

**The New York City
Department of Housing Preservation and Development
And
The New York City Housing Authority**

EAST HARLEM

REQUEST FOR PROPOSALS

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Proposal Due Date: March 1, 2007

Michael R. Bloomberg, Mayor

Daniel L. Doctoroff, Deputy Mayor

Dennis M. Walcott, Deputy Mayor



Shaun Donovan, Commissioner
Department of Housing
Preservation and Development
www.nyc.gov/hpd



Tino Hernandez, Chairman
New York City Housing Authority
www.nyc.gov/nycha

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EAST HARLEM REQUEST FOR PROPOSALS

I. INTRODUCTION

The New York City Department of Housing Preservation and Development (“**HPD**”), in cooperation with the New York City Housing Authority (“**NYCHA**”), invites developers (“**Applicants**”) to submit proposals to redevelop 17 tenement buildings (the “**Development Sites**”) located in East Harlem, Manhattan, for affordable rental housing. The Development Sites are shown on **Exhibit A**.

The East Harlem Request for Proposals (“**RFP**”) Project (the “**Development**” or “**Project**”) is the latest in a series of HPD and NYCHA collaborative projects for the development of affordable homeownership and rental housing in New York City. The Project is part of the Mayor’s *New Housing Marketplace* (the “**Plan**”), a plan created to respond to the changing housing needs of the city’s communities by committing to the new construction or rehabilitation of 165,000 homes and apartments in ten years, from fiscal year 2004 through 2013. The Development serves the Plan’s critical goals of creating needed rental opportunities, maximizing affordability, and, in turn, enhancing HPD’s and NYCHA’s community revitalization efforts.

The Development Sites are currently owned by NYCHA and will be leased by NYCHA to the selected developer (“**Developer**”) for a period of not more than 99 years. The terms of the lease may be found in more detail in Section III (C), “Disposition.”

As shown in **Exhibit A**, the Development Sites are located on two separate blocks. The southern site (“**100th Street Site**”) is located on the block bounded by 99th and 100th Streets and 1st and 2nd Avenues. The redevelopment of the 100th Street Site will consist of the rehabilitation of the existing housing units and the addition of elevators and new residential units on the ground floor. The northern site (“**102nd Street Site**”) is located on the block bounded by 102nd and 103rd Streets and 1st and 2nd Avenues. The redevelopment of the 102nd Street site will consist of the demolition and subsequent new construction of affordable rental units. With convenient local transportation and retail, as well as open space and playgrounds nearby, the Development Sites present an attractive opportunity for experienced developers of affordable housing. Both Development Sites will be awarded to one Developer and may not be bid on individually.

HPD and NYCHA anticipate an upzoning for the 102nd Street Site from R7A to R8A. Applicants should assume this new zoning in all proposals. No upzoning is required at the 100th Street Site. NYCHA and HPD will assume the lead in seeking all necessary public approvals for the zoning change.

Requirements for the Project are described in Section III, “Project Description and Guidelines”. At least 300 units must be affordable to households earning up to 60% of Area Median Income (“**AMI**”). NYCHA will provide up to 300 Section 8 vouchers for these units. All additional units should be set at tiers not to exceed 130% AMI. Additional affordability guidelines are outlined in Section III (A), “Site Description and Property Use.” Eligible tenants and marketing requirements are outlined in Section III (E), “Marketing and Tenant Preferences.”

Sustainable design should be incorporated into the design of the buildings and the Development Sites as outlined in **Exhibit G**. HPD and NYCHA will select the Developer based on an evaluation of the Applicants’ qualifications, the feasibility of the proposed development plan, the quality of the proposed design, and compliance with other requirements as noted in Section III, “Project Description and Guidelines,” Section IV (B), “Review,” and Section V, “Developer Selection Criteria.” Upon selection, NYCHA will conduct the disposition process with the Developer, subject to approval by the United States Department of Housing and Urban Development (“**HUD**”) and / or the NYCHA Board.

The redevelopment of the Development Sites may require financing from a combination of private and public sources. Public financing may be available from the New York City Housing Development Corporation (“**HDC**”), or through HPD subsidies, among other sources. Property tax incentives may also be available. Additional information, including subsidy limits, may be found in Section III (F), “Financing.”

Applicants are responsible for assembling a team (“**Development Team**”) and undertaking the design, construction, marketing, and management of the rental units, as well as other obligations listed in Section III (B), “Developer Obligations”.

This RFP does not represent any obligation or agreement whatsoever on the part of either HPD or NYCHA. Any obligation or agreement on the part of New York City (“**the City**”) or NYCHA may only be incurred after the City and

NYCHA enter into a written agreement approved by the Mayor, the NYCHA Board, the City Corporation Counsel, and the NYCHA Law Department, as applicable. In addition, certain obligations or agreements involving NYCHA may require the written approval of HUD.

A pre-submission conference will be held on December 20th at 2PM, at HPD, 100 Gold Street, Room 1-R, New York, NY, which every entity wishing to submit a proposal in response to this RFP is encouraged to attend. Conveyance and construction start are anticipated to occur in 2007.

The Development Sites will be available for a walking tour and inspection on January 11, 2007 between 1PM and 4PM. Applicants should meet at the 100th Street Site at 1PM for the tour. A Phase I Environmental Site Assessment will be completed for the Development Sites by December, 2006. An executive summary of the Phase I Environmental Site Assessment will be available as an addendum once complete. The summary will be for preliminary review only and is not intended to substitute for a review of the entire Phase I Environmental Site Assessment and should not be relied upon for any purpose. See Section III (C), "Disposition" for further details.

Proposals are due by hand on **March 1, 2007**, no later than 4:00 p.m. See Section VI (B), "General Requirements" for detailed instructions.

II. DEFINITIONS

AMI or Area Median Income

Area Median Income adjusted by HUD for household size for a specific geographical area. For the New York Metropolitan Statistical Area the 2006 AMI for a family of four is \$70,900.

Applicant

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

Developer

The person, entity or entities selected by the City and NYCHA to commence negotiations regarding the development of the Development Site. The person, entity or entities will provide equity, secure financing, assemble a Development Team, design, develop, build, market, rent up, and manage the residential units.

Development Sites or Sites

The property to be developed in relation to this RFP, as shown in **Exhibit A**.

Development Team

The Developer and the professional, technical, and construction entities (e.g. general contractor, architect, engineer, legal counsel, marketing, and managing agents) that will participate in the design, development, construction, marketing, and/or management of the Project.

Ground Lease

At construction loan closing, NYCHA will enter in a long-term lease with the Developer. This lease will be for the land only. Title to the improvements on the Development Sites will vest in the Developer during the term of the ground lease. Information on the terms and rent payable can be found in Section III (C)(1), "Ground Lease."

Marketing Bands

Apartments underwritten at specific AMI levels may be marketed, and subsequently rented, to households earning incomes slightly higher than the AMI's underwritten at.

Principal

An individual, partnership, limited liability company, corporation, or other entity that will act as the general partner, officer or managing member of the Applicant, or any entity, known limited partner, or other member that has at least a 10% ownership interest in the Applicant.

Project

The development of housing, accessory residential parking, open space, and other uses permitted on the Development Sites.

ULURP

Uniform Land Use Review Procedure is the standardized procedure whereby applications affecting land use (such as the disposition of City-owned land) would be publicly reviewed. Key participants in the public review process include the Department of City Planning, the City Planning Commission, the Community Boards, the Borough Presidents, the City Council, and the Mayor.

III. PROJECT DESCRIPTION AND GUIDELINES

A. Site Description and Property Use

Location of 100th St. Site: Manhattan / Block 1671 / Lots 39, 41, 43, 45, 47
Bounded by 99th and 100th Streets and 1st and 2nd Avenues
Located in Community District 11

Location of 102nd St. Site: Manhattan / Block 1674 / Lots 5, 7, 8, 10, 11, 13, 40, 42, 43, 45, 46, 48
Bounded by 102nd and 103rd Streets and 1st and 2nd Avenues
Located in Community District 11

Both sites will be awarded to one Developer.

Current Use: Seventeen (17) six-story walk-up tenement buildings. A number of buildings are currently vacant. Due to structural damage, the three buildings located on Block 1674, Lots 13, 40 and 42 are scheduled for demolition prior to disposition.

New Use: The Development Sites must be developed for residential rental use, with ancillary parking provided as described below. The 100th Street Site must be rehabilitated, including the addition of elevators and new residential apartments on the ground floor. The 102nd Street Site, upon demolition, must be newly constructed as residential apartments.

Income Limits: At least 300 units must be affordable to households earning up to 60% AMI. Applicants should assume that 300 Section 8 Housing Vouchers ("**Section 8**") will be made available to tenants at the Sites. For the purposes of responding to this RFP, Applicants should assume Fair Market Rent ("**FMR**") for these units and that Davis-Bacon prevailing wage regulations ("**Davis-Bacon**") will not apply. HUD 2007 FMR is outlined in **Exhibit I**. Applicants should propose a mix of affordability tiers for the remaining units, not to exceed 130% AMI (see the affordability analysis worksheet **Exhibit E – Form 4**). Preference will be given to those proposals whose additional tiers most closely match Community Board 11's affordability tiers as detailed in **Exhibit H**. Proposals that provide an even split of the remaining units in these additional tiers with the least subsidy required will be given preference. Applicants must use reasonable marketing bands.

Rent and income restrictions for all units shall apply for the longer of thirty (30) years or the term required by the funding sources used. Consideration will be given to proposals that extend affordability beyond the standard 30-year term, with commitments to maintaining long term rental affordability in perpetuity looked at favorably. In addition, all units will be subject to rent stabilization guidelines, as further described in Section III (H), "Rent Stabilization."

Zoning: Applicants should assume rehabilitation of the 100th Street Site under the current R7A zoning. HPD and NYCHA are currently working with the Department of City Planning ("**DCP**") on the ULURP to rezone the 102nd Street Site to R8A. Applicants should assume this upzoning in their proposals.

Parking: Zoning requires parking spaces at a 40% ratio of the units at the 102nd Street Site. HPD and NYCHA assume these spaces will be developed below grade at the 102nd Street Site. These spaces must be made available to residents of both the 100th Street Site and the 102nd Street Site. Tenants who qualify for the 300 Section 8 vouchers ("**Section 8 Tenants**") who request spaces must be charged no more than \$250 per month. This rate must be held constant for the first five years of operation and may begin to escalate in Year 6 based upon Rent Guidelines Board allowable increases for rent stabilized units. Any spaces not requested by Section 8 Tenants may be rented to the general public at market rates, provided that if any tenant requests one of these spaces, it is made available to them.

B. Developer Obligations

Development Team

The Developer will be responsible for assembling a Development Team (including at least a contractor, planner/architect, and managing agent), securing all necessary construction and permanent financing, and

undertaking site planning, building design, site preparation, construction, rent-up and management of the completed buildings. The Developer will also be responsible for providing social services as outlined in Section III (J) "Tenant / Resident Services Plan.

Design

The Developer will be responsible for preparing preliminary site and architectural plans, elevations, cost estimates, engineering and on-site environmental studies, testing and/or remediation as may be required by HPD and NYCHA and by construction lenders.

Pre-Development and Construction Timetables

The Developer will be required to submit final plans and specifications to HPD and NYCHA for review and approval within six (6) months of selection of the Developer and be prepared to commence construction no later than twelve (12) months from the date of a negotiation letter. The Developer must provide a development schedule and phasing plan, including benchmarks for commencement and completion of plans and drawings, site preparation, construction, marketing, and occupancy of the Project. In addition, the Developer must provide ongoing status reports regarding development, financing, construction timetables, marketing, and sales.

The maximum predevelopment schedule is twelve (12) months from the date of a negotiation letter, except in extraordinary circumstances as otherwise agreed by HPD and NYCHA. Preference will be given to Applicants who propose a shorter, yet still reasonable, predevelopment schedule. Developers will be held accountable for the schedules outlined in their response to this RFP. Strict timelines and penalties may be imposed in the event that predevelopment and build-out exceeds an overall thirty-six (36) month project timeline.

Equity and Financing

The Developer must provide an equity contribution in the form of cash and/or payment of pre-development costs, secure private market construction financing and provide any personal guarantees required, and must meet any other terms and conditions required by construction lenders, HPD, and NYCHA. The Developer must pay any transfer taxes associated with the disposition of the Development Sites.

Subcontracting

When issuing solicitations for subcontractors, the Developer will be required to take affirmative steps to include minority- and woman-owned business enterprises. The Developer must, in all solicitations or advertisements for bids for subcontractors placed by or on behalf of the Developer, state that all qualified applicants will receive consideration for subcontracts without regard to race, color, religion, sex, national origin, disability, age, handicap, marital status or military service.

Marketing

The Developer will be required to market the residential units in accordance with HPD and NYCHA requirements. More information on the marketing requirements can be found in Section III (E), "Marketing and Tenant Preferences."

Resident Services Plan

The Developer must provide social services to residents for at least the first five years of occupancy. Examples of these services include, but are not limited to, counseling, job readiness or training, financial management training, and youth-oriented or education services.

C. Disposition

1. Ground Lease

At the construction loan closing, NYCHA will enter into a long-term ground lease ("**Ground Lease**") with the selected Developer that covers the two Development Sites. The Ground Lease will have a minimum term of forty (40) years, and a maximum term of ninety-nine (99) years, to be negotiated between NYCHA and the Developer. Title to the existing and newly-constructed improvements on the Development Sites will vest in the Developer during the term of the Ground Lease. Rent payable to NYCHA under the Ground Lease will be paid as a fixed percentage of surplus cash flow calculated with respect to the dwelling units occupied by Section 8 Tenants. Among other terms and conditions, the Ground Lease will contain covenants that run with the land that will: restrict the development of the Project to residential use only; make all dwelling units subject to the guidelines established under the New York State Rent Stabilization Law; require the Developer to develop a minimum of three hundred (300) dwelling units affordable to households earning up to sixty percent (60%) of AMI, for which dwelling units NYCHA intends to make

Section 8 available to eligible families; and, impose other tiered rent and income affordability restrictions during a specified regulatory period of at least thirty (30) years. The Development Sites will be delivered unoccupied and in "as-is" condition. Disposition of the Development Sites to the Developer under the terms contained in the Ground Lease will be made subject to all applicable laws and regulations.

2. Environmental Remediation

The Developer will be responsible for any necessary environmental remediation. Applicants are encouraged to review the Phase I Environmental Site Assessment that will be prepared for the Development Sites, which may disclose the existence of certain environmental conditions. The Executive Summary of the Phase I Environmental Site Assessment will be made available as an addendum to this RFP once it is completed. An appointment to review the Phase I Environmental Assessment Statement may be made by contacting a representative of HPD in the manner indicated in Section IV (A), "Submission." Neither NYCHA nor HPD makes any representation or warranty whatsoever regarding the condition of the Development Sites or the suitability of the Development Sites for the uses contemplated in this RFP.

D. Tenant Selection Process

1. Initial Rent Up

The rent-up of the units to eligible tenants is the sole responsibility of the Developer and is subject to HPD and NYCHA marketing guidelines and preferences as described in Section III (E), "Marketing and Tenant Preferences," below, as well as rent and income limits described in Section III (A), "Site Description and Property Use" above.

2. Re-rentals

When any of the units are vacated the Developer shall re-rent such units to other eligible families or individuals according to the income limitations stated in Section III (A), "Site Description and Property Use." The rent and income limits referenced above shall apply for the longer of thirty (30) years or as required by funding sources used. Preferences for NYCHA referrals and Community District residents shall apply at initial rent up only.

3. Income Mix and Apartment Amenities

Generally, proposed income tiers should be distributed proportionately among all buildings in the project, including both the 100th Street Site and the 102nd Street Site. The Developer should seek to provide comparable amenities for all apartments in the Project, regardless of income tier.

E. Marketing and Tenant Preferences

1. Marketing

The marketing and rent-up of the apartments to eligible tenants is the sole responsibility of the Developer and the Development Team. In carrying out these functions, the Developer must comply with the marketing requirements of HPD and NYCHA, which are designed to ensure that the availability of the apartments is disseminated as widely and fairly as possible. The marketing requirements will be part of the "Regulatory and Operating Agreement" and "Ground Lease" that the Developer will execute with NYCHA at construction closing. Marketing will be monitored by HPD and NYCHA staff to ensure compliance with these requirements.

2. Tenant Preferences

- Returning Residents: All 193 households residing at the Development Sites as of the fall of 2003, have the right to return to the Development. In anticipation of the redevelopment, many of these residents have been relocated already, or have existing plans for relocation. NYCHA is working with the remaining tenants to find alternative housing. Most, though not necessarily all, returning residents will be eligible for the Section 8 vouchers from NYCHA.

- NYCHA Preference: If fewer than 25% of all units are filled by eligible returning residents, as described immediately above, current NYCHA residents at the time of lease-up will have preferences for the remainder of those units that make up 25% of the total unit count.
- Community Board Preference: Current residents of Community District 11 in Manhattan at the time of lease-up will have preference for 50% of all units remaining after the NYCHA preferences are satisfied.

F. Financing

1. Equity

The amount of the Developer's equity will be determined by the construction lender. Applicants should expect an equity requirement equal to at least ten percent (10%) of the total development cost of the Sites.

2. Potential Sources of Financing

a. Construction and Permanent Financing

It is the responsibility of the Developer to obtain construction and permanent financing in amounts consistent with the proposal. Although NYCHA and HPD make no representations or warranties regarding the financing that will be available at the time of construction or that the Development will qualify for any specific type or amount of financing, it is currently anticipated that this Development may be eligible for allocations of public and private financing as outlined below.

Proposals may include financing made available through HDC's New Housing Opportunities Program ("New HOP") or Mixed-Income Program. More information about these programs can be found on HDC's website at www.nychdc.com. Proposals may also include subsidies through Low Income Housing Tax Credits where applicable. The total cash subsidy from HPD and HDC must not exceed \$65,000 per unit. Developers may propose additional City, State, or Federal subsidy sources.

b. Section 8 Rental Assistance

Subject to availability, Section 8 rental assistance from HUD will provide the difference between 30% of tenant incomes and FMR for up to 300 apartments. The Section 8 rental assistance will be administered by NYCHA. Details of the Section 8 assistance will be negotiated between NYCHA and the designated Developer.

3. Letters of Interest

A letter of interest from any source of funds (other than HPD, HDC and NYCHA) that the Applicants anticipate using must be included in the proposal. Applicants should indicate if they plan to apply for competitive financing and therefore cannot include a letter of interest. Any proposal that assumes competitive financing must submit an alternate scenario. Within 120 days of HPD's and NYCHA's joint issuance of a negotiation letter, the Developer will be required to submit a signed term sheet from a private lender for construction financing for the Development Sites.

4. Mortgage Recording Tax

In calculating development costs, Applicants shall assume payment of the full mortgage recording tax applicable to all loans. This requirement applies to for-profit and not-for-profit developers.

5. Self-financing Requirements

If the Developer contributes its own funds towards development instead of obtaining a construction loan from an institutional lender, the following applies:

a. Construction Loan Servicer

The Developer must identify a construction loan servicer acceptable to HPD.

b. Equity

At the construction loan closing, the Developer must deposit in escrow with the construction loan servicer the full amount of the self-financed portion of the construction loan.

6. Background Reviews

The source(s) of private funding may be subject to HPD and NYCHA sponsor review, standard credit, reference and New York City Inspector-General reviews.

G. Maintenance and Operating Requirements

Maintenance and operation of the Development must be performed in accordance with a management agreement/management plan and a regulatory agreement, as well as all applicable City laws and regulations and HUD Housing Quality Standards (HQS).

H. Rent Stabilization

Initial rents will be established in accordance with the Regulatory Agreement, consistent with the standards described in this RFP. All units must be entered into the New York State Rent Stabilization system upon initial occupancy following completion of the Project, and must remain in the system for the term of the Ground Lease.

I. Building Design and Zoning

The plans for the buildings developed on the Development Sites must conform to the HPD Design Guidelines for Rehabilitation and New Construction outlined in **Exhibit C**, as well as the current New York City Zoning Resolution and Building Code, as such may be amended from time to time, and all other applicable laws and regulations, including the Americans with Disabilities Act. Sustainable design requirements are outlined in **Exhibit H**. Applicants should note that parking requirements, as mandated under the current zoning resolution, must also be met assuming R8A zoning for the 102nd Street Site.

Applicants should review the design objectives stated in Section V (N), "Quality of Design / Planning Objectives." The Developer will be required to submit proposed layouts and elevations to HPD and NYCHA for review and approval, as detailed in Section VI (C), "Contents of Proposal and Tabbing."

J. Resident Services Plan

Proposals must include a plan for social services to be offered to all tenants for at least the first five years of occupancy. Plans may include, but are not limited to, counseling, job training, financial management training, and youth-oriented or educational services. Applicants must indicate in the social services narrative what the associated costs will be and how they will be funded.

K. Real Property Taxes

The Development Sites will be subject to New York City Real Property Taxes and charges. However, the tax abatements and exemptions described below may be available. Applicants should indicate in the Narrative Overview which tax abatement or 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). Neither HPD nor NYCHA make any representations or warranties as to the continued availability of these benefits or as to the Development's eligibility to receive these benefits.

The J-51 program provides tax exemption and tax abatement benefits for the rehabilitation of multiple dwellings. Eligible projects receive a partial tax exemption from the New York City Real Property Tax on the increase in assessed valuation resulting from the improvement to the property for up to thirty-four (34) years, including a gradual phase-in of full taxes over the last four (4) years of the exemption. The J-51 program also provides an abatement of up to 12 ½% of eligible costs (Certified Reasonable Costs or CRC) each year to reduce the taxes on the property up to a maximum of 50% to 150% of the CRC; any unused abatement may be carried forward for up to twenty (20) years. A proportionate reduction in the CRC will be made for any increase in the gross cubic content of the building and for any commercial or non-residential space.

The 421-a partial tax exemption for new multi-family buildings 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 421-a partial tax exemption allows up to 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 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 420-c tax exemption provides an exemption from New York City Real Property Tax for up to sixty (60) years for housing financed in part with Federal Low Income Housing Tax Credits. 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 charitable organization with 501(c)(3) or (4) tax exempt status whose purposes include low income housing, or a wholly-owned and wholly-controlled subsidiary of such a charitable organization. HPD and NYCHA must approve a regulatory agreement that requires use as low-income housing and that may require a payment in lieu of taxes.

L. Fair Housing Requirements

Developers are required to comply with all applicable Federal, State, and local laws, orders, and regulations prohibiting housing discrimination.

M. Environmental Review Requirements

The Development will be subject to the environmental review requirements of the National Environmental Policy Act (NEPA), as well as New York State and New York City environmental review requirements (SEQRA and CEQR). HPD and NYCHA, as lead agencies, will oversee the preparation and review of these assessments. However, the Developer will be responsible for providing all information and for paying the cost of any studies and analyses required for completion of these assessments, including an Environmental Assessment and, if required by HPD or NYCHA, a Phase II Environmental Site Assessment. The Developer will be responsible for any and all required environmental remediation.

N. Equal Opportunity

Agreements resulting from this RFP will be subject to the provisions of Executive Order 50 and its implementing regulations as stated in **Exhibit F**. 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 EO forms provided by HPD verifying their compliance with its provisions.

IV. REQUEST FOR PROPOSALS PROCESS

A. 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.

Complete Submissions

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 Section VI (“Submission Requirements”).

Proposal Modifications

An Applicant may submit a complete modified proposal to replace all or any sections of a previously submitted proposal up until the proposal submission deadline. NYCHA and 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 required form by the proposal 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 proposal due date will not be considered. If HPD and NYCHA determine, upon review of a proposal, that any items are missing and/or incomplete, HPD and NYCHA, in their 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.

RFP Addenda

NYCHA and HPD reserve 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. NYCHA and HPD will advise each party that has requested a copy of this RFP of any clarifications or revisions.

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

References and Requests for Further Information

Submission of a proposal shall constitute permission from the Applicant for HPD and NYCHA to make such inquiries concerning the Applicant as HPD and NYCHA deem necessary. NYCHA and HPD reserve the right to communicate with any of the Applicants, but NYCHA and HPD are not obligated to do so. NYCHA and HPD may discuss the proposals of any Applicants concurrently or sequentially, as NYCHA or HPD may determine to be in its or their best interest. No Applicant has any rights against NYCHA and 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 NYCHA or HPD, appear for discussions. If any Applicant fails to do so within the time period given (or within any time extension that NYCHA and HPD may grant), NYCHA and HPD may deem the failure to be an act of non-conformance with the RFP requirements, which will permit NYCHA and 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, pending or 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.

B. Review

Each proposal will be reviewed according to the Threshold Requirements detailed in Section V (A-F) (“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 Section V (G-R) (“Competitive Selection Criteria”). HPD and NYCHA may request additional

information, site visits, interviews, or other presentations by the Development Team. HPD and NYCHA may disapprove the inclusion of any member of the Applicant's Development Team and/or require the selected Applicant to substitute other individuals or firms.

C. Selection

Selection of a Developer under this RFP means only that HPD and NYCHA will commence negotiations with such Applicant regarding the proposal for the Development.

Negotiation Letter

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

Exhibit B ("Applicant's Letter") contains an Applicant's Letter that describes this process. Each proposal must include this letter signed on behalf of the Applicant by a Principal. HPD and NYCHA reserve 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 accomplish a construction start twelve (12) months from the date of the Letter. Failure of the Developer to follow the development schedule will result in the termination of negotiations and the selection of another Developer.

The selected Applicant must begin pre-development work within thirty (30) days of the date of the Negotiation Letter. The Applicant must commence construction no later than twelve (12) months from the date of the Negotiation Letter. **The maximum pre-development timetable shall not exceed twelve (12) months from the date of the Negotiation Letter, except in extraordinary circumstances under which HPD and NYCHA determine the Developer may require longer timetables.**

Disclosure

The Developer that receives a Negotiation Letter from HPD and NYCHA must thereafter disclose all previous participation with government-assisted projects. Such entity and all principals thereof will each be required to submit completed Entity and Individual Disclosure Statements, including the NYCHA Business Entity Questionnaire, which will be forwarded to the Developer. HPD and NYCHA 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 or NYCHA. Any obligation or agreement on the part of HPD or NYCHA may only be incurred after HPD and / or NYCHA enters into a written agreement approved by the Mayor, the City Corporation Counsel for HPD and the NYCHA Board and NYCHA Law Department for NYCHA. NYCHA is under no legal obligation to convey the Development Sites through a competitive process. HPD and NYCHA may use the proposals submitted pursuant to this RFP as a basis for negotiation with Applicants as they deem appropriate. HPD and NYCHA 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 Sites on terms other than those set forth herein (including to parties other than those responding to this RFP). HPD and NYCHA 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 sites or parcels from or to this RFP.

V. DEVELOPER SELECTION CRITERIA

Each proposal will be evaluated by HPD and NYCHA according to the Threshold Requirements below, taking into account the information provided in the proposal, references, and any other information about the Applicant's performance available to HPD and NYCHA. **Only proposals that meet all Threshold Requirements will be considered further.**

Proposals that meet all Threshold Requirements, based on both HPD's and NYCHA's judgment and discretion, will be evaluated, rated and ranked according to the Competitive Selection Criteria described in Section V (G-R). HPD and NYCHA may request additional information, site visits, interviews, or presentations by the Development Team.

THRESHOLD REQUIREMENTS

A. Completeness of Proposal

The proposal must contain **all the documentation** required under this section. All required forms must be fully completed and application requirements met at the time of submission. No substitutions for forms will be allowed, unless otherwise indicated. HPD will distribute forms electronically, upon request. HPD and NYCHA, at their discretion, may notify an Applicant that additional information or clarification is necessary.

B. Conformance with RFP

Proposals must conform to the requirements contained in this RFP, including the affordability requirements outlined in Section III (A), "Site Description and Property Use."

C. Feasibility of Development Proposal

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

D. Ability to Finance

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

E. Development Experience and Capacity

1. Comparable Development Experience

At least one Principal of the Applicant must have comparable development experience. "Comparable Development Experience" means the successful completion, as an at-risk developer, of at least two residential projects of at least 50 units each and an aggregate of 100 units in New York City within the seven-year period preceding the deadline for the submission of proposals in response to this RFP. The developments must have consisted of new construction and substantial rehabilitation (though not necessarily at the same site), the scope of which included, at a minimum, the coordination of multiple trades.

2. Comparable Management Experience

At least one Principal of the Applicant or the proposed managing agent must have comparable management experience. "Comparable Management Experience" means the successful management of at least 100 residential units in New York City over the seven-year period ending at the deadline date for the submission of proposals. No changes in managing agent may be made without HPD and NYCHA prior approval.

3. Current Capacity and Timeline

Applicants must be capable of beginning construction within twelve (12) months of issuance of the Negotiation Letter. The Applicant's current workload and other pending project obligations will be considered in assessing its capacity for undertaking the Project proposed by the Applicant within the timeframe prescribed for development.

A proposal will be rejected if there is evidence that the Applicant is over-extended, as indicated by one or more of the following:

- There is poor progress on current projects with HPD, NYCHA or others;
- The total of all development and/or construction projects underway or in pre-development already fully utilizes the existing financial or administrative capacity/experience of the Applicant; or
- Other information indicates that the Applicant does not have the capacity to begin and complete construction on a timely basis.

F. 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 NYCHA from conveying the Development Sites to the Applicant or any person or entity associated with the Applicant. Such adverse findings include, but are not limited to:

- 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;
- 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.

COMPETITIVE SELECTION CRITERIA

Proposals that meet the Threshold Requirements stated in Section V (A-F) above, based on HPD's and NYCHA's judgment and discretion, will be rated 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 and NYCHA may request additional information, site visits, interviews, or other presentations by the Development Team.

G. Previous Development Experience

The Applicant's previous development experience, beyond the minimum required under the Threshold Criteria above, will be evaluated as an indicator of its ability to carry out a quality project in a timely manner. Among the factors that will be considered are:

- The quality of construction and design in projects completed or currently being built by the Applicant and/or its Principals;
- The extent of the Applicant's experience, in terms of number, size and scale of projects completed in excess of Threshold Requirements; and
- Applicant's history of delivering projects on time and within budget.

H. Previous Management Experience

The Applicant's previous experience in managing rental housing, either directly or through a managing agent, and the experience of any managing agent proposed to manage the Sites, will be evaluated as an indicator of the Applicant's ability to operate and maintain the property to the satisfaction of the tenants, in a financially sustainable manner, and in compliance with all applicable laws. The following factors, among others, will be considered:

- The number of buildings and units currently managed by the Applicant, and those managed by the Applicant over the past seven (7) years;
- The quality of maintenance provided by the Applicant;
- Successful management of Section 8 units;
- Previous experience in the provision of social services to low-income populations;
- The effectiveness of tenant relations, measured in part by the number and types of tenant complaints made in regard to property managed by the Applicant; and
- Experience in rent-up and management of rental housing for low-income persons, including track record of compliance with eligibility, record-keeping and reporting requirements of subsidy programs for such tenants.

I. Affordability and Preferences

Proposals that include affordability tiers between 61% and 100% AMI and between 101% and 130% AMI will be given preference under this criterion. No unit may exceed 130% AMI. Proposals that split units evenly between these tiers will be given further preference. An affordability calculation worksheet is attached in **Exhibit E – Form 4**.

J. Least Subsidy

Proposals that require the least subsidy will be ranked higher under this criterion. For evaluation purposes, subsidy shall include all City, State and Federal grants, loans, or incentives, as determined by HPD and NYCHA.

K. Duration of Affordability

Proposals that extend affordability beyond the standard 30-year term, with commitments to maintaining long term rental affordability in perpetuity, will be given preference under this criterion.

L. Support of Financing Structures

Proposals that include commitment letters or award letters from any public agency (other than HPD, HDC or NYCHA) in regard to the use of public funds will be given preference.

M. Likelihood of Timely Construction Start

The likelihood of the Applicant’s accomplishing a timely construction start on the Development will be evaluated based on factors that include the following:

- Applicant’s track record of delivering projects on time and within budget; and
- The financial and other resources that the Applicant will provide to the proposed project.

N. Quality of Design / Planning Objectives

HPD and NYCHA will evaluate the quality of the design proposal based upon its responsiveness to design and planning criteria/issues enumerated below and to HPD Design Guidelines stated in **Exhibit C**. HPD and NYCHA will evaluate the proposed site plan and the responsiveness of the Project to the context of the neighborhood. Overall quality of housing design and construction will be given paramount consideration. HPD and NYCHA will review street wall elevations and interior layouts as well. Applicants should attempt to design structures that complement and elevate the level of urban design in the neighborhood, and to undertake creative and innovative ways to achieve that product. Applicants are encouraged to use new materials and techniques, a diversity of architectural styles and innovative site planning. HPD and NYCHA will consider building arrangement, character, materials, amenities, and streetscape treatment.

Preference will be given to proposals that:

- Integrate building details that include varied roof lines, materials such as brick and stone, and articulation of front doors and windows;
- Enhance a sense of security by promoting defensible spaces through the street orientation of housing, visibility of public spaces and adequate street lighting;
- Provide trees and landscaping;

- Consolidate service areas (parking, loading and garbage) to minimize their impact on public streets and open spaces; and
- Provide consistent streetscapes that project a high-quality street environment.

O. Locally-Based Professionals

Proposals that include locally-based professionals, such as architects and engineers, will be given consideration under this criterion. For the purposes of this RFP, the term “locally-based” refers to residents of Community Board 11 or surrounding areas.

P. Resident Services Plan

Proposals must include a social service plan for the tenants. Proposals with strong social service plans will be given preference. Plans may include, but are not limited to, counseling, job training, financial management training, and youth-oriented or educational services. Plans that include partnership with a not-for-profit service provider will be given preference under this criterion.

Q. Sustainable Architecture and Development

In addition to the overall design quality, preference will be given to projects that include the greatest number of optional sustainable design qualifying points, as outlined in **Exhibit G**. For the purposes of this RFP, “sustainable architecture” or “sustainable design” describes development principles that demonstrate attention to design and building strategies that maximize energy efficiency and minimize impacts on the environment.

For background information or guidelines for integrating these energy efficient technologies into residential buildings, Applicants should visit some of the numerous websites that promote and explain them. Tax credits and funding from State and Federal sources are often available to developers who take these initiatives. Some of the most useful sites are:

- New York State Energy Research and Development Authority (NYSERDA) (www.nyserda.org)
- Energy Star (www.energystar.gov)
- US Green Building Council (USGBC) (www.usgbc.org)
- Partnership for Advancing Technology in Housing (PATH) (www.pathnet.org)

Exhibit H outlines sustainable design elements under this RFP.

R. High Performance Technology

Preference will be given to those designs that incorporate Smart Building Technology. For the purposes of this RFP, “smart building” refers to the installation of advanced communication technologies and integrated electronic systems that promote building automation.

For background information or guidelines for integrating these energy efficient technologies into residential buildings, Applicants should visit some of the numerous websites that promote and explain them. Some of the most useful sites are:

- EH Publishing Inc. (www.Electronichouse.com)
- Home Automation & Networking Association (www.hanaonline.org)
- General Electric (GE) Connected Home (www.ge-smart.com/building)
- Smart House Inc. (www.smart-house.com)
- National Association of Home Builders Research Center (www.nahbrc.org)
- One Economy (www.One-Economy.com)

VI. SUBMISSION REQUIREMENTS

A. Pre-Submission Information and Inquiries

A pre-submission conference will be held on **December 20th**, at 2:00 PM at HPD, 100 Gold Street, Room 1-R, New York, NY. All potential Applicants are encouraged to attend this conference.

The Development Sites will be available for inspection on **January 11th at 1:00 PM**. Applicants should meet at the 100th Street Site. Applicants should be prepared to sign waiver of liability forms.

Inquiries regarding this RFP may be directed to Carolyn Zern, 100 Gold Street, Room 9-I2, New York, NY 10038. Telephone: (212) 863-6519. E-mail: zernc@hpd.nyc.gov

People with disabilities requiring special accommodations to pick up the RFP or to attend/or participate in the pre-submission conference should contact Carolyn in the manner described above.

B. General Requirements

Time and Place of Submission

Proposals must be delivered by hand no later than 4:00 p.m. on March 1, 2007 to:

N.Y.C Department of Housing Preservation and Development
Office of Development
Division of Planning and Pipeline Development
100 Gold Street, Room 9-I2
New York, NY 10038
Attention: Carolyn Zern

Late submissions will not be accepted.

Application Fee

Each submission requires a non-refundable fee of one hundred dollars (\$100.00). This fee must be in the form of a certified check, cashier's check or money order payable to "NYC Department of Finance". No cash or personal checks will be accepted.

Format of Proposal

Each proposal must consist of one (1) bound original and seven (7) bound copies. **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:

- East Harlem RFP
- Name of Applicant
- Date of submission

Each proposal must be tabbed as indicated below. The tabs must run down the right hand side of the proposal. All architectural plans and drawings must be shown on 11" X 17" paper and included in the bound submission.

Modifications

A proposal may be withdrawn or modified in writing only prior to the proposal due date and time or, if applicable, up until any subsequent due date and time set for the submission of proposals. Modifications received after the proposal due date will not be considered.

All submissions become the property of HPD and NYCHA. Submission of a proposal will be deemed to be permission for HPD and NYCHA to make such inquiries concerning the proposal and the Applicant as they deem necessary. If HPD or NYCHA determines, upon review of a proposal, that any items are missing and/or

incomplete, HPD or NYCHA, in its sole discretion, may notify the Applicant to provide such items. Failure to provide complete information in a timely fashion could result in rejection of the proposal.

C. Contents of Proposal and Tabbing

[All Forms, which can be found in Exhibit F (“Proposal Forms”), must be included in submission.]

TAB A - Narrative Overview

Include a narrative of one or more pages that describes the proposal. The narrative must include, at a minimum, the income and rent levels contemplated, the number and size of units, the sources and amounts of financing, anticipated use of property tax incentive programs, and a brief description of the most relevant development experience of at least the Principal(s) who would manage the project. Intentions to hire locally should also be stated here.

TAB B - Applicant Description

All Applicants must complete pages 1-3 of the Applicant Description Form (Form 1). Applicants that include a not-for-profit organization as a Principal of the Developer or a member of the Development Team must also complete pages 4 - 6 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 are encouraged to include a resume in this tab as well as any additional information that would be helpful to HPD or NYCHA in the review process. This information may include information regarding projects that the Applicant has developed in the vicinity of the Development Sites or clarification of information provided in the forms included in the proposal.

TAB C - Development Proposal

The following forms, fully completed, shall be included in this Tab:

Financial Proposal (Form 2)

If separate financing is proposed for different portions of the project, Applicants must submit a separate Form 2 for each package.

Trade Payment Breakdown (Form 3)

If separate financing is proposed for different portions of the project, Applicants must submit a separate Form 3 for each package.

Rent and Affordability Analysis (Form 4)

These forms are contained in **Exhibit F** of this RFP.

TAB D - Development Experience, Management Experience and Property Listing

The following forms, fully completed, shall be provided by each Principal of the Applicant. If an individual has no experience, this shall be indicated by including a form marked “None”. See **Exhibit F** for copies of the required forms.

Residential Development Experience / Current Workload (Form 5)

A separate form shall be provided for each Principal. Care should be taken to provide accurate information about references.

Residential Management Experience / Current Workload (Form 6)

A separate form shall be provided for each Principal. Care should be taken to provide accurate information about references.

Individual’s Property Listing (Form 7)

A separate form shall be submitted for each Principal listing all real property located in New York City currently and

previously owned and/or managed during the seven-year period preceding the submission deadline date for proposals under this RFP. This list shall include properties owned and managed either directly by the Principal or by any organization in which the Principal is or was a corporate officer or general partner, or held more than a 10% interest.

TAB E - Assets Statement

Each proposal must contain a completed Assets Statement (Form 8), for at least one Principal of the Developer. An Audited or Certified Financial Statement prepared according to Generally Accepted Accounting Principles (GAAP) may substitute for Form 8, provided it is not more than one (1) year old. Please note that the total **liquid unencumbered assets** of the Principal or Principals must be at least equal to the amount of equity required by the construction lender.

TAB F - Letters for Private and Public Funds

Each proposal must include a letter or letters of interest dated no earlier than two (2) months from the date of submission of the Developer's proposal from a private lender or lenders.

The letter(s) must be provided on the lender's letterhead, signed by a representative of the lender, and must indicate a willingness to provide construction and permanent financing in amounts and with terms consistent with the proposal. The letter(s), as required by the specific type of financing as stated above, must also include the following:

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

If bond financing from HDC is proposed, a letter of interest from HDC is not required, but the Applicant must provide a letter from a private lender indicating willingness to provide credit enhancement in a form and amount consistent with the proposed HDC financing.

If the use of public funds from sources other than NYCHA, HPD, or HDC is proposed, a written indication of interest, e.g. a letter of interest, a commitment letter or an award letter, dated no earlier than two (2) months from the date of submission of the Developer's proposal, must be included. Each letter must be on the organization's letterhead and signed by a representative of that organization.

TAB G – Tax Credit Syndicator Letter

If the Development is to be financed using Low Income Housing Tax Credits, provide a letter of interest from an investor or syndicator indicating the tax credit equity amount and raise factor anticipated for the Project.

TAB H - Architectural Submission

Provide the following information on 11" x 17" format or smaller so that it can be easily reproduced:

- **Photographs:** photos should be at least 3" x 5" in size and show the Development Sites and their relation to surrounding buildings, streets and open spaces. Photos must be keyed on the area plan outlined below. The photos should be clear enough to be reproducible.
- **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:** provide a zoning map for the Development Sites, a detailed zoning computation and analysis to demonstrate compliance with existing zoning at the 100th Street Site and R8A zoning at the 102nd Street Site. Applicants must also demonstrate compliance with the New York City Building Code information indicating occupancy group and construction classification. Also include apartment count and distribution.
- **Site Plan:** the site plan should be clearly legible and indicate all components of the Project and other development within one block of the Development Sites. It must include walkways, sidewalks, parking, driveways, pedestrian circulation, building access points, tree locations, plant materials, fences, gates, lighting, easements, and encroachments.

- **Floor Plans:** provide all floor plans to explain development concept as well as plans for every dwelling type at 1/8" scale. Clearly indicate all rooms, dimensions and square footages. 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. All units and bedrooms should show a proposed furnishing scheme.
- **Elevations:** provide 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 appreciated but not required.
- **Any other architectural drawings** such as axonometric, street frontage elevations, perspective or sectional drawings or computer generated modeling, if they can provide a better understanding of the development concept.
- The **Sustainable Design Checklist** in **Exhibit H**, detailing sustainable criteria incorporated into the proposal must be completed and included.

TAB I – Design Team Experience

Submit design team's resume, focused on projects in the last ten (10) years and qualifications detailing applicable residential development experience.

TAB J – Resident Services Plan

Submit a narrative describing social services to be provided to residents of the Project, the costs associated with these services, and how the services will be funded.

VII. CONDITIONS, TERMS AND LIMITATIONS

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

The Development Sites are to be disposed of in "as is" condition. NYCHA and HPD make no representation whatsoever as to the physical condition of the Development Site, or the structures thereon or their suitability for any specific use.

The Development Sites shall be subject to New York City Real Property Taxes and charges. Tax benefits may be available under the J-51, 421-a, and 420-c tax benefit programs.

The proposed Development shall conform to, and be subject to, the provisions of the Zoning Resolution, 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 conditional selection of the Developer will depend on satisfaction of the additional documentation and review requirements described in this RFP, and will be subjected to the subsequent approval of the Mayor and the NYCHA Board.

The continuation of negotiations with a Developer will depend on satisfaction of the additional documentation and review requirements described in this RFP and will be subject to joint review by HPD and NYCHA. The Development Sites will be leased by NYCHA pursuant and subject to the provisions of the Ground Lease, the "Development Agreement," and Regulatory and Operating Agreement between NYCHA and the Developer.

No transaction will be consummated if any Principal of any Developer with whom HPD or NYCHA has commenced negotiations is in arrears, or in default upon any debt, lease, contract or obligation to the City of New York, HPD or NYCHA, including without limitation, real estate taxes and any other municipal liens or charges. HPD and NYCHA reserve the right not to review any proposal by any such Applicant.

No commission for brokerage or any other fee or compensation shall be due or payable by the City, HPD or NYCHA, and the submission of a proposal will constitute the Applicant's undertaking to indemnify and hold the City, HPD and NYCHA 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 conditional selection of a Developer pursuant to this RFP or the sale of the Development Sites.

Neither the City, HPD nor NYCHA is obligated to pay, nor shall the City, HPD or NYCHA in fact pay any costs or losses incurred by any Applicant at any time, including any costs incurred by the Applicant in connection with the Applicant's response to this RFP.

This RFP does not represent any obligation or agreement whatsoever on the part of the City, HPD or NYCHA, which may only be incurred or entered into by written agreement to which the City, HPD and / or NYCHA are parties, subject to the approvals of HUD, the NYCHA Board, the NYCHA Law Department and / or the New York City Law Department. HPD and NYCHA are under no legal obligation to convey the Development Sites through a competitive process. The City, HPD and NYCHA may use the proposals submitted pursuant to this RFP as a basis for negotiation with Applicants as the City, HPD, and NYCHA deem appropriate. HPD and NYCHA 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 Sites on terms other than those set forth herein (including to parties other than those responding to this RFP). HPD and NYCHA 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 sites or parcels from or 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 HPD and NYCHA, and until the Deed, the Development Agreement, the Regulatory and Operating Agreement, and all related documents are fully executed and approved. The terms of the Ground Lease, the Development Agreement, and the Regulatory and Operating Agreement (or other agreements) after execution (the "**NYCHA Documents**"), shall govern the relationship between NYCHA and the Developer. In the event of any variance between the terms of this RFP and

the Ground Lease or the NYCHA Documents, the terms of the Ground Lease and/or the NYCHA Documents will govern.

The City, HPD and NYCHA reserve the right, in their sole discretion and at any time, to reject at any time any or all proposals, to withdraw the RFP, to negotiate with one or more Applicants, and/or negotiate and dispose of the Development Sites on terms other than those set forth herein (including to parties other than those responding to this RFP). The City, HPD and NYCHA likewise reserve the right, at any time, to waive compliance with, or change any of the terms and conditions of this RFP or to entertain modifications or additions to selected proposals. In addition, HPD and NYCHA retain the right to at any time withdraw portions of the Sites from this RFP and to add improved or vacant lots to the Development Sites.

All determinations as to the completeness or compliance of any proposals, or as the eligibility or qualification of any Applicant, will be within the joint discretion of HPD and NYCHA.

There is no legal obligation on the part of the City, HPD or NYCHA to use the proposals submitted pursuant to this RFP as a basis for negotiation with Applicants as the City, HPD and / or NYCHA deems appropriate.

This RFP and any agreement resulting therefrom 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.

NYCHA and HPD are separate legal entities and will have separate responsibilities with respect to the Development. HPD is a department of the City of New York, and NYCHA is a public housing authority, which was organized and exists as a New York public benefit corporation. NYCHA will be responsible for arranging all conveyance permissions and licenses to enter upon the Development Sites, and for Site conveyance. HPD and NYCHA will jointly oversee the actual development process.

VIII. CONFLICT OF INTEREST

Current or former employees of the City of New York may respond to this RFP only in accordance with the section(s) of 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 or NYCHA 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 participating in the Development may be requested from the New York City Conflict of Interests 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 consideration. 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 or NYCHA are also advised that the City Charter imposes certain restrictions on post-employment business relationships with the City. Such individuals should consult the specific provisions on this issue contained in the City Charter.

Exhibit A – Site Map



Exhibit B – Applicant’s Letter

New York City Department of Housing Preservation and Development
100 Gold Street
New York, NY 10038
Attn: Holly Leicht, Assistant Commissioner

New York City Housing Authority
250 Broadway, 24th Floor
New York, NY 10007
Attn: Ilene Popkin, Assistant Deputy General Manager

Re: East Harlem RFP

Dear Ms. Leicht and Ms. Popkin:

This letter is being submitted in connection with my proposal (“Proposal”) submitted in response to the East Harlem Request for Proposals (“RFP”) issued by the Department of Housing Preservation and Development (“HPD”) of the City of New York (“City”) and the New York City Housing Authority (“NYCHA”).

I understand that selection of an Applicant (“Applicant”) under the RFP for disposition of the sites (“Sites”) and the development of the project described in the RFP (“Development”) will mean only that HPD and NYCHA will commence negotiations with such Applicant regarding the development of the Sites.

I recognize that any negotiations with HPD and NYCHA will be subject to the following terms and conditions.

- 1) The commencement of negotiations will not represent any obligation or agreement on the part of the City, which may only be incurred or entered into by a written agreement which has been: (i) approved as to form by the City’s Law Department; (ii) has received all required City approvals; and (iii) duly executed by the Applicant and the City. The negotiation letter (“Negotiation Letter”) will only indicate HPD’s intention to commence negotiations that may ultimately lead to the execution of such an agreement.

The commencement of negotiations will not represent any obligation or agreement on the part of NYCHA, which may only be incurred or entered into by a written agreement which has been approved by NYCHA, the NYCHA Board and the NYCHA Law Department, and duly executed by the Applicant or an Applicant-affiliated entity and NYCHA. The Negotiation Letter will only indicate NYCHA’s intention to commence negotiations which may ultimately lead to the execution of such an agreement.

- 2) The Applicant will not have permission to enter upon the Sites, which permission will only be granted, if at all, in the form of a license agreement duly executed by the Applicant or an Applicant-affiliated entity and NYCHA. The execution of any such license agreement, if it occurs, will only indicate that NYCHA has granted permission for the Applicant to enter onto the Sites for the limited purposes stated in the scope of work set forth therein, and will not indicate that NYCHA has reached any other agreement with the Applicant regarding the Sites, the Development, or the program.
- 3) The following requirements will have to be satisfied prior to disposition of the Site:
 - a. The disposition of the Sites and tax exemptions to be granted, if any, must be reviewed and approved in accordance with all applicable HPD, NYCHA and City policies, which include, but are not limited to, the following:
 - i) The Applicant, any other potential grantee of the Sites, and the Applicant’s respective principals must successfully undergo background checks concerning their suitability to do business with the City and NYCHA.

- ii) The Sites will not be leased to any person or entity which (or to any entity with a principal who): (i) has not fulfilled development responsibilities undertaken in connection with the City, NYCHA or other governmental entities; (ii) is in default on any obligations to the City or NYCHA; (iii) is a former owner of the Sites; (iv) has lost real property to the City in tax or lien enforcement proceedings; or (v) has filed for bankruptcy.
 - b. The price and other terms of the disposition of the Sites will be in accordance with the provisions of all applicable federal, State and City laws and regulations, NYCHA policies, and any requirements of HUD.
 - c. The tax exemptions to be granted, if any, must be reviewed and approved in accordance with the provisions of all applicable local, State, and Federal laws, which may require, among other things, review and/or approval by the local Community Board, the Borough President, the City Planning Commission, the City Council, and/or the Mayor.
 - d. The grantee must execute legal documents in form and substance acceptable to HPD and NYCHA and in form approved by the City's and NYCHA's Law Departments.
- 4) During negotiations, the Applicant must diligently, competently, and expeditiously comply with all requirements communicated to the Applicant by HPD or NYCHA.
 - 5) The design of the Development must comply with any applicable Urban Renewal Plan and HPD and NYCHA design requirements.
 - 6) The Negotiation Letter will not constitute a representation or certification by HPD or NYCHA that the Sites and the Development comply with the Criteria For Location Of City Facilities ("Fair Share Criteria") established pursuant to Section 203 of the City Charter. The Applicant will be responsible for ensuring compliance with all Fair Share Criteria and for preparing all materials and obtaining all approvals related to such compliance.
 - 7) Either HPD, NYCHA or the Applicant may terminate negotiations at any time with or without cause. Negotiations will terminate automatically if Applicant does not comply with the milestones to be set out in a development schedule, including but not limited to providing within 120 days from the date of the Negotiation Letter evidence of financing sufficient for acquiring and rehabilitation the Site in accordance with the Program requirements.
 - 8) If negotiations are terminated by HPD, NYCHA or the Applicant, whether with or without cause, or if negotiations terminate automatically, then neither the City, NYCHA nor the Applicant will have any rights against or liabilities to the other.
 - 9) Neither the City nor NYCHA is obligated to pay, nor will either in fact pay, any costs or losses incurred by the Applicant at any time, including, but not limited to, the cost of: (i) any prior actions by the Applicant in order to respond to any selection process; or (ii) any future actions by the Applicant in connection with the negotiations, including, but not limited to, actions to comply with requirements of HPD, NYCHA, the City, or any applicable laws.

Very truly yours,

Exhibit C – 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 if they are not below grade.
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 bib 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 ^{1/2}" 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.

Exhibit C – HPD Design Guidelines for Substantial Rehabilitation

These design guidelines apply to the rehabilitation of multi-family buildings, subject to HPD review and approval.

The purpose of these guidelines is to establish minimally acceptable criteria for quality rehabilitation of multi-family housing. These guidelines are not intended to supersede the requirements of any other rules and regulations of any other agency having jurisdiction, in which case the more restrictive shall govern.

Other agency rules and regulations may include, but are not limited to: the New York State Multiple Dwelling Law; and the New York City Building Code, Housing Maintenance Code, and Zoning Resolution, 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, coastal zone, and solid waste management.

Guidelines using the word “must” are mandatory. Guidelines using the word “should,” however, are advisory. Minor deviations from the guidelines will be allowed if they are necessary to avoid structural changes or if they result in a clearly superior design. Substantial deviations from the “should” guidelines are not acceptable.

I. SITE DEVELOPMENT

A. Open Space

1. Paving should be provided in rear, side and court yards. Where appropriate, building entrance gates and steel picket fencing at front yards should be provided. Chain link fencing at side and rear yards should be provided. Provide street trees as per Parks Department guidelines.
2. Space for refuse / recycling collection should be provided and screened from the sidewalk / street.
3. Provide security gates at fire passages with panic hardware to eliminate unauthorized entry to site.

B. Street Facades

1. Existing window openings must not be altered.
2. Existing building entrances should not be relocated.
3. Existing street facades must not be altered except:
 - Installing new fire escapes to comply with egress requirements.
 - Changing the storefront by converting commercial space to residential use.
4. Existing architectural details (cornices, porticoes, stonework, etc.) should be repaired and / or replaced.

II. BUILDING DESIGN

A. Commercial Space

1. Commercial space rehabilitation should only include work necessary to obtain a Certificate of Occupancy (i.e. fire rated walls / ceilings between commercial / residential spaces, subflooring, ½ bathroom, etc.). Commercial tenants will be responsible for any other modifications.
2. Commercial spaces must comply with handicapped accessibility requirements (Local Laws 58 & 87).
3. Existing store(s) can be converted into additional residential units if the zoning room count permits and specific HPD program requirements allow.

B. Building Entrance

1. Locate mailboxes in vestibule area for maximum visibility from street and as per United States Postal Service requirements.
2. Building entrance and vestibules must comply with handicapped accessibility requirements. Provide ramps if space permits.

C. Dwelling Unit Distribution

1. Two-bedroom dwelling units are preferred. In addition, studios, one- and three-bedroom dwelling units should be provided to maximize the overall design efficiency of the building.

The bedroom average of a given building should range from 1.7 to 2.0. A building's bedroom average is calculated as follows:

$$\text{Bedroom Average} = \frac{\text{Total Number of Bedrooms}}{\text{Total Number of Apartments}}$$

D. Location of Dwelling Units

1. An existing apartment in the basement or cellar may be retained for use only if it meets the definition and criteria as outlined in the Multiple Dwelling Law and Building Code.
2. The dwelling unit located in the basement or cellar should be used only for the building superintendent and family.

E. Maintenance

1. Provide separate rooms for mechanical services: boiler, electric meters, gas meters, etc. All walls in the cellar should be CMU type.
2. Janitor closets should be provided with slop sinks.
3. Provide a trash chute, recycling room, and trash compactor in buildings with 20 or more units.
4. Provide vandal / frost-proof hose bib at front and rear of building.

III. APARTMENT DESIGN GUIDELINES

A. 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

- Notes:
1. Primary bedrooms must have at least one uninterrupted wall space of at least 10 feet.
 2. Variations to these minimum areas and dimensions may be permitted when existing structural elements prevent precise compliance and the available area or dimensions allows furniture placement and adequate use of the space.

B. Apartment Arrangement

1. Living Rooms should be located at the front or rear of the building, to the extent possible, in order to maximize natural light and ventilation. Bedrooms facing the street should be minimized at the entrance level.
2. The arrangement of rooms and spaces within the dwelling units should provide adequate circulation and functional relationships between rooms. There must be no circulation through bedrooms to other bedrooms or to primary bathrooms. Bathrooms should be near the bedrooms; circulation through the Living Room should be avoided. Bathrooms must not be visible from the Living Room, Dining Room or Kitchen.
3. Kitchenette should have natural ventilation unless building constraints prohibit. Bathrooms also should be naturally ventilated. In situations where windows are limited, however, kitchenette should take precedence.
4. Windows of the Primary Bedroom and the Living Room must not be located on an interior court less than 250 SF.
5. Windows of the secondary bedroom must not be located on an interior court less than 20 SF.

C. Kitchens (Kitchenette)

1. Kitchen to Living Room visibility should be maximized by pass-through openings and half-height partitions with countertops.
2. Plumbing and ventilation chase walls should be shared where possible.
3. Kitchen equipment must consist of a 30" range, refrigerator (14 CF minimum), 24" sink, base cabinets with countertop and wall hung cabinets. A minimum of 1'6" of countertop work surface should be located adjacent to: both sides of the sink, one side of the range and the door handle side of the refrigerator. The minimum length of countertop work surface (excluding sink / appliances) and cabinet shelving provided 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.

4. Base cabinets / countertops must be 2'0" deep at a minimum.
5. Shelving must be 11 1/2" deep at a minimum.

D. Dining Area

1. Every dwelling unit must contain a space for dining, located so as to accommodate a table and chairs for the intended maximum number of occupants.

E. Bathrooms

1. Every dwelling unit must contain at least one bathroom containing a bathtub with shower head, a lavatory with vanity cabinet and a water closet. Bathrooms must provide for comfortable access to and use of each fixture.
2. Three bedroom apartments must have an additional half bathroom containing a lavatory and a water closet.
3. Four bedroom apartments must contain two complete bathrooms.

F. Storage

1. Coat Closet: Every dwelling unit must contain a coat closet convenient to the entrance that is at least 2'0" clear deep and 3'0" wide.
2. Bedroom Closets: Every bedroom must contain a clothes closet at least 2'0" clear deep and 5'0" wide.
3. Linen Closets: Every dwelling unit must contain storage for linens that is at least 1'6" deep and 2'0" wide.
4. Bulk Storage: Additional storage space should also be provided in each dwelling unit.
5. Provide swinging doors for all closets.

Exhibit D – HPD Marketing Guidelines

Tenant Selection Procedures

1. NOTICE OF INTENT

Marketing must begin within at least four (4) months prior to expected occupancy of the first unit. The Sponsor / Developer, or a representative, must submit to HPD a Notice of Intent to begin marketing at least one (1) month prior to the date upon which they expect to market the first unit in the project.

2. WRITING AND PLACING ADVERTISING

The Developer, or a representative, shall begin marketing by placing an advertisement for applicants in accordance with the following:

- a) HPD will provide developer with ad format. No changes to the format will be permitted without prior written approval of the Director of Neighborhood Resources;
- b) The Developer, or a representative, is responsible for placing the ad;
- c) 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;
 - one (1) local newspaper.
- d) The ad must run at least three (3) days (with at least one (1) day falling on a weekend), at least sixty (60) days prior to application deadline.

3. CONTENTS OF APPLICATION

- a) The format of the application will be provided by HPD. Any changes to the application must receive prior approval from HPD.
- b) The application must be accompanied by a cover letter that reiterates the program guidelines and highlights the post office box to which applicants must be returned. The format will be provided by HPD. Any changes to the letter must receive prior approval from HPD.

4. PICKING UP COMPLETED APPLICATIONS

- a) Applications will be picked up from the post office box one (1) week after the postmark deadline. The applications must be picked up by the Developer or a representative in the presence of HPD staff.
- b) If the post office requires that letters be picked up on a regular basis due to the large volume of mail, the Developer must notify HPD prior to picking up the mail and place all letters, unopened, in one secure location. The Developer will then return to the post office one (1) week after the postmark deadline to pick up, in the presence of HPD staff, any remaining mail.
- c) Any applications postmarked after the application deadline ("late" applications) will be set aside for possible consideration pursuant to these Tenant Selection Procedures, only after all application postmarked by the deadline have been exhausted. (See Sections 8b and 9b.)

5. OPENING APPLICATIONS & CREATING THE LOG

- a) The log format will be provided by HPD.
- b) After picking up applications from the post office as described in Section 4, in the presence of HPD staff, all applications or a minimum number of applications equal to twenty (20) times the number of units being marketed in the project will be randomly opened and entered in ink in a log in the order of which they were randomly opened. All names will then be selected in number order from this log.
- c) All subsequent loggings from this applicant pool, unless waived by HPD, must take place in the presence of HPD staff.

- d) The Developer or representative must provide a copy of the log to HPD immediately after the lottery described under Section 5b is completed. If the Lottery takes more than one (1) day, the Developer must provide a copy of the update log after each day's logging is completed.
- e) The Developer or representative must also provide copies of the log to HPD for review indicating each applicant's selection status. The copies must be provided prior to offering apartments to eligible applicants. *HPD approval is required prior to signing leases.*
- f) All offers of apartments must be made by the Developer or representative to "eligible applicants," and must be made in numbered order from the log, as long as units of appropriate size are available. An applicant to whom an apartment has been offered must be given a reasonable and specific amount of time to respond to the offer before the Developer can proceed to offer the apartment to the next eligible applicant on the log.
- g) 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.
- h) The applicant log will be retained as a record for not less than three (3) years.

6. TENANTING APARTMENTS

- a) Referrals: The City reserves the right to refer potential tenants to the Developer. The Developer, if directed by HPD, must first offer units to these referrals, when eligible. Referrals must be entered into a separate log by the Developer or a representative. The Developer must indicate the source of the referral on the log.
- b) Homeless Units: If required by the project's Regulatory Agreement, the Developer must offer units to "eligible homeless" applicants. Eligible homeless applicants are eligible, very low-income applicants who are certified as eligible by HRA, HPD or an approved alternate referral source. Refer to the Regulatory Agreement for the required percentage (or number) of homeless units to be tenanted under this category.
For apartments reserved for homeless families, the owner / manager must promptly notify HPD's Division of Housing Finance and Production when vacancies occur and request that homeless households certified as eligible by HRA, HPD or an approved alternate referral source be referred as prospective tenants. Records documenting the rental and referral source for all homeless units must be maintained by the owner or designated manager and must be made available to HPD upon request. Failure to comply with these requirements may result in HPD extending the fifteen year restricted use period.
- c) Neighborhood Preference Requirement:
 - i) "Eligible Neighborhood Residents" defined: eligible applicants whose address at the time of application is in the community board(s) in which the project is located, or when applicable, in the community board upon which the project borders.
 - ii) Requirement for projects with homeless units: for projects containing homeless units, the Developer must rent not less than fifteen percent (15%) of the total number of homeless units as described in Section 6b above to "eligible neighborhood residents" if the project is located in one (1) community board, and not less than twenty percent (20%) of the total number of these units to "eligible neighborhood residents" if the project is located in two (2) community boards or is on the border of two (2) community boards. In the event that all non-neighborhood preference homeless units in a project have been rented, and the neighborhood preference requirement has not been met, the Developer must rent the next remaining homeless units only to "eligible neighborhood homeless residents" until the neighborhood homeless preference requirement is met. See also Section 9 for completing neighborhood preference rent-up.
 - iii) Requirement of non-homeless units: for non-homeless units, the Developer must rent not less than fifty percent (50%) of the total number of non-homeless units in the project to eligible neighborhood residents. See also Section 9 for completing neighborhood preference rent-up.
- d) Municipal Employee Preference: Five percent (5%) of all marketed units will be rented to Municipal Employees of the City of New York.
- e) Federal Disability Preference: If (i) this is a rehabilitation project containing fifteen (15) or more units and if the cost of the alterations is 75% or more of the replacement cost of the completed facility, or (ii) if this is a new construction project containing five (5) or more units, a minimum of five percent (5%) of the project units, or one (1) unit, whichever is greater, is required to be made adaptable for disabled persons with mobility impairments, and a minimum of two percent (2%) of the project units, or one unit, whichever is greater, is required to be made adaptable for disabled

persons with visual or hearing impairments. Such units (the five percent (5%) and two percent (2%) of the project units which were required to be made adaptable) are referred to as “disabled preference units.” Applicants who have at least one household member with a mobility impairment or a visual or hearing impairment are referred to as “disabled applicants.” The Developer must offer disabled preference units to appropriate disabled applicants. Disabled applicants are instructed to place a check mark on the outside of the envelope, and will be randomly selected with all other applicants. Disabled applicants must meet all programmatic requirements in order to be eligible for the unit. If not met, the Developer, or a representative, may go to the next disabled applicant on the log.

If the Developer, or a representative, cannot rent all disabled preference units from the original applicant pool, the Developer or representative, in the presence of HPD staff, must open and log only remaining unopened applications for disabled applicants identified with a check mark on the outside of the envelope.

The Developer will notify the Mayor’s Office for People with Disabilities (MOPD) or its successor office, if there are disabled preference units remaining after the above procedures have been met. Applicants from additional disabled applicants referred to the Developer by MOPD must be postmarked not more than 35 days following such notification. The Developer will open and log additional applications from disabled applicants in the same manner as all other applications, and will offer the remaining disabled preference units to appropriate disabled applicants who have submitted applications by the aforesaid deadline. If there are disabled preference units remaining after the procedures described in this paragraph have been met, such units may be offered to non-disabled applicants.

If all the disabled preference units have been rented to disabled applicants, the remaining disabled applicants, if any, remain on the log and are treated the same as all other (non-disabled) applicants. If the Developer offers an apartment to a disabled applicant who remained on the log, the Developer must offer an adaptable apartment of appropriate size, if available. If no such apartment is available, a non-adaptable apartment should be offered. Developers are advised that Federal law requires the Developer to provide a reasonable accommodation to the applicant, if requested.

7. COMPLETING RENT-UP OF LOW-INCOME APARTMENTS

- a) If after following procedures outlined in Sections 5 and 6, and exhausting all eligible names on the log, low-income apartments are still available but some applications remain unopened, the Developer or a representative must notify HPD, and in the presence of HPD and pursuant to procedures listed in Section 5 randomly open and log a number of remaining vacancies. The Developer, or a representative, will then follow Tenant Selection Procedures outlined in Section 6.
- b) If apartments are still available after the Developer has exhausted all remaining applications pursuant to Section 7a, the Developer or a representative must notify HPD, and in the presence of HPD and pursuant to procedures listed in Section 5, randomly open and log a number of “late” applications set aside pursuant to Section 4c sufficient to tenant the remaining low-income vacancies. The Developer or a representative will then follow Tenant Selection Procedures in Section 6.
- c) If, after the Developer has exhausted all remaining applications as described above, low-income apartments are still available the Developer or a representative must notify HPD. HPD will provide the format for a re-advertisement, which will contain an open application. All applications will be picked up from the post office as needed in the presence of HPD staff. Future lotteries for the site will be held as needed in the presence of HPD staff. During this period, all other requirements contained in these Tenant Selection Procedures will apply.

8. COMPLETING RENT-UP OF MODERATE-INCOME APARTMENTS

The Developer and / or HPD may determine upon reviewing the initial log that there will be an insufficient number of qualified moderate-income applicants from the lottery to complete the moderate-income rent-up. Unless otherwise specified and upon written approval from HPD, the Developer will be permitted to conduct direct outreach or solicit additional applications pursuant to procedures listed below in this section in order to rent the remaining moderate-income units. The Developer will be permitted to process these additional applicants, but may not rent to these applicants until all eligible applications from the original applicant pool have been exhausted.

- a) The Developer will then be required at a minimum to re-advertise the units in addition to any direct outreach / solicitation.
 - Ads will be provided by the Developer;
 - Ads must be placed in at least three (3) newspapers as described in Section 2c of these Tenant Selection Procedures;
 - The Developer must provide HPD with a copy of the re-advertisement.
- b) All applications received as a result of this process must be logged by the Developer.
- c) The Developer must apply the same eligibility and rent-up criteria / requirements utilized for all other applicants when renting these apartments.
- d) The Developer will be required to certify to HPD that this process has been completed in accordance with these guidelines.

9. COMPLETING NEIGHBORHOOD PREFERENCE RENT-UP

The Developer must contact HPD if, upon renting the maximum number of non-resident units, the log from the original applicant pool contains an insufficient number of eligible applicants to meet neighborhood preference requirements. Then, the Developer will attempt to meet the neighborhood preference requirement by following the procedures listed below, in the order in which they appear until all neighborhood preferences are rented:

- a) The Developer must open and log any remaining unopened applications and attempt to tenant the remaining units with eligible neighborhood residents.
- b) The Developer must open and log any "late applications" and attempt to tenant the remaining units with eligible neighborhood residents, in log order.
- c) Where applicable, the Developer may consider applicants from the moderate-income advertisement.

If, after the Developer certifies to HPD that the above procedures have been followed, in order, and after considering all eligible neighborhood residents, the neighborhood preference requirement cannot be met, the Developer may proceed to tenant apartments with eligible non-neighborhood residents in log order.

10. INTERVIEWS

- a) Units must be offered to eligible applicants in log number order but interviews can be conducted by the Developer, or a representative, in any order.
- b) The Developer will notify each applicant to be interviewed by regular mail. The format for the letter will be provided by HPD. The letter will indicate:
 - The date, time and location of the interview and a phone number should the applicant be unable to appear;
 - A list of required documents to be brought to interview by applicant;
 - That the Developer reserves the right to make home visits or other appropriate inquiries to assist in qualifying applicants;
 - That no broker or applicant fees will be charged to the tenant;
 - If credit checks will be conducted by the Developer, that the following fees can be charged to the tenant: a maximum of \$50 for market-rate tenants, or \$25 for low-income tenants. No credit check fees may be charged to homeless applicants. A credit check fee can only be charged after an interview has been conducted and all other threshold selection criteria have been met.
- c) In cases where an applicant fails to appear for an interview, the Developer must send a second letter by regular mail to schedule another interview. The applicant will be given a reasonable and specific amount of time from the date of the second letter in which to respond.

11. QUALIFYING APPLICANTS

- a) All selections will be made by the Developer or a representative.
- b) The Developer, their employees, their agents, and employees of their agents are prohibited from seeking an apartment through the Developer's lotteries, and are further prohibited from being considered through any other means for any apartment being marketed by this Developer pursuant to these Tenant Selection Procedures, regardless of their position in the firm.

- c) If required by the Regulatory Agreement, the Developer must disqualify those applicants for whom there is not at least one household member who is a New York City resident at the time of application.
- d) The Developer must disqualify those applicants from whom multiple copies of an application are received.
- e) HPD will provide the Developer with initial rents, income guidelines and minimum household size requirements when the Notice of Intent is received. The Developer can consult with HPD for guidance regarding determining applicant eligibility in particular instances where eligibility is not clear. (See Section 13.)
- f) The Developer must notify all applicants processed of their selection status by regular mail as soon as a determination has been made. (See Section 5f.) A copy of the letter must be attached to the application and kept on file.
- g) As required under Section 5e, the Developer will provide HPD with a copy of the completed log, indicating the final selection status of each applicant and reason for rejection, such as:
 - Income eligibility;
 - Applicant's being an employee of the Developer, or Developer's agent (see Section 11b);
 - Does not meet New York City residency requirement;
 - Lack of adequate income to support rent payments;
 - Ineligible household size;
 - Poor rent payment or credit history;
 - Receipt of more than one application per household;
 - Falsification of information;
 - Any other reason for rejection.
- h) The Developer or a representative cannot disqualify an applicant solely on the basis that the applicant receives Section 8 assistance.

12. COMPLIANCE WITH REGULATORY AGREEMENTS

The Developer must certify to HPD compliance with all provisions of the Rent Regulatory Agreement and these Tenant Selection Procedures and must maintain all records pertaining to the marketing of the project and the certification or re-certification of each tenant, for a period of not less than three (3) years.

13. 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 Tenant Selection Procedures, and any violation thereof will be a violation of these Tenant Selection Procedures.

14. AMENDMENTS

HPD reserves the right to amend any provision of these Tenant Selection Procedures.

15. INSPECTIONS

HPD reserves the right to conduct periodic inspections and spot-checks of the Developer's tenanting process.

16. CORRESPONDENCE

All notices to HPD regarding the Tenant Selection Procedures must be sent by regular mail to the attention of:

Director of Neighborhood Resources
 City of New York
 Department of Housing Preservation and Development
 100 Gold Street
 Room 5C
 New York, NY 10038

Exhibit E – Proposal Forms

(This page intentionally left blank.)

East Harlem RFP – Form 1

APPLICANT DESCRIPTION

All applicants shall complete pages 1 - 3 of this form. Applicants that include a not-for-profit entity as a principal of the developer or a member of the development team shall also complete pages 4 - 6.

Name of Applicant: _____

Name of Contact Person: _____

Address: _____

Telephone No: _____ FAX No. _____

COMPOSITION OF APPLICANT ENTITY:

1. Type of organization (i.e. partnership, corporation, limited liability company, joint venture): _____

2. Provide the following information about all principals of the applicant. For corporations, provide the names of the officers and any shareholders owning 10% or more; for partnerships, provide the names of all general partners. For joint ventures, provide the information separately for each entity that comprises the joint venture. Also, state the role that each principal would play in the development of the site, using the categories specified below.

NAME OF ENTITY # 1: _____ **Percent Interest in Proposed Project:** _____

PRINCIPALS: Name/Position/Title	Home Address	Role*	% Interest in Entity	Social Security No.

NAME OF ENTITY # 2: _____ **Percent Interest in Proposed Project:** _____

PRINCIPALS: Name/Position/Title	Home Address	Role*	% Interest in Entity	Social Security No.

* Role Categories: GP = General/Managing Partner; GC = General Contractor; F = Provides financing, inactive; A = Architect; L = Legal Services; MA = Managing Agent; S = Social Service Provider; O = Other (specify)

3. Provide the names, addresses, telephone and FAX numbers of members of the development team to the extent that these have been decided; if unknown, enter "N/A".

DEVELOPMENT TEAM:

<u>Architect:</u>	<u>Marketing Agent:</u>
<u>General Contractor:</u>	<u>Managing Agent:</u>
<u>Legal Counsel:</u>	<u>Social Service Provider:</u>
<u>Other:</u>	<u>Other:</u>

Is there an identity of interest between any principals of the developer and any other entities that comprise the development team? Yes [] No []

If yes, please explain.

4. Has any principal identified above, or any organization in which the principal is or was a general partner, corporate officer, or owned more than 10% of the shares of the corporation, been the subject of any of the following:

- (1) Arson conviction or pending case? Yes [] No []
- (2) Harassment complaint filed by the New York State Division of Rent Control or the New York State Division of Housing and Community Renewal? Yes [] No []
- (3) Had an ownership or management interest in a property that was taken in rem by the City or assigned by a judge of Landlord and Tenant Court to a 7A Administrator or receiver? Yes [] No []

- (4) City mortgage foreclosure or currently more than 90 days in arrears on any City loan? Yes [] No []
- (5) Default on any contract obligation or agreement of any kind or nature entered into with the City of New York or one of its agencies? Yes [] No []
- (6) In the past 5 years, failed to qualify as a responsible bidder, or refused to enter into a contract after an award has been made, privately or with any government agency? Yes [] No []
- (7) In the last 7 years, filed a bankruptcy petition or been the subject of involuntary bankruptcy proceedings? Yes [] No []
- (8) In the last 5 years, failed to file any required tax returns, or failed to pay any applicable Federal, State of New York, or City taxes or other charges? Yes [] No []
- (9) Been convicted of fraud, bribery, or grand larceny? Yes [] No []

If the answer to any question is yes, provide the following information about each instance: name of principal(s); name(s) of organization(s) or corporation(s); principal's status in the organization or corporation (e.g. officer), the date of the action, and current status and disposition.

CERTIFICATION

[This certification must be signed by one of the principals listed above; if the applicant is a joint venture, it must be signed by a principal of each entity that comprises the joint venture.]

I certify that the information set forth in this application and all attachments and supporting documentation is true and correct. I understand that the City of New York will rely on the information in or attached to this document and that this document is submitted to induce the City of New York to select this proposal for development of a site.

I understand that this statement is part of a continuing application and that until such time that the subject project is finally and unconditionally approved by the City of New York, I will report any changes in or additions to the information herein, and will furnish such further documentation or information as may be requested by the City of New York or any agency thereof.

I understand that if I receive preliminary designation to develop this site, I must submit all additional disclosure forms required.

Name of Organization	Signature
Date	Print or Type Name and Title
Name of Organization	Signature
Date	Print or Type Name and Title

East Harlem RFP – Form 1

**NOT-FOR-PROFIT ORGANIZATION
APPLICANT DESCRIPTION**

Name of
Organization: _____
Office
Address: _____

City: _____ State: _____ ZIP Code _____

Executive Director: _____

Contact Person: _____ Title: _____

Phone No. _____ FAX No. _____

ROLE OF ORGANIZATION IN THE PROJECT: Describe the role that the not-for-profit organization will play, such as developer, marketing agent, etc.

Date
Established: _____ Date
Incorporated: _____

CERTIFICATION: I CERTIFY THAT THE INFORMATION SET FORTH IN THIS DISCLOSURE STATEMENT AND ITS ATTACHMENTS IS TRUE AND CORRECT.

Signature of Officer

Print Name and Title

Date

East Harlem RFP – Form 1

**NOT-FOR-PROFIT ORGANIZATION
DIRECTORS, OFFICERS, AND KEY STAFF**

Name of Organization: _____

Name and Home Address	Position and/or Office in Organization	Date of Initial Appointment	Current Occupation and Name of Employer

Page ____ Use additional sheets as necessary.

East Harlem RFP – Form 1

**NOT-FOR-PROFIT ORGANIZATION
MAJOR SOURCES OF FUNDING**

Name of Organization: _____

Provide the following information regarding your major sources of funding during the two years preceding the deadline for submission of proposals under this RFP

Funding Source (Agency, Department, etc.)	Name of Program	Contact Person Name and Phone Number	Purposes of Funding	Dates of Funding	Funding Amount

Page ____ Use additional sheets as necessary.

East Harlem RFP – Form 2

FINANCIAL PROPOSAL

Name of Applicant: _____

If separate financing packages are proposed for different portions of the project, Applicants must submit a separate Form 2 for each package, along with a Form 2 that summarizes the proposal.

I. <u>DEVELOPMENT COSTS</u>	<u>AMOUNT</u>
A. ACQUISITION COST	\$ _____
B. HARD COSTS	
1. Contractor's Price	
a. New Construction	\$ _____
b. Rehabilitation	\$ _____
2. Hard Cost Contingency (____% of Contractor's Price)	\$ _____
3. TOTAL HARD COSTS	\$ _____

(Hard costs includes brick & mortar, overhead, profit, security, letter of credit, fees, permits and general conditions Total hard costs must equal the total on the Trade Payment Breakdown, Form 3).

C. <u>SOFT COSTS</u>	
1. Commitment Fees	
a. Private Lender's Commitment Fees	
Construction Loan	\$ _____
Permanent Loan	\$ _____
b. HDC Commitment Fee (.75%)	\$ _____
2. Borrower's Architect's Fee	\$ _____
3. Borrower's Legal Fee	\$ _____
4. Private Lender's Legal Fees	
Construction Loan	\$ _____
Permanent Loan	\$ _____
5. Private Lender's Engineering Fee	\$ _____
6. Appraisal Fee	\$ _____
7. Survey	\$ _____
8. Hazardous Materials Report	\$ _____
9. Title Insurance	\$ _____
10. Mortgage Recording Tax	\$ _____

East Harlem RFP – Form 2

FINANCIAL PROPOSAL

Name of Applicant: _____

11.	Construction Interest (____ months) (Use and state formula per instructions of private lender)	\$ _____
12.	Real Estate Taxes During Construction (____ months)	\$ _____
13.	Water and Sewer Charges (____ months)	\$ _____
14.	Fire and Extended Liability Insurance	\$ _____
15.	Mortgage Insurance Fee	\$ _____
16.	Marketing	\$ _____
17.	HDC Bond Issuance and Negative Arbitrage (4%)	\$ _____
18.	Letter of Credit Renewal - 2 yrs (1.25%)	\$ _____
19.	Operating Reserve (\$1,000/DU)	\$ _____
20.	Tax Credit Certification	\$ _____
21.	Partnership Organizational/Legal Fees	\$ _____
22.	Syndication Tax Opinion	\$ _____
23.	Accounting/Cost Certification	\$ _____
24.	Soft Cost Contingency	\$ _____
25.	Developer's Fee	\$ _____
26.	TOTAL SOFT COSTS (C1 through C25)	\$ _____
D.	TOTAL DEVELOPMENT COST (A + B3 + C26)	\$ _____

East Harlem RFP – Form 2

Name of Applicant: _____

II. INCOME & EXPENSE SCHEDULE

A. RESIDENTIAL INCOME

RENT TIER 1:

<u>Unit Size</u>	<u># of Units</u>	<u>Monthly Rent*</u>	<u>Monthly Income</u>		<u>Annual Income</u>
0 BR	_____	_____	_____	x 12 =	_____
1 BR	_____	_____	_____	x 12 =	_____
2 BR	_____	_____	_____	x 12 =	_____
3 BR	_____	_____	_____	x 12 =	_____
4 BR	_____	_____	_____	x 12 =	_____
Super*	_____	<u>0</u>	<u>0</u>	x 12 =	<u>0</u>
Total \$					_____

RENT TIER 2:

<u>Unit Size</u>	<u># of Units</u>	<u>Monthly Rent*</u>	<u>Monthly Income</u>		<u>Annual Income</u>
0 BR	_____	_____	_____	x 12 =	_____
1 BR	_____	_____	_____	x 12 =	_____
2 BR	_____	_____	_____	x 12 =	_____
3 BR	_____	_____	_____	x 12 =	_____
4 BR	_____	_____	_____	x 12 =	_____
Super*	_____	<u>0</u>	<u>0</u>	x 12 =	<u>0</u>
Total \$					_____

RENT TIER 3:

<u>Unit Size</u>	<u># of Units</u>	<u>Monthly Rent*</u>	<u>Monthly Income</u>		<u>Annual Income</u>
0 BR	_____	_____	_____	x 12 =	_____
1 BR	_____	_____	_____	x 12 =	_____
2 BR	_____	_____	_____	x 12 =	_____
3 BR	_____	_____	_____	x 12 =	_____
4 BR	_____	_____	_____	x 12 =	_____
Super*	_____	<u>0</u>	<u>0</u>	x 12 =	<u>0</u>
Total \$					_____

* Monthly Rent should be contract rent (after deduction of any applicable utility allowance – see Form 4.)

East Harlem RFP – Form 2

FINANCIAL PROPOSAL

Name of Applicant: _____

II. A. RESIDENTIAL INCOME (cont'd)

TOTAL GROSS RESIDENTIAL RENTAL INCOME \$ _____

Less Vacancy Allowance of _____% (\$ _____)

TOTAL NET RESIDENTIAL INCOME \$ _____

B. OTHER INCOME

1. Parking

a. Spaces for Residents # _____ x Mo. Rent \$ _____ x 12 = \$ _____

b. Spaces for Non-residents # _____ x Mo. Rent \$ _____ x 12 = \$ _____

c. Gross Annual Rental Income for Parking \$ _____

d. Annual Operating Expenses for Parking \$ _____

e. Net Annual Parking Income \$ _____

2. Laundry (Net of Vacancy Loss) \$ _____

3. Other (describe) _____ \$ _____

TOTAL OTHER INCOME \$ _____

C. TOTAL NET ANNUAL OPERATING INCOME (Resid. + Other) \$ _____

D. EXPENSES

1. Real Estate Tax \$ _____

2. Water/Sewer Charges \$ _____

3. Insurance
Property Premium \$ _____

Liability Premium \$ _____

4. Staff Salaries # Full Time Staff _____
Part Time Staff _____ \$ _____

5. Elevator Maintenance \$ _____

East Harlem RFP – Form 2

Name of Applicant: _____

II D. EXPENSES (cont'd)

- | | | |
|-----|--|----------|
| 6. | Cleaning Supplies | \$ _____ |
| 7. | Exterminating | \$ _____ |
| 8. | Heating Gas | \$ _____ |
| 9. | Gas and Electric | \$ _____ |
| 10. | Cooking Gas | \$ _____ |
| 11. | Painting | \$ _____ |
| 12. | Exterminating | \$ _____ |
| 13. | Repairs and Replacements | \$ _____ |
| 14. | Professional Fees | |
| | Legal | \$ _____ |
| | Accounting | \$ _____ |
| 15. | Mortgage Insurance | \$ _____ |
| 16. | Building Reserves (<u>Min. 2% of Gross Residential Income or \$300/unit</u>) | \$ _____ |
| 17. | Management Fees | \$ _____ |
| 18. | Other (specify): _____ | \$ _____ |
| | _____ | \$ _____ |
| | _____ | \$ _____ |

TOTAL EXPENSES: \$ _____

* If the superintendent does not reside in the building, he/she must reside within one block or 200 feet, whichever is greater, of the building. If the superintendent does not reside in the building, or within one block or 200 feet, include a letter with this Form explaining where he/she will reside and how the janitorial services will be provided in a manner consistent with the Housing Maintenance Code.

E. Income / Expenses Summary

- | | | |
|----|--|----------|
| 1. | Net Residential Income (II C) | \$ _____ |
| 2. | <u>Less</u> Total Expenses (II D) | \$ _____ |
| 3. | Net Operating Income | \$ _____ |
| 4. | Available for Debt Service <u>for Private Lender or HDC</u>
(Net Operating Income / Debt Service Coverage Ratio of _____ determined by the Private Lender or HDC) | \$ _____ |
| 5. | Debt Service | \$ _____ |
| 6. | Projected Annual Ground Rent | \$ _____ |

East Harlem RFP – Form 2

Name of Applicant: _____

III. SOURCES OF CONSTRUCTION FINANCING

A. TOTAL DEVELOPMENT COST (I D.) \$ _____

B. EQUITY (Minimum of 10%)
(Please indicate sources of equity below) \$ _____

C. HDC Bond \$ _____

D. OTHER (specify source: _____) \$ _____

(specify source: _____) \$ _____

E. TOTAL SOURCES OF FUNDS (B + C + D) \$ _____
(This should equal Total Development Cost)

CONSTRUCTION LENDER: _____

INTEREST RATE: _____ TERM: _____

SOURCE(S) OF EQUITY _____

IV. SOURCES OF PERMANENT FINANCING

A. HDC MORTGAGE \$ _____

B. TAX CREDIT EQUITY \$ _____

C. DEVELOPER EQUITY \$ _____

D. PUBLIC FUNDS (IF ANY) \$ _____

E. OTHER (specify): _____ \$ _____

F. TOTAL SOURCE OF FUNDS (A - E) \$ _____
(This should equal TDC)

PERMANENT LENDER - FIRST: _____

INTEREST RATE: _____ TERM: _____

PERMANENT LENDER - SECOND: _____

INTEREST RATE: _____ TERM: _____

SOURCES OF EQUITY: * Cash: _____

Other (specify): _____

Other (specify): _____

*The Assets Statement (Form 6) must demonstrate sufficient assets to provide the required equity.

SOURCE OF PUBLIC FUNDS (if any): _____

SOURCE OF PUBLIC FUNDS (if any): _____

East Harlem RFP – Form 2

FINANCIAL PROPOSAL

Name of Applicant: _____

SUMMARY OF PROPOSAL

Total Development Cost (I D) \$ _____

Equity \$ _____

HDC Loan \$ _____

Other Funding, if applicable (specify) _____ \$ _____

Number of Units: _____

Aggregate Sq. Footage: _____

East Harlem RFP – Form 4

RENT AND AFFORDABILITY ANALYSIS

Name of Applicant _____ :

AFFORDABILITY TIER 1 (Income Range): _____						
Apt. Size	Net SF Living Space	Number of Units	Monthly Gross Rent	Utility Allowance*	Monthly Net Rent	Max. Income (% AMI)**
Studio						
1 BR						
2 BR						
3 BR						
4 BR						
TOTAL						

AFFORDABILITY TIER 1 (Income Range): _____						
Apt. Size	Net SF Living Space	Number of Units	Monthly Gross Rent	Utility Allowance*	Monthly Net Rent	Max. Income (% AMI)**
Studio						
1 BR						
2 BR						
3 BR						
4 BR						
TOTAL						

AFFORDABILITY TIER 1 (Income Range): _____						
Apt. Size	Net SF Living Space	Number of Units	Monthly Gross Rent	Utility Allowance*	Monthly Net Rent	Max. Income (% AMI)**
Studio						
1 BR						
2 BR						
3 BR						
4 BR						
TOTAL						

AFFORDABILITY TIER 1 (Income Range): _____						
Apt. Size	Net SF Living Space	Number of Units	Monthly Gross Rent	Utility Allowance*	Monthly Net Rent	Max. Income (% AMI)**
Studio						
1 BR						
2 BR						
3 BR						
4 BR						
TOTAL						

Apt. Size	Household Factor	Utility Allowance*	
		Elec.	Gas
Studio	.7	\$44	\$16
1 BR	.75	\$48	\$18
2 BR	.9	\$54	\$20
3 BR	1.04	\$62	\$20
4 BR	1.16	\$69	\$20

* If tenants pay their own utilities, deduct the amounts shown to the left

** 100% AMI = \$70,900

East Harlem RFP – Form 5

RESIDENTIAL DEVELOPMENT EXPERIENCE / CURRENT WORKLOAD

NAME OF APPLICANT: _____

	PROJECT 1	PROJECT 2	PROJECT 3
1	Project Name and Address		
2	Role (a)		
3	Type (b)		
4	Category (c)		
5	# of Buildings in Project		
6	# of Stories		
7	Total # of Units		
8	Retail Space (Sq. Ft.)		
9	Office Space (Sq. Ft.)		
10	Total Development Cost		
11	Start Date (Mo./Yr.) (d)		
12	Completion Date (Mo./Yr.) (d)		
13	Status (e)		
14	Government Program (f)		
15	Construction Lender (g)		
16	Permanent Lender (g)		
17	Marketing Method (h)		
18	Marketing Period (i)		
19	Initial Occupancy & 90% Leased (j)		
20	Management (k)		

ALL RESPONSES MUST BE TYPED. START WITH MOST RECENT PROJECT FIRST. COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

(a) ROLE: Indicate the role or roles you played in the development of each property listed. If developed as part of a joint venture, indicate such by adding JV to the respective role (e.g., D/JV).

D=Developer; B=Builder; GC=General Contractor; CM=Construction Manager; F=Provided Financing, inactive; O=Other (specify)

(b) TYPE: Project Type: RH=Rental Housing; CH=Coop/Condo Housing; SF=Single Family Housing; O=Office; R=Retail; M=Mixed Use

(c) CATEGORY: NC=New Construction; SR=Substantial Rehab; MR=Moderate Rehab

(d) START / COMPLETION DATES: Indicated if date is actual or projected

(e) STATUS: Indicate if project is Pre=Pre-development; UC=Under Construction; Com=Completed

(f) GOVERNMENT PROGRAM: Provide the name of the program; contact name and telephone number.

(g) CONSTRUCTION/PERMANENT LENDER: Provide the name of the institution.

(h) MARKETING METHOD: Indicate if you marketed the project directly or used a marketing agent. Provide the name of the marketing agent used, if any.

(i) MARKETING PERIOD: Provide the month/year for the start and completion of marketing.

(j) INITIAL OCCUPANCY & 90% LEASED: Provide the month/year for the date of initial occupancy and the date that 90% of the project was under contract or leased.

(k) MANAGEMENT: Indicate if you manage the project directly or use a property manager. Provide the name of the property manager used, if any. Indicate N/A if you no longer own the project.

Page ____ Use additional sheets as necessary

East Harlem RFP – Form 6

RESIDENTIAL MANAGEMENT EXPERIENCE / CURRENT WORKLOAD

Name of Applicant (Developer): _____

Principal or Management Agent Whose Experience is Described Below: _____

Address (number, street, zip, borough, city; include blocks & lots if in NYC):	Housing Type (<i>i.e.</i> 1 - 4 family homes; multifamily rental; cooperative; condominium):	Number of Buildings: Number of Units:	Dates Managed (From - To):	Role (manager or used agent):	Government Program, if any (Program, Agency, contact, and current phone number):	Owner ("Self" or Provide name and phone number):

East Harlem RFP – Form 7

INDIVIDUAL'S PROPERTY LISTING

Name of Applicant : _____

Principal Whose Property is Listed Below: _____ Date: _____

List below all properties owned and/or managed by the principal either currently or within the five (5) year period preceding the deadline for submission of proposals in response to this RFP. Use additional pages as needed.

Property Address: Building Number, Street City, State, Zip	Block/Lot (if in NYC)	Number Of DU's	Dates Of Ownership		Dates Of Management	
			From	To	From	To

Page ____ Use additional sheets as necessary

East Harlem RFP – Form 8

ASSETS STATEMENT

Name of Applicant: _____

Assets Statement must be dated and signed.

Assets Statement must describe financial status within the last twelve months.

Financial Statement is submitted for (check one)

Individual

Corporation

Limited Partnership

Not-For-Profit

Other (specify): _____

Section 1 - Personal Information

Name:		
Business Name:		
Business Phone:		
Marital Status:		
Residence Address:		
City:	State:	Zip Code:
Business Address:		
City:	State:	Zip Code:
Position (Title):	Years of Service:	
Salary:	Bonus/Commission:	
Other Income:	Source:	
Gross Life Insurance:		
Beneficiaries:		

Are you a defendant in any lawsuits or legal action? If so, describe below:

Do you have any contingent liabilities? If so, describe below:

East Harlem RFP – Form 8

ASSETS STATEMENT

Section 2 - Statement of Financial Condition

ASSETS

DOLLARS (omit cents)

LIABILITIES

DOLLARS (omit cents)

Cash On Hand and in Banks		Notes Payable to Banks	
		<i>Secured</i>	
Notes Receivable:		Notes Payable to Banks	
		<i>Unsecured</i>	
Real Estate		Notes Payable to Others	
<i>See Schedule A</i>		<i>Secured</i>	
Mortgages Owned		Notes Payable to Others	
<i>See Schedule B (Part 1)</i>		<i>Unsecured</i>	
Marketable Securities		Debt Balances in Margin	
<i>See Schedule B (Part 2)</i>			
Cash Value of Life Insurance		Accounts with Brokers	
Other Assets*		Loans Against Life Insurance	
Itemize			
		Mortgages on Real Estate	
		<i>See Schedule A</i>	
		Other Liabilities (Itemize)	
Total Assets		Total Liabilities	
		Net Worth	

Page ____ Use additional sheets as necessary.

East Harlem RFP – Form 8

ASSETS STATEMENT

Name of Applicant: _____
 Site(s) Applied For: _____

Schedule C - Income From Properties	1	2	3	4	5	6
Property No. (Refer to Schedule A)						
Present Annual Gross Income <i>Not Including Vacancies and Concessions</i>						
Less Total Operation Expenses and Property Taxes						
Net Income						
Less Amortization and Income Payments						
Net Profit						
Net Rental Value of Present Vacancies						
Annual Rental Value of Space on which lease expires during next six months						
Net Profit Last Year						
Amount & Classes of Insurance Carried						

List Other Encumbrances, Debts, Taxes, Mortgage Installments or Interest Past Due:

By whom are present Mortgages on Property held?

Any Mortgage(s) endorsed or guaranteed? If so, by whom?

East Harlem RFP – Form 8

ASSETS STATEMENT

List (circumstances of) any litigation or judgment(s) pending in connection with the above listed Properties.

If additional room needed, attach Supplemental Schedule B (Part 2).
For the purpose of procuring and maintaining credit from time to time in any form whatsoever with you, the undersigned hereby represents the above to be a true and accurate Statement signed as of the date herein before set forth and agrees (I) that, if said Statement or any part thereof proves false or misleading in any particular, each and all of the obligation and/or liabilities of the undersigned of every kind to you, whether joint or several, primary or secondary, direct or contingent. shall, at your option, become immediately due and payable all without demand or notice of any kind and (II) that you will be notified promptly in writing of any materially unfavorable changes in the financial conditions herein set forth and, in the absence of such notice or the submission to you of a new and full written Statement that may be considered as a continuing Statement and substantially correct. Whenever the undersigned may apply to you for credit, and until a substitute Statement may have been submitted to you, this Statement shall have the same force and effect as if delivered at the time such further credit is requested.

Date

Signature

Page____Use additional sheets as necessary.

Exhibit F – Equal Opportunity Requirements



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
F.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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

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

§ 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.

§ 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.

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


EDWARD I. KOCH
M A Y O R

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 held 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 1986

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

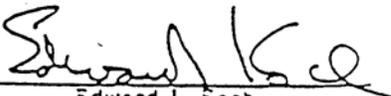
contract to which it becomes a party such provisions requiring the contractor to ensure equal employment opportunity as the Bureau may direct, consistent with this Order."

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

Exhibit G – Sustainable Design Criteria

Improvement Category	Type of Improvement HPD Required Sustainable Elements are described in the RFP scope. The remainder of the improvements (starting with sustainable site design): Refer to LEED™ Rating System for description of the Intent http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf	Point Value	Location in Sustainability Narrative (list page #)	Location of Improvement Description in Design/Architectural Documents (list the page/drawing number)			For HPD Use Only		
				Land Use Site Plan	Floor Plans	Color Renderings/Elevation	Is this element proposed?	Is this element documented?	Points earned
HPD East Harlem RFP REQUIRED Sustainable Elements									
1	Low E aluminum/fiberglass windows, insulated apartment doors with weather stripping, building entry door with weather stripping and thermally broken aluminum frame, and draft preventing window and door details	N/A							
2	Reduced set points for domestic hot water recirculation	N/A							
3	Kitchen and bathroom mechanical ventilation timer control	N/A							
4	Energy Star refrigerator	N/A							
5	Compact fluorescent, T8 electronic lighting, bi-level lighting for public spaces	N/A							
6	Photocell control for lighting fixtures of indoor and outdoor lighting	N/A							
7	Low flow fixtures for bathrooms and kitchens	N/A							
8	Cool Roof	N/A							
9	Planter in backyard	N/A							

Improvement Category	Type of Improvement HPD Sustainable Elements are described in the RFP scope. The remainder of the improvements (starting with sustainable site design): Refer to LEED™ Rating System for description of the Intent http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf	Point Value	Location in Sustainability Narrative (list page #)	Location of Improvement Description in Design/Architectural Documents (list the page/drawing number)			For HPD Use Only		
				Land Use Site Plan	Floor Plans	Color Renderings/Elevation	Is this element proposed?	Is this element documented ?	Points earned
Sustainable Site Design (Competitive)									
10	Erosion & Sedimentation Control	1							
10	Stormwater Management, Rate and Quantity	1							
11	Stormwater Management, Treatment	1							
12	Landscape & Exterior Design to Reduce Heat Islands, Non-Roof	1							
13	Landscape & Exterior Design to Reduce Heat Islands, Roof	1							
14	Light Pollution Reduction	1							
Water Efficiency (Competitive)									
15	Water Efficient Landscaping, Reduce by 50%	1							
16	Water Efficient Landscaping, No Potable Use or No Irrigation	1							
17	Innovative Wastewater Technologies	1							
18	Water Use Reduction, 20% Reduction	1							
19	Water Use Reduction, 30% Reduction	1							

Improvement Category	Type of Improvement HPD Cornerstone Required Sustainable Elements are described in the RFP scope. The remainder of the improvements (starting with sustainable site design): <u>Refer to LEED™ Rating System for description of the Intent</u> http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf	Point Value	Location in Sustainability Narrative <i>(list page #)</i>	Location of Improvement Description in Design/Architectural Documents <i>(list the page/drawing number)</i>			For HPD Use Only		
				Land Use Site Plan	Floor Plans	Color Renderings/Elevation	Is this element proposed?	Is this element documented?	Points earned
Energy & Atmosphere (Competitive)									
20	Fundamental Building Systems Commissioning ** As determined by NYSERDA	1							
21	Minimum Energy Performance	1							
22	CFC Reduction in HVAC&R Equipment	1							
Materials & Resources (Competitive)									
23	Storage & Collection of Recyclables	1							
24	Construction Waste Management, Divert 50%	1							
25	Construction Waste Management, Divert 75%	1							
26	Resource Reuse, Specify 5%	1							
27	Local/Regional Materials, 20% Manufactured Locally	1							
28	Local/Regional Materials, of 20% Above, 50% Harvested Locally	1							

Improvement Category	Type of Improvement	Point Value	Location in Sustainability Narrative (list page #)	Location of Improvement Description in Design/Architectural Documents (list the page/drawing number)			For HPD Use Only		
	HPD Cornerstone Required Sustainable Elements are described in the RFP scope. The remainder of the improvements (starting with sustainable site design): Refer to LEED™ Rating System for description of the Intent http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf			Land Use Site Plan	Floor Plans	Color Renderings/Elevation	Is this element proposed?	Is this element documented?	Points earned
Indoor Environmental Quality (Competitive)									
29	Minimum IAQ Performance	1							
30	Environmental Tobacco Smoke (ETS) Control	1							
31	Carbon Dioxide (CO2) Monitoring	1							
32	Ventilation Effectiveness	1							
33	Construction IAQ Management Plan, During Construction	1							
34	Construction IAQ Management Plan, Before Occupancy	1							
35	Low-Emitting Materials, Adhesives & Sealants	1							
36	Low-Emitting Materials, Paints	1							
37	Low-Emitting Materials, Carpet	1							
38	Low-Emitting Materials, Composite Wood & Agrifiber	1							
39	Indoor Chemical & Pollutant Source Control	1							
40	Thermal Comfort, Comply with ASHRAE 55-1992	1							
41	Thermal Comfort, Permanent Monitoring System	1							
42	Daylight & Views, Daylight 75% of Spaces	1							
43	Daylight & Views, Views for 90% of Spaces	1							
Total Points:									

Exhibit H – Community Board 11 Memo Regarding Income Preferences

Jun 29 05 04:28p

MCB11

2123693571

P. 2



COMMUNITY BOARD ELEVEN
BOROUGH OF MANHATTAN
55 EAST 115TH STREET
NEW YORK, NEW YORK 10029-1101
TEL: (212) 831-8928/30
FAX: (212) 389-3571
www.cb11nyc.org

Lino Rios
Chair
Javier Llano
District Manager

June 27, 2005

Commissioner Shawn Donovan
Department of Housing Preservation and Development
100 Gold Street, Room 5-O
New York, NY 10038

Dear Commissioner Donovan:

The following resolution details the *Manhattan Community Board 11 Affordable Housing Development Guidelines*, which were passed by our Full Board on June 21, 2005 and should be utilized by City Agencies and developers to design proposals that fit the housing needs of Manhattan Community Board 11:

Whereas, the negative effects of gentrification in Manhattan Community Board 11 have created a housing crisis to which City housing policy has not adequately responded, and

Whereas, current and past government programs to subsidize housing construction on City-owned properties have often produced housing which does not meet the needs of Manhattan Community Board 11 residents, and

Whereas, the need to clarify the specific housing needs of Manhattan Community Board 11 residents and encourage future housing proposals to meet those needs is paramount as the stock of City-owned land and opportunities to build truly affordable housing is diminishing.

Therefore, be it

Resolved, that Manhattan Community Board 11 will give priority to those proposals which seek Community Board approval and meet the following guidelines:

1. *Income and Rent Schedule*

- Income requirements are based on the Area Median Income (AMI) of \$62,800 (determined by Federal, State and Local governments)
- Target mixed income development should have 40% Middle Income, 40% Moderate Income and 20% Low Income units.
 - Low Income is defined as 30%-60% of AMI (\$18,840-\$37,680)
 - Moderate Income is defined as 60%-100% of AMI (\$37,680-\$62,800)
 - Middle Income is defined as 100%-130% of AMI (\$62,800-\$80,600)

2. *Target Population*
 - East Harlem Residents
 - Proposals should include units designed for both families and individuals
3. *Design Elements*
 - Large windows to maximize transparency
 - Accessible to physically handicapped individuals that live independently
 - Energy efficient (utilizing Federal and State government subsidies)
 - Family friendly design
4. *Ownership or Rental*
 - 4 out of 10 new housing proposals should be affordable home ownership developments
 - 70% community preference should be given for affordable home ownership developments
5. *Density and Zoning*
 - Will allow proposals to seek zoning changes that increase the height of a building by a recommended 40 feet or 3 stories in exchange for more affordable housing units which meet our income guidelines
 - Proposals must adhere to standard setback rules
6. *Characteristics of Developer*
 - Developer must have an excellent track record of past work
 - Preference will be given to those developers who most closely meet *Manhattan Community Board 11's Affordable Housing Development Guidelines*
7. *Included Programming/Special Needs Housing*
 - We will *not* entertain 100% special needs housing proposals
 - Special needs units must be a minority percentage of the overall housing development, and be it further

Resolved, that we request all our local elected officials support these guidelines and promote them amongst their colleagues and developers seeking their support to ensure future housing proposals in Manhattan Community Board 11 will serve the housing needs of the residents of Manhattan Community Board 11, and be it further

Resolved, that Manhattan Community Board 11 encourages all other New York City Community Board's to pass similar housing guidelines.

Sincerely,



Lino Rios
Chair

cc: Congressman Charles B. Rangel
Mayor Michael Bloomberg
Deputy Mayor Daniel Doctoroff
Manhattan Borough President C. Virginia Fields
State Senator David Paterson
State Senator Jose Serrano Jr.
State Assemblyman Keith L.T. Wright
State Assemblyman Adam Clayton Powell
Councilmember William Perkins
Councilmember Philip Reed
Deputy Commissioner Rafael Cestero
Ibo Balton, Director, Project and Pipeline Planning
Chairs of all 59 Community Boards

Exhibit I – HUD 2007 Fair Market Rents for New York City

The HUD 2006 Fair Market Rents below are gross rent estimates and include utilities.

<u>Unit Size</u>	<u>Fair Market Rent</u>
0 BR	\$988
1 BR	\$1,069
2 BR	\$1,189
3 BR	\$1,462
4 BR	\$1,645