

HPD's Green Building Policy Frequently Asked Questions (FAQ)

General FAQ

Why is HPD instituting a green building policy?

A uniform green building policy ensures the City's investment is going towards buildings that have deeper affordability through lowered utility bills and healthier living environments while balancing maximum benefit to tenants and owners with low upfront costs.

In addition, the recent Housing Vacancy Survey showed that between 2005 and 2008, citywide contract rents only increased 1.6% in real dollars, while median gross rents increased by 4.2% over the same period. This difference can be attributed to rising utility costs and demonstrates the need for more efficient energy use, which can be a burden to renters and homeowners. The maintenance and operating savings derived from energy efficiency measures will not only reduce the City's resource consumption and promote a cleaner environment but will ensure the physical and financial sustainability of individual developments.

Which projects are required to abide by the policy?

- Green Communities certification is a threshold requirement for award of Low-Income Housing Tax Credits (LIHTC) through the Qualified Allocation Plan (QAP).
- Projects receiving HPD financing and closing starting in Q1 2011 will be required to achieve Green Communities Certification. This includes:
 - All New Construction projects
 - Supportive Housing Loan Program projects
 - Substantial Rehabilitation projects as defined below. In addition, substantial rehabilitation projects must comply with HPD's Standard Specification for Preservation as it relates to each project's scope of work.

How is a Substantial Rehab defined?

For the purpose of Green Communities compliance, projects that include all three items within their scope of work are considered a Substantial Rehab:

1. Replace heating system, and
2. Work in 75% of units including work within the kitchen and/or bathroom, and
3. Work on the building envelope, such as replace/add insulation, replace windows, replace/ add roof insulation, new roof or substantial roof repair.

Please note that this definition is used solely to determine which projects trigger the Green Communities requirement.

Why Green Communities?

Enterprise's Green Communities program is the only national, green building criteria designed specifically for affordable, multi-family housing. The criteria balance the goals of green building (efficiency, healthy indoor air quality, responsible use of resources, clean environment) with cost-effectiveness and simplicity. Green Communities is a self certification program, and Enterprise offers free technical support to help developers comply with the criteria and a free certification program.

What are the steps required to achieve certification?

All the information required to comply will be included on HPD's website on the [Green Building page](#).

- Developers complete the Project Overview and Intended Methods in the Enterprise submission portal and must submit it to HPD for a pre-review and HPD approval.
- HPD will conduct an initial review and issue a pre-approval letter, which is uploaded to the Enterprise submission portal.
- HPD highly recommends this information is submitted concurrently with the first submission to BLDS (formerly DAE). Please note that the HPD review is not part of Enterprise's review process, and this there to manage the flow of HPD funded projects into the Green Communities certification pipeline.
- Enterprise will perform the certification review after the project has received the HPD pre-approval letter.
- The developer follows Enterprise's two-step review process towards certification.

See [HPD Submission Protocol and Certification Process](#) page for detailed submission instructions

Are there any additional steps or considerations for projects receiving tax credits through HPD?

At Application

Projects applying for both 4% and 9% must submit a Letter of Satisfaction (step 1 approval letter) from Enterprise_Green Communities along with the original tax credit application. The Letter of Satisfaction is the end point of Step 1 described above.

At 8609

All projects must submit Enterprise Green Communities Certification before HPD issues the 8609. Developers should commence the Step 2 process described above as soon as the project is near completion. Projects can commence the process prior to TCO as long as the building is close to being completed and there will be no major deviation from the plan to achieve Green Communities. Enterprise will issue the Notification of Certification within 30 days of receiving a complete package at Step 2. Owners must submit the notification of Certification along with the original Financial Update for 8609 submission. Waivers to this requirement may be available at the sole discretion of HPD, if a project can demonstrate financial hardship due to this requirement. See current LIHTC Qualified Allocation Plan for details.

Will there be on-site verification by a third-party provider?

Approximately 10% of the projects will be subject to on-site verification by a third-party provider. Projects will be selected for on-site verification on a quarterly basis, using a random sampling approach based on the number of certification requests submitted in a given quarter. Enterprise will direct a consultant to conduct the on-site verification, monitor the consultant for quality assurance,

and cover the costs to complete the verification. This is a service provided at no cost to the project, and is a resource to ensure adequate implementation of selected measures. On-site verification is not meant to overrule the design team or disqualify projects from certification. Recommendations made via the on-site review are intended to aid the projects, and it is up to the project team to utilize the findings or not.

Will HPD provide additional subsidy to pay for compliance?

Supported by research from HPD's Department of Building and Land Development Services (BLDS) and findings from NYSERDA and the Green Communities programs, we believe buildings can comply with these standards at little to no incremental cost and they should be able to do so within the existing program subsidy. In cases where the project cannot achieve compliance within the program subsidy, HPD will consider a waiver request.

How Do Projects Apply for a Certification Waiver?

Projects may qualify for a waiver from Green Communities Certification under the following provisions:

1. Approval by HPD that the project is achieving LEED Silver or higher, without significant cost to HPD.
2. Project is too far along on the design phase – project has (a) submitted to DOB or (b) received ULURP approval or (c) received BLDS approval prior to January 1st 2011.
3. Financial hardship as determined by verification from HPD that the project cannot accommodate Green Communities compliance within the project budget. In this case, the project must still comply with as much of the Green Communities criteria as is financially feasible as it relates to scope of work.

The waiver form is located on the HPD website at:

<http://www.nyc.gov/html/hpd/downloads/pdf/green-communities-waiver.pdf>

Please be aware that the waiver form is an electronic fill in form that requires Adobe Acrobat Reader and must be submitted electronically per submission instructions on the form.

Which version of the Enterprise Green Communities Criteria should my project follow?

For projects too far along in the design phase – projects have (a) submitted to DOB or (b) received ULURP approval or (c) received BLDS approval prior to August 15th 2012 will be allowed to continue certification under the 2008 Green Communities Criteria. Projects that do not fall under this exclusion or otherwise qualify for a waiver, as outlined above, will have to certify under the 2011 Enterprise Green Communities Criteria Certification Overlay for NYC HPD Projects.

2011 Enterprise Green Communities Criteria Certification Overlay for NYC HPD Projects FAQ's

What is the 2011 Enterprise Green Communities Criteria Certification Overlay for NYC HPD and why is HPD adopting it?

This standard is a modification of the 2011 Enterprise Green Communities Criteria. It modifies some of the criteria to be more New York City specific and allows for better synergies with other high performance building programs in New York City. The overlay also sets a minimum floor of measures within the criteria that all projects funded by HPD are required to comply with.

I started my project using the "old" Enterprise submission system, but now the submission system has changed. How should I proceed?

Enterprise Green Communities has transitioned to a new online Certification portal and is in the process of migrating project information to the new system.

For projects that completed Step 1 (pre-build application) of their Green Communities Certification in the old system (used Excel spreadsheet), follow the steps below to complete your Step 2 (post-build application) Certification:

1. Open your internet browser and navigate to the new online Certification portal at <http://enterprisecommunity.force.com/greenportal>
2. Under the Certification section, select "Start Process" to create an Account
 - a. The "Name of Organization" should be the name of YOUR employer, not the legal owner of the project (i.e. if you are the project architect, then the name of the company is your firm; if you are the project manager of a CDC, the company is the CDC).
 - b. Your "User Name" should be the email address of the person who will be in charge of walking the project through Certification – all emails from the online system will go to this address. Currently, only email address and password may be associated with a company.
 - c. Click Save at the bottom of the page.
 - d. An email will be sent with your temporary password.
 - e. Click Login at the bottom of the same page to sign in with your temporary password. You will be prompted to create a new password.
 - f. Sign in to your account. Your account will be blank under "Your Projects"
3. After creating your new account, email Enterprise Green Communities at certification@enterprisecommunity.org expressing your intent to complete Step 2 of the Certification process with the following:
 - a. Your project name and address from your Step 1 application
 - b. The "Name of Organization" and your "User Name"
4. Once we receive your email, we will assign your project to your new account. We will email you when it is complete. The process can take up to 3 business days.
5. When you receive access to your project you should do the following:

- a. Review the project for accuracy and up-to-date information
 - b. Update any information that is inaccurate or out-of-date
 - c. Click through "Update and Continue" at the bottom of each page until the Signatures page
 - d. Type a name of a project team member in the "Name" and "Organization" boxes on the Signatures page to document that you have reviewed the project information
 - e. Click "Submit for Step 1 Certification" on this page. Please note: If your project has previously been submitted and approved for Step 1 we have that record. This step will serve to indicate that you have verified the migrated information for your project.
6. Your project will be locked to you after clicking "Submit". We will approve Step 1 based on our internal records and release the project back to you to continue with Step 2 by the following business day.

If you have any questions on the process, please email Enterprise at certification@enterprisecommunity.org or call Kimberly Newcomer at (410) 772-6135.

What will happen to projects located within floodplain areas, critical slope, wetlands areas in NYC? Does this mean that project will be disqualified from certification?

Most NYC projects are likely exempt from most of the conditions addressed, as they are infill or previously developed sites. The following items would not apply (criteria 2.1b):

1. Land within 100 feet of wetlands, including isolated wetlands or streams. Maintain or establish riparian buffer using native vegetation where possible. Bike and foot paths are allowed if at least 25 feet from the wetlands boundary.
2. Land on slope greater than 15 percent
3. Land with prime soils, unique soils, or soils of state significance

This requirement has not changed in 2008-2011. No one who has applied for certification to date has indicated that this has been an issue. Waivers for individual criteria can be granted on a case by case basis by petitioning Enterprise.

NYC building code does not require mechanical ventilation for kitchen/ bathrooms with an operable window. Does my project need to provide mechanical ventilation as required by the Green Communities Criteria if there is a window?

Mechanical ventilation is a mandatory criteria for certification regardless of the presence of an operable window. It is the preference of HPD that projects comply with this criteria. Projects that have difficulty complying with his requirement should contact Enterprise Green Communities to seek an alternate path of compliance or waiver.

Why does Green Communities require Mechanical Ventilation in kitchens/ bathrooms because it only seems to address air quality and not energy conservation (as related to energy output for two fans)?

As the Green Communities Criteria is a comprehensive standard, Enterprise does recognize that these issues interact. However, indoor environmental quality is no less important than energy conservation. Additionally, no energy model currently accounts for the energy penalty incurred by tenants leaving windows open in order to get ventilation. If there is a need for ventilation, residents will do what they can to get it. For example, tenant installations of industrial vented hoods that are much MORE wasteful and oversized than what could have been installed if it were planned in the building design.

My project uses commercial lighting units, which is not Energy Star rated. Does this comply with Green Communities?

Lighting units that are Energy Star equivalent will qualify as energy efficient lighting under Green Communities.

How are the terms "Advanced Lighting Package" and "ENERGY STAR qualified" defined in Green Communities?

These are EPA terms. EPA provides a list of ALP fixtures, as does NYSERDA.

Is there a requirement on trickle vents and how is make up air to be provided to a building?

There is no requirement for trickle vents. Developers should work with their engineers to achieve a ventilation strategy that complies with ASHRAE 60.1 and 60.2

Will there be a blanket waiver for the construction waste management requirement of Green Communities for HPD projects?

There will not be a blanket waiver. According to a DDC report on C&D recycling:

Detailed data on citywide recycling rates for NYC C&D waste are not available. However, DOS estimates that approximately 60% of fill materials and 40% of non-fill C&D materials currently are being recycled. The C&D recycling that is already happening is driven by cost savings for contractors and processors.

It is recommended that the developer take ownership of the on-site diversion and recycling and ask for documentation of the recycling/ diversion rates from their downstream providers. HPD projects should be able to meet the Green Communities requirement of a 25% diversion rate with minimal effort.

Do exterior caulks have to comply with VOC requirement?

Exterior caulks and sealants are not required to comply with the low VOC requirements mandated by the criteria.

Will HPD projects need to certify through the ENERGY STAR Multi-family High-Rise (MFHR) program in order to attain the Green Communities certification?

Currently, HPD projects are not required to achieve the ENERGY STAR MFHR certification in order to be Green Communities certified. However, new construction projects are expected to design to achieve performance that exceeds ASHRAE 90.1-2007 by at least 15%. Rehab projects are expected to have performance equivalent to ASHRAE 90.1-2007.

Is the Green Communities certification required prior to HPD permanent loan conversion?

It is recommended that projects achieve final Green Communities certification prior to HPD permanent loan conversion, however it is not a mandatory requirement at this time. At permanent loan conversion, projects are required to provide, at a minimum, a letter from Enterprise attesting that a completed application submission has been filed with Enterprise Green Communities for final certification.

Who can I contact if I have additional questions regarding HPD's green policy or procedure?

If you have additional questions you can contact HPD's Director of Sustainability at (212) 863-5066 or email mahasec@hpd.nyc.gov