been complied with in their entirety. By signing this contract, the contractor agrees that it:

- (1) will not engage in any unlawful discrimination against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability, marital status or sexual orientation with respect to all employment decisions including, but not limited to, recruitment, hiring, upgrading, demotion, downgrading, transfer, training, rates of pay or other forms of compensation, layoff, termination, and all other terms and conditions of employment;
- (2) the contractor agrees that when it subcontracts it will not engage in any unlawful discrimination in the selection of subcontractors on the basis of the owner's race, color, creed, national origin, sex, age, disability, marital status or sexual orientation;
- (3) will state in all solicitations or advertisements for employees placed by or on behalf of the contractor that all qualified applicants will receive consideration for employment without unlawful discrimination based on race, creed, color, national origin, sex, age, disability, marital status or sexual orientation, or that it is an equal employment opportunity employer;
- (4) will send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or memorandum of understanding, written notification of its equal employment opportunity commitments under E. O. 50 and the rules and regulations promulgated thereunder; and
- (5) will furnish all information and reports including an Employment Report before the award of the contract which are required by E. O. 50, the rules and regulations promulgated thereunder, and orders of the Director of the Bureau of Labor Services ("Bureau"), and will permit access to its books, records and accounts by the Bureau for the purposes of investigation to ascertain compliance with such rules, regulations, and orders.

The contractor understands that in the event of its noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, such noncompliance shall constitute a material breach of the contract and noncompliance with the E.O. 50 and the rules and regulations promulgated thereunder. After a hearing held pursuant to the rules of the Bureau, the Director may direct the imposition by the contracting agency head of any or all of the following sanctions:

- (i) disapproval of the contractor;
- (ii) suspension or termination of the contract;
- (iii) declaring the contractor in default; or
- (iv) in lieu of any of the foregoing sanctions, the Director may impose an employment program.

The Director of the Bureau may recommend to the contracting agency head that a Board of Responsibility be convened for purposes of declaring a contractor who has repeatedly failed to comply with E.O. 50 and the rules and regulations promulgated thereunder to be nonresponsible.

The contractor agrees to include the provisions of the foregoing paragraphs in every subcontract or purchase order in excess of \$50,000 to which it becomes a party unless exempted by E.O. 50 and the rules and regulations promulgated thereunder, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Director of the Bureau of Labor Services as a means of enforcing such provisions including sanctions for noncompliance.

The contractor further agrees that it will refrain from entering into any contract or contract modification subject to E.O. 50 and the rules and regulations promulgated thereunder with a subcontractor who is not in compliance with the requirements of E.O. 50 and the rules and regulations promulgated thereunder."



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

Executive Order No. 108  
December 29, 1986

Amendment of Executive Order No. 50  
(April 25, 1980)

BUREAU OF LABOR SERVICES

By the power vested in me as Mayor of the City of New York,  
it is hereby ordered:

Section 1. Prior Order Amended.

a. Section 6(a) of Executive Order No. 50, dated April 25, 1980, is amended to read as follows:

"Submission Requirements. No contracting agency shall enter into a contract with any contractor unless such contractor's employment report is first submitted to the Bureau for its review. Unless otherwise required by law, an employment report shall not be required for the following:

(i) a construction contract in the amount of less than \$1 million; a construction subcontract in the amount of less than \$750,000; or a supply and service contract in the amount of \$50,000 or less or of more than \$50,000 in which the contractor employs fewer than 50 employees at the facility or facilities involved in the contract;

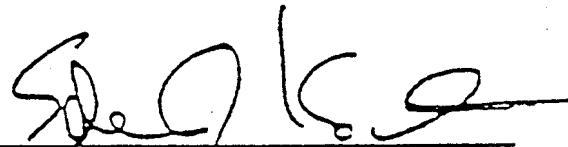
(ii) an emergency contract or other exempt contract, except as the Bureau may direct by regulation; and

(iii) a contract with a contractor who has received a certificate of compliance with the equal employment opportunity requirements of applicable law from the Bureau within the preceding twenty-four months, or an appropriate agency of the State of New York or of the United States within the preceding twelve months, except as the Bureau may direct by regulation."

b. Section 7(c) of such Order is amended to read as follows:

"On-the-job training of economically disadvantaged persons shall be required on all construction contracts covered by the submission requirements of this Order."

Section 2. Effective Date. This Order shall take effect immediately, but shall have no retrospective effect with respect to the two (2) year approval period provided for in Section 1(a) of this Order, amending Section 6(a) (iii) of Executive Order No. 50, dated April 25, 1980.



Edward I. Koch  
M A Y O R

JUN 23 1980



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

Executive Order No. 94  
June 20, 1986

Amendment of Executive Order No. 50  
(April 25, 1980)

BUREAU OF LABOR SERVICES

By the power vested in me as Mayor of the City of New York, it is  
hereby ordered:

Section 1. Prior Order Amended.

a. Section 1 of Executive Order No. 50, dated April 25, 1980, is  
amended to read as follows:

"Purpose. It is the purpose of this Order  
to ensure equal employment opportunity in  
City contracting."

b. Section 3(i) of such Order is amended to read as follows:

"equal employment opportunity means the  
treatment of all employees and applicants  
for employment without unlawful  
discrimination as to race, creed, color,  
national origin, sex, age, disability, marital  
status or sexual orientation in all  
employment decisions, including but not  
limited to recruitment, hiring, compensation,  
training and apprenticeship, promotion,  
upgrading, demotion, downgrading, transfer,  
lay-off and termination, and all other terms  
and conditions of employment;"

c. Section 5(a) of such Order is amended to read as follows:

"Equal Employment Opportunity. A  
contracting agency shall include in every

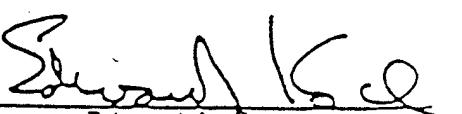
contract to which it becomes a party such provisions requiring the contractor to ensure equal employment opportunity as the Bureau may direct, consistent with this Order."

d. Section 12 of such Order is amended to read as follows:

"Regulations. The Bureau shall promulgate such regulations, subject to the approval of the Mayor, as may be necessary to discharge its responsibilities under this Order, including regulations increasing the dollar amounts and number of employees referred to in this Order. Any regulations of the Bureau establishing terms and conditions for contractors shall be approved as to form by the Corporation Counsel.

Nothing contained herein shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained. The regulations shall set forth this exemption for religiously-sponsored organizations and provide for the discharge of the Bureau's responsibilities in a manner consistent with such exemption."

Section 2. Effective Date. This Order shall take effect immediately.



Edward I. Koch  
M A Y O R

S 13. Annual Report. The Bureau shall submit an annual report to the Mayor concerning its responsibilities under this Order.

S 14. Separability. If any provision of this Order or the application thereof is held invalid, the remainder of this Order and the application thereof to other persons or circumstances shall not be affected by such holding and shall remain in full force and effect.

S 15. Revocation of Prior Orders. Executive Orders No. 71 (1968), No. 20 (1970), No. 23 (1970), No. 27 (1970), No. 31 (1971), No. 74 (1973), No. 7 (1974), and No. 80 (1977) are hereby revoked and the first paragraph of Section 2 of Executive Order No. 4 (1978) is hereby deleted. Nothing in this Order shall be deemed to relieve any person of any obligation not inconsistent with this Order assumed or imposed pursuant to an Order superseded by this Order.

S 16. Effective Date. This Order shall take effect immediately.



EDWARD I. KOCH  
M A Y O R

## **APPENDIX G: Project Timeline**

## **Appendix G- Project Timeline**

Pre-Submission Conference:	July 31, 2012
Proposal Submission Deadline:	September 14, 2012
Designation:	December 2012
ULURP Certification:	May 2013
Project Closing:	December 2013