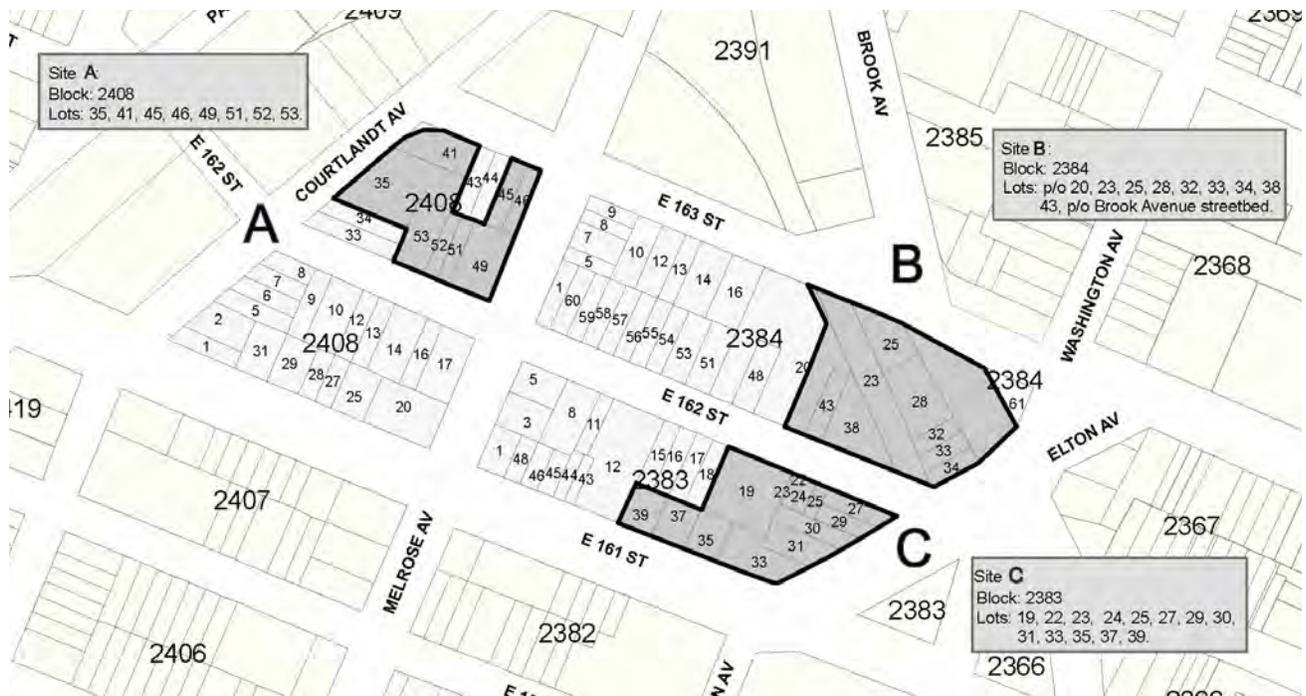


# Request For Proposals: Melrose Commons North, Bronx, NY

Issue Date:  
Pre-Submission Conference:  
Proposal Submission Deadline:

September 5, 2008  
September 24, 2008  
December 12, 2008



Michael R. Bloomberg  
Mayor

Robert Lieber  
Deputy Mayor for Economic Development

Shaun Donovan  
Commissioner

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Download pro formas at: <http://www.nyc.gov/html/hpd/html/developers/rfp.shtml>

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**Additional material available for download:**

- EDC 2007 Study: “Melrose Rising: Emerging Retail Opportunities in the South Bronx”

**Full document available at:**

<http://www.nycedc.com/Web/AboutUs/OurProjects/CurrentProjects/MelroseRetailStudy.htm>

- Melrose Commons Urban Renewal Amendments, Final Environmental Impact Statement, April 27, 2007

**Full document available at:**

[http://www.nyc.gov/html/hpd/html/developers/melrose\\_commons\\_urban\\_renewal\\_amend.shtml](http://www.nyc.gov/html/hpd/html/developers/melrose_commons_urban_renewal_amend.shtml)

## INTRODUCTION

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Pursuant to this Request for Proposals (“RFP”), the City of New York (“City”), through its Department of Housing Preservation and Development (“HPD”), is inviting developers (“Applicants”) to submit development Proposals (“Proposals”) for a mix of rental and homeownership housing, retail, and community space (“Projects”) on three development parcels within the Melrose Commons Urban Renewal Area (“URA”).

This RFP is in accordance with the Mayor’s New Housing Marketplace Plan, which responds to the changing housing needs of New York’s communities by committing to the new construction or rehabilitation of 165,000 housing units by 2013. The proposed Projects serve the Plan’s critical goals of creating needed housing opportunities, maximizing affordability, making City-owned land available for private residential development, and, in turn, enhancing the City’s community revitalization efforts.

The development sites (“Sites”), are located in the northern section of the Melrose Commons URA. Development Site A (“Site A”) is located between East 162 and East 163 Streets between Courtlandt and Melrose Avenues. Development Site B (“Site B”) is located between East 162 and East 163 Streets on the west side of Elton Avenue. Development Site C (“Site C”) is located between East 161 and East 162 Streets on the west side of Elton Avenue. Applicants may apply for more than one site, but separate Proposals are required for each site. The Sites are described in detail in Section III.A.

At least 50% of all residential units should be affordable to households at or below 60% of HUD Income Limits, as adjusted by household size. For the remaining units, preference will be given for proposed affordability tiers above 60% of HUD Income Limits, as adjusted by household size. Preference will be given to those Proposals that minimize the use of tax-exempt bond financing. The minimum affordability term is 50 years for rental housing and preference will be given for longer affordability terms. Diverse unit types should be provided to accommodate various household sizes.

The Projects envisioned for the Sites should complement the ongoing development within the Melrose Commons URA and be consistent with the goals of the South Bronx Initiative. (See Section III.C., “Neighborhood and Project Context,” for more detail.)

The proposed configuration of the development sites, land uses, and zoning described in this RFP are subject to ULURP approval, environmental review, and alterations to the City map. The steps required for these processes are described in Section III. F., “Land Use Approvals and Environmental Review Requirements.”

Each Site will be conveyed to the selected Developer for a nominal acquisition price. City, State, and/or Federal subsidies may be available to enhance housing affordability. Proposals must comply with all terms of any subsidy programs that are utilized. Applicants are responsible for securing all necessary construction and permanent sources of financing. **Applicants seeking funding from HPD will be required to comply with Federal HOME regulations including prevailing wages.**

All Applicants must adhere to the requirements of this RFP. HPD will select Applicants based on an evaluation of professional qualifications, feasibility of the Proposal, experience in development of housing and mixed-use projects, affordability of residential units, overall quality of design and construction, and experience with sustainable design.

Applicants are responsible for assembling a development team (“Development Team”) that includes members with expertise in affordable housing development, mixed-use development, and green design. The Development Team will be responsible for undertaking the design and construction of the dwelling units; providing space for retail and community space, where applicable; marketing units and managing buildings, where applicable; and working with HPD to complete all required regulatory requirements.

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

A pre-submission conference will be held at 10 a.m. on Wednesday, September 24 at HPD, 100 Gold Street, Room 1R, New York, New York 10038. Every Applicant wishing to submit a Proposal in response to this RFP is encouraged to attend, as this will be the only opportunity to ask questions and receive answers in person regarding this RFP. Proposals are due by hand on Friday, December 12, 2008 no later than 4:00 p.m.

## **I. DEFINITIONS**

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### **Applicant**

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

### **Developer**

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

### **Development Proposal or Proposal**

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

### **Development Site or Site**

The properties shown in Appendix A (Site Maps).

### **Development Team**

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

### **HUD Income Limits**

HPD uses the HUD Income Limits to set income requirements for affordable housing. The limits come from a formula created by the US Department of Housing and Urban Development (HUD). The formula compares incomes and the cost of housing. A detailed explanation of the formula is available on HPD's website. For 2008, 100% of the HUD Income Limit for a family of four in New York City is \$76,800 and it is \$53,700 for a single person.

### **Principal**

An individual, partnership, limited liability company, corporation, or other not-for-profit or for-profit 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, retail and community space envisioned for the Development Sites.

### **Subordinated Debt**

The amount equal to the sum of:

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

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

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

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

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#### **A. Development Sites and Program**

##### **Melrose Commons North Site A**

###### Site

Development Site A (“Site A”) is an irregularly shaped site located between East 162<sup>nd</sup> and East 163<sup>rd</sup> Streets between Courtlandt and Melrose Avenues. It is equivalent to Melrose Commons Urban Renewal Area (“URA”) Site 64, occupying most of block 2408N. Site A, as shown in Appendix A, comprises block 2408, lots 35, 41, 45, 46, 49, 51, 52 and 53 and includes approximately 36,000 square feet. The entire property is City-owned and most of it is vacant land, but three of the tax lots (35, 45 and 46) are still occupied by vacant buildings that would need to be demolished.

###### Commercial / Community Space

Commercial space is not required for Site A, but will be permitted along the Melrose Avenue frontage. If the designated developer chooses to have retail, Site A will need to be rezoned with a C1-4 commercial overlay that would extend 100 feet west of Melrose Avenue. (See “Zoning” section below.)

Applicants should set aside 10,000 square feet for a community facility to be occupied by an early childhood education center managed by a contractor approved by the New York City Administration for Children’s Services (“ACS”). Applicants should assume rents of \$15 per square foot for the facility. Preference will be given to proposals that include a minimum of 3,000 additional square feet of outdoor space directly accessible from the facility. Applicants should isolate the total development cost of the facility in their Financing Proposal. The childcare center must be constructed in accordance with ACS design guidelines. (See Exhibit J for ACS design guidelines.)

###### Zoning

Site A is currently zoned R7-2. As shown in Appendix A (Map A.3), the Site will be rezoned as follows:

- The portion extending 100 feet west of Melrose Avenue is proposed to be rezoned to R8.
  - If the Developer chooses, this portion can be rezoned with a C1-4 commercial overlay to allow for retail along the Melrose Avenue frontage of the Site though this may extend the predevelopment timeframe due to required environmental analysis.
- The remainder of the Site (the western portion) is proposed to be rezoned to R7A.

This zoning is consistent with the planned Courtlandt Corners project on the southern side of East 162nd Street across from Site A.

See Section III.F., “Land Use Approvals and Environmental Review Requirements” for additional information.

Parking and Open Space

Parking and open space for all uses must comply with the New York City Zoning Resolution requirements as such may be proposed to be modified herein.

## **Melrose Commons North Site B**

### Site

Development Site B (“Site B”) is an irregularly shaped site located between East 162 and East 163 Streets on the west side of Elton Avenue. Site B, as shown in Appendix A, includes:

- Melrose Commons URA Site 61 which will be reconfigured pursuant to this RFP (see description below).
- The area of the mapped but never built “Melrose Crescent” between East 162 and East 163 Streets, a planned street included in the Melrose Commons Urban Renewal Plan that covered block 2384, lots p/o 20, 38, and 43.
- Block 2384, lots p/o 20, 23, 25, 28, 32, 33, 34, 38, and 43.

The total lot area of Site B, including the Brook Avenue road bed, is approximately 49,700 square feet.

**Reconfigured URA Site 61:** The reconfigured URA Site 61 will include part of block 2384 and the de-mapped street-bed of Brook Avenue between East 163<sup>rd</sup> Street and Elton Avenue. East 163<sup>rd</sup> Street west of Brook Avenue will be remapped and remain open to traffic. Block 2384, lot 61 will no longer be part of Site 61. Lot 61 is public open space under the jurisdiction of the New York City Department of Parks and Recreation. Currently, the lot is a triangular traffic island. While lot 61 is not part of the Development Site, Applicants are encouraged to propose improvements to the site. Existing trees should be maintained and incorporated into any new design and the proposed design would ultimately need to be approved by the Department of Parks Recreation.

As shown in Appendix A, Map A.4, most of the remainder of block 2384 west of Site B (which will be the reconfigured URA Site 62) will be redeveloped as a park.

Block 2384, lot 23 is a legally abandoned railroad right-of-way that runs below grade through Site B. Lot 23 is privately owned, but the City owns the air rights starting 15’10” from the top of the former tracks. The air rights over lot 23 are part of URA Site 61 and are part of the Development Site, allowing for decking or cantilevering over the trench. The selected Developer may consider privately acquiring lot 23 to more effectively develop the site. HPD is in contact with the owner of the right-of-way and will share any relevant information with the selected Developer.

### Commercial / Community Space

Commercial and/or community space must be provided along Elton Avenue and is permitted on East 163<sup>rd</sup> Street for Site B. Preference will be given to uses that complement the Melrose Commons Urban Renewal Area and further the goals of the South Bronx Initiative.

### Zoning

Site B is proposed to be rezoned in its entirety to R8 with a C1-4 commercial overlay. (Shown in Appendix A, Map A.3) See Section III.F., “Land Use Approvals and Environmental Review Requirements” for additional information.

### Parking and Open Space

Parking and open space for all uses must comply with the New York City Zoning Resolution requirements as such may be proposed to be modified herein.

## Melrose Commons North Site C

### Site

Development Site C (“Site C”) is located between East 161 and East 162 Streets on the west side of Elton Avenue. Site C, as shown in Appendix A, includes:

- Melrose Commons URA Sites 51, 52 and 53
  - URA Site 51 will be reconfigured to include the area between East 161<sup>st</sup> and East 162<sup>nd</sup> Streets of the mapped but never built Melrose Crescent which was to cut through block 2383.
- Block 2383 lots 19, 22, 23, 24, 25, 27, 29, 30, 31, 33, 35, 37 and 39.

The total lot area is approximately 38,400 square feet.

Part of East 162 Street, west of Elton Avenue, was de-mapped and included in the URA as part of Site 61 and then physically closed by the City, resulting in East 162<sup>nd</sup> Street east of Melrose Avenue becoming a two-way dead end street with a cul-de-sac at its eastern end. Pursuant to this RFP, that part of East 162<sup>nd</sup> Street will be remapped and reopened to traffic, re-connecting it with Elton Avenue.

### Commercial / Community Space

Commercial and/or community space must be provided along East 161<sup>st</sup> Street and Elton Avenue for Site C. Preference will be given to uses that complement the Melrose Commons Urban Renewal Area and further the goals of the South Bronx Initiative.

### Zoning

Site C is proposed to be rezoned in its entirety to R8 with a C1-4 commercial overlay. (Shown in Appendix A, Map A.3)

See Section III.F., “Land Use Approvals and Environmental Review Requirements” for additional information.

### Parking and Open Space

Parking and open space for all uses must comply with the New York City Zoning Resolution requirements as such may be proposed to be modified herein.

## **B. Residential Development Program and Financing**

Proposal submissions must conform to the following requirements and guidelines:

Applicants should propose mixed-income housing in the form of rental and/or homeownership units.

- At least 50% of all units should be affordable to households at or below 60% of HUD Income Limits, as adjusted by household size.
- For the remaining units, preference will be given for proposed affordability tiers above 60% of HUD Income Limits, as adjusted by household size.
- Each affordability tier proposed should be no less than a ten percentage point interval and must assume a reasonable marketing band.
- Preference will be given to those Proposals that minimize the use of tax-exempt bond financing.
- The minimum affordability term is 50 years for rental housing. Preference will be given for longer affordability terms.
- Diverse unit types should be provided to accommodate various household sizes.
- Except in the case of senior housing, Proposals that maximize the number of 2- and 3-bedrooms will be given preference.
- Any market-rate units must be interspersed with affordable units without differentiation in size and location.

**Applicants seeking funding from HPD will be required to comply with Federal HOME regulations including prevailing wages.**

## **C. Neighborhood and Project Context**

Each of the development sites are located within the northern section of the Melrose Commons Urban Renewal Area, within Bronx Community District 3.

### ***Melrose Commons Urban Renewal Area***

Melrose Commons has been the most actively developed urban renewal area in the Bronx during this decade, with over 2,300 units of newly constructed residential housing either completed or currently in construction and approximately 500 more units in the pre-construction phase.

The Melrose Commons URA is characterized by a mix of residential and retail land uses, interspersed with vacant future development sites, community gardens, and public parks. Since the start of development in 2000, most of the residential construction has occurred south of East 161<sup>st</sup> Street. The development has included approximately 130 two- and three-family homes developed through HPD's Partnership New Homes and New Foundations Programs and approximately 12 multiple dwelling buildings developed through various Federal, State and City new construction programs. These developments have brought approximately 1,300 new dwelling units to the area south of East 161<sup>st</sup> Street. Currently in construction are the first two new multifamily condominium elevator buildings in the South Bronx in almost 40 years.

North of East 161<sup>st</sup> Street, on the “superblock” bounded by East 163<sup>rd</sup> Street, Third Avenue, East 161<sup>st</sup> Street and Washington & Elton Avenues, construction has begun on the Boricua Village complex. This project will provide seven residential buildings with approximately 699 units of housing, approximately 36,511 square feet of retail space, and a 14-story college building that will serve as the Bronx campus for Boricua College. Another development anticipated north of East 161<sup>st</sup> Street is Courtlandt Corners I and II. This mixed use development will be constructed on two tax blocks bounded by East 160<sup>th</sup> Street, Courtlandt Avenue, East 162<sup>nd</sup> Street and Melrose Avenue. It is expected to bring approximately 326 mixed income apartments to the area as well as approximately 30,028 square feet of commercial space.

Located outside of the Melrose Commons URA, immediately southeast at East 156<sup>th</sup> Street and Brook Avenue, is the site for the New Housing New York Via Verde (The Green Way) project. This new construction project, the result of a highly-publicized design competition co-sponsored with the American Institute of Architects New York Chapter, will consist of approximately 218 units and 9,000 square feet of community facility/commercial space. Immediately north of Melrose Commons is the Morrisania Rezoning Area where, since the area was rezoned from manufacturing to mixed use, over 800 units of new housing have been built or planned.

### ***Neighborhood Access***

East 161<sup>st</sup> Street, Melrose Avenue and the nearby Third Avenue are major thoroughfares and commercial strips in the South Bronx that run through the urban renewal area. The area is served by several bus lines that provide access to the Bronx Civic Center/Yankee Stadium area and to the Hub, the retail center of the South Bronx. In addition, a Metro North Melrose Station is located on East 162<sup>nd</sup> Street between Courtlandt and Park Avenues, immediately west of Development Site A. The nearest subway stations (accessible by bus) are located at East 161<sup>st</sup> Street & the Grand Concourse and the Hub at East 149<sup>th</sup> Street & Third Avenue.

The Melrose Commons URA is a short drive to the Major Deagan Expressway (I-87) and to the numerous bridges that cross the Harlem River into Manhattan.

### ***Demographics***

The Melrose Commons North RFP sites are within the boundary of Bronx Community District 3, which has a total population of 68,574. The Community District contains more renters than owners. The percentage of the population that receives Income Support (Public Assistance, Supplemental Security Income, etc.) is 45.4%. Of the population 18 years of age and over, 52.1% are of Hispanic Origin and 44.7% are Black/African American Non-Hispanic. According to the U.S. Census, the population of the district increased 20% from 1990 to 2000. Studies indicate that the population will continue to increase as more immigrants and newcomers move to New York City.

### ***South Bronx Initiative***

Melrose Commons is one of the focus areas of the “South Bronx Initiative”, an inter-agency task force created by the Mayor and charged with identifying community priorities and creating a coordinated economic development strategy to guide land use changes and capital investments in the area.

The South Bronx Initiative’s short term strategic actions for the Melrose Commons/Third Avenue area include four goals:

- 1) Continue to establish Melrose Commons as a mixed income & balanced retail community.
- 2) Strengthen retail corridors by supporting commercial continuity and diversity.
- 3) Improve mobility at key intersections and transit service along major corridors.
- 4) Create opportunities for new or enhanced public spaces.

To achieve these goals:

- HPD will work towards developing the last remaining City-owned sites to create affordable housing and ground floor retail space.
- NYC Economic Development Corporation (NYEDC) and Small Business Services will market Melrose Commons to major retailers and support local business.
- The Department of City Planning, Department of Transportation and the Metropolitan Transit Authority will work to upgrade Roberto Clemente Plaza (located at the East 149<sup>th</sup> Street /Third Avenue Hub), reconfigure the East 161<sup>st</sup> Street/Elton Avenue intersection, and evaluate the feasibility of providing Bus-Rapid Transit service on Webster or Third Avenues.
- The Department of Parks & Recreation will pursue funding to develop new parks, while upgrading and preserving existing parks, open spaces, and community gardens.

NYCEDC, in the context of the South Bronx Initiative, prepared a retail study entitled *Melrose Rising: Emerging Retail Opportunities in the South Bronx*. The purpose of the study is to disseminate information on the potential demand for retail space in the Melrose Commons neighborhood to prospective brokers, retailers, entrepreneurs, and public entities involved in the development of the area, ensuring a harmonious mix of retail tenants while enticing further investment in the area. The study is available for download at:

<http://www.nycedc.com/Web/AboutUs/OurProjects/CurrentProjects/MelroseRetailStudy.htm>

### **D. Design Guidelines**

Proposals must conform to the design guidelines outlined in Appendix B, “HPD Design Guidelines for New Construction,” as well as the current New York City Zoning Resolution and Building Code, and all other applicable laws and regulations including, but not limited to, the Americans with Disabilities Act.

Proposals must also conform to the design guidelines established in the *Melrose Commons First Amended Urban Renewal Plan* (included as Appendix G). The controls for these sites currently include, but are not limited to, the following:

- Curb-cuts, Parking and Driveways – No curb cuts will be permitted on Courtlandt Avenue, Melrose Avenue, East 161<sup>st</sup> Street or East 163<sup>rd</sup> Street.

HPD will consider amending these guidelines if required by the designs of the selected Proposals.

The ACS childcare facility required on Site A must conform with the ACS design guidelines which are included as Appendix H.

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

Applicants must submit a primary Financing Proposal (Form F) that assumes participation in both the New York State Energy Research and Development Authority Multifamily Performance Program (MPP) and Enterprise Community Partners' Green Communities programs, which are described below. In addition, Applicants must submit an alternate Financing Proposal that assumes standard construction and no participation in these programs. The difference in cost between these proposals should be discussed in a narrative which references the line-items included in the Trade Payment Breakdown worksheet of the Financing Proposal.

For the primary Financing Proposal, the selected Developer will be expected to pay for the cost increment associated with participation in these programs with non-City sources. These sources include a \$75,000 per site Enterprise grant; NYSERDA MPP incentive payments; the NYSERDA EnergySmart Loan program (<http://www.nyserda.org/loanfund/>); and other public and private sources. The primary proposal should include the sources of funds which will be used to pay for the programs' incremental costs. A *Green Funding Resource List* is included in Appendix C.

### Energy Efficiency and Green Design Programs

For the primary Financing Proposal, Applicants should assume participation in the following two programs:

- NYSERDA's Multifamily Performance Program – Green Affordable Housing Component
  - The terms for receiving funding through this program are described at: <http://www.getenergysmart.org/MultiFamilyHomes/NewConstruction/BuildingOwner.aspx>
- Enterprise Community Partners' Green Communities
  - Enterprise and HPD have developed green criteria tailored specifically for HPD projects. These criteria are included in Appendix C, *HPD Green Communities Criteria*.

Developers designated pursuant to this RFP will receive a \$75,000 grant per RFP Site. Developers can begin accessing this funding during

predevelopment, pending submission and acceptance of a plan outlining compliance with the HPD Green Communities Criteria.

In addition to the requirements of NYSERDA and Green Communities, the designated Developer will be required to periodically provide budgets that identify Project costs specifically related to green design, energy efficiency measures and building operations, upon HPD's request. The Developer will be responsible for submitting maintenance and operations data to NYSERDA and HPD, as requested.

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

Zoning amendments, mapping actions, special permits, and amendments to the Melrose Commons Urban Renewal Plan will be done concurrently with the disposition action. The following actions will be required (unless otherwise noted).

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

Land use actions requiring approval under ULURP for development of the Sites include:

#### **Site A**

- Disposition of City-owned property and UDAA/UDAAP designation.
- Rezoning of the western portion of Site A to R7A; rezoning of the portion one-hundred feet west of Melrose Avenue to R8.
- **Optional:** Rezoning of the portion one-hundred feet west of Melrose Avenue with a commercial overlay (C1-4).
- Amendment of the Urban Renewal Plan ("URP") to exempt site 64 from the Plan's height restrictions.

#### **Sites B & C**

- Disposition of City-owned property and UDAA/UDAAP designation.
- Amendment of the URP to reconfigure Sites 51, 61 and 62.
- Amendment of the URP and change of the City Map to delete Melrose Crescent and allocate its area in the URP to the reconfigured Sites 51, 61, and 62.
- Amendment of the URP to re-designate the land uses of Site 52 and the reconfigured Sites 51 and 61 to allow for Residential, Commercial and/or Community Facility uses, and to re-designate the reconfigured Site 62 to be used as open space.
- Amendment of the URP to exempt sites 52, 53, and reconfigured sites 51 and 61 from the Plan's height restrictions.
- Rezoning all of Site B, most of which is currently R8 and part R7-2, to R8 with a C1-4 overlay.
- Rezoning all of Site C, most of which is currently R8 and part R7-2, to R8 with a C1-4 overlay.
- Remapping East 163<sup>rd</sup> Street immediately west of Brook Avenue.
- Remapping East 162<sup>nd</sup> Street immediately west of Elton Avenue.
- A Special Permit to allow development over the open railroad trench.

HPD will be the applicant for these actions, as necessary, with assistance from the Developer in preparing supporting documentation.

### **Environmental Review**

A Final Environmental Impact Statement (FEIS) for the Melrose Commons Urban Renewal Area, prepared by AKRF, Inc., was completed April 27, 2007. The full document is available at:

[http://www.nyc.gov/html/hpd/html/developers/melrose\\_commons\\_urban\\_renewal\\_amend.shtml](http://www.nyc.gov/html/hpd/html/developers/melrose_commons_urban_renewal_amend.shtml)

Pursuant to the City Environmental Quality Review (CEQR), a Supplemental Environmental Impact Statement (SEIS) will need to be prepared to analyze the impact of the changes to the City map, the zoning amendments, the special permit, and the amendments to the Urban Renewal Plan.

For **Site A**, R8A zoning was analyzed as part of the Final Environmental Impact Statement (FEIS) for the Melrose Commons Urban Renewal Amendment. Therefore, a substantial amount of additional environmental analysis will likely not be required for Site A, however, some limited environmental analysis may be required. Former or current site uses identified as a recognized environmental concern related to hazardous materials that will require at a minimum a Phase II subsurface Investigation and, most likely, environmental remediation at Site A include The Universal Brass Company.

A comprehensive SEIS covering **Sites B and C** will be required in order to get approval for the actions stated above. HPD will be the lead agency in preparing the SEIS with assistance from the Developers in preparing the document.

Former or current site uses identified as a recognized environmental concern related to hazardous materials that will require at a minimum a Phase II subsurface Investigation and, most likely, environmental remediation at Site B include metal castings storage, and at Site C include a dry cleaner.

The selected Developers for Sites B and C will jointly hire one consultant team to complete the SEIS analysis. Following designation, HPD will work with the Developers in selecting an environmental consultant. The Developers of Sites B and C will share the cost equally.

For the purposes of the RFP Proposal, each Applicant should propose an environmental consultant, or consultants, as a member of the Development Team. In the Financing Proposal, Applicants should isolate and clearly identify cost related to environmental analysis.

HPD, as lead agency, will oversee the preparation and review of these assessments. However, the Developers will be responsible for providing all information, preparing the documents and paying the entire cost of the studies and analyses required for completion of these assessments. Completion of environmental studies is required prior to the disposition of the Sites to the Developers. The Developers will be solely responsible for any additional environmental remediation on the Sites, if required. HPD does not make any representation or warranty whatsoever regarding the condition of the property or the

suitability of the property for the uses contemplated by this RFP. The Developers will be solely responsible for providing engineering and institutional controls to allow for the re-use of the Sites.

For all three sites, the use of HOME funds may trigger additional Federal environmental review, and additional analysis pursuant to NEPA standards may be required.

### **Timeline**

Applicants' development timelines should take into account the period required for environmental analysis and for the ULURP application to be certified and approved.

- For **Site A**, a substantial amount of additional environmental analysis will likely not be required. Applicants should assume construction start within 12 months of signing a Negotiation Letter with HPD.
- For **Sites B and C**, the actions described above are estimated to take at least eighteen months from designation until the certification of the ULURP application at which point the 180 day ULURP approval process begins.

For all three sites, the Developer may be required to alter the design Proposal before and during the ULURP process to comply with any request for modifications.

## **G. Obligations of the Selected Developers**

### **Development Teams**

Each Developer will be responsible for assembling a Development Team, including at minimum a contractor, architect/planner, environmental consultant, marketing agent, and managing agent (if applicable). The Development Team will design, construct, and sell or lease the completed units.

### **Design**

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

### **Environmental**

The Developers will be responsible for preparing the SEIS (Site B and Site C), engineering studies, on-site environmental testing studies and/or remediation plan, as may be applicable and required by HPD. The Developers will obtain all necessary environmental approvals and will fund and undertake any environmental review, soil testing, and/or remediation required on the Site.

### **Alterations to the City Map**

The Developers for Site B and Site C will be responsible for preparing the application for the alterations in the City map. This process will require that the Development Teams

employ a hydraulic engineer and a licensed surveyor, among other professionals. The Developers will obtain all necessary approvals and be responsible for all fees.

**Community Outreach**

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

**Public Approvals**

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

**Equity and Financing**

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

**Taxes**

The Developers will pay all transfer taxes associated with the conveyance of the Sites to the Developers, and all transfer and recording taxes associated with project financing.

**Marketing**

The Developers will market the residential units in accordance with City requirements and policy as stated in Appendix D: *HPD Marketing Guidelines*.

**Maintenance and Operations**

The Developers will be responsible for submitting maintenance and operations costs and data to NYSERDA and HPD, as requested.

**Schedule**

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

**H. Disposition and Disposition Price**

Disposition of the Development Sites to the Developers will be subject to the following:

- Receipt of all public approvals required for disposition of the Site and development of the proposed Project on such Site, including without limitation, approval by the Mayor.
- Following City Council approval of the Project and Mayoral approval of the disposition, the selected Developer must execute, acknowledge, and deliver the documents necessary to complete the disposition process within a time period

specified by HPD. These documents include, but are not limited to, a Land Disposition Agreement (“LDA”), as required.

Each Site will be conveyed in accordance with the terms of the LDA to be entered into between the Developer and HPD and will be conveyed in “as is” condition, including without limitation, all environmental conditions and hazards. The LDA will contain covenants running with the land that require the Developer to develop the Site in accordance with plans and specifications determined and approved by HPD.

- The simultaneous closing of a bona fide construction loan required to finance the full development of such Site.
- Upon conveyance, the Developer will pay a nominal disposition price of one dollar per lot and will deliver an enforcement note and mortgage in the amount equal to the nominal disposition price and the appraised value of the land. In the case of homeownership projects, the enforcement mortgage will extinguish over time as defined at closing.

## **I. Financing**

It is the responsibility of the Developer to obtain construction and permanent financing from lenders in amounts consistent with the Proposal. Developers may use different lenders for construction and permanent financing. The amount of the Developer’s equity will be determined by the lender(s). The Developer will be required to submit a term sheet and letter of intent from a lender indicating willingness to lend an amount for construction financing of the Project within a period of time to be defined in a Negotiation Letter executed upon selection of the Developer.

If feasible, funds from City, State, and Federal sources may be available to subsidize construction of the residential component and enhance overall Project affordability. These sources include but are not limited to:

- HPD subsidy programs
- New York City Housing Development Corporation (HDC) New Housing Opportunities (New HOP), Low-Income Affordable Market-Place (LAMP), and Mixed-Income Programs
- New York State Affordable Housing Corporation (AHC) and Housing Trust Fund (HTF)

Applicants may propose financing using competitively awarded sources (e.g., HPD or DHCR 9% tax credits, State Low Income Housing Tax Credits (SLIHC), NYS Housing Trust Fund, HUD Section 202, NYS Brownfield Cleanup Program, etc.) if they judge there to be a strong likelihood they will receive funding. Proposals must comply with these sources’ criteria and maximum award amounts. Applicants who pass the RFP Threshold Review may be required later in the RFP review process to submit alternate proposals which do not rely on competitive sources.

As described above in Section III.E., “Energy Efficiency and Green Design,” applicants are required to submit an alternate financing proposal that assumes no participation in the NYSERDA MPP or Enterprise Green Communities programs.

Proposals must comply with all terms of any subsidy programs utilized. Proposals that include subsidy in excess of program guidelines for assumed financing sources will not be considered. Please refer to <http://www.nychdc.com> and <http://www.nyc.gov/hpd> for further information and program term sheets.

See Section V., “Submission Requirements and Selection Process” for information on letters of interest from lenders.

## **J. Real Property Taxes and Charges**

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

The Urban Development Action Area Program (“UDAAP”) tax exemption is subject to approval by the City Council. The City Council may grant an exemption from the New York City Real Property Tax on the buildings/improvements for up to twenty (20) years. If the Council grants the full 20-year exemption, the Project would be fully exempt from the New York City Real Property Tax on the buildings/improvements for the first ten (10) years with a gradual phase-in of full taxes over the remaining ten (10) years (10% per year). The full amount of the New York City Real Property Tax on the land must be paid each year.

The 421-a partial tax exemption for new multiple dwellings provides an exemption from the New York City Real Property Tax on the increase in assessed valuation resulting from the improvement to the property. The full amount of New York City Real Property Tax on the assessed valuation of the property in the tax year preceding the tax year in which construction commences must be paid each year. In addition, New York City Real Property Tax must also be paid for any commercial, community facility, or accessory uses that in total exceed 12% of the aggregate floor area of the project. The 421-a partial tax exemption allows up to 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. Projects may include the concurrent conversion, alteration or improvement of a pre-existing building provided that no more than 49% of the floor area of the completed multiple dwelling consists of the pre-existing building. This project is located in a NPP/REMIC area. In order to receive extended 421-a real property tax exemption benefits, projects in a NPP/REMIC area must receive substantial governmental assistance provided pursuant to an affordable housing program or must be certified by HPD as having at least 20% of their onsite units as affordable, with certain limitations, to households whose incomes at the time of initial occupancy do

not exceed 80% of area median incomes adjusted for family size. Furthermore, unless such multiple dwelling receives substantial governmental assistance pursuant to an affordable housing program, it must contain at least four dwelling units, as indicated on its certificate of occupancy.

The 420-c tax exemption provides an exemption from New York City Real Property Tax for up to sixty (60) years for housing financed or previously financed in part with Federal Low Income Housing Tax Credits. 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 must approve a regulatory agreement that requires use as low-income housing and that may require a payment in lieu of taxes.

The 420-a tax exemption program provides a full exemption from New York City Real Property Taxes for certain property owned by eligible not-for-profit institutions. If the community facility is the only portion of the Project that will receive a 420-a tax exemption, it must be in a separately assessed tax lot from the rest of the Project.

#### **K. Marketing, Sales, and/or Leasing**

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

The rent and/or sales prices of the units projected in the Proposal are to be determined by the Developer subject to HPD approval and in accordance with the requirements outlined in Section III. B., "Residential Development Program and Financing." Please refer to Form F (Financing Proposal) for the procedure to calculate affordability of proposed rent and/or sales prices.

#### **L. Rent Stabilization**

Initial rents for the affordable rental units must reflect the Rent and Affordability Calculations included in Form F (Financing Proposal). All rental units must be entered into the New York State Rent Stabilization system upon initial occupancy following completion of the Project.

#### **M. Fair Housing Requirements**

The Developer is required to comply with all applicable Federal, State, and local laws, orders, and regulations prohibiting housing discrimination.

## **N. Warranty Coverage**

Units must be sold with warranty coverage as required by HPD and that complies with Section 777 of the New York State General Business Law.

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

Resale, refinancing, and recapture restrictions may vary on a case-by-case basis as determined in the Project's regulatory agreement. Generally, HPD policies are as follows:

### Rental Component

The portion of the Subordinated City Debt attributable to any rental component of the Project is repayable out of refinancing and resale profits, and is non-evaporating and non-extinguishing for up to 30 years.

### Homeownership Component (if applicable)

Homeowners must agree to occupy the unit as a primary residence for 15 years following the initial purchase of the home. Any resale within the 15 years following the initial purchase of an affordable unit from the Developer must be to an income eligible buyer who will be an owner-occupant, and maintain the unit as his/her primary residence.

The Subordinated City Debt will be converted into an obligation on purchasers who acquire the units. The Subordinated City Debt is apportioned pro rata to each unit and may be unsecured at the time of sale based on the unit's post-construction appraised value. In most cases, units sold at full market value will not have any Subordinated Debt attributable to them. Purchasers repay the Subordinated Debt attributable to their units by delivering a note and mortgage and/or conditional grant agreement to the City. The sum evidenced by the note and secured by the mortgage remains constant for the first five (5) years of a fifteen (15) year period and declines by one tenth (1/10) in years six (6) through fifteen (15), but will be forgiven after the fifteenth (15th) year of owner occupancy.

Upon resale or refinancing, initial purchasers and subsequent owners are required to make payments to the City out of resale profits and refinancing proceeds, where applicable. During years one (1) to five (5), 100% of the resale or refinancing profits from the sale of the unit must be paid up to the amount of outstanding Subordinated City Debt. During years six (6) through fifteen (15), 50% of the resale or refinancing profits, with a decline of one tenth (1/10) per year, must be paid up to the amount of the outstanding Subordinated Debt, but will be forgiven after the fifteenth (15th) year of owner occupancy. The use and recapture of any State and Federal funds will be guided by the specific guidelines for such funding source.

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

The portion of the Subordinated Debt attributable to the retail/commercial and community facility components of the Project is repayable out of refinancing and resale profits, and is generally non-evaporating and non-extinguishing depending on sources of financing and cash flow.

**P. Equal Opportunity**

Agreements resulting from this RFP will be subject to the provisions of Executive Order 50 and its implementing regulations, as stated in Appendix E (Equal Opportunity Requirements). A representative from the Development Team 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 compliance with its provisions.

**Q. Section 3 Clause**

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

**R. HOME funds and Davis-Bacon**

Every contract for the construction of housing (rehabilitation or new) that contains 12 or more units assisted with HOME funds will be required to comply with Davis-Bacon and the Contract Work Hours and Safety Standards Acts.

## IV. DEVELOPER SELECTION PROCESS

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

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

### A. Threshold Requirements

- **Completeness of Proposal**

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

- **Development Program and Design Compliance**

Proposed Development Projects must meet all minimum requirements outlined in Sections III.A., III.B., and III.D.

- **Affordability**

- At least 50% of all units should be affordable to households at or below 60% of HUD Income Limits, as adjusted by household size.
- Each affordability tier proposed should be no less than a ten percentage point interval and must assume a reasonable marketing band.
- The minimum affordability term is 50 years for rental housing.

- **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.

- **Comparable Management Experience**

At least one Principal of the Applicant or the proposed managing agent must have comparable rental management experience. “Comparable Management Experience” is defined as the successful management of at least 100 residential units in New York City within the seven-year period preceding the deadline for the submission of proposals in response to this RFP. The Principal must have been the owner and manager, or the owner acting through a management entity, to fulfill this qualification. Previous work with HPD and contracts with other agencies will be considered.

- **Development Capacity and Current Workload**

Applicants must be capable of beginning construction within the following timeframe:

- **Site A:** Twelve months from the date of the Negotiation Letter. If the selected Developer proposes additional land use actions, this timeframe may be extended.
- **Sites B and C:** Twenty-four months from the date of the Negotiation Letter.

An Applicant's current workload and other pending project obligations will be considered in assessing capacity for undertaking the Development Project proposed by the Applicant within the timeframe prescribed for the Project.

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

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

- **Ability to Finance**

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

- **Feasibility of Development Proposal**

The Applicant's financing plan must be considered feasible. Estimated development costs must be within current industry parameters. Proposed rents and/or sales prices for the housing units must be deemed realistic based upon Proposal information and market conditions.

- **No Adverse Findings**

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

- Negative findings from the Inspector Generals Office
- Arson conviction or pending case;
- Harassment conviction or pending case;
- City, State, Federal or private mortgage arrears, default, or foreclosure proceedings;
- In rem foreclosure;
- Sale of tax lien or substantial tax arrears;
- Fair Housing violations or current litigation;
- Defaults under any Federal, State or City-sponsored program;

- A record of substantial building code violations or litigation against properties owned and/or managed by the Applicant or by any entity or individual that comprises the Applicant;
- Past or pending voluntary or involuntary bankruptcy proceeding; or
- Conviction for fraud, bribery or grand larceny.

## **B. Competitive Selection Criteria**

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

- **Financial Feasibility of Development Proposal** Weight: 25%  
 Proposals will be evaluated based on estimated development costs, proposed rents and/or sales prices, demonstrated financial condition to complete the Project, the feasibility of the financing sources proposed to finance the Project and the ability to support operating expenses, capital costs, and debt service.

  - Preference will be given to those Proposals that minimize the use of tax-exempt bond financing.
  
- **Program Compliance and Maximum Affordability** Weight: 25%  
 Proposals will be evaluated based on how they meet and exceed the program guidelines included in Sections III.A. and III.B.

  - Preference will be given for each proposed affordability tier above 60% of HUD Income Limits, as adjusted by household size.
  - Preference will be given to those Proposals that minimize the use of tax-exempt bond financing.
  - Preference will be given for affordability terms longer than 50 years.
  
- **Quality of Design Proposal** Weight: 25%  
 Proposals will be evaluated on overall quality of design and construction. HPD will evaluate each architectural Proposal to determine the Project’s positive impact on community revitalization and responsiveness to the goals of Melrose Commons Urban Renewal Area. Site planning, building arrangement, street wall elevations, massing, interior layouts, building materials, amenities, and streetscape treatment will be considered. Structures should complement and elevate the level of urban design in the neighborhood. Street trees, lighting, and other streetscape features should be provided around the Development Site.

While Section III.D., “Design Guidelines” and Appendix B (HPD Design Guidelines for New Construction) represent minimum design guidelines and construction requirements, Applicants are strongly encouraged to exceed those minimum standards to provide the best quality Project possible. Proposals must comply with all applicable codes and the requirements and guidelines in the above-mentioned sections.

- Except in the case of senior housing, Proposals that maximize the number of 2- and 3-bedrooms will be given preference.
- **Site A only:** Preference will given to proposals that include a minimum of 3,000 additional square feet of outdoor space directly accessible from the ACS facility.

A sample design score card is included in Appendix B.

- **Development Experience, Management, and Capacity** Weight: 25%  
 Previous development experience will be evaluated as it reflects the Applicant’s demonstrated ability to successfully carry out a quality project of this type, size, and complexity in a timely manner. Among the factors that will be considered are:
  - quality of construction and design in projects completed or currently being built by the Applicant and/or its Principals;
  - extent of the Applicant’s experience, in terms of number, size, type, and scale of projects completed within the last seven (7) years;
  - experience with sustainable design practices consistent with Green Communities and NYSERDA requirements; and
  - history of delivering quality projects on time and within budget.

The Applicant’s current workload and other pending project obligations will be considered in assessing capacity for undertaking the Project proposed by the Applicant within the timeframe prescribed for development.

The Applicant’s previous experience in managing rental housing, either directly or through a managing agent, and the experience of any managing agent proposing to manage the rental component of the Project (if applicable), 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. Among the factors that will be considered are:

- 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;
- 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.

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

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### **A. Inquiries**

All communications and inquiries regarding this RFP should be directed in e-mail to:

Peter Madden  
E-mail: maddenp@hpd.nyc.gov

**All written questions should be submitted by October 15 to be included in the RFP addendum.**

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

A pre-submission conference will be held on Wednesday, September 24 at 10 a.m. at HPD, 100 Gold Street, Room 1R, New York, NY 10038. The date, time, and location of this pre-submission conference and any updates and/or additional communications regarding this RFP will also be posted on HPD's website at the following address: <http://www.nyc.gov/html/hpd/html/developers/rfp.shtml>.

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

People with disabilities requiring special accommodations to pick up the RFP or to attend and/or participate in the pre-submission conference should contact Peter Madden.

### **C. General Requirements**

#### Time and Place of Submission

On or before the submission deadline, the Applicant must submit a development Proposal in accordance with the instructions and attachments contained in this RFP, as well as in any addenda that may be issued to the RFP. Applicants that submit Proposals for more than one Development Site must submit separate and complete Proposals for each Development Site. All submissions become the property of HPD.

Proposals must be delivered by hand no later than 4:00 p.m. on December 12, 2008 to:

N.Y.C Department of Housing Preservation and Development  
Office of Development  
100 Gold Street, Room 9I-2  
New York, NY 10038  
Attention: Peter Madden

Late submissions will not be accepted.

### Format of Proposal

Each Proposal must include one (1) bound original, four (4) bound copies and one (1) compact disc with all components of the Proposal. Forms D.1., D.2., and F (Appendix F) must be submitted as Excel files and in original formatting on the disc. 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:  
Melrose Commons North RFP: Site A, B, or C  
Name of Applicant  
Date of Submission

Each Proposal must be tabbed as indicated below in Section H., “Contents of Proposal and Tabbing.” All forms associated with the Proposal must follow the format included in this RFP. All Forms included in Appendix F will be made available for download on the HPD website.

## **D. Proposal Modifications**

An Applicant may submit a complete modified Proposal to replace all or any sections of a previously submitted Proposal up until the submission deadline of December 12, 2008. HPD personnel will not insert pages or otherwise modify the Applicant's Proposal. The Applicant has the full responsibility for ensuring that its final Proposal has been submitted in the desired form by the submission deadline. The front cover of a modified Proposal must identify the submission as a modified Proposal and include the date on which the modified Proposal is submitted.

Modifications received after the submission deadline due date will not be considered. If HPD determines, upon review of a Proposal, that any items are missing and/or incomplete, HPD, in 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.

## **E. RFP Addenda**

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

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

**F. Complete Proposals**

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

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

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

Applicants must comply with all requests for information and, if requested by HPD, appear for presentations or discussions. If any Applicant fails to do so within the time period given (or within any time extension that HPD may grant), HPD may deem this as a failure and act of non-compliance with the RFP, which will permit HPD to select another Applicant or to solicit new Proposals. In furtherance and not in limitation of the foregoing, before a final selection is made, an Applicant may be required to produce more detailed information concerning the professional background of those persons who own and manage such Applicant, a report on the financial background of such Applicant, and information concerning the nature and status of any past, 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.

**H. Contents of Proposal and Tabbing**

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

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

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

**TAB B – Proposal Summary and Proposal Narrative**

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

In addition, Applicants must include a **Proposal Narrative** of one or more pages that describes the Proposal. The narrative must include, at a minimum, the size of

the Project, proposed uses, a breakdown of all residential units by type and affordability, the income and rent levels contemplated, the sources and amounts of financing, including any tax exemption assumptions, and a brief description of the most relevant development experience of at least the Principal(s) who would manage the Project.

**TAB C – Applicant Description**

All Applicants must complete the **Development Team Information and Applicant Questionnaire** (Forms C-1 and C-2). Applicants that include a not-for-profit organization as a Principal of the Developer or a member of the Development Team must also complete the not-for-profit section of the Applicant Description. If the Applicant is a joint venture, the Principals of each entity that comprises the joint venture must be identified, and a Principal of each entity must sign the Form.

Provide a **Staffing Plan** indicating which Principals and staff members would have primary responsibilities for implementing the Project and their roles in day-to-day management of the Project.

Applicants are encouraged to provide resumes describing key members of the Development Team and/or brochures describing the Applicant and any similar projects in which the Applicant has been involved. This information may include information regarding projects that the Applicant has developed in the vicinity of the Development Site or clarification of information provided in the forms included in the Proposal.

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

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

A separate form shall be provided for each Principal with residential management experience. In addition, a separate form shall be provided for a Principal or managing agent proposed to manage the Development.

The proposed property manager for rental housing must complete the **Management Questionnaire** (Form D.3.).

**TAB E – Assets Statement**

Each Proposal must contain either:

- A completed **Assets Statement** (Form E) for at least one Principal of the Developer.

**OR**

- Financial Statements prepared according to Generally Accepted Accounting Principles (GAAP) which provide the same information as Form E, provided it is not more than one (1) year old.

Please note that the total unencumbered assets of the Principal or Principals must be at least equal to the greater of the amount of equity required by the construction lender or proposed in the application.

Publicly-owned companies must submit the latest annual report and Form 10K as well as any Form 10Q submitted after such Form 10K.

**TAB F -- Financing Proposal and Financing Narrative**

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

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

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

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

If a Proposal includes market rate housing, market comparables, in the form of detailed rental/sales listings of at least three properties/projects within less than a mile of the Site and with similar operations, must be provided.

**Required Alternate Proposal:** The primary Financing Proposal must incorporate the costs of participating in the NYSERDA and Enterprise programs. (See Section III.E., “Energy Efficiency and Green Design,” for more information.) This proposal should include sources of funds which will be used to pay for the programs’ incremental costs.

In addition, Applicants must provide an alternate Financing Proposal that assumes standard construction and no participation in these programs. The differences in cost between these proposals should be discussed in a narrative which specifically references the estimated cost differences in the line items of the Trade Payment Breakdown worksheet of the Financing Proposal (Form F).

**TAB G Letters of Interest for Private and Public Funds**

Private Financing – If private financing is proposed, a letter or letters of interest from a private lender or lenders must be included. Letters must be dated no earlier than two (2) months from the date of submission of the Developer’s Proposal. The letter(s) must indicate a willingness to provide construction and

permanent financing in amounts and with terms consistent with the Proposal, and must include the following:

Construction Loan

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

Permanent Loan

- The amount of financing that the lender would consider based on the lender's preliminary determination of feasibility, based on expected development costs and rent levels; and
- The maximum loan to value ratio and other underwriting criteria, including treatment of rental income, minimum maintenance and operating expenses, and debt service coverage requirements.

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

Public Financing

If HDC bond financing is proposed, a letter of interest from HDC is NOT required. However, a letter of interest from a credit enhancer acceptable to HDC must be provided.

If the use of public funds from sources other than 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 H Design Team Experience**

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

**TAB I – Design Narrative**

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

- A rationale for the design concept chosen for the Project that includes circulation (private and public), new building configuration and lot coverage, heights, orientation and relationship to surroundings, primary building materials, major architectural features, and sustainable design elements
- Type, location, and total Project square footage (gross and saleable or rentable, including basement(s), if applicable), as well as total square footage breakdown for each use
- Type, number, and characteristics of the residential units, including unit distribution, number of bedrooms, approximate square footages and amenities
- Detailed description of construction methods, foundation type(s), and building systems for all new buildings
- Description and location of all mandatory infrastructure and other public improvements, including public and private open spaces, landscaping, and parking
- If applicable, a general discussion of the rationale for the proposed phasing of the development and how this phasing plan is impacted by the requirements for providing infrastructure and other public improvements
- Description of how development complies with all zoning and other legal requirements

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

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

- Land use site plan/street level floor plan showing all components of the Project, means of egress, and any other uses.
- Building height and massing diagram/plan.
- Vehicular and pedestrian circulation site plan including sidewalks, parking, driveways, and building access points.
- Open space site plan including streetscape treatment, tree locations, fences, gates, lighting, and public and private open space, if applicable.
- Color renderings/elevations indicating building materials to be used (especially details at street level), how blank street walls are avoided, and treatment of any loading docks, service areas, curb cuts, parking access, and landscaping. Street front elevations must indicate total building heights.
- Typical and atypical floor plans and any other plans necessary to explain the development concept. It is not required that design and architectural documents submitted include full apartment layouts for the floor plans. Submissions, however, must show blocked out units with total square footages. Community spaces (laundry room, playroom, etc. should be indicated in the floor plans. Unit plans must be at 1/8”=1’0”.
- Pertinent site documentation and photographs to show development's relationship to existing context.
- Any other architectural drawings, such as axonometric, perspective or sectional drawings, color renderings, photographic, and/or computer generated modeling if they can provide a better understanding of the development concept.

- Complete zoning analysis and calculations to demonstrate compliance with the New York City Zoning Resolution (including citations of all relevant sections), New York City Building Code information indicating occupancy group and construction classification, and residential unit count and distribution.
- Phasing plan, if applicable.

**TAB K Sustainability Elements**

Applicants will be evaluated on their experience with sustainable design practices consistent with Green Communities and NYSERDA requirements. Proposals must include a narrative describing relevant previous experience that demonstrates an ability to meet these programs’ goals. Additional submission requirements related to the financing of sustainability elements are described above in **Tab F**.

**TAB L – Development Schedule**

Applicants must provide a development schedule and phasing plan (if applicable), including benchmarks for commencement and completion of plans and drawings, New York City Department of Buildings plan approval, site preparation, construction commencement and completion, marketing, and occupancy of the Project.

**I. Review**

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

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

**J. Selection**

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

Negotiation Letter

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

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

#### Pre-Development Timetable

The Negotiation Letter will include a development schedule setting out the major actions and timeframes necessary to start construction within 12 or 24 months from the date of the Letter, depending on the site. Failure of the Developer(s) to follow the development schedule may result in the termination of negotiations and the selection of another Developer or Developers. The selected Applicant(s) must begin pre-development work within thirty (30) days of the date of the Negotiation Letter.

#### Disclosure

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

#### No Obligation

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

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

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

Proposals submitted shall be deemed to incorporate all of the terms and conditions contained in the RFP and that Applicants will be deemed to have consented to such terms by submitting a Proposal in response to this RFP.

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

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

The proposed Project shall conform to, and be subject to, the provisions of the New York City Zoning Resolution, Building Code, and all other applicable laws, regulations, and ordinances of all Federal, State, and City authorities having jurisdiction, as the same may be amended from time to time.

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

The commencement 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 the subsequent approval of the Mayor.

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

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

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

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

The selection of an Applicant will mean only that HPD may commence negotiations with that Applicant regarding the development of the Development Site. HPD will send the Negotiation Letter to the selected Applicant. The selected Applicant must begin pre-development work within thirty (30) days of the date of the Negotiation Letter. The selected Applicant will be expected to start construction on the date specified in their Development Schedule..

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

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

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

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

## **VII. CONFLICTS OF INTEREST**

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

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

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

## Appendix A – Site Maps

# Melrose Commons North RFP

Sites A, B and C

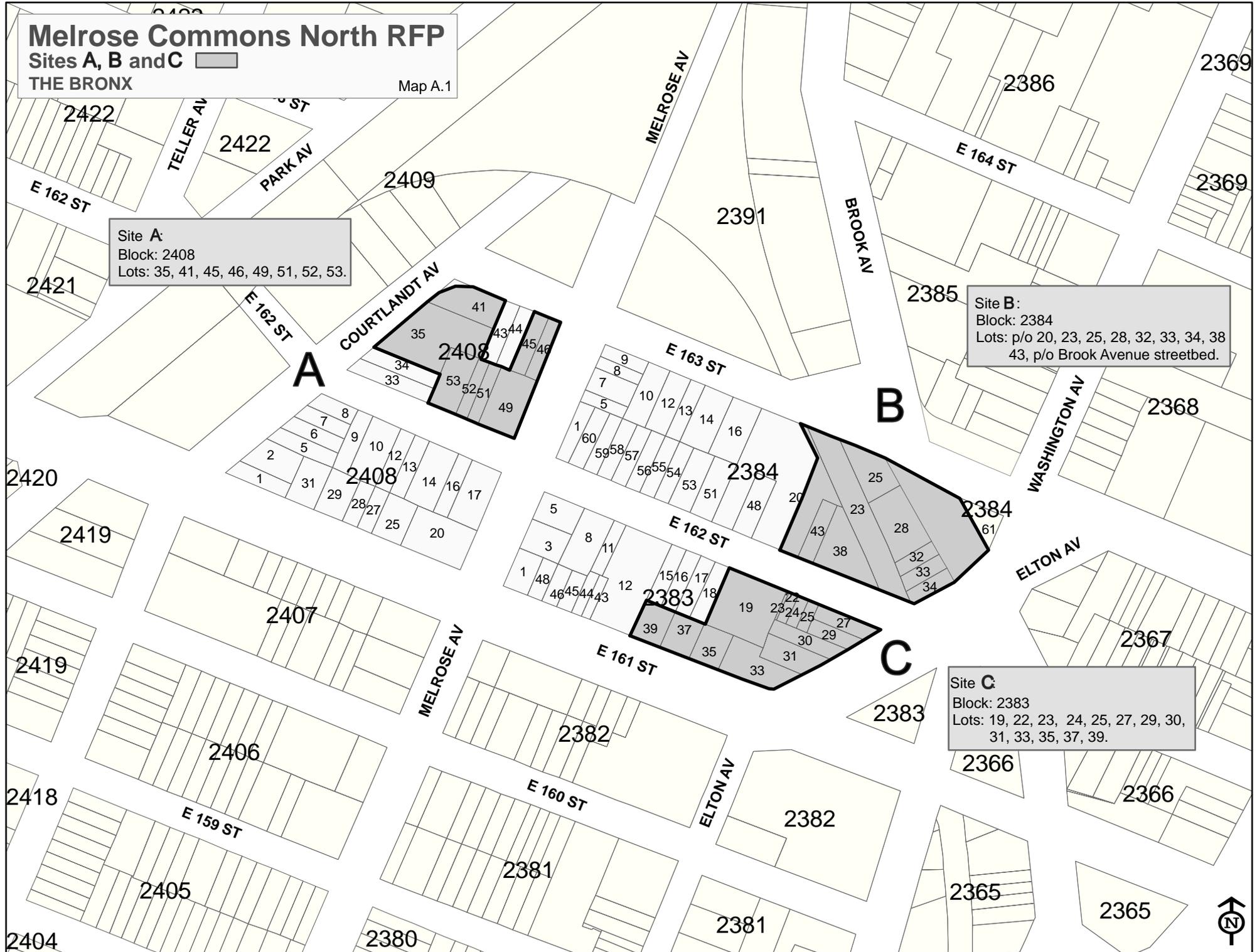
THE BRONX

Map A.1

**Site A:**  
Block: 2408  
Lots: 35, 41, 45, 46, 49, 51, 52, 53.

**Site B:**  
Block: 2384  
Lots: p/o 20, 23, 25, 28, 32, 33, 34, 38, 43, p/o Brook Avenue streetbed.

**Site C:**  
Block: 2383  
Lots: 19, 22, 23, 24, 25, 27, 29, 30, 31, 33, 35, 37, 39.



# Melrose Commons North RFP

Sites A, B and C

Overlaid with Melrose Commons URA Sites

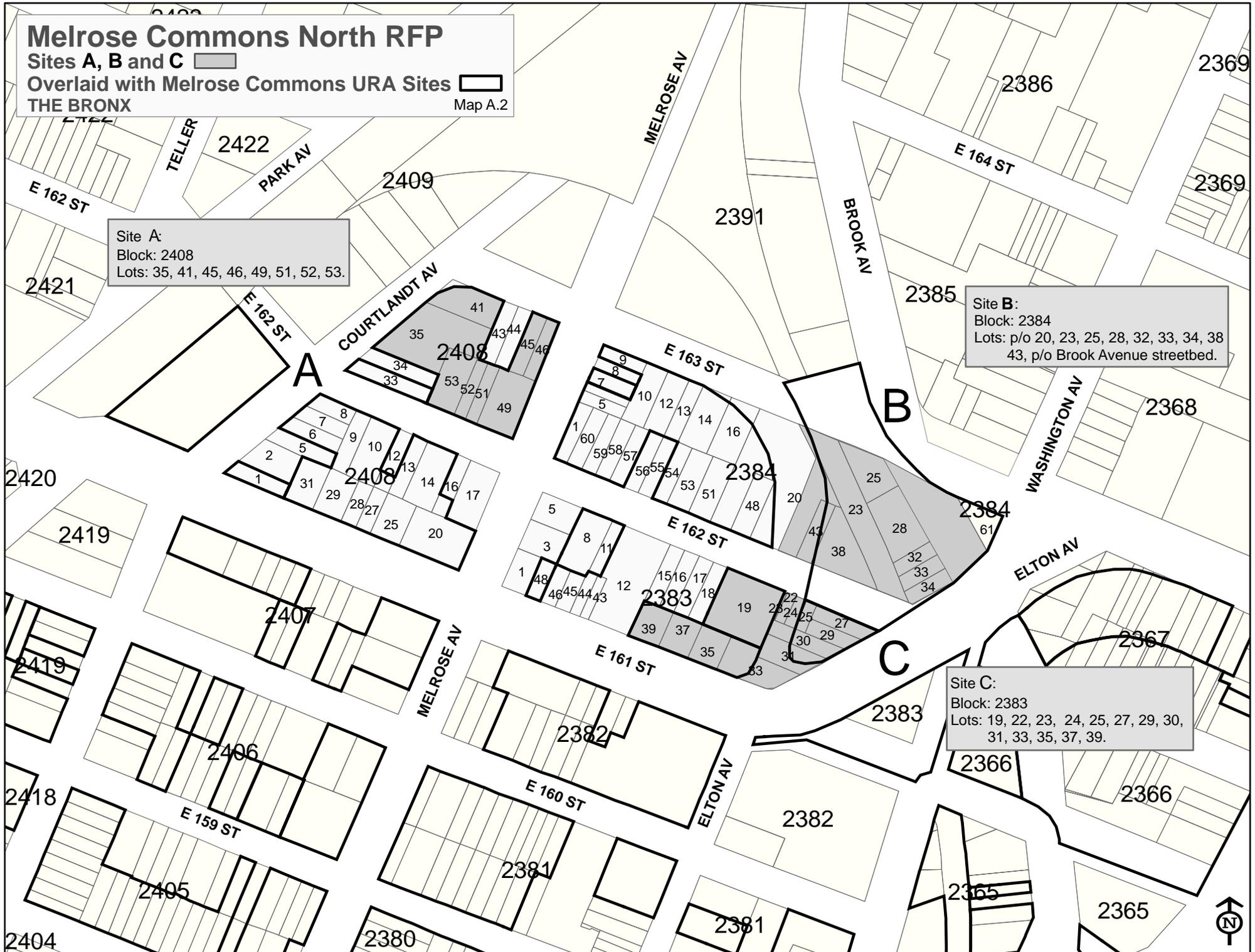
THE BRONX

Map A.2

Site A:  
Block: 2408  
Lots: 35, 41, 45, 46, 49, 51, 52, 53.

Site B:  
Block: 2384  
Lots: p/o 20, 23, 25, 28, 32, 33, 34, 38, 43, p/o Brook Avenue streetbed.

Site C:  
Block: 2383  
Lots: 19, 22, 23, 24, 25, 27, 29, 30, 31, 33, 35, 37, 39.



# Melrose Commons North RFP

Sites A, B and C 

Overlaid with Proposed Zoning

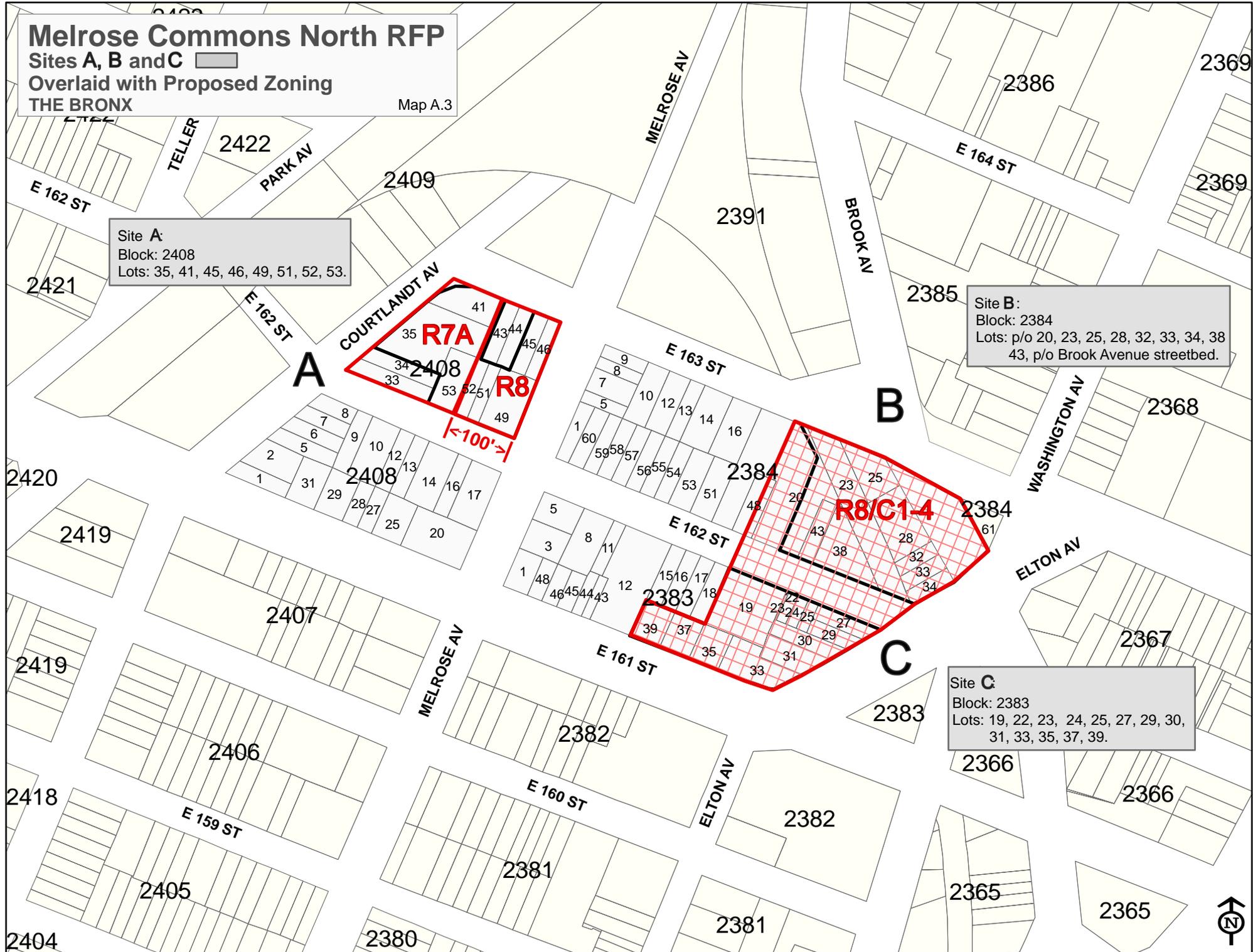
THE BRONX

Map A.3

Site A:  
Block: 2408  
Lots: 35, 41, 45, 46, 49, 51, 52, 53.

Site B:  
Block: 2384  
Lots: p/o 20, 23, 25, 28, 32, 33, 34, 38, 43, p/o Brook Avenue streetbed.

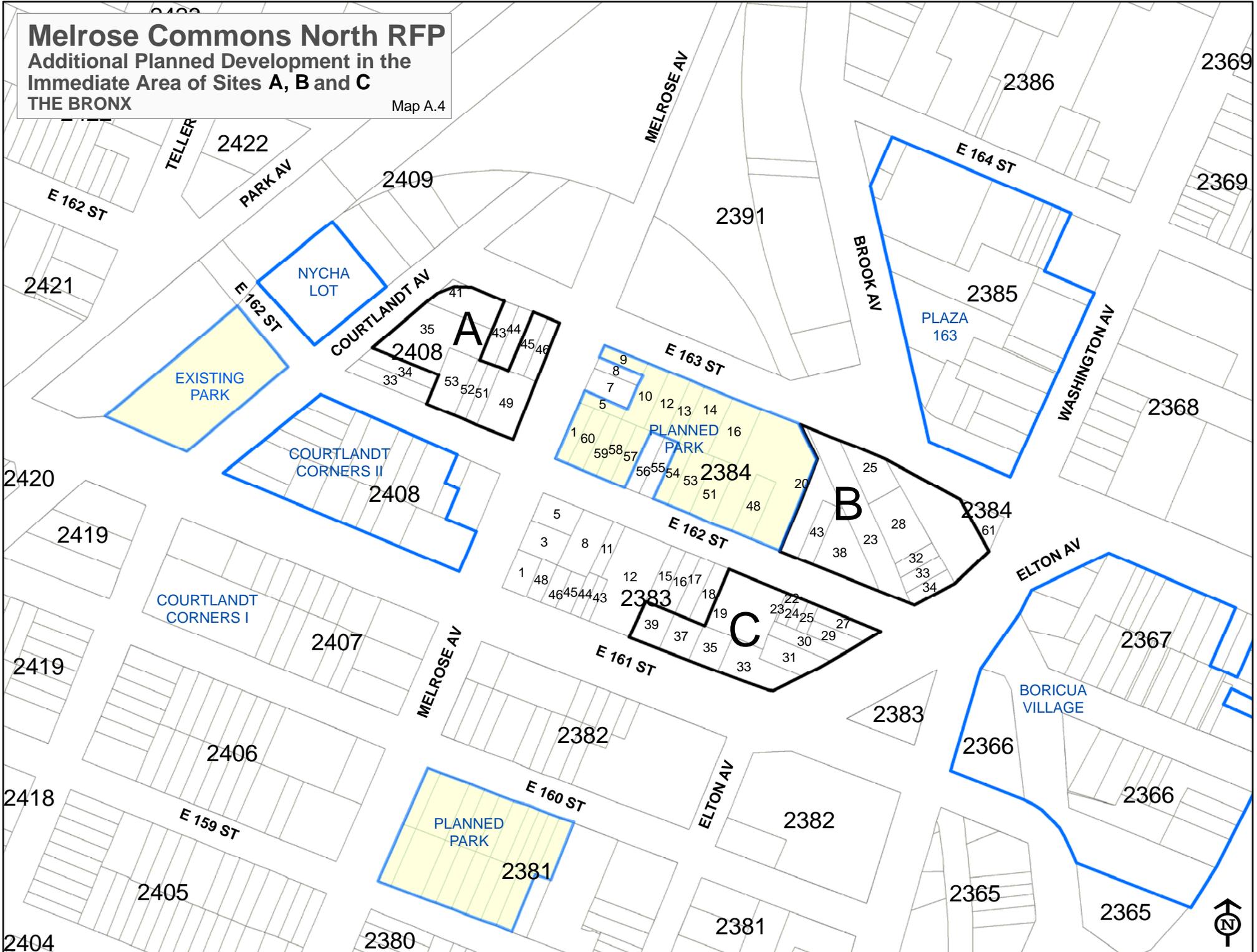
Site C:  
Block: 2383  
Lots: 19, 22, 23, 24, 25, 27, 29, 30, 31, 33, 35, 37, 39.



# Melrose Commons North RFP

Additional Planned Development in the Immediate Area of Sites A, B and C  
THE BRONX

Map A.4



## Appendix B

- HPD New Construction Design Guidelines
- Sample DACE Scoring Sheet

## **APPENDIX B: 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. DEVELOPMENT 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 Development 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 are 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 <sup>1/2</sup>" deep.
7. Pantries are desirable, encouraged, and qualify as required shelving.

#### D. Dining Area

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

#### E. Bathrooms

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

#### F. Storage

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

### **IV. HANDICAPPED/ ELDERLY REQUIREMENTS**

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

#### A. Lobby seating

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

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

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

#### C. Outdoor space

1. In all projects designed for exclusive occupancy by elderly or handicapped persons,

provisions should be made for sitting space for at least 20% of all residents in appropriate outdoor areas.

2. All outdoor space must be programmed and landscaped for specific uses.
3. All outdoor spaces must be buffered from vehicular service areas.

RFP Ranking Criteria		New Construction	PROJECT TITLE	
Address:		Date:		
Developer/Architect:		BDR Reviewer:		
		TOTAL =		
Category	Remarks	Maximum Score	Attained Score	
1 <b>RFP/ Zoning/ Code Compliance</b>				
2				
3 <b>Site Planning/Concept</b>				
4 Vision/Concept clearly discernable				
5 Req'd program provided in appropriate location				
6 Setback & bldg orientation appropriate [Defensible Design]				
7 Private & Public outdoor space: appealing & appropriately located				
8 Suitable & sustainable landscape provided				
9 Vehicular/pedestrian circulation: articulated & appropriate				
10				
11 <b>Elevations/ Massing</b>				
12 Building massing appropriate				
13 Building base/middle/top articulated				
14 Pedestrian/street level activated				
15 Fenestrations appropriate				
16 Use of expression lines				
17 Main residential entrance articulated				
18 Coherent elevation composition & materials				
19 Appealing color palette				
20				
21 <b>Dwelling Units</b>				
22 Comply with HPD s.f. requirements [ 3 ] Exceed requirements [ 5 ]				
23 Dwelling Units planning coherent				
24 Variety of DU's provided				
25 # of DU's: 0[ ] 1[ ] 2[ ] 3[ ] = [ ]				
26				
27 <b>Parking</b>				
28 Parking appropriately located and screened				
29 Minimal curb cuts				
30 # of parking spaces: [ ]				
31				
32 <b>Cost</b>				
33 Total:				
34 Per SF: (construction cost / FA)				
35 Unit cost (construction / # of units)				
36 Trade payment breakdown provided				
37				
38 <b>Concept/ Amenities/ Finishes/ Services</b>				
39 Building planning coherent				
40 Lobby layout & location appealing				
41 Location & screening of service & utilities appropriate				
42 Laundry provided				
43 Recreation space provided				
44 Additional amenities				
45 Public benefits uses provided				
46 Finishes appropriate				
47 Construction system appropriate				
48 Special innovations				
49 High Performance/Sustainable architecture				
50 Smart building technology provided				
51				

## Appendix C

- HPD Green Communities Criteria (pp. 55 – 123)
- Green Funding Resource List



# HPD Overlay to Green Communities Criteria 2008

New York City  
New Construction Program

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## Introduction

Green Communities is transforming the way America thinks about, designs and builds affordable communities. Green building integrates materials and methods that promote environmental quality, economic vitality and social benefits through design, construction and operation of the built environment. Green Communities aligns affordable housing investment strategies with environmentally responsive building practices.

As a community of affordable housing providers, we have an opportunity to use green building strategies that significantly reduce the impact on water quality, air pollution, global warming and the depletion of natural resources – while simultaneously lowering operating costs and maintenance needs. More importantly, people, not buildings, are the real focus of our work. Adopting green building practices will redouble our contribution to the physical health and well-being of people.

## LEED for Homes

The 2008 version of the Green Communities Criteria is purposefully aligned with the United States Green Building Council's Leadership in Energy and Environmental Design's Rating System for Homes. The Green Communities Criteria were developed specifically for developers of all types of affordable housing to be a rigorous yet holistic approach to deliver housing that will provide significant health, economic and environmental benefits. In this updated version of the Green Communities Criteria, we hope it is clear how Green Communities and LEED for Homes are aligned so that participation in both programs if desired is possible. For more information on the LEED for Homes rating system please go to [www.usgbc.org](http://www.usgbc.org).

## Acknowledgements

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## **Green Communities Criteria: An Overview**

The Green Communities criteria promote smart growth, public health, energy conservation, operational savings and sustainable building practices in affordable housing design. As a result, the methods and materials referenced in the following pages enhance affordable housing and communities as a whole.

In addition to increasing resource efficiency and reducing environmental impacts, green building practices can yield cost savings through long-term reduction in operating expenses. The benefits include improved energy performance and comfort, a healthier indoor environment, increased durability of building components, and simplified maintenance requirements that can lead to financial efficiencies for property managers and owners. Green building practices improve the economics of managing affordable housing while enhancing quality of life for residents. When green building practices inform the location of affordable housing – placing homes near community amenities such as public transportation to create walkable, livable neighborhoods – the benefits for residents and communities expand to include fewer sprawl-related impacts.

Guiding principles behind the Green Communities criteria ensure that homes must be cost effective to build, and durable and practical to maintain. In addition, the principles work together to help produce green affordable housing that:

- Results in a high-quality, healthy living environment
- Lowers residents' utility costs
- Enhances residents' connection to nature
- Protects the environment by conserving energy, water, materials and other resources
- Advances the health of local and regional ecosystems

## **New York City Department of Housing Preservation and Development New Construction Program**

These criteria apply to most projects awarded through HPD New Construction Request For Proposals which are issued after May 1, 2008.

**To be eligible for consideration in the RFP process, a project must comply with the following provisions of the Green Communities Criteria:**

- **All mandatory criteria,**
- **10 points from optional criteria**

Projects should include at least 15 single-family homes occupied by households with incomes at or below 80 percent of area median income or at least 25 rental apartments occupied by households at or below 60 percent of area median income.

Compliance with specific criteria may be waived if the grant applicant can demonstrate that the criterion creates a substantial hardship or is inadvisable for a specific project, and that the alternative meets the intent of the criteria.

### ***Section 1: Integrated Design***

An integrated design process incorporates sustainability up-front, uses a holistic and total-systems approach to the development process, and promotes good health and livability through the building's life cycle. The goal is to establish a written commitment that informs the project's objectives through the building's life cycle.

Sustainable building strategies should be considered from the moment the developer initiates the project. The professional development team should include a developer, architect, engineer, landscape architect, LEED™ Accredited Professional or experienced green building design specialist, contractor, and asset and property management staff. Whenever possible, the team also should include maintenance staff and resident representatives. The team must be committed to environmentally responsive, resource conserving and healthy building principles and practices.

### ***Section 2: Site, Location and Neighborhood Fabric***

Location within existing communities – or contiguous to existing development – helps conserve land and the spread of storm-water runoff to new watersheds. It also reduces travel distances. Proper site selection avoids development of inappropriate sites and damage to or loss of fragile, scarce environmental resources. The greatest savings come from developing in areas that already have infrastructure and civic amenities. Site selection is also an opportunity to clean up and redevelop brownfields, and restore the land and infill segmented communities.

Compact development encourages more resource-efficient development of land, reduces development costs and conserves energy. It also can contribute to creating more walkable, livable communities, while helping restore, invigorate and sustain livable development patterns. Making the streetscape safer and more inviting for walkers and bicyclists encourages alternative transportation choices to the automobile. It also promotes physical activity and public health, while creating opportunities for social interaction and increased safety by bringing more eyes on public spaces.

### ***Section 3: Site Improvements***

Sustainable design and site planning integrate design and construction strategies to: minimize environmental site impacts; enhance human health; reduce construction costs; maximize energy, water, and natural resource conservation; improve operational efficiencies, and promote alternative transportation.

### ***Section 4: Water Conservation***

Water efficiency conserves finite fresh water resources and reduces utility bills. Significant water savings can be realized by specifying and installing water-efficient appliances and plumbing fixtures, implementing low-water landscape and irrigation strategies, and taking advantage of rainwater catchment and graywater sources.

### ***Section 5: Energy Efficiency***

Energy efficiency helps to maximize resident comfort and health, and reduces utility bills. Conservation measures mitigate the accumulative burdens of energy production and delivery, extraction of non-renewable natural resources, degradation of air quality, global warming and the increasing concentration of pollutants.

### ***Section 6: Materials Beneficial to the Environment***

Reducing, reusing and recycling building materials conserve natural resources and reduce emissions associated with manufacturing and transporting raw materials. Many techniques and building products on the market contribute to more durable, healthy and resource-efficient buildings.

### ***Section 7: Healthy Living Environment***

The importance of a healthy living environment is a significant green building issue directly affecting residents. Creating a healthy living environment involves the use of materials that do not cause negative health impacts for residents or workers, especially for more sensitive groups such as children, seniors and individuals with existing respiratory problems and compromised immune systems.

### ***Section 8: Operations and Maintenance***

Operations and maintenance (O&M) practices impact the building owner's costs and residents' health, comfort and safety. Sustainable building O&M practices enhance resident health and operational savings. The key to successful building performance is the integration of O&M plans, education and cost-effective, low-maintenance design.



# Green Communities Criteria Checklist

Revised February 2008

**Developer Name:**

**Project Name:**

**Address (Street/City/State):**

**Maximum Points**

Yes	No	?		
			<b>Integrated Design</b>	
			<b>1.1 Green Development Plan</b>	Mandatory
			Submit Green Development Plan outlining the integrated design approach used for this development that demonstrates involvement of the entire development team.	
			<b>Site, Location and Neighborhood Fabric</b>	
			<b>2.1a Smart Site Location: Proximity to Existing Development</b>	As of Right
			LH Provide site map demonstrating that the development is located on a site with access to existing roads, water, sewers and other infrastructure within or contiguous (having at least 25 percent of the perimeter bordering) to existing development.	
			<b>2.1b Smart Site Location: Protecting Environmental Resources - New Construction</b>	As of Right
			LH Do not locate new development within 100 feet of wetlands, critical slope areas, land identified as habitat for a threatened or endangered species; or on land previously used as public park land, land identified as prime farmland, or with elevation at or below the 100-year floodplain.	
			<b>2.1c Smart Site Location: Proximity to Services - New Construction</b>	As of Right
			LH Locate projects within a ¼ mile of at least two, or ½ mile of at least four community and retail facilities.	
			<b>2.2 Compact Development: New Construction</b>	As of Right
			Achieve densities for new construction of at least six units per acre for detached/semi-detached houses; 10 for town homes; 15 for apartments.	
			<b>2.3 Walkable Neighborhoods: Sidewalks and Pathways</b>	As of Right
			Connect project to the pedestrian grid. Include sidewalks or other all-weather pathways within a multifamily property or single-family subdivision linking residential development to public spaces, open spaces and adjacent development.	
			<b>2.4a Smart Site Location: Passive Solar Heating/Cooling</b>	5
			LH Orient building to make the greatest use of passive solar heating and cooling.	
			<b>2.4b Smart Site Location: Grayfield, Brownfield or Adaptive Reuse Site</b>	Not Applicable
			Locate the project on a grayfield, brownfield or adaptive reuse site.	
			<b>2.5 Compact Development</b>	Not Applicable
			LH Increase average minimum densities to meet or exceed: seven units per acre for detached/semi-detached; 12 units for town homes; and 20 units for apartments.	
			<b>2.6 Walkable Neighborhoods: Connections to Surrounding Neighborhood</b>	Not Applicable
			Provide a site plan demonstrating at least three separate connections from the development to sidewalks or all-weather pathways in surrounding neighborhoods.	
			<b>2.7 Transportation Choices</b>	Not Applicable



			LH	Locate project within ¼ mile radius of adequate public transit service, or ½ mile radius from an adequate fixed rail or ferry station.	
Yes	No	?	<b>Site Improvements</b>		
			3.1	<b>Environmental Remediation</b> Conduct a Phase I Environmental Site Assessment and provide a plan for abatement if necessary.	Mandatory
			3.2	<b>Erosion and Sedimentation Control</b> LH Implement EPA’s Best Management Practices for erosion and sedimentation control during construction referring to the EPA document, Storm Water Management for Construction Activities.	Mandatory
			3.3	<b>Landscaping</b> LH Provide a tree or plant list certified by the Architect or Landscape Architect, that the selection of new trees and plants are appropriate to the site’s soils and microclimate and do not include invasive species. Locate plants to provide shading in the summer and allow for heat gain in the winter.	Mandatory <i>if providing landscaping</i>
			3.4	<b>Surface Water Management</b> LH Capture, retain, infiltrate and/or harvest the first ½ inch of rainfall that falls in a 24-hour period.	5
			3.5	<b>Storm Drain Labels</b> Label all storm drains or storm inlets to clearly indicate where the drain or inlet leads.	Not Applicable
Yes	No	?	<b>Water Conservation</b>		
			4.1a	<b>Water-Conserving Appliances and Fixtures: New Construction</b> LH Install water-conserving fixtures with the following minimum specifications: toilets – 1.3 GPF; showerheads – 2.0 GPM; kitchen faucets – 2.0 GPM; bathroom faucets – 2.0 GPM	Mandatory
			4.1b	<b>Water-Conserving Appliances and Fixtures: Moderate Rehabilitation</b> LH Install water-conserving fixtures with the following minimum specifications <i>for toilets and shower heads</i> and follow requirements for other fixtures wherever and whenever they are replaced: toilets – 1.3 GPF; showerheads – 2.0 GPF; kitchen faucets – 2.0 GPM; bathroom faucets – 2.0 GPM.	N/A for New Construction
			4.1c	<b>Water-Conserving Appliances and Fixtures</b> LH Install water-conserving fixtures with the following minimum specifications: toilets – 1.1 GPF; showerheads – 1.75 GPM; kitchen faucets – 2.0 GPM; bathroom faucets – 1.5 GPM	5
			4.2	<b>Efficient Irrigation</b> LH If irrigation is necessary, use recycled gray water, roof water, collected site run-off, water from a municipal recycled water system, or a highly efficient irrigation system including all the following: system designed by EPA Water Sense professional; plant beds with a drip irrigation system; separately zoned turf and bedding types; a watering zone timer/controller; moisture sensor controller.	Mandatory <i>if irrigation is necessary</i>
Yes	No	?	<b>Energy Efficiency</b>		
			5.1a	<b>Efficient Energy Use: New Construction</b> LH Implement the New York State Energy Research and Development Authority (NYSERDA) guidelines for the Multifamily Performance Program.	Mandatory
			5.1b	<b>Efficient Energy Use: Moderate &amp; Substantial Rehabilitation</b> Perform an energy analysis of existing building condition, estimate costs of improvements, implement measures that will improve building energy performance by 20 percent from pre-renovation figures.	N/A for New Construction
			5.2	<b>Energy Star Appliances</b>	Mandatory

			LH	If providing appliances, install Energy Star clothes washers, dishwashers and refrigerators.	<i>if providing appliances</i>
			<b>5.3a</b>	<b>Efficient Lighting: Interior</b>	
			LH	Install the Energy Star Advanced Lighting Package in all interior units and use Energy Star or high-efficiency commercial grade fixtures in all common areas and outdoors.	Mandatory
			<b>5.3b</b>	<b>Efficient Lighting: Exterior</b>	
			LH	Install daylight sensors or timers on all outdoor lighting, including front and rear porch lights in single family homes.	Mandatory
			<b>5.4</b>	<b>Electricity Meter</b>	
				Install individual or sub-metered electric meters.	Mandatory <i>(see full criteria for exceptions)</i>
			<b>5.5</b>	<b>Additional Reductions in Energy Use</b>	
				Points earned by exceeding minimum requirements of the New York State Energy Research and Development Authority (NYSERDA) Multifamily Performance Program.	10
			<b>5.6a</b>	<b>Renewable Energy</b>	
			LH	Implement the New York State Energy Research and Development Authority (NYSERDA) guidelines for the Multifamily Performance Program.	Optional per NYSERDA requirements
			<b>5.6b</b>	<b>Photovoltaic (PV) Ready</b>	
				Implement the New York State Energy Research and Development Authority (NYSERDA) guidelines for the Multifamily Performance Program.	Optional per NYSERDA requirements
Yes	No	?	<b>Materials Beneficial to the Environment</b>		
			<b>6.1</b>	<b>Construction Waste Management</b>	
			LH	Develop and implement a construction waste management plan to reduce the amount of material sent to the landfill by at least 25 percent.	5
			<b>6.2</b>	<b>Recycled Content Material</b>	
			LH	Use materials with recycled content; provide calculation for recycled content percentage based on cost or value of recycled content in relation to total materials for project. Minimum recycled material must be 5 percent	14
			<b>6.3</b>	<b>Certified, Salvaged and Engineered Wood</b>	
			LH	Commit to using at least 25 percent (by cost) wood products and materials that are salvaged wood, engineered framing materials or certified in accordance with the Forest Stewardship Council.	10
			<b>6.4a</b>	<b>Water-Permeable Walkways</b>	
			LH	Use water-permeable materials in 50 percent or more of walkways.	5
			<b>6.4b</b>	<b>Water-Permeable Parking Areas</b>	
			LH	Use water-permeable materials in 50 percent or more of paved parking areas.	5
			<b>6.5a</b>	<b>Reduce Heat-Island Effect: Roofing</b>	
			LH	Use Energy Star-compliant and high-emissive roofing or install a “green” (vegetated) roof for at least 50 percent of the roof area; or a combination of high-albedo and vegetated roof covering 75 percent of the roof area.	5
			<b>6.5b</b>	<b>Reduce Heat-Island Effect: Paving</b>	
			LH	Use light-colored, high-albedo materials and/or an open-grid pavement with a minimum Solar Reflective Index of 0.6 over at least 30 percent of the site’s hardscaped area.	5
			<b>6.5c</b>	<b>Reduce Heat-Island Effect: Plantings</b>	
			LH	Locate trees or other plantings to provide shading for at least 50 percent of sidewalks, patios and driveways within 50 feet of a home.	5

Yes	No	?	Healthy Living Environment		
			<b>7.1</b>	<b>Low / No Volatile Organic Compounds (VOC ) Paints and Primers</b>	
			LH	Specify that all interior paints and primers must comply with current Green Seal standards for low VOC limits.	Mandatory
			<b>7.2</b>	<b>Low / No VOC Adhesives and Sealants</b>	
			LH	Specify that all adhesives must comply with Rule 1168 of the South Coast Air Quality Management District. Caulks and sealants must comply with Regulation 8, Rule 51 of the Bay Area Air Quality Management District.	Mandatory
			<b>7.3</b>	<b>Urea Formaldehyde-free Composite Wood</b>	
				Use particleboard and MDF that is certified compliant with the ANSI A208.1 and A208.2. If using nonrated composite wood, all exposed edges and sides must be sealed with low-VOC sealants.	Mandatory
			<b>7.4</b>	<b>Green Label Certified Floor Coverings</b>	
			LH	Do not install carpets in below grade living spaces, entryways, laundry rooms, bathrooms, kitchens or utility rooms. If using carpet, use the Carpet and Rug Institute's Green Label certified carpet, pad and carpet adhesives.	Mandatory <i>if providing floor coverings</i>
			<b>7.5a</b>	<b>Exhaust Fans – Bathroom</b>	
			LH	Install Energy Star-labeled bathroom fans that exhaust to the outdoors and are connected to a light switch and are equipped with a humidistat sensor or timer, <i>or</i> operate continuously.	Mandatory
			<b>7.5b</b>	<b>Exhaust Fans – Kitchen: New Construction &amp; Substantial Rehabilitation</b>	
			LH	Install power vented fans or range hoods that exhaust to the exterior.	Mandatory
			<b>7.5c</b>	<b>Exhaust Fans – Kitchen: Moderate Rehabilitation</b>	
				Install power vented fans or range hoods that exhaust to the exterior.	N/A for New Construction
			<b>7.6a</b>	<b>Ventilation: New Construction &amp; Substantial Rehabilitation</b>	
			LH	Install a ventilation system for the dwelling unit, providing adequate fresh air per ASHRAE 62.1-2007 for residential buildings above 3 stories or ASHRAE 62.2 for single family and low-rise multifamily dwellings.	Mandatory
			<b>7.6b</b>	<b>Ventilation: Moderate Rehabilitation</b>	
				Install a ventilation system for the dwelling unit, providing adequate fresh air per ASHRAE 62.1-2007 for residential buildings above 3 stories or ASHRAE 62.2 for single family and low-rise multifamily dwellings.	N/A for New Construction
			<b>7.7</b>	<b>HVAC Sizing</b>	
			LH	Size heating and cooling equipment in accordance with the Air Conditioning Contractors of America Manual, Parts J and S, ASHRAE handbooks, or equivalent software.	Mandatory
			<b>7.8</b>	<b>Water Heaters: Mold Prevention</b>	
				Use tankless hot water heaters or install conventional hot water heaters in rooms with drains or catch pans with drains piped to the exterior of the dwelling and with non-water sensitive floor coverings.	Mandatory
			<b>7.9a</b>	<b>Materials in Wet Areas: Surfaces</b>	
				In wet areas, use materials that have smooth, durable, cleanable surfaces. Do not use mold-propagating materials such as vinyl wallpaper and unsealed grout.	Mandatory
			<b>7.9b</b>	<b>Materials in Wet Areas: Tub and Shower Enclosures</b>	
				Use fiberglass or similar enclosure or, if using any form of grouted material, use backing materials such as cement board, fiber cement board or equivalent (i.e., not paper-faced).	Mandatory
			<b>7.10a</b>	<b>Basements and Concrete Slabs: Vapor Barrier</b>	
					Mandatory

				Provide vapor barrier under all slabs. For concrete floors either in basements or on-grade slab install a capillary break of 4 four inches of gravel over soil. Cover all gravel with 6 millimeter polyethylene sheeting moisture barrier with joints lapped one foot or more. On interior below grade walls, avoid using separate vapor barrier or below grade vertical insulation.	
			<b>7.10b</b> LH	<b>Basements and Concrete Slabs – Radon: New Construction &amp; Substantial Rehabilitation</b> In EPA Zone 1 and 2 areas, install passive radon-resistant features below the slab along with a vertical vent pipe with junction box available, if an active system should prove necessary. For substantial rehab, introduce radon-reduction measures if elevated levels of radon are detected.	Mandatory
			<b>7.11</b>	<b>Water Drainage</b> Provide drainage of water to the lowest level of concrete away from windows, walls and foundations.	Mandatory
			<b>7.12</b> LH	<b>Garage Isolation</b> Provide a continuous air barrier between the conditioned (living) space and any unconditioned garage space. In single-family houses with attached garages, install a CO alarm inside the house on the wall that is attached to the garage and outside the sleeping area, and do not install air handling equipment in the garage.	Not Applicable
			<b>7.13</b> LH	<b>Clothes Dryer Exhaust</b> Clothes dryers must be exhausted directly to the outdoors.	Mandatory
			<b>7.14</b> LH	<b>Integrated Pest Management</b> Seal all wall, floor and joint penetrations with low VOC caulking. Provide rodent-proof and corrosion-proof screens (e.g., copper or stainless steel mesh) for large openings.	Mandatory
			<b>7.15</b>	<b>Lead-Safe Work Practices: Moderate &amp; Substantial Rehabilitation</b> For properties built before 1978, use lead-safe work practices during renovation, remodeling, painting and demolition.	Mandatory
			<b>7.16</b>	<b>Healthy Flooring Materials: Alternative Sources</b> Use non-vinyl, non-carpet floor coverings in all rooms.	5
			<b>7.17</b>	<b>Smoke-free Building</b> Enforce a "no smoking" policy in all common and individual living areas in all buildings. See full criteria for "common area" definition.	2
			<b>7.18</b> LH	<b>Combustion Equipment (includes space &amp; water-heating equipment)</b> Specify power vented or combustion sealed equipment. Install one hard-wired CO detector for each sleeping area, minimum one per floor.	Mandatory
Yes	N o	?	<b>Operations and Maintenance</b>		
			<b>8.1</b> LH	<b>Building Maintenance Manual</b> Provide a manual that includes the following: a routine maintenance plan; instructions for all appliances, HVAC operation, water-system turnoffs, lighting equipment, paving materials and landscaping, pest control and other systems that are part of each occupancy unit; an occupancy turnover plan that describes the process of educating the tenant about proper use and maintenance of all building systems.	Mandatory
			<b>8.2</b> LH	<b>Occupant's Manual</b> Provide a guide for homeowners and renters that explains the intent, benefits, use and maintenance of green building features, along with the location of transit stops and other neighborhood conveniences, and encourages additional green activities such as recycling, gardening and use of healthy cleaning materials, alternate measures for pest control, and purchase of green power.	Mandatory

			<b>8.3</b>	<b>Homeowner and New Resident Orientation</b>	
			LH	Provide a walk-through and orientation to the homeowner or new resident using the Occupant Manual from 8-2 above that reviews the building's green features, operations and maintenance along with neighborhood conveniences.	Mandatory

## *Section 1: Integrated Design*

<b>1-1</b> <i>LH</i>	<b>Green Development Plan</b>
	<b>MANDATORY</b>

### **How**

Submit a Green Development Plan that outlines the integrated design approach used for this development that demonstrates involvement of the entire development team. See the Green Development Plan template included in Appendix A or download the template at <http://www.greencommunitiesonline.org/tools/funding/grants/charrette.asp#template>

The plan must provide the following:

- The name and role of each member of the professional design and development team.
- A statement of the overall green development goals of the project and the expected intended outcomes from addressing those goals.
- A description of the process that was used to select the green building strategies, systems and materials that will be incorporated into the project.
- A description of how each of the mandatory and optional items will be included in the project.
- Identification of which members of the design and development team are responsible for implementing the green features.
- A description of follow-up measures to be taken through the completion of design, permitting, construction and operation to ensure that the green features are included and correctly installed, and that the owners or tenants receive information about the function and operation of the features.

The plan must include meeting minutes or another type of documentation that captures and summarizes components of the integrated design process that have been completed at the time of application.

Indicate whether this is the first time the developer has completed a project with green features. If so, explain why the developer wants to incorporate them in this project. If this is not the first green project, the plan must include a written statement on how the integrated design approach taken for this project compares to approaches taken for previous affordable housing designed and developed by members of the project team.

### **Intent**

An integrated design process incorporates sustainability from the outset and connects the design

to the regional climatic conditions. It takes into consideration the existing community context, and uses a holistic and total-systems approach to the development process, promoting good health and livability through the building's (or development's) life cycle. The benefits of an integrated design process can include substantially lower development costs and greater health, economic and environmental benefits for residents, property owners and communities. It is important that the development and property management teams are committed to a written plan that they can refer to throughout the development process. This plan will continue to inform the green objectives for the project throughout its life cycle.

### Things to Consider

- Projects that achieve this measure also meet the requirements for LEED for Homes credit ID 1.4 - "Design Charrette," worth 1 point toward LEED certification. Projects also *may* fulfill credit ID 1.2 "Integrated Project Team," worth 1 point toward LEED certification. If pursuing ID 1.2 toward LEED certification, the project team must be assembled and involved to meet three basic requirements:
  - Team members must include at least three major skill sets (as listed in the LEED for Homes Rating System);
  - All team members must be included in at least three phases of the home design and construction process; and
  - Project team must conduct meetings on at least a monthly basis to review project status, responsibilities, next steps, etc.
- Enterprise offers a variety of resources to support the integrated design process. Information is available at <http://www.greencommunitiesonline.org/tools/funding/grants/charrette.asp>
- Conduct a green design charrette with the full development team, including professionals with expertise in the following:
  - architecture or residential building design;
  - mechanical or energy engineering;
  - building science or performance testing;
  - green building or sustainable design; and
  - civil engineering, landscape architecture, habitat restoration, or land-use planning.
- Neighborhood Design Guidelines  
See Douglas Farr, *Sustainable Urbanism: Urban Design with Nature*, Hoboken: John Wiley & Sons, 2008;  
Reid Ewing, *Best Development Practices*, Chicago: American Planning Association, 1995;  
and Peter Calthorpe, *The Next American Metropolis*, New York: Princeton Architectural Press, 1993.  
These three books are full of practical guidelines for design and placement of development into a neighborhood fabric that is supportive of environmental sustainability.

- **Whole Building Design Guide**  
See [http://www.wbdg.org/wbdg\\_approach.php](http://www.wbdg.org/wbdg_approach.php)  
This website describes the core elements of “whole building design,” which includes the combination of an integrated design approach and an integrated team process. This site helps users identify design objectives and organize their processes to meet those objectives.
- Consider developing a durability plan. Refer to LEED for Homes ID 2: Durability Management Process to think through the development and implementation of a durability plan. This will promote the increased service life of the building envelope and its components and systems through appropriate design, materials and installation.

**Section 2: Site, Location and Neighborhood Fabric**

<b>2-1a LH</b>	<b>Smart Site Location – Proximity to Existing Development: New Construction</b>
	<b>MANDATORY</b> Except for Infill or Rehabilitation Projects

**How**

Provide site map demonstrating that the development is located on a site with access to existing roads, water, sewers and other infrastructure within or contiguous (having at least 25 percent of the perimeter bordering) to existing development. Do not build on tracts of land that require installing a septic tank or a sanitary sewer line extension of 1,000 feet or greater from the property line of the tract being developed, or within critical potable watershed areas.

An infill site, which is excepted from 2-1, is a site that has 75 percent of its perimeter bordering existing development or roads and has access to existing infrastructure.

**Intent**

Location within existing communities, within or contiguous to existing development, helps conserve land and the spread of storm-water runoff to new watersheds. It also reduces travel distances. Proper site selection avoids development of inappropriate sites and damage to or loss of fragile, scarce environmental resources. The greatest savings come from developing in areas that already have infrastructure and civic amenities. Site selection is also an opportunity to clean up and redevelop brownfields and to fill in gaps within the built environment.

**Things to Consider**

- Projects that achieve this measure also meet the requirements for LEED for Homes credit LL 3.1 “Edge Development,” worth 1 point toward LEED certification, and should also be eligible for points under credit LL 4 “Infrastructure.” Also, projects may be eligible for 1 point under credit LL 3.3 “Previously Developed,” if the project is built on a previously developed lot. And infill developments may be able to achieve credit LL 3.2 “Infill,” if at least 75% of the perimeter immediately borders previously developed land. LL 3.2 is worth 2 points toward LEED certification.

<b>2-1b LH</b>	<b>Smart Site Location – Protecting Environmental Resources: New Construction</b>
	<b>MANDATORY</b> Except for Infill Sites or Rehabilitation Projects

**How**

Do not locate new development, including buildings, built structures, roads or other parking

areas, on portions of sites that meet any of the following:

- 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.
- Land within 100 feet of critical slope area
- Prime farmland
- Public parkland
- Land that is specifically identified as habitat for any species on federal or state threatened or endangered lists
- Land with elevation at or below the 100-year floodplain

An infill site, which is excepted from 2-1, is a site that has 75 percent of its perimeter bordering existing development or roads and has access to existing infrastructure.

### **Intent**

Proper site selection avoids development of inappropriate sites, and damage to or loss of fragile and scarce environmental resources.

### **Definitions**

- “Wetlands” is defined by the U.S. Code of Federal Regulations, 40 CFR, Parts 230-233 and Part 22. New wetlands constructed as part of stormwater mitigation or other site restoration efforts are exempt from this part of the requirement.
- “Critical slope area” is an area within a tract of land that has a greater than 15 percent change in elevation or an erodability factor of greater than 0.4 as determined by the Natural Resources Conservation Service of the USDA.
- Prime farmland is defined here as land that contains “prime soils”, “unique soils”, or “soils of state significance” as identified in state Natural Resources Conservation Service soil surveys. Sites that are previously developed are exempt from this requirement.
- “Critical habitat” is an area that the U.S. Fish and Wildlife Service or a state or tribal authority designates as occupied by a threatened or endangered species, or essential to the conservation of a threatened or endangered species. See, for example, Endangered Species Act, 16 U.S.C. 1523(5).
- The “100-year floodplain” is defined by FEMA in the Agency’s national flood information map.

### **Things to Consider**

- Projects that achieve this measure also meet the requirements for LEED for Homes credit LL

2, “Site Selection,” worth 2 points toward LEED certification.

- Protect existing trees. The Home Depot Foundation encourages programs that create or expand partnerships between community tree organizations and those focused on other areas of community development, such as affordable housing and programs that provide volunteer opportunities.  
 See [http://www.homedepotfoundation.org/support\\_trees.html](http://www.homedepotfoundation.org/support_trees.html)
- Protect habitat of potential endangered species. Use state and local lists to identify these habitats.
- U.S. Department of Energy, Building Technologies Program  
<http://www.eere.energy.gov/buildings/info/design/buildingsiting/index.html>  
 This website addresses the following siting topics: rehabilitation or infill versus undeveloped site, site planning, design to minimize impacts to site, parking and pavement, exterior water management, and water efficiency.
- U.S. Department of Agriculture, Natural Resources Conservation Service  
 Web Soil Survey available at <http://websoilsurvey.nrcs.usda.gov/app/>
- Digital Q3 Flood Data Availability, States Map  
 Federal Emergency Management Agency (FEMA), FEMA’s national flood information maps.  
<http://msc.fema.gov/webapp/wcs/stores/servlet/info?storeId=10001&catalogId=10001&langId=-1&content=productQ3Map&title=Q3%20Availability%20-%20State%20Map&parent=productInfo&parentTitle=Product%20Information>

<b>2-1c LH</b>	<b>Smart Site Location – Proximity to Services: New Construction</b>
	<b>MANDATORY</b> Except for Infill or Rehabilitation Projects

**How**

Provide a location map with exact distances indicating that the project is located within a ¼ mile of at least two, or ½ mile of at least four, of the following facilities: Adequate (see definition below) public transportation, supermarket, public school, library, licensed child care center, usable park space, bank, medical or dental office, post office, convenience store, laundry/dry cleaner, pharmacy, place of worship, community or civic center that is accessible to residents.

An infill site, which is excepted from 2-1, is a site that has 75 percent of its perimeter bordering existing development or roads and has access to existing infrastructure.

**Intent**

Locating projects in communities with services strengthens those communities and residents’ ties to society. It also prevents leapfrog development, which carries numerous negative consequences, including fragmented ecosystems, the spread of polluted runoff to new



watersheds, strain on municipal budgets that must stretch to accommodate longer service routes and infrastructure lines, and damage to landscapes that nourish the connection between humans and the natural world.

Pedestrian- and transit-oriented neighborhoods inspire smaller streets and less land relegated to the automobile, and create a more livable, efficient community. These neighborhoods offer residents a range of services, parks and employment opportunities within walking and biking distance. They also offer opportunities for a healthier quality of life while lowering residents' dependence on cars, thereby reducing the costs of owning a car and the need for garages and other parking areas.

**Definitions**

Adequate transportation means bus stops within ¼ mile and rail or ferry within ½ mile radius of the development. Adequate bus service during peak periods is defined as 30 or more transit rides per weekday. Adequate fixed rail or ferry service is defined as at least hourly service during the periods of 6:00am to 9:30am and 3:30pm to 7:00pm.

**Things to Consider**

- This criterion can help projects meet one of the requirements for LEED for Homes credit LL 5.1 “Basic Community Resources” worth 1 point toward LEED certification, if the project is located within ½ mile of transit services that offer 30 or more transit rides per weekday (combined bus, rail, and ferry). Alternatively, this point can be achieved by projects located within ¼ mile from four community resources or ½ mile from seven community resources. Additional points toward LEED certification are available for locating a project proximate to community resources or public transportation under LL 5.
- Safe Routes to School National Partnership  
<http://www.saferoutespartnership.org/home>  
 The Safe Routes to School National Partnership is a network of more than 300 nonprofit organizations, government agencies, schools, and professionals working together to advance the Safe Routes to School (SRTS) movement in the United States. SRTS can provide a variety of important benefits to children and their communities, including increasing physical activity, reducing traffic congestion, improving air quality, and enhancing neighborhood safety.

<b>2-2</b>	<b>Compact Development: New Construction</b>
	<b>MANDATORY</b> Except for Rehabilitation Projects

**How**

The Project architect must complete the density calculation as defined below and certify its correctness. The minimum net density for new construction must be:



- 6 units per acre for detached or semi-detached houses
- 10 for townhomes; and
- 15 for apartments

Net density is measured by taking the total dwelling units after construction, divided by the acreage of the entire tract down to one decimal point, minus dedicated acreage of public street rights of way, riparian and wetland buffers, and open space that has been dedicated through a conservation program.

**Intent**

Compact development encourages more resource-efficient development of land, reduces development costs and conserves energy. It also can contribute to creating more walkable communities, while helping restore, invigorate and sustain livable development patterns.

**Things to Consider**

- LEED for Homes SS 6, “Compact Development,” rewards 2 points for projects with an average density of 7 or more dwelling units per acre, 3 points for an average density of 10 or more units per acre and 4 points for an average density of 20 or units per acre.
- Congress for New Urbanism  
See [www.cnu.org](http://www.cnu.org)  
This nonprofit organization provides tools and resources for promoting walkable, neighborhood-based development as an alternative to sprawl.
- Smart Growth Network  
See [www.smartgrowth.org](http://www.smartgrowth.org)  
This website outlines smart growth principles, provides a guide through smart growth terms and technical concepts, and hosts a searchable catalogue of reports, websites, tools, and case studies dating from 1997 to today.
- Urban Land Institute  
See [www.washington.uli.org](http://www.washington.uli.org)  
The Urban Land Institute is a nonprofit organization based in Washington, D.C., that promotes the responsible use of land to enhance the total environment. ULI’s online bookstore includes numerous publications regarding compact and higher-density development.

2-3	<b>Walkable Neighborhoods – Sidewalks and Pathways</b>
	<b>MANDATORY</b>

**How**

Connect the project to the pedestrian grid. Provide a site map indicating that sidewalks or other all-weather pathways exist or were created within a multifamily property or single-family



subdivision to link the residential development to public spaces, open spaces and adjacent development. Projects whose building entrances open directly on to a public sidewalk meet this requirement.

**Intent**

Making the streetscape safer and more inviting for walkers and bicyclists encourages alternative transportation choices to the automobile. It also promotes physical activity and public health, while creating opportunities for social interaction and increased safety by bringing more eyes on public spaces.

**Things to Consider**

- Use porous pavement for sidewalks and other paved surfaces to reduce storm-water runoff and the distribution of pollutants to streams, rivers and water bodies. Design sidewalks to distribute storm water to open space for recharge and to prevent flooding.
- Unimproved dirt pathways do not qualify as “all-weather” walking facilities.

<b>2-4a</b> <i>LH</i>	<b>Smart Site Location – Passive Solar Heating / Cooling</b>
	<b>OPTIONAL</b>  (2 or 4 Points, depending on whether all or the maximum extent feasible of the buildings are oriented for passive solar heating and cooling)

**How**

Orient building to make the greatest use of passive solar heating and cooling.

- Elongate building on an east-west axis. The east-west axis of the building should be within 15 degrees of due east-west.
- The glazing area on the north- and south-facing walls of the building should be at least 50% greater than the sum of the glazing area on the east- and west- facing walls.
- The roof should have a minimum of 450 square feet of south-facing area that is oriented appropriately for solar applications.
- At least 90% of the glazing on the south-facing wall should be completely shaded (using shading, overhangs, etc.) at noon on June 21 and unshaded at noon on December 21.

Two points may be awarded if the applicant is able to orient the buildings as required above to the maximum extent feasible based on site constraints.

**Intent**

Solar energy is a radiant heat source that yields natural processes on which all life depends. Some of the natural processes can be managed through building design to help heat and cool the building. The basic natural processes used in passive solar energy are the thermal energy flows associated with radiation, conduction and natural convection. When sunlight strikes a building,

the building materials can reflect, transmit or absorb the solar radiation. Additionally, the heat produced by the sun causes air movement that can be predictable in designed spaces. These basic responses to solar heat lead to design elements, material choices and placements that can provide heating and cooling effects in a home. Passive solar energy means that mechanical means are not employed to utilize solar energy.

**Things to Consider**

- Projects that achieve this, measure meet the requirements for LEED for Homes credit ID 1.5, “Building Orientation for Solar Design,” worth 1 point toward LEED certification.
- Interior spaces requiring the most light, heating and cooling should be along the south face of the building.
- A narrow floor plate (less than 40 feet), single-loaded corridors, and an open floor plan optimize daylight penetration and passive ventilation.
- Shading through overhangs and canopies on the south and trees on the west prevent the summer sun from entering the interior.
- U.S. Department of Energy, Building Technologies Program  
[www.eere.energy.gov/buildings/info/design/integratedbuilding/passive.html](http://www.eere.energy.gov/buildings/info/design/integratedbuilding/passive.html)  
 A part of the department’s “Building Toolbox,” this site includes tips and techniques for passive solar heating, passive solar cooling, thermal storage, and daylighting.
- Passive Solar Design for the Home, U.S. Department of Energy Office of Energy Efficiency and Renewable Energy. Report # DOE/GO-102001-1105. February, 2001.  
 Available from the U.S. Office of Scientific and Technical Information ([www.osti.gov](http://www.osti.gov)) or on-line at <http://www.nrel.gov/docs/fy01osti/27954.pdf>

<b>2-4b</b> <i>LH</i>	<b>Smart Site Location – Grayfield, Brownfield or Adaptive Reuse Site</b>
	<b>Not Applicable</b>

<b>2-5</b> <i>LH</i>	<b>Compact Development</b>
	<b>Not Applicable</b>

<b>2-6</b>	<b>Walkable Neighborhoods – Connections to Surrounding Neighborhood</b>
	<b>Not Applicable</b>

<b>2-7</b> <b>LH</b>	<b>Transportation Choices</b>
	<b>Not Applicable</b>

### *Section 3: Site Improvements*

<b>3-1</b>	<b>Environmental Remediation</b>
	<b>MANDATORY</b>

**How**

Conduct a Phase I Environmental Site Assessment and any additional assessments required to determine whether any hazardous materials are present on site. Indicate which of the following has been or will be used: ASTM Transaction Screen, Phase I Environmental Site Assessment, or Phase II abatement plan.

**Intent**

A Phase I Site Assessment is an investigation of the site’s conditions, often performed before purchase of the property to satisfy the due-diligence requirements of a property transaction. The site assessment helps to assess potential environmental liabilities associated with real property acquisition and ownership.

<b>3-2</b> <i>LH</i>	<b>Erosion and Sedimentation Control</b>
	<b>MANDATORY</b>

**How**

Implement EPA’s Best Management Practices for erosion and sedimentation control during construction, referring to the EPA document, Storm Water Management for Construction Activities (EPA 832-R-92-005).

Erosion control measures must include all of the following:

- a) Stockpile and protect disturbed topsoil from erosion (for reuse).
- b) Control the path and velocity of runoff with silt fencing or comparable measures.
- c) Protect on-site storm sewer inlets, streams, and lakes with straw bales, silt fencing, silt sacks, rock filters, or comparable measures.
- d) Provide swales to divert surface water from hillsides.
- e) If soils in a sloped area (i.e., 25%, or 4:1 slope) are disturbed during construction, use tiers, erosion blankets, compost blankets, filter socks and berms, or some comparable approach to keep soil stabilized.

**Intent**

Erosion and sedimentation control during site development keeps valuable top soils on site and reduces pollution, storm-water runoff and sediment runoff associated with construction activities into local waterways. Compacted soils resulting from construction are less able to absorb water

and resist plant root penetration, and lack the porosity needed for adequate aeration. Erosion and sedimentation control helps to avoid storm-water-related problems that can delay construction, cause environmental degradation (to creeks, streams and coastal waters) and damage public and private properties downstream.

**Things to Consider**

- Projects that achieve this measure also meet the requirement for LEED for Homes prerequisite SS 1.1, “Erosion Controls During Construction,” which is a mandatory requirement for LEED certification.
- Consider opting for one of the following methods – phasing, seeding, grading, protecting on-site vegetation, directing runoff to on-site depressions or swales – instead of using silt fencing. Additionally, the measures that are employed should result in no visible off-site discharge.
- The EPA’s document, Storm Water Management for Construction Activities, may be purchased as item PB 922 359 51 from the National Technical Information Service at <http://yosemite.epa.gov/water/owrcatalog.nsf/9da204a4b4406ef885256ae0007a79c7/79841350a94e869585256d83004fd7c7!OpenDocument>.
- CPESC Inc.  
[www.cpesc.net](http://www.cpesc.net)  
 Search the directory on this website to find certified erosion and sedimentation control professionals in your state.
- EPA Erosion and Sediment Control Model Ordinances  
[www.epa.gov/owow/nps/ordinance/erosion.htm](http://www.epa.gov/owow/nps/ordinance/erosion.htm)  
 This resource, developed by the Environmental Protection Agency, is geared toward helping municipalities draft ordinances for erosion and sedimentation control and might serve as a helpful tool in developing company policies for meeting the SS 1.1 prerequisite.
- Vermont Department of Environmental Conservation, Water Quality Division  
[www.vtwaterquality.org/stormwater/docs/construction/sw\\_low\\_risk\\_site\\_handbook.pdf](http://www.vtwaterquality.org/stormwater/docs/construction/sw_low_risk_site_handbook.pdf)  
 This website links to the Low Risk Site Handbook for Erosion Prevention and Sediment Control, an easy-to-follow guide that describes specific strategies, including diagrams and photos.

<b>3-3</b> <i>LH</i>	<b>Landscaping</b>
	<b>MANDATORY</b> (If providing landscaping)

**How**

Commit to providing a tree or plant list, to be certified by the Architect or Landscape Architect at Construction Documents stage, that the selection of new trees and plants are at least 50% native

species, 100% appropriate to the site's soils and microclimate, and do not include invasive species.

### **Intent**

Native vegetation is well adapted to the climate and provides excellent erosion, sediment, dust and pollution control. Native plants are also more resistant to naturally occurring disease, insects and low levels of nutrients, thereby reducing the need for fertilizers, pesticides or herbicides. (In areas where water shortages are common, xeriscape (a landscaping method that uses drought-resistant plants to conserve resources, especially water) should be considered.

### **Things to Consider**

- This requirement of this measure that projects "...not include invasive species" also meets the requirement of LEED for Homes prerequisite SS 2.1, "No Invasive Plants," which is a mandatory requirement for LEED certification. Additionally, projects may be eligible for points under SS 2.2 – 2.4, which award projects for employing principles of basic sustainable landscape design, limiting conventional turf and using drought-tolerant plants.
- Consult a local arborist and involve a landscape architect in the architectural design process to identify appropriate areas for landscaping and energy savings.
- Combine landscape plan with storm-water management to provide surface water filtration and aesthetic benefits.
- Non-native turf needs about 35 inches of water per year to thrive, whereas native turf needs much less water per year.
- While turf is appropriate for some landscaping, such as for play areas, they should be minimized wherever possible, except in climates where they need no irrigation.
- In areas where water shortages are common, xeriscape (a landscaping method that uses drought-resistant plants to conserve resources, especially water) should be employed.
- Lists of local drought-tolerant plants and grasses are available from local USDA Agricultural Cooperative Extension Service offices, as well as through numerous Internet resources. To find local Extension Service offices, go to [www.csrees.usda.gov/Extension/index.html](http://www.csrees.usda.gov/Extension/index.html).
- Lady Bird Johnson Wildlife Center  
See [www.wildflower.org](http://www.wildflower.org)  
The center, located in Austin, Texas, has the mission of educating people about the environmental necessity, economic value, and natural beauty of native plants. The website offers a number of resources, including a nationwide native plant information network and a national supplier's directory.
- National Invasive Species Information Center  
See <http://www.invasivespeciesinfo.gov/plants/main.shtml>  
As part of the USDA's National Agricultural Library, NISIC serves as a reference gateway to information, organizations, and services about invasive species.
- U.S. Forest Service "Celebrating Wildflowers"  
See [www.fs.fed.us/wildflowers/nativegardening/instructions.shtml](http://www.fs.fed.us/wildflowers/nativegardening/instructions.shtml)

A site hosted by the U.S. Forest Service has extensive information on native gardening, selecting appropriate native plants, invasive plant species, and basic instructions for restoration and native landscaping projects.

<b>3-4 LH</b>	<b>Surface Water Management</b>
	<b>OPTIONAL</b> (5 Points)

**How**

Capture, retain, infiltrate and/or harvest the first ½ inch of rainfall that falls in a 24-hour period.

**Intent**

Reducing storm-water runoff through design and management techniques increases on-site filtration prevents pollutants from entering waterways and reduces soil erosion. Water storage and nutrient collection processes reduce the need for irrigation and contribute to forming a healthier ecological community within the landscape.

**Things to Consider**

- Projects achieving this measure also may satisfy the requirements of LEED for Homes SS 4.3, “Management of Runoff from Roof” and/or WE 1.1, “Rainwater Harvesting System.” See the LEED for Homes Rating System for the specific requirements.
- Check with your State and Local Governments to ensure the capture of rainwater is legal in that jurisdiction.
- Make use of innovative, low-impact techniques such as rain gardens, green roofs, rain barrels and cisterns to capture and re-use storm water.
- Minimize impervious areas (surfaces that do not allow storm-water infiltration), including roofs, driveways, sidewalks and streets, or use porous materials for such areas.

<b>3-5</b>	<b>Storm Drain Labels</b>
	<b>Not Applicable</b>

## Section 4: Water Conservation

<b>4-1a</b> <b>LH</b>	<b>Water-Conserving Appliances and Fixtures: New Construction</b>
	<b>MANDATORY</b>

### How

Install water-conserving fixtures with the following specifications:

Toilets – 1.3 GPF (gallons per flush) or better including dual-flush toilets and pressure-assisted toilets.

Showerheads – 2.0 GPM (gallons per minute) or better

Kitchen faucets – 2.0 GPM or better

Bathroom faucets – 2.0 GPM or better

### Intent

Showers and faucets account for approximately 25 percent of indoor water use. Toilets account for approximately 20 percent of indoor water use. Saving water translates into utility savings, both by conserving water and reducing the energy required for water heating. Compared with pre-1992 fixtures, water-conserving fixtures can reduce the amount of water used in showers and sinks by 75 percent and 50 percent, respectively.

### Things to Consider

- Projects achieving this measure will also be eligible for 3 points toward LEED certification under LEED for Homes credit WE 3.1 “High Efficiency Fixtures and Fittings” for efficient showerheads and faucets. Additionally, points for very high efficiency fixtures and fittings are available under WE 3.2.
- Not all high-efficiency toilets operate equally well, and poor design can lead to ineffective flushing and the need for multiple flushes. The U.S. Environmental Protection Agency’s WaterSense program certifies toilets that achieve both water efficiency and operational effectiveness. The WaterSense label identifies high-efficiency products that have been verified for performance. WaterSense currently has a specification for high-efficiency toilets and bathroom faucets and specification for showerheads is under development. Information available at: [www.epa.gov/owm/water-efficiency](http://www.epa.gov/owm/water-efficiency)
- Maximum Performance (MaP™) TESTING California Urban Water Conservation Council  
See [www.cuwcc.org/maptesting.lasso](http://www.cuwcc.org/maptesting.lasso)  
The Maximum Performance (MaP™) testing project was initiated in 2003 to test toilet models’ performance. This testing protocol simulates real-world use to help consumers identify high-efficiency toilets that not only save water but also work well. The current MaP

testing report provides performance information on 470 toilet models. This site provides access to the complete listings of the tested toilets.

- Composting Toilet Reviews  
 See [www.buildinggreen.com/features/mr/waste.html](http://www.buildinggreen.com/features/mr/waste.html)  
 An *Environmental Building News* article discusses commercial composting toilets.
- Water Use It Wisely  
 See [www.wateruseitwisely.com/toolsLinks/index.shtml](http://www.wateruseitwisely.com/toolsLinks/index.shtml)  
 This site provides extensive lists of links and related resources concerning water conservation in addition to a series of links to plumbing fixture and faucet resources and sites. Scroll down to the “Fixtures and Appliances” section of links and resources.

4-1b LH	<b>Water-Conserving Appliances and Fixtures: Moderate Rehabilitation</b>
	Not Applicable for New Construction

4-1c LH	<b>Water-Conserving Appliances and Fixtures</b>
	<b>OPTIONAL (5 points)</b>

**How**

Install water-conserving fixtures with the following specifications:

- Toilets – 1.1 GPF (gallons per flush) or better
- Showerheads – 1.75 GPM (gallons per minute) or better
- Kitchen faucets – 2.0 GPM or better
- Bathroom faucets – 1.5 GPM or better

**Intent**

Showers and faucets account for approximately 25 percent of indoor water use. Toilets account for approximately 20 percent of indoor water use. Saving water translates into utility savings, both by conserving water and reducing the energy required for water heating. Compared with pre-1992 fixtures, water-conserving fixtures can reduce the amount of water used in showers and sinks by 75 percent and 50 percent, respectively.

**Things to consider**

- Projects achieving the requirements of this measure may be eligible for points toward LEED certification under LEED for Homes credit WE 3.2 “Very High Efficiency Fixtures and Fittings.”
- Not all high-efficiency toilets operate equally well, and poor design can lead to ineffective flushing and the need for multiple flushes. The U.S. Environmental Protection Agency’s WaterSense program certifies toilets that achieve both water efficiency and operational effectiveness. The WaterSense label identifies high-efficiency products that have been verified for performance. WaterSense currently has a specification for high-efficiency toilets and bathroom faucets and specification for showerheads is under development. Information available at: [www.epa.gov/owm/water-efficiency](http://www.epa.gov/owm/water-efficiency)
- Maximum Performance (MaP™) TESTING California Urban Water Conservation Council  
 See [www.cuwcc.org/maptesting.lasso](http://www.cuwcc.org/maptesting.lasso)  
 The Maximum Performance (MaP™) testing project was initiated in 2003 to test toilet models’ performance. This testing protocol simulates real-world use to help consumers identify high-efficiency toilets that not only save water but also work well. The current MaP testing report provides performance information on 470 toilet models. This site provides access to the complete listings of the tested toilets.
- Composting Toilet Reviews  
 See [www.buildinggreen.com/features/mr/waste.html](http://www.buildinggreen.com/features/mr/waste.html)  
 An *Environmental Building News* article discusses commercial composting toilets.
- Water Use It Wisely  
 See [www.wateruseitwisely.com/toolsLinks/index.shtml](http://www.wateruseitwisely.com/toolsLinks/index.shtml)  
 This site provides extensive lists of links and related resources concerning water conservation in addition to a series of links to plumbing fixture and faucet resources and sites. Scroll down to the “Fixtures and Appliances” section of links and resources.

<b>4-2</b> <b>LH</b>	<b>Efficient Irrigation</b>
	<b>MANDATORY</b> (If irrigation is necessary)

**How**

If irrigation is necessary, use recycled gray water, roof water, collected site run-off, water from a municipal recycled water system or a highly efficient irrigation system including at least the following requirements.

- Install irrigation system designed by an EPA Water Sense certified professional or qualified landscape professional.
- At least 50% of landscape planting beds have a drip irrigation system to minimize evaporation
- Turf and each type of bedding area (based on watering needs) should be separately zoned

- A timer/controller that activates the valves for each watering zone at the best time of day to minimize evaporative losses while maintaining healthy plants and obeying local regulations and water-use guidance
- Install a moisture sensor controller or rain delay controller.
- Watering tubes for trees are allowed for a grace period of two years.

### **Intent**

On average, outdoor water use accounts for about 40 percent of residential water use. Native landscapes or carefully selected plantings can tolerate no irrigation once they have been established, even in dry periods. Accurate delivery of water reduces evaporation and eliminates overspray. Proper scheduling eliminates wet/dry fluctuations that stress plants.

### **Things to Consider**

- Projects achieving the requirements of this measure for a high efficiency irrigation system may be eligible for up to 3 points toward LEED certification under LEED for Homes credit WE 2.1 “High Efficiency Irrigation System.”
- Design and install irrigation system with head-to-head coverage
- Install a central shut-off meter
- Install a sub-meter for the irrigation system
- Pressure regulating devices to maintain optimal pressure and prevent missing
- Utilize high-efficiency nozzles with an average Distribution Uniformity (DU) of at least 0.70. This may include conventional rotors, multi-stream rotors, or high efficiency spray heads, but the DU must be verified by manufacturer documentation or third-party tests
- Check valves in heads
- American Society of Landscape Architects  
See [www.asla.org](http://www.asla.org)  
ASLA is the national professional association representing landscape architects. The website provides information about members, products, services, publications, and events.
- International Center for Water Technology  
See <http://www.icwt.net>  
The International Center for Water Technology is a consortium of public and private entities, led by the efforts of California State University–Fresno. This website includes research papers and educational materials about cutting-edge progress in water-saving technologies.
- U.S. EPA WaterSense<sup>SM</sup>: Efficiency Made Easy  
See <http://www.epa.gov/owm/water-efficiency/pp/irrprof.htm>  
This site provides information on the Environmental Protection Agency’s WaterSense labeling program for water-efficient landscape irrigation products plus tips and recommendations for water-efficient irrigation. Follow the link to “Weather- or Sensor-

Based Irrigation Control Technologies” for related information on high-efficiency irrigation controllers.

- **Water-Efficient Landscaping: Preventing Pollution and Using Resources Wisely**  
See [http://www.epa.gov/owm/water-efficiency/docs/water-efficient\\_landscaping\\_508.pdf](http://www.epa.gov/owm/water-efficiency/docs/water-efficient_landscaping_508.pdf)  
This manual from the Environmental Protection Agency provides information about reducing water consumption through creative landscaping techniques.
- **Water Wiser: The Water Efficiency Clearinghouse**  
See [www.awwa.org/waterwiser/](http://www.awwa.org/waterwiser/)  
This clearinghouse provides articles, reference materials, and papers on all forms of water efficiency.

## *Section 5: Energy Efficiency*

<b>5-1a LH</b>	<b>Efficient Energy Use: New Construction</b>
	<b>MANDATORY</b> New Construction

**How**

Implement the New York State Energy Research and Development Authority (NYSERDA) guidelines for the Multifamily Performance Program.

**Intent**

In 1992, the EPA introduced Energy Star as a voluntary labeling program designed to identify and promote energy-efficient products to reduce greenhouse gas emissions. Energy Star is an accepted standard for single-family residential new construction projects.

Energy Star-qualified homes are independently verified to be energy efficient. These savings are based on heating, cooling, hot water, normalized lights and appliance energy use and are typically achieved through a combination of building-envelope upgrades, high-performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment, appliances and lighting. These features contribute to improved home quality and homeowner comfort, and to lower energy demand and reduced air pollution.

The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2004 establishes minimum requirements for the energy-efficient design of buildings, except low-rise residential buildings. The standard is also the basis of Chapter 7 of the International Code Council’s International Energy Conservation Codes. State energy codes that may be more stringent than ASHRAE 90.1 are identified on the U.S. Department of Energy’s Building Energy Codes website, [www.energycodes.gov](http://www.energycodes.gov). The Energy Star pilot program for mid- and high-rise buildings requires 20 percent better than ASHRAE 90.1-2004.

A Home Energy Rating System (HERS) evaluates the energy efficiency of a home or apartment, compared with a computer-simulated reference unit of identical size and shape. The HERS rating results in a score between 0 and 100, with the reference unit assigned a score of 100. From this point, each 1 percent reduction in energy usage (compared to the reference unit) results in a one-point decrease in the HERS score. Energy Star requires a unit to be significantly more energy efficient than the reference unit by setting a standard of achieving a HERS score of at least 85 in climate zones 1-5, or 80 in climate zones 6-8. HERS ratings are conducted by third-party HERS raters.

The Builder Option Package (BOP) is used to determine components of an Energy Star-qualified new home.

**Things to Consider**



- Projects that are three stories or less and meet this measure also fulfill the requirement of LEED for Homes prerequisite EA 1.1 “Energy Performance,” a mandatory requirement for LEED certification. Projects that are four stories and above should connect with their local LEED for Homes Provider to determine the energy performance requirements for their project type.
- For more information regarding Energy Star standards go to the new homes section of the Energy Star homepage, [www.energystar.gov](http://www.energystar.gov).
- For information on Builder Option Packages, go to [www.energystar.gov/index.cfm?c=bop.pt\\_bop\\_index](http://www.energystar.gov/index.cfm?c=bop.pt_bop_index).
- To identify a Home Energy Rater in your area, call the Energy Star toll-free hotline: 888-STAR-YES.
- For more information on ASHRAE, go to [www.ashrae.org](http://www.ashrae.org) or call 888-527-4723.

<b>5-1b</b>	<b>Efficient Energy Use: Moderate &amp; Substantial Rehabilitation</b>
	<b>Not Applicable to New Construction</b>

<b>5-2 LH</b>	<b>Energy Star Appliances</b>
	<b>MANDATORY</b> If providing appliances

**How**

If providing appliances, install Energy Star clothes washers, dishwashers and refrigerators.

When the energy performance of the home is modeled to produce a HERS Index for 5-1a, the model should include the appliances and the HERS Index should reflect this.

**Intent**

In 1992, EPA introduced Energy Star, a voluntary labeling program designed to identify and promote energy-efficient products to reduce greenhouse gas emissions. Energy Star products must meet strict energy efficiency criteria set by EPA. These products reduce utility costs and greenhouse gas emissions.

**Things to Consider**

- Projects that achieve this measure may be eligible for points toward LEED certification under LEED for Homes credit EA 9.1 “High Efficiency Appliances,” for up to 2 points. Note that this credit is part of the prescriptive pathway in the energy category in LEED for Homes;

thus, projects receiving points in the performance pathway (for energy performance under credit EA 1) are not eligible for this credit, and vice versa.

- For more information on Energy Star labeled appliances go to the appliances section of the Energy Star homepage, [www.energystar.gov/index.cfm?c=appliances.pr\\_appliances](http://www.energystar.gov/index.cfm?c=appliances.pr_appliances)
- This ENERGY STAR site includes links to lists of qualified dishwashers, clothes washers, refrigerators, and freezers, along with product and store locators, purchasing guides, and information about rebates and other incentive programs.

<b>5-3a LH</b>	<b>Efficient Lighting – Interior</b>
	<b>MANDATORY</b>

**How**

Install the Energy Star Advanced Lighting Package in all interior units, and use Energy Star or high-efficiency commercial grade fixtures in all common areas and outdoors.

If reusing existing fixtures in a rehab, installing compact fluorescent light bulbs (CFLs) is permitted. If installing new fixture, these must be ENERGY STAR labeled.

The following lighting types are exempt from this requirement: emergency lighting; lighting required by code for health and safety purposes; and lighting used for eye adaptation near covered vehicle entrances and exits.

**Intent**

Energy Star-qualified lighting uses 2/3 less energy and lasts six to 10 times longer than traditional lighting. Reduced energy use lowers utility costs and greenhouse gas emissions.

**Things to Consider**

- Projects that achieve this measure should meet the requirements of LEED for Homes prerequisite EA 8.1 “ENERGY STAR Lights,” a mandatory requirement for LEED certification. Additionally, projects that achieve this measure also may be eligible for points toward LEED certification under LEED for Homes credit EA 8 for installing the ENERGY STAR Advanced Lighting Package. Note that this credit is part of the prescriptive pathway in the energy category in LEED for Homes; thus, projects receiving points in the performance pathway (for energy performance under credit EA 1) are not eligible for this credit, and vice versa.
- The ENERGY STAR Advanced Lighting Package (ALP) designation identifies homes equipped with a comprehensive set of ENERGY STAR qualified light fixtures. The ALP designation applies to lighting packages for new home construction that consist of a minimum of 60% ENERGY STAR qualified hard-wired fixtures and 100% ENERGY STAR

qualified ceiling fans where installed. Information on the ALP can be found at: [www.energystar.gov/index.cfm?c=bldrs\\_lenders\\_raters.ALP\\_Builder](http://www.energystar.gov/index.cfm?c=bldrs_lenders_raters.ALP_Builder)  
 This site includes complete information on EPA’s Advanced Lighting Program specifications and requirements, along with extensive technical resources, qualified product and manufacturer lists and locators, case studies, and marketing support resources.

- For more information on lighting, go to the Products section of the Energy Star homepage, [www.energystar.gov](http://www.energystar.gov).

<b>5-3b</b> <b>LH</b>	<b>Efficient Lighting – Exterior</b>
	<b>MANDATORY</b>

**How**

Install daylight sensors or timers on all outdoor lighting, including front and rear porch lights in single family homes.

The following lighting types are exempt from this requirement: emergency lighting; lighting required by code for health and safety purposes; and lighting used for eye adaptation near covered vehicle entrances and exits.

**Intent**

Daylight sensors automatically turn off the exterior lighting when sufficient day lighting is available or lighting is otherwise not required. Proper aiming of exterior fixtures and the use of shade trees and plants help prevent unwanted glare (light trespass) into neighboring buildings and natural areas, and limit disturbance of the night sky (light pollution).

**Things to Consider**

- Projects that achieve this measure are eligible for points toward LEED certification under LEED for Homes credit EA 8.2 for improved lighting. Note that this credit is part of the prescriptive pathway in the energy category in LEED for Homes; thus, projects receiving points in the performance pathway (for energy performance under credit EA 1) are not eligible for this credit, and vice versa.
- Design outdoor lighting to eliminate light trespass from the building and site, and to minimize impact on nocturnal environments.
- Use downlighting instead of uplighting.
- Consult the Illuminating Engineering Society of North America’s *Recommended Practice Manual: Lighting for Exterior Environments*.

<b>5-4</b>	<b>Electricity Meter</b>
	<b>MANDATORY</b> Except for Zero-bedroom and Designated Supportive Housing Dwelling Units

**How**

Install individual or sub-metered electric meters.

**Intent**

To raise residents' awareness of the cost associated with electricity consumption, which may reduce energy use.

<b>5-5</b> <b>LH</b>	<b>Additional Reductions in Energy Use</b>
	<b>OPTIONAL</b> (5 Points if 5% above and 10 Points if 10% above NYSERDA MPP baseline)

**How**

Implement the New York State Energy Research and Development Authority (NYSERDA) guidelines for the Multifamily Performance Program.

**Intent**

For new construction, adding incremental improvements will advance energy efficiency while reducing utility and operating costs for residents and building owners. Renewable energy use and energy conservation lessen smog, acid rain and greenhouse gas emissions.

**Things to Consider**

- For more information on NYSERDA's Multifamily Performance Program, please visit <http://www.getenergysmart.org/>.

<b>5-6a</b> <i>LH</i>	<b>Renewable Energy</b>
	<b>OPTIONAL</b> (5 Points for first 10 percent, plus 5 points for each additional 10 percent increment, up to a maximum of 15 points)

**How**

Implement the New York State Energy Research and Development Authority (NYSERDA) guidelines for the Multifamily Performance Program.

**Intent**

Use of renewable energy reduces environmental impacts associated with utility energy production and use. These impacts include natural resource destruction, air pollution, greenhouse gas emissions and water pollution. Use of onsite renewable energy technologies, such as PV panels and wind turbines, can also result in energy cost savings.

**Things to Consider**

- For more information on NYSERDA’s Multifamily Performance Program, please visit <http://www.getenergysmart.org/>.

<b>5-6b</b>	<b>Photovoltaic (PV) Ready</b>
	<b>OPTIONAL</b> (2 Points)

**How**

Implement the New York State Energy Research and Development Authority (NYSERDA) guidelines for the Multifamily Performance Program.

**Intent**

Photovoltaics are composite materials that convert sunlight directly into electrical power and are the easiest renewable energy source to use in affordable housing.

Generating and using renewable energy in a development is a hedge against rising costs for purchased energy. Further, it avoids the environmental impacts associated with conventional power generation: natural resource destruction, air and water pollution, and greenhouse gas production.

**Things to Consider**

- For more information on NYSERDA’s Multifamily Performance Program, please visit

<http://www.getenergysmart.org/>.

**Section 6: Materials Beneficial to the Environment**  
*(all items are optional)*

<b>6-1 LH</b>	<b>Construction Waste Management</b>
	<b>OPTIONAL</b> (5 Points)

**How**

Reduce the amount of construction waste sent to the landfill.

- Investigate and document local options for diversion (recycling, reuse, etc.) of all anticipated major constituents of the project waste stream, including cardboard packaging and “household” recyclables (e.g., beverage containers).
- Commit to following waste management plan that is appropriate for the site and local conditions, and that recycles or salvages at least 25% of non-hazardous construction and demolition debris (see LEED for Homes chart MR 3-A for calculations).

**Intent**

The amount of job-site waste resulting from construction of the average (2000 sq. ft.) U.S. home is 4 pounds per square foot of conditioned space, totaling about 8,000 pounds and taking up 50 cubic yards of landfill space. To the extent possible, waste should be avoided because 1) landfill space is rapidly diminishing, 2) incineration produces pollutants, 3) waste of materials is in itself a negative environmental impact. (Source: National Association of Home Builders Research Center, 2001, www.hahbrc.org)

**Things to Consider**

- This measure helps a project meet LEED for Homes prerequisite MR 3.1 “Construction Waste Management Planning,” a mandatory requirement for LEED certification. The other mandatory requirement that is part of this LEED prerequisite is to document the diversion rate for construction waste. Projects may also be eligible for additional points toward LEED certification for construction waste reduction under MR 3.2.
- Consider creating detailed framing plans or scopes of work and accompanying architectural details for use on the job site. Refer to LEED for Homes MR 1.2: Detailed Framing Documents for additional information.
- Consider creating a detailed cut list and lumber order prior to construction. Refer to LEED for Homes MR 1.3: Detailed Cut List and Lumber Order for additional information.
- NAHB Research Center, Toolbase.org, “Best Practices for Construction Waste Management”  
 See [www.toolbase.org/Best-Practices/Construction-Waste/waste-mgmt-field-guide](http://www.toolbase.org/Best-Practices/Construction-Waste/waste-mgmt-field-guide)  
 This page includes frequently asked questions, case studies, reports, and various links. It also includes “A Builder’s Field Guide,” which includes guidance for creating a step-by-step

construction waste management and recovery plan.

- U.S. EPA WasteWise Program  
 See [www.epa.gov/wastewise/targeted/challenge/cbres.htm](http://www.epa.gov/wastewise/targeted/challenge/cbres.htm)  
 This site has information about the WasteWise Building Challenge program, including articles, publications, and various links and resources for more information.
- U.S. Environmental Protectional Agency, Construction and Demolition Debris  
 See [www.epa.gov/epaoswer/non-hw/debris-new/index.htm](http://www.epa.gov/epaoswer/non-hw/debris-new/index.htm)  
 This site includes basic information on construction and demolition debris disposal practices, regional and state programs, publications, and links.
- Construction Materials Recycling Association  
 See [www.cdrecycling.org](http://www.cdrecycling.org)  
 Includes links to websites on recycling concrete, asphalt roof shingles, and drywall, as well as a state-by-state listing of construction waste reusers and recyclers.
- *Residential Construction Waste Management: A Builder's Field Guide*. NAHB Research Center, 1997. This guide may be used to create a step-by-step construction waste management and recovery plan. See <http://www.nahbrc.org/bookstore/cw0503w.aspx>.
- *Efficient Wood Use in Residential Construction*. Natural Resources Defense Council, 1998. This NRDC handbook describes the advantages of several wood-efficient approaches to design, material selection, and construction for residential applications and includes extensive practical and resource information for builders, architects, engineers, and developers. It may be purchased online, at <http://www.nrdc.org/cities/building/rwoodus.asp>

<b>6-2 LH</b>	<b>Recycled Content Material</b>
	<b>OPTIONAL</b> (2 Points for the first 5 percent, plus 3 points for each additional 5 percent increment, not to exceed 14 points)

**How**

The percentage of recycled content material is based on cost or value and does not include mechanical and electrical equipment. Provide calculations for recycled content percentage as follows:

- For a given material or furnishing, multiply the recycled content percentage by weight (post-consumer or post-industrial) by the value of the product to find the value of the recycled content for that item.
- Add up the values of the recycled content of all the materials and furnishings.
- Divide this sum by the total value of the materials for the project.

**Intent**

Recycled materials have been recovered or otherwise diverted from the solid waste stream either

during the manufacturing process or after consumer use. Use of recycled content materials reduces the negative impact resulting from extraction and processing of virgin materials. Many recycled content materials have additional benefits, which yield better results and a stronger final product.

**Things to Consider**

- Projects that achieve this measure may be eligible for points under LEED for Homes credit MR 2.2 “Environmentally Preferable Products,” worth .5 point per component toward LEED certification. Note that a particular material must make up 90% of the component, by weight or volume. See MR 2.2 in the LEED for Homes Rating System for more information.
- Consider the incorporation of recycled content building materials from the early stages of project design.
- Many commonly used products, such as metals, concrete, masonry, acoustic tile, drywall, carpet, ceramic tile and insulation, are now available with recycled content. For guidance, see the Federal Trade Commission document, *Guides for the Use of Environmental Marketing Claims*, 16 CFR 260.7(e).
- Oikos Green Building Source  
 See [www.oikos.com/green\\_products/index.php](http://www.oikos.com/green_products/index.php)  
 A website dedicated to sustainable and energy-efficient construction: Green Building News, Products Database, Product Gallery, Energy Source Builder Newsletter, and more.

<b>6-3</b> <b>LH</b>	<b>Certified, Salvaged and Engineered Wood</b>
	<b>OPTIONAL</b> (10 Points)

**How**

Commit to using at least 25 percent (by cost) wood products and materials that are certified in accordance with the Forest Stewardship Council, salvaged wood, or engineered framing materials. The percentage of certified, salvaged and engineered wood products is based on cost or value. The project architect must complete and submit the following calculation: Divide the sum of the value of all certified, salvaged or engineered wood products by the value of all wood products.

**Intent**

Less than 10 percent of the old growth forest remains in the United States. The use of Forest Stewardship Council-certified wood encourages forestry practices that are environmentally responsible, socially beneficial and economically viable. The use of salvaged wood and engineered wood products precludes the need to use old-growth lumber.

**Things to Consider**

- Projects that achieve this measure through FSC-certified or salvaged wood may be eligible for points under LEED for Homes credit MR 2.2 “Environmentally Preferable Products,” worth .5 point per component toward LEED certification for environmental preferability (FSC-certification) or local production. To achieve points for local production, products must be extracted, processed, and manufactured within 500 miles of the project. See MR 2.2 in the LEED for Homes Rating System for more information.
- For help in locating FSC-certified products, fill out the form on this website and submit it to FSC-US; FSC will circulate it to certified companies, who then will contact you if they have your desired product(s) available. The form is located at:  
[http://www.fscus.org/faqs/fsc\\_products.php](http://www.fscus.org/faqs/fsc_products.php) and <http://www.findfsc.org>
- Rainforest Alliance, “SmartGuide to Green Building Wood Sources”  
 See [www.rainforestalliance.org/smartguides](http://www.rainforestalliance.org/smartguides)  
 This site lists U.S. suppliers, manufacturers, and distributors of FSC-certified building products.

<b>6-4a</b> <i>LH</i>	<b>Water-Permeable Walkways</b>
	<b>OPTIONAL</b> (5 Points)

**How**

Use water-permeable materials in 50 percent or more of walkways.

**Intent**

Water-permeable materials reduce storm-water runoff by allowing water to soak into the ground. Storm-water runoff pollutes receiving waterways by carrying sediment and other pollutants and by raising water temperature. Storm-water runoff also causes downstream flooding and erosion, and hampers aquifer recharge and transmission of moisture for vegetation.

**Things to Consider**

- Projects that achieve this measure may be eligible for points under LEED for Homes SS 4.1 “Permeable Lot,” worth up to 4 points toward LEED certification. To achieve points under this credit, at least 70% of the built environment, not including area under roof, must be permeable or designed to capture water runoff for infiltration on-site. See SS 4.1 in the LEED for Homes Rating System for more information.
- Use water-permeable materials such as pervious interlocking concrete paving blocks,

concrete grid pavers, perforated brick pavers and compacted gravel.

- NAHB Research Center ToolBase Services: Permeable Pavement  
<http://toolbase.org/Technology-Inventory/Sitework/permeable-pavement>  
 In a resource provided through a partnership with the Department of Housing and Urban Development, the Partnership for Advancing Technology in Housing (PATH), and the National Association of Home Builders Research Center, this site provides details, lists of manufacturers, and related information on permeable paving options.

<b>6-4b</b> <i>LH</i>	<b>Water-Permeable Parking Areas</b>
	<b>OPTIONAL</b> (5 Points)

**How**

Use water-permeable materials in 50 percent or more of paved parking areas.

**Intent**

Water-permeable materials reduce storm-water runoff by allowing water to soak into the ground. Storm-water runoff pollutes receiving waterways by carrying sediment and other pollutants and by raising water temperature. Storm-water runoff also causes downstream flooding and erosion and hampers aquifer recharge and transmission of moisture for vegetation.

**Things to Consider**

- Projects that achieve this measure may be eligible for points under LEED for Homes SS 4.1, “Permeable Lot,” worth up to 4 points toward LEED certification. To achieve points under this credit, at least 70% of the built environment, not including area under roof, must be permeable or designed to capture water runoff for infiltration on-site. See SS 4.1 in the LEED for Homes Rating System for more information.
- Water-permeable materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers and compacted gravel.
- NAHB Research Center ToolBase Services: Permeable Pavement  
<http://toolbase.org/Technology-Inventory/Sitework/permeable-pavement>  
 In a resource provided through a partnership with the Department of Housing and Urban Development, the Partnership for Advancing Technology in Housing (PATH), and the National Association of Home Builders Research Center, this site provides details, lists of manufacturers, and related information on permeable paving options.

<b>6-5a</b> <i>LH</i>	<b>Reducing Heat-Island Effect – Roofing</b>
	<b>OPTIONAL</b> (5 Points)

**How**

Use Energy Star-compliant (reflectivity of greater than .65) and high-emissive roofing (with an emissivity of at least 0.8 when tested in accordance with ASTM 408). Or, install a “green” (vegetated) roof for at least 50 percent of the roof area. Combinations of high-albedo and vegetated roof can be used, providing they collectively cover 75 percent of the roof area.

**Intent**

Urban heat islands disturb the atmosphere and cause energy waste by increasing loads on cooling systems. Heat islands create thermal gradient differences between developed and undeveloped areas. Using roof surfaces that do not retain heat reduces the heat island. Resources and information on green roofs can be found at [www.earthpledge.org/GreenRoof.html](http://www.earthpledge.org/GreenRoof.html).

**Things to Consider**

- Projects that achieve this measure through installation of a green roof may be eligible for up to 1 point toward LEED certification under LEED for Homes credit SS 4.3, “Management of Runoff from Roof.” To achieve this point, LEED for Homes requires that the green roof covers at least 50% of the roof area for 0.5 point, or 100% of the roof area for 1 point.
- U.S. Environmental Protection Agency, Heat Island Effect  
 See [www.epa.gov/heatisland](http://www.epa.gov/heatisland)  
 Basic information about heat island effect, its social and environmental costs, and strategies to minimize its prevalence, including shading and coloration of hardscapes.
- Lawrence Berkeley National Laboratory, Heat Island Group  
 See <http://eetd.lbl.gov/HeatIsland>  
 The Lawrence Berkeley National Laboratory conducts research to find, analyze, and implement solutions to minimizing heat island effects; its current efforts focus on the study and development of more reflective surfaces for roadways and buildings.

<b>6-5b</b> <i>LH</i>	<b>Reducing Heat-Island Effect – Paving</b>
	<b>OPTIONAL</b> (5 Points)

**How**



Use light-colored, high-albedo materials and/or an open-grid pavement, with a minimum Solar Reflective Index of 0.6, over at least 30 percent of the site’s hardscaped area.

**Intent**

Urban heat islands have increased local air temperatures due to the absorption of solar energy by the built environment. They increase energy consumption by increasing loads on cooling systems. Heat islands create thermal gradient differences between developed and undeveloped areas. Use paving surfaces that do not retain heat and reduce the heat island effect.

**Things to Consider**

- Projects achieving this measure may be eligible for 1 point toward LEED certification under LEED for Homes credit SS 3.1, “Reduce Local Heat Island Effects.” To achieve this point, LEED for Homes requires that light-colored, high-albedo materials or vegetation are installed for *at least 50% of sidewalks, patios, and driveways within 50 feet of the home.*
- The Solar Reflectance Index (SRI) is a measure of the constructed surface’s ability to reflect solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is 0 and a standard white (reflectance 0.80, emittance 0.90) is 100. To calculate the SRI for a given material, obtain the reflectance value and emittance value for the material. SRI is calculated according to ASTM E 1980-01.
- U.S. Environmental Protection Agency, Heat Island Effect  
 See [www.epa.gov/heatisland](http://www.epa.gov/heatisland)  
 Basic information about heat island effect, its social and environmental costs, and strategies to minimize its prevalence, including shading and coloration of hardscapes.
- Lawrence Berkeley National Laboratory, Heat Island Group  
 See <http://eetd.lbl.gov/HeatIsland>  
 The Lawrence Berkeley National Laboratory conducts research to find, analyze, and implement solutions to minimizing heat island effects; its current efforts focus on the study and development of more reflective surfaces for roadways and buildings.

<b>6-5c</b> <b>LH</b>	<b>Reducing Heat-Island Effect – Plantings</b>
	<b>OPTIONAL</b> (5 Points)

**How**

Locate trees or other plantings to provide shading for at least 50% of sidewalks, patios, and driveways within 50 feet of the home. Shading should be calculated for noon on June 21, when the sun is directly overhead, based on five years’ growth.

**Intent**

Urban heat islands have increased local air temperatures due to the absorption of solar energy by the built environment. They increase energy consumption by increasing loads on cooling

systems. Heat islands create thermal gradient differences between developed and undeveloped areas. Use paving surfaces that do not retain heat and reduce the heat island effect.

**Things to Consider**

- Projects that achieve this measure also meet a requirement of LEED for Homes credit SS 3.1 “Reduce Local Heat Island Effects,” worth 1 point toward LEED certification.
- The Home Depot Foundation encourages programs that create or expand partnerships between community tree organizations and those focused on other areas of community development, such as affordable housing and programs that provide volunteer opportunities. See [http://www.homedepotfoundation.org/support\\_trees.html](http://www.homedepotfoundation.org/support_trees.html)

## *Section 7: Healthy Living Environment*

<b>7-1 LH</b>	<b>Low / No VOC Paints and Primers</b>
	<b>MANDATORY</b>

**How**

Specify that all interior paints and primers must comply with current Green Seal standards for low VOC limits.

**Intent**

VOCs are chemicals containing carbon molecules that are volatile enough to evaporate from material surfaces into indoor air at normal temperatures. Interior paints and primers that release VOCs may pose health hazards to residents and workers. Outdoors, VOCs react with sunlight and nitrogen in the atmosphere to form ground level ozone, a chemical that has a detrimental effect on human health and ecosystems. Ozone damages lung tissue, reduces lung function and sensitizes the lungs to other irritants. Use of low-VOC paints and primers will reduce the concentration of such airborne chemicals.

**Things to Consider**

- This measure helps a project meet the requirement of LEED for Homes credit MR 2.2, “Environmentally Preferable Products,” worth .5 point per component toward LEED certification for products that meet low emissions specifications. See MR 2.2 in the LEED for Homes Rating System for more information.
- The website <http://www.greenseal.org/findaproduct/index.cfm#paints> lists paints that are Green Seal certified. Also, the Green Seal Standard GS-11 (available for download at <http://www.greenseal.org/certification/environmental.cfm>) shows the below VOC limits for paints:

Architectural paints, coatings and primers applied to interior walls and ceilings	Flats: 50 g/L Nonflats: 150 g/L	Green Seal Standard GS-11, Paints, 1st Edition, May 20, 1993
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- The website [www.toolbase.org/secondaryT.asp?TrackID=&CategoryID=1312](http://www.toolbase.org/secondaryT.asp?TrackID=&CategoryID=1312) has information on low- and no-VOC paints, including a list of paint manufacturers that carry these products.

<b>7-2 LH</b>	<b>Low / No VOC Adhesives and Sealants</b>
	<b>MANDATORY</b>

**How**

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

**Intent**

Interior caulks, sealants and adhesives that release VOCs may pose health hazards to residents and workers. (See 7-1.) Use of low-VOC adhesives and sealants will reduce the concentration of such airborne chemicals.

**Things to Consider**

- This measure helps a project meet the requirements of LEED for Homes credit MR 2.2 “Environmentally Preferable Products,” worth .5 point per component toward LEED certification for products that meet low emissions specifications. See MR 2.2 in the LEED for Homes Rating System for more information.
- Rule 1168, South Coast Air Quality Management District. Ruling can be found at: [http://www.aqmd.gov/rules/reg/reg11\\_tofc.html](http://www.aqmd.gov/rules/reg/reg11_tofc.html)
- South Coast Air Quality Management District, 1168 VOC limits  
 VOC Limit\*, Less Water and Less Exempt Compounds in Grams per Liter  
 Architectural Applications Current VOC Limit
 

Indoor Carpet Adhesives .....	50
Carpet Pad Adhesives .....	50
Outdoor Carpet Adhesives .....	150
Wood Flooring Adhesive .....	100
Rubber Floor Adhesives .....	60
Subfloor Adhesives .....	50
Ceramic Tile Adhesives .....	65
VCT and Asphalt Tile Adhesives .....	50
Dry Wall and Panel Adhesives .....	50
Cove Base Adhesives .....	50
Multipurpose Construction Adhesives .....	70
Structural Glazing Adhesives .....	100
Single Ply Roof Membrane Adhesives .....	250
- Pontolilo, Brian. “Making Sense of Caulks and Sealants.” *Fine Homebuilding Magazine* 62 (April/May 2004): 97-101.
- [www.taunton.com/fh/](http://www.taunton.com/fh/) (From spec 4.2)

- NREL. *Weatherize Your Home – Caulk and Weatherstrip*. U.S. Department of Energy, National Renewable Energy Laboratory, p. 4.
- [www.eere.energy.gov/buildings/building\\_america/](http://www.eere.energy.gov/buildings/building_america/) (From spec 4.2)

<b>7-3</b>	<b>Urea Formaldehyde-free Composite Wood</b>
	<b>MANDATORY</b>

**How**

Use particleboard and MDF that is certified compliant with the ANSI A208.1 and A208.2—see Things to Consider below. If using composite wood that does not comply with ANSI, all exposed edges and sides must be sealed with low-VOC sealants.

**Intent**

Particleboard and MDF may emit urea formaldehyde. Formaldehyde is a volatile organic compound. Symptoms of exposure vary widely and can include watery eyes, nausea, coughing, chest tightness, wheezing, skin rashes, allergic reactions and burning sensations in the eyes, nose and throat. In a new report, the World Health Organization (WHO) International Agency for Research on Cancer upgraded its evaluation of formaldehyde from a probable carcinogen to a known human carcinogen based on new evidence that formaldehyde causes nasopharyngeal cancer in humans. Avoiding products with added urea formaldehyde will reduce the quantity of harmful indoor air contaminants.

**Things to Consider**

- Make this requirement part of the specifications for sub-contractor submittals. Obtain the manufacturer’s specifications to determine whether materials meet this requirement. See third-party testing labels documenting compliance with the relevant ANSI standards. Materials certified as compliant with ANSI A208.1 and A208.2 must meet formaldehyde emission limits. The American National Standard for Particleboard, ANSI A208.1, classifies particleboard by density and class, and is the voluntary particleboard standard for the North American industry. This standard covers physical, mechanical and dimensional characteristics as well as formaldehyde levels. ANSI A208.1 for particleboard limits formaldehyde in industrial particleboard to 0.30 parts per million (ppm), and 0.20 ppm in particleboard flooring.
- ANSI Standard A208.2, Medium Density Fiberboard, is the North American industry standard for MDF. This standard classifies MDF by density and use (interior or exterior) and identifies product grades. Specifications identified in the standard include physical and mechanical properties, dimensional tolerances and formaldehyde emission limits. ANSI A208.2 sets the formaldehyde emission limit for MDF at 0.30 parts per million (ppm) at a loading of 0.26m/m (0.08 ft2/ft3). The addition of finishes or overlays may significantly alter product emissions.

- If feasible, specify urea-formaldehyde-free plywood or medium-density fiberboard.

<b>7-4 LH</b>	<b>Green Label Certified Floor Coverings</b>
	<b>MANDATORY</b> If providing carpeted floor coverings

**How**

Do not install carpets in below grade living spaces, entryways, laundry rooms, bathrooms, kitchens or utility rooms. If using carpet, use products that meet the Carpet and Rug Institute’s Green Label certified carpet, pad and carpet adhesives.

**Intent**

New carpets, padding and adhesives release VOCs that may pose health hazards to residents and workers. Carpets also attract allergens such as dirt, pollen, mold spores, dust mites and other microbes that may pose health hazards to individuals allergic to these substances. The Carpet and Rug Institute’s program certifies that labeled carpets are low VOC.

**Things to Consider**

- More information on the Carpet and Rug Institute can be found on their website at [www.carpet-rug.org](http://www.carpet-rug.org). Details are provided under “Commercial Customers,” and within “Green Building and the Environment.”
- The EPA Energy Star with Indoor Air Package Specifications require Green Label Plus carpet. The “Plus” label is more stringent. The California Rug Institute maintains a list of manufacturers and products meeting the Green Label Plus standard. To view the list, go to [www.carpet-rug.org/drill\\_down\\_2.cfm?page=8&sub=17&requesttimeout=350](http://www.carpet-rug.org/drill_down_2.cfm?page=8&sub=17&requesttimeout=350).
- Make this requirement part of the specifications for sub-contractor submittals. Do not specify the use of wall-to-wall carpets in bathrooms, kitchens, entryways, utility rooms and other wet areas. Instead, use smooth and resilient flooring that can tolerate moisture (e.g., ceramic tile, linoleum).

<b>7-5a LH</b>	<b>Exhaust Fans – Bathroom</b>
	<b>MANDATORY</b>

**How**

Install Energy Star-labeled bathroom fans that exhaust to the outdoors and are connected to a light switch and are equipped with a humidistat sensor or timer, *or* operate continuously.

**Intent**

Properly sized and controlled exhaust fans in bathrooms and kitchens reduce moisture condensation, lowering the potential for indoor mold growth that may yield odors and pose health hazards to residents. Besides helping to reduce moisture, kitchen fans also help remove carbon dioxide and carbon monoxide over fuel-burning appliances and other air contaminants that may be byproducts of cooking. Energy Star-qualified fans use 65 percent less energy on average than standard models and move more air per unit energy used with less noise. Timers and humidistat sensors help ensure that fans regularly remove moisture and provide increased ventilation.

**Things to Consider**

- This criterion helps a project meet one of two requirements under LEED for Homes prerequisite EQ 5.1 “Basic Local Exhaust,” which is a mandatory requirement for LEED certification. The other requirement is that of designing and installing a local exhaust system in the kitchen(s). Projects achieving this criterion also may be eligible for 1 point toward LEED certification under LEED for Homes credit EQ 5.2 “Enhanced Local Exhaust.” See EQ 5 in the LEED for Homes Rating System for more information.
- For more information on bathroom fans, go to the products section of the Energy Star homepage: [http://www.energystar.gov/index.cfm?c=vent\\_fans.pr\\_vent\\_fans](http://www.energystar.gov/index.cfm?c=vent_fans.pr_vent_fans). This website describes the advantages of ENERGY STAR–labeled bathroom, utility room, and kitchen exhaust fans and provides product and manufacturer lists.
- The cfm for intermittent bath fans should be at least 50 cfm or 20 cfm if operating continuously, per ASHRAE Standard 62.2-2007 section 5.
- Home Ventilating Institute, Ventilation Systems and Controls <http://www.hvi.org/>; <http://www.hvi.org/assets/pdfs/HVIGuide2006Low.pdf> and [http://www.hvi.org/assets/pdfs/Ventilation\\_Controls\\_for\\_Life-Styles.pdf](http://www.hvi.org/assets/pdfs/Ventilation_Controls_for_Life-Styles.pdf)  
 HVI provides consumers an assurance of product performance. It also works to increase public awareness of the need for good ventilation and provides resources for selecting the proper ventilation products.
- Review of Residential Ventilation Technologies <http://www.buildingscience.com/documents/reports>  
 This page provides a link to “Review of Residential Ventilation Technologies,” a report that reviews current and potential ventilation technologies for residential buildings with particular emphasis on North American climates and construction.

<b>7-5b LH</b>	<b>Exhaust Fans – Kitchen: New Construction</b>
	<b>MANDATORY</b> (For New Construction and Substantial Rehabilitation)

**How**

Install power vented fans or range hoods that exhaust to the exterior.

**Intent**

Properly sized and controlled exhaust fans in bathrooms and kitchens reduce moisture condensation, lowering the potential for indoor mold growth that may yield odors and pose health hazards to residents. Besides helping to reduce moisture, kitchen fans also help remove carbon dioxide and carbon monoxide over fuel-burning appliances and other air contaminants that may be byproducts of cooking. Energy Star-qualified fans use 65 percent less energy on average than standard models and move more air per unit energy used with less noise. Timers and humidistats help ensure that fans regularly remove moisture and provide increased ventilation.

**Things to Consider**

- This measure helps a project meet one of two requirements under LEED for Homes prerequisite EQ 5, “Basic Local Exhaust,” which is a mandatory requirement for LEED certification. The other requirement is that of designing and installing a local exhaust system in the bathroom(s). See EQ 5 in the LEED for Homes Rating System for more information on how to meet this prerequisite.
- There is currently no ENERGY STAR labeling program for kitchen range fans. Avoid oversized range fans, which can depressurize homes and cause back-drafting of combustion appliances. For most kitchen applications, a range hood fan with a capacity of ~200 cfm is more than adequate.
- If continuous, the cfm for intermittent kitchen fans should be at least 100cfm or five air changes per hour (ach), based on kitchen volume, per ASHRAE Standard 62.2-2007 section 5.

7-5c LH	<b>Exhaust Fans – Kitchen: Rehabilitation</b>
	N/A for New Construction

7-6a LH	<b>Ventilation</b>
	<b>MANDATORY</b> (For New Construction and Substantial Rehabilitation)

**How**

Install a ventilation system for the dwelling unit providing adequate fresh air per ASHRAE 62.1-2007 for residential buildings above 3 stories or ASHRAE 62.2 for single family and low-rise

multifamily dwellings.

**Intent**

Optimal ventilation improves indoor air quality by providing fresh air to the living space on a regular basis.

**Things to Consider**

- Projects that achieve this measure also meet the requirements of LEED for Homes prerequisite EQ 4.1 “Basic Outdoor Air Ventilation,” which is a mandatory requirement for LEED certification. Projects that meet this measure may also be eligible for a point toward LEED certification under EQ 4.2 “Enhanced Outdoor Air Ventilation.”
- Specify a mechanical whole-house ventilation system per ASHRAE 62.2-2007 and the EPA Energy Star with Indoor Air Package Specifications.
- ASHRAE Standard 62.2-2007 and ASHRAE Standard 62.1-2007  
See <http://www.ashrae.org/technology/page/548>  
This site provides a viewable version of ASHRAE Standard 62.2-2007. The online version cannot be printed or saved but can be previewed.
- University of Minnesota, Common Questions about Heat and Energy Recovery Ventilators  
See <http://www.extension.umn.edu/distribution/housingandclothing/DK7284.html>  
This site provides a brief, easy-to-understand overview of heat- and energy-recovery ventilators.
- Building Science.com, Review of Residential Ventilation Technologies  
See <http://www.buildingscience.com/documents/reports>  
This page provides a link to “Review of Residential Ventilation Technologies,” a report that reviews current and potential ventilation technologies for residential buildings with particular emphasis on North American climates and construction.

<b>7-6b</b> <b>LH</b>	<b>Ventilation: Moderate Rehabilitation</b>
	N/A for New Construction

<b>7-7</b> <b>LH</b>	<b>HVAC Sizing</b>
	<b>MANDATORY</b>

**How**

Size heating and cooling equipment in accordance with the Air Conditioning Contractors of America (ACCA) Manual, Parts J and S, ASHRAE handbooks, or equivalent software, to prevent short-cycling of heating or air conditioning and ensure adequate dehumidification.

**Intent**

Appropriately sized equipment can ensure adequate dehumidification, preventing short-cycling that can lead to excess moisture in the air, which can cause mold growth and resident discomfort.

**Things to Consider**

- Projects that achieve this measure also meet the requirements under LEED for Homes prerequisite EA 6.1 “Good HVAC Design and Installation,” which is a mandatory requirement for LEED certification.
- The HVAC contractor generates a Manual J load calculation to ensure proper sizing of the cooling system. This calculation accounts for factors such as the home’s orientation with respect to the sun, window design and insulation rating. The contractor can utilize one of the HVAC-industry adopted software programs, based upon Manual J, which assists with these designs. Consult [www.acca.org](http://www.acca.org) for a list of software programs to perform Manual J calculations.
- Air Conditioning Contractors of America, Manual D: Residential Duct Design  
See [http://www.acca.org/tech/codes/Manual\\_D\\_verification.pdf](http://www.acca.org/tech/codes/Manual_D_verification.pdf)
- Air Conditioning Contractors of America, Manual J: Residential Load Calculation  
See <http://www.acca.org/tech/manualj/>
- Air Conditioning Contractors of America, HVAC Quality Installation Specification  
See <http://acca.org/tech>  
This website provides a free link to the ACCA Standard: “HVAC Quality Installation Specification: Residential and Commercial Heating, Ventilating, and Air Conditioning Applications.” The site also includes a link to various articles and other ANSI and ACCA standards.
- California Energy Commission, Procedures for HVAC System Design and Installation  
See <http://www.energy.ca.gov/efficiency/qualityhomes/procedures.html>  
This site provides an overview of good practices for designing and installing the HVAC system, as well as detailed strategies and measures for the “house as a system” approach to construction.

7-8	<b>Water Heaters – Mold Prevention</b>
	<b>MANDATORY</b>

**How**

Use tankless hot water heaters or install conventional hot water heaters in rooms with drains or catch pans with drains piped to the exterior of the dwelling and with non-water sensitive floor coverings. Drain pans shall be sloped, corrosion resistant (e.g., stainless or plastic) with drains at the low point. Condensate lines shall be drained to drainage system; *not* just deposited under slab.

**Intent**

The use of heaters or heaters with drains and catch pans prevents moisture problems caused by leakage or overflow. Capturing water overflow from hot water heaters or allowing for proper drainage will prevent water from sitting idle, creating excess moisture and allowing mold to germinate. Cooling coils, as part of the HVAC equipment for air conditioning, can generate significant amounts of water through condensation on the surface of the coils. If this water is not constantly drained from the “drip pan” under the coil, mold and other organisms can grow in the standing water. HVAC-system air blowing across this area can distribute this mold and other material throughout the home.

**Things to Consider**

- ASHRAE. *User's Manual of Standard 62.1-2004*. American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., 2004. (Fig 4.9a and 4.9b). See [www.ashrae.org](http://www.ashrae.org).
- International Residential Code; see [www.iccsafe.org](http://www.iccsafe.org).

7-9a	<b>Materials in Wet Areas – Surfaces</b>
	<b>MANDATORY</b>

**How**

In wet areas, use materials that have smooth, durable, cleanable surfaces. Do not use mold-propagating materials such as vinyl wallpaper and unsealed grout.

**Intent**

The use of moisture-resistant materials in wet areas such as bathrooms reduces moisture buildup, diminishing the potential for indoor mold growth that may yield odors and pose health hazards to

residents.

**Things to Consider**

- This measure will help a project to meet part of a prerequisite in LEED for Homes. Prerequisite ID 2.1, part c) requires, among other things, that kitchens, bathrooms, laundry rooms, spa areas, and entryways within 3 feet of the exterior door make use of water-resistant flooring. Carpet is disallowed.

<b>7-9b</b>	<b>Materials in Wet Areas – Tub and Shower Enclosures</b>
	<b>MANDATORY</b>

**How**

Use fiberglass or similar enclosure or, if using any form of grouted material, use backing materials such as cement board, fiber cement board or equivalent (i.e., not paper-faced).

**Intent**

The use of moisture-resistant materials in wet areas such as bathrooms reduces moisture buildup, diminishing the potential for indoor mold growth that may yield odors and pose health hazards to residents.

**Things to Consider**

- This measure will help a project to meet part of a prerequisite in LEED for Homes. Prerequisite ID 2.1, part c) requires, among other things, that nonpaper-faced backer board is used on the walls of tubs, showers, and spa areas.

<b>7-10a</b>	<b>Basements and Concrete Slabs – Vapor Barrier</b>
	<b>MANDATORY</b>

**How**

- Provide vapor barriers under all slabs.
- For concrete floors either in basements or the on-grade slab, install a capillary break of 4 inches of clean or washed gravel (0.5 inch diameter or greater) placed over soil.
- Cover all gravel with a 6 millimeter polyethylene sheeting moisture barrier, with joints lapped 1 foot or more to prevent moisture from migrating from the soil through the slab to a living or storage area.

- On interior below grade walls, avoid using separate vapor barrier or a below grade vertical insulation (such as polyethylene sheeting, vinyl wallpaper or foil faced), which can trap moisture inside wall systems. Semi-vapor permeable rigid insulation is not considered a vapor barrier.

**Intent**

Water can migrate through concrete and most other masonry materials. Proper foundation drainage prevents water from saturated soils from being pushed by hydrostatic pressure through small cracks. Vapor barriers and waterproofing materials can greatly reduce the migration of moisture that can occur even in non-saturated soils. Installation of radon-resistant features will reduce concentrations of radon, a cancer-causing soil gas that can leak into homes through cracks in the slab and foundation.

**Things to Consider**

- Ensure that other trades’ work does not puncture the vapor barrier.

<b>7-10b LH</b>	<b>Basements and Concrete Slabs – Radon</b>
	<b>MANDATORY</b> For New Construction and Substantial Rehabilitation

**How**

In EPA Zone 1 and 2 areas, install passive radon-resistant features below the slab along with a vertical vent pipe with junction box available, if an active system should prove necessary.

For substantial rehab, test the homes or building for presence of radon. If elevated levels of radon exist, introduce radon-reduction measurements. Check technical guidance at [www.epa.gov/iaq/radon/pubs/index.html](http://www.epa.gov/iaq/radon/pubs/index.html).

**Intent**

Installation of radon-resistant features will reduce concentrations of radon, a cancer-causing soil gas that can leak into homes through cracks in the slab and foundation. Also, water can migrate through concrete and most other masonry materials. Proper foundation drainage prevents water from saturated soils from being pushed by hydrostatic pressure through small cracks. Vapor barriers and waterproofing materials can greatly reduce the migration of moisture that can occur even in non-saturated soils.

**Things to Consider**

- Projects that achieve this measure also meet part of the requirements under LEED for Homes prerequisite EQ 9.1 “Radon-Resistant Construction in High-Risk Areas,” a mandatory requirement for LEED certification. Projects located outside EPA Zone 1 may achieve a point toward LEED certification under EQ 9.2 “Radon-Resistant Construction in Moderate-Risk Areas” if the home is designed and built using radon-resistant construction techniques.
- Consult [www.epa.gov/radon/zonemap](http://www.epa.gov/radon/zonemap), or contact your state radon coordinator through the

state health office, to determine if your development is located in a Zone 1 or 2 radon area.

- EPA. “Building Radon Out.” U.S. Environmental Protection Agency, 2006. (#EPA/402-K-01-002, available at [www.epa.gov/iaq/radon/pubs](http://www.epa.gov/iaq/radon/pubs))
- EPA. “*Standard Practice for Installing Radon Mitigation Systems in Existing Low-Rise Residential Buildings.*” U.S. Environmental Protection Agency. Available at [www.epa.gov/radon/pubs/mitstds.html](http://www.epa.gov/radon/pubs/mitstds.html).
- American Lung Association, “Radon Fact Sheet”  
See [www.lungusa.org/site/pp.asp?c=dvLUK9O0E&b=35420](http://www.lungusa.org/site/pp.asp?c=dvLUK9O0E&b=35420)  
This is a general overview of the health risks associated with radon exposure.
- Washington State Ventilation and Indoor Air Quality Code, “Builder’s Field Guide”  
See [www.energy.wsu.edu/pubs](http://www.energy.wsu.edu/pubs)  
Chapter 2 of this field guide provides tips, procedures, and schematics for understanding how to mitigate radon risks during new construction.

7-11	<b>Water Drainage</b>
	<b>MANDATORY</b>

**How**

Provide drainage of water to the lowest level of concrete away from windows, walls and foundations by implementing the following techniques:

- Water management – Walls
  - Provides a housewrap/ weather resistive barrier with sheets lapped, shingle style, especially over windows, doors and other penetrations to prevent rain water that penetrates the finished exterior cladding system, from entering the wall assembly or being introduced into window or door openings
  - Provides a pathway for liquid water that has penetrated the cladding system or accumulates due to daily or seasonal changes in thermal and humidity levels behind the cladding system to safely exit the exterior wall assembly
  - Flashing and/or weather-resistive barriers installed in rough window and door openings must integrate with window and door unit flashings, particularly at the sill and head OR
  - Install pan flashing, side flashing that extends over pan flashing, and Head Flashing (top flashing) that extends over side flashing on windows and exterior door openings. Apply window pan flashing over building paper at sill and corner patches.

- Flashings at roofs wall intersections and at penetrations through the wall (i.e. plumbing, electrical, vents, HVAC refrigerant lines, etc.) that are provided by other trades must be integrated with the drainage plane to keep water from entering the wall assembly.
- Water Management - Roof Systems
  - Installation of drip edge at entire perimeter of roof
  - Flashing where sloped roofs meet gable wall end/all vertical wall integrated into building drainage plane
  - Use of kick-out flashings at all wall eave intersections integrated into drainage plane
  - At wall/roof intersections maintain  $\geq 2$ " clearance between wall cladding and roofing materials
- Integrity and Continuity of the Thermal Barrier
  - The drainage plane, when properly sealed, can also reduce airflow through the wall assembly, which improves the thermal performance of the cavity insulation

**Intent**

Diverting water from the building prevents bulk water entry into foundations and basements, which can contribute to moisture-related problems such as mold and the deterioration of wood and other building materials. Flashing helps direct water away from wall cavities to the drainage plane. Careful architectural detailing of the drainage system and construction supervision ensures proper water drainage.

**Things to Consider**

- Best practices include a grade of 0.5 inch per foot, or approximately a 4 percent pitch. EPA recommends a 2 percent pitch (0.25 inch per foot) for hard surfaces such as patio slabs, walks and driveways.
- See Building America Best Practice Guides- free downloads at: [http://www.eere.energy.gov/buildings/building\\_america/](http://www.eere.energy.gov/buildings/building_america/)
- See EEBA Water Management Guide (for purchase only) at: <http://www.eeba.org/bookstore>

7-12 LH	Garage Isolation
	N/A for New Construction

<b>7-13</b> <i>LH</i>	<b>Clothes Dryer Exhaust</b>
	<b>MANDATORY</b>

**How**

Clothes dryers must be exhausted directly to the outdoors.

**Intent**

Outdoor venting of clothes dryers substantially reduces air moisture that can lead to mold growth.

**Things to Consider**

- This measure will help a project meet part of a prerequisite in LEED for Homes. Prerequisite ID 2.1, part c) requires, among other things, that clothes dryers must be exhausted directly to the outdoors.
- It is important to minimize the duct run to avoid build up of moisture and particles that can inhibit the flow of air through the duct. Rigid duct materials are preferred to help ensure clean ducts and reduce build up on particles and moisture.

<b>7-14</b> <i>LH</i>	<b>Integrated Pest Management</b>
	<b>MANDATORY</b>

**How**

Seal all wall, floor and joint penetrations with low VOC caulking to prevent pest entry. Provide rodent and corrosion proof screens (e.g., copper or stainless steel mesh) for large openings.

**Intent**

Sealing of cracks and penetrations will minimize entry points for pests such as rodents and cockroaches.

**Things to Consider**

- Projects that meet this measure may be eligible for points toward LEED certification under LEED for Homes credit SS 5 “Pest Control Alternatives,” with .5 point offered for each acceptable pest management practice, with 2 points maximum. See SS 5 in the LEED for Homes Rating System for a list of acceptable pest management practices.
- Consider a no spray policy to be included in maintenance and resident manuals for cockroaches and rodents.

<b>7-15</b>	<b>Lead-Safe Work Practices – Rehabilitation</b>
	<b>MANDATORY</b>

**How**

For properties built before 1978, use lead-safe work practices during renovation, remodeling, painting and demolition.

**Intent**

Any activity that disturbs painted surfaces or building components in pre-1978 dwellings that contain lead-based paint may generate and spread lead dust and debris, increasing the risk of lead poisoning for exposed children and families. Controlling lead dust and debris helps minimize lead in the environment.

**Things to Consider**

- Get a lead-based paint inspection or risk assessment if it is likely that the surfaces to be disturbed contain lead-based paint.
- Information about lead-safe work practices can be found at [www.epa.gov/lead/pubs/traincert.htm](http://www.epa.gov/lead/pubs/traincert.htm) and [www.hud.gov/offices/lead/training/index.cfm](http://www.hud.gov/offices/lead/training/index.cfm).

<b>7-16</b> <i>LH</i>	<b>Healthy Flooring Materials – Alternative Sources</b>
	<b>OPTIONAL</b> (5 Points)

**How**

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

**Intent**

While certain health hazards are linked with the production of vinyl products, some alternative flooring materials that are natural and renewable have demonstrated low-VOC emissions and an environmentally friendly production. Avoid the use of carpet, which can serve as a sink for dust, allergens and other substances that may pose health hazards to susceptible residents.

**Things to Consider**

- Projects that achieve this measure also meet the requirement under LEED for Homes credit MR 2.2 “Environmentally Preferable Products,” worth .5 point per component toward LEED certification for products that are environmentally preferable. See MR 2.2 in the LEED for Homes Rating System for more information.
- Use alternative flooring materials such as linoleum, laminate, ceramic tile, bamboo, cork,

wood (especially salvaged wood) or rubber.

- For basements, leave the slab exposed and stained with low-VOC material rather than providing any floor treatments.
- Scientific Certification Systems, FloorScore Program  
 See [www.scs-certified.com/iaq/floorscore.html](http://www.scs-certified.com/iaq/floorscore.html)  
 This website includes information about the SCS FloorScore program, as well as a list of certified products that is updated regularly.
- *Green Building Products: The GreenSpec Guide to Residential Building Materials.* BuildingGreen, Inc., and New Society Publishers. Available online, at [www.buildinggreen.com/ecommerce/gbp.cfm](http://www.buildinggreen.com/ecommerce/gbp.cfm)

<b>7-17</b>	<b>Smoke-free Building</b>
	<b>OPTIONAL</b> (2 Points)

**How**

Implement and enforce a “no smoking” policy in all common and individual living areas of all buildings. Common areas include rental or sales offices, entrances, hallways, resident services areas, and laundry rooms.

**Intent**

Secondhand smoke is the third leading cause of preventable death in the country. Air filtration and ventilation systems do not eliminate the health hazards caused by secondhand smoke. Tobacco smoke from one unit may seep through the cracks, be circulated by a shared ventilation system, or otherwise enter the living space of another. In addition to the negative health effects, smoking significantly increases fire hazard, and boosts cleaning and maintenance costs. Also, many property insurance companies offer a discount for buildings with no-smoking policies.

**Things to Consider**

- Building owners and property managers should ensure residents are aware they are prohibited to smoke in the building. A designated outdoor smoking area should be provided as an alternative arrangement for residents who smoke.
- Provide suitable receptacles in the designated outdoor smoking area for the disposal of cigarette butt litter. Ensure the receptacles are inside the building line and do not encroach into public space.
- American Lung Association, Air Quality in the Home  
 See <http://www.lungusa.org>  
 This site includes an entire section devoted to indoor air quality in the home. Choose “Air Quality” at the bottom of the screen and then click “Indoor Air Quality” and “Air Quality in

the Home” to find numerous articles and educational pieces about maintaining a healthy indoor environment.

- U.S. Environmental Protection Agency, Indoor Air Quality Division  
 See <http://www.epa.gov/iaq>  
 This site has numerous resources related to indoor air quality in homes, including reports and web links.

<b>7-18 LH</b>	<b>Combustion Equipment</b> (includes space and water-heating equipment)
	<b>MANDATORY</b>

**How**

Specify **power vented or combustion sealed** equipment

One hard-wired carbon monoxide (CO) detector shall be installed for each sleeping area, minimum one per floor.

**Intent**

Direct vent systems draw all the air needed directly from the outside so there is no risk of spilling combustion contaminants into the residence. Power vented equipment uses a fan or blower to create the pressure difference that causes air to flow from inside the house, through the combustion device out an approved chimney or vent system to the outdoors.

**Things to Consider**

- This measure will help a project meet two of the four requirements of LEED for Homes prerequisite EQ 2.1 “Basic Combustion Venting Measures,” a mandatory requirement for LEED certification. Projects must also fulfill the following two requirements to meet this prerequisite:
  - No unvented combustion appliances (e.g., decorative logs) are allowed.
  - All fireplaces and woodstoves must have doors.
- U.S. Environmental Protection Agency, Combustion Gases and Carbon Monoxide  
 See <http://www.epa.gov/iaq/combust.html> and <http://www.epa.gov/iaq/co.html>  
 These two extensive EPA sites describe the sources of carbon monoxide and other combustion gases, their health effects, steps to reduce exposure, related standards and guidelines, and additional resources and links.
- Canada Mortgage and Housing Corporation

See [http://www.cmhc-schl.gc.ca/en/co/maho/yohoyohe/inaiqu/inaiqu\\_004.cfm](http://www.cmhc-schl.gc.ca/en/co/maho/yohoyohe/inaiqu/inaiqu_004.cfm)

This site is part of CMHC's "About Your House" series of educational articles. It includes information about combustion gases, the effects of exposure, and strategies for limiting exposure.

- Underwriters Laboratories, Product Safety Tips: CO Alarms

See <http://www.ul.com/consumers/co.html>

This site provides a basic overview of the problems associated with carbon monoxide, as well as tips about purchasing and installing carbon monoxide alarms.

**Section 8: Operations and Maintenance**

<b>8-1</b> <b>LH</b>	<b>Building Maintenance Manual</b>
	<b>MANDATORY</b>

**How**

Provide a manual that includes the following: a routine maintenance plan; operations and maintenance guidance for all appliances, HVAC operation, water-system turnoffs, lighting equipment, paving materials and landscaping, pest control, and other systems that are part of each occupancy unit; and an occupancy turnover plan that describes in detail the process of educating the tenant about proper use and maintenance of all building systems.

**Intent**

A regularly maintained building and site will provide optimum health benefits and ensure environmental and economic performance.

**Things to Consider**

- Refer to Building Maintenance Manual Template under Information Resources at [www.greencommunitiesonline.org](http://www.greencommunitiesonline.org)
- Projects that achieve this measure also meet one of the two requirements for LEED for Homes credit AE 2 “Education of Building Manager,” worth one point toward LEED certification. Note that the required LEED documentation must be included in the manual. The other requirement for this LEED credit is a one-hour walkthrough of the building before occupancy to identify installed equipment, provide instructions for operation and describe necessary maintenance protocol.
- Incorporate a “no-spray” policy in the ongoing maintenance of a green property, as sprays are ineffective at managing pests and very harmful for residents.
- NCHH. “Healthy Homes Maintenance Checklist.” National Center for Healthy Housing, 2005. See [www.centerforhealthyhousing.org](http://www.centerforhealthyhousing.org).

<b>8-2</b> <b>LH</b>	<b>Occupant’s Manual</b>
	<b>MANDATORY</b>

**How**

Provide a guide for homeowners and renters that explains the intent, benefits, use and maintenance of green building features, along with the location of transit stops and other neighborhood conveniences and features, and encourages additional green activities such as

recycling, gardening, use of healthy cleaning materials, alternative measures to pest control, and purchase of green power. For homeowners, include appropriate instructions from 8-1 above.

**Intent**

Homeowners and renters may be unfamiliar with green systems or features installed in their houses or buildings, or with nearby amenities that can provide transportation choices and conveniences within walking distance. Assistance with understanding, operating and maintaining them will allow both homeowners and renters to fully realize the environmental, health and economic benefits that Green Communities offers.

**Things to Consider**

- Refer to Occupant Manual Template under Information Resources at [www.greencommunitiesonline.org](http://www.greencommunitiesonline.org)
- Projects that achieve this measure also meet one requirement for LEED for Homes prerequisite AE 1.1 “Basic Operations Training,” a mandatory requirement for LEED certification. Note that the required LEED documentation must be included in the manual. The other mandatory requirement of this LEED prerequisite is a one-hour walkthrough of the home (as required by Green Communities 8-3). Projects may also be eligible for additional points toward LEED certification for enhanced training or public awareness under AE 1.2 and 1.3.
- Provide homeowners / tenants with two radon test kits designed for 48-hour exposure with instructions for use and follow up action, per EPA’s Indoor Air Package.
- Connecticut Department of Environmental Protection, “Health Home Brochure”  
See <http://www.ct.gov/dep/lib/dep/p2/individual/healthyhome.pdf>  
This site links to the “A Green Home Is a Healthy Home” brochure, a good example of a simple brochure with a readable layout and presentation.
- Minnesota Building Industry Foundation, Home-Smart  
See <http://www.home-smart.org>  
This site provides information for homeowners on maintaining their home. It includes seasonal checklists and step-by-step instructions for general maintenance, as well as special instructions for new-home buyers on maintaining their home during its first year.

<b>8-3</b> <i>LH</i>	<b>Homeowner and New Resident Orientation</b>
	<b>MANDATORY</b>

**How**

Provide a comprehensive walk-through and orientation to the homeowner or new resident using the Occupant Manual from 8-2 above that reviews the building’s green features, operations and maintenance, along with neighborhood conveniences that may facilitate a healthy lifestyle.



**Intent**

A walk-through and orientation will help ensure that the Green Development Plan achieves its intended environmental and economic benefits.

**Things to Consider**

- Projects that achieve this measure also meet one requirement for LEED for Homes prerequisite AE 1.1 “Basic Operations Training,” a mandatory requirement for LEED certification. The other mandatory requirement of this LEED prerequisite is the provision of an operations and maintenance manual (as required by Green Communities 8-2). Projects may also be eligible for additional points toward LEED certification for enhanced training or public awareness under AE 1.2 and 1.3.

Subsidy Name	Subsidy Type	Applicable Sector	Provider	Eligible Technologies	Maximum Incentive	Contact	Phone	Email	Website	Deadline	Description	Program Budget	Special Conditions
<b>State Resources</b>													
NYSERDA Submetering Program	Grant	single or multifamily	NYSERDA	advanced meters allowing for time-of-use (TOU) metering rather than paying average rates	incentive calculator available online	NYSERDA	518.862.1090; 866.697.3735	<a href="mailto:info@nyserda.org">info@nyserda.org</a>	<a href="http://www.getenergysmart.org/WhereYouLive/Submetering/overview.asp">http://www.getenergysmart.org/WhereYouLive/Submetering/overview.asp</a>	Unknown	promotes owner control of energy use	Unknown	
Energy Smart Loan Fund	State Loan	Residential, Local Government	NYSERDA	Clothes Washers/Dryers, Dishwasher, Refrigerators/Freezers, Dehumidifiers, Ceiling Fan, Lighting, Chillers, Furnaces, Boilers, Heat pumps, Air conditioners, Agricultural Equipment, Custom/Others pending approval	4% below lender rate for 10 years; 6.5% below lender rate in Liberty Zone	Marcia Chandler	518.862.1090 Ext. 3412; 866.697.3732; fax 518.862.1091	<a href="mailto:info@nyserda.org">info@nyserda.org</a>	<a href="http://www.nyserda.org/loanfund">http://www.nyserda.org/loanfund</a>	6/30/2006 (or until funds exhausted)	reduced-interest loans through participating lenders (4% below lender rate for 10 yrs; 6.5% below lender rate in Liberty Zone) to finance renovation & construction projects that improve a facility's energy efficiency or that incorporate renewable energy systems. All residential bldgs over 4 units may also qualify for Green Building Improvement up to \$500,000 (must be registered for LEED certification). For grid-connected photovoltaic and wind turbine systems, must be approved for Pownaturally Program.	Paid for from System Benefits Fund	If 1-4 units work must be performed by BPI contractor; must be customer of State investor owned utility
Green Building Tax Credit Program- Personal	Personal Tax Credit	Residential	New York Department of Environmental Conservation	Comprehensive Measures/Whole Building	Max incentive of \$2,000,000 per building	New York Dept. of Env. Conservation	518.402.9469	N/A	<a href="http://www.dec.state.ny.us/website/ppu/gmbldg/index.html">http://www.dec.state.ny.us/website/ppu/gmbldg/index.html</a>	12/31/09 for new certificates	Same as above	\$25 million for "period two"	Same as above
Home Depot Affordable Housing Built Responsibly	Grants	Residential	Home Depot		Typically 50,000-125,000	Home Depot Foundation 2455 Paces Ferry Road Atlanta, GA 30339	770 384 3889 866 593 7019	<a href="mailto:hd_foundation@homedepot.com">hd_foundation@homedepot.com</a>	<a href="http://www.homedepotfoundation.org/grants.html">http://www.homedepotfoundation.org/grants.html</a>	1-Jul-08	Only non-profits can apply for the grant. It is for the production, preservation, or financing of low-to-moderate income housing. The projects should also include green elements to qualify. Unsolicited grant funding is also set aside to be awarded through a competitive process.	\$400 million over 10 years	Must be a non-profit
PV Incentive Program	State Rebate	Residential, Local Government	NYSERDA	Photovoltaic Systems	\$4/W-\$4.50/W of DC rated capacity up to 60% of total installed costs	Public Information Specialist	866.697.3732; 518.862.1090; fax 518.862.1091	<a href="mailto:info@nyserda.org">info@nyserda.org</a>	<a href="http://www.pownaturally.org/Programs/Solar/incentives.asp">www.pownaturally.org/Programs/Solar/incentives.asp</a>	6/30/2006 or as funds available	for approved eligible installers of grid-connected PV systems; incentives must be passed on to customers; paid in two parts	\$12 million	Maximum eligible system size is 50 kW
Solar & Fuel Cell Tax Credit	Personal Tax Credit	Residential	New York State Dept. of Taxation & Finance-Taxpayer Assistance Bureau	solar-electric & fuel cell systems in compliance with performance/safety stds	\$3,750 for solar-energy before 9/1/06; \$5,000 after 9/1/06; \$1,500 credit for fuel cells; tax credit may be carried forward	Taxpayer Assistance Bureau; W.A. Harriman Campus; Albany, NY 12227	800.225.5829	N/A	<a href="http://www.tax.state.ny.us">www.tax.state.ny.us</a>	N/A	To defray cost of solar/fuel cell installation in private residences	N/A	10 kW limit on net-metered solar energy residential systems; fuel cells must provide base load of 25 kW & use proton exchange membrane technology

Subsidy Name	Subsidy Type	Applicable Sector	Provider	Eligible Technologies	Maximum Incentive	Contact	Phone	Email	Website	Deadline	Description	Program Budget	Special Conditions
Solar Sales Tax Exemption	Sales Tax Exemption	Residential	New York State Dept. of Taxation & Finance-Taxpayer Assistance Bureau	Solar-energy systems	100% exemption from state's sales and compensating use taxes	Taxpayer Assistance Bureau; W.A. Harriman Campus; Albany, NY 12228	800.225.5830	N/A	<a href="http://www.tax.state.ny.us">www.tax.state.ny.us</a>	N/A	exemption for installation of solar-energy systems utilizing solar radiation to produce energy designed to provide heating, cooling, hot water, and/or electricity (solar pool heating or other recreational uses do not apply)	N/A	Law allows municipalities to grant a local exemption as well (NYC would be required to enact a specific resolution appearing in state law)
<b>Foundation/Non-Profit Resources</b>													
Home Depot Affordable Housing Built Responsibly	Grants	Residential	Home Depot	Helps fund the cost of production and preservation of affordable housing	Typically 50,000-125,000	Home Depot Foundation 2455 Paces Ferry Road Atlanta, GA 30339	770 384 3889 866 593 7019	<a href="mailto:hd_foundation@homedepot.com">hd_foundation@homedepot.com</a>	<a href="http://www.homedepotfoundation.org/grants.html">http://www.homedepotfoundation.org/grants.html</a>	1-Jul-08	Only non-profits can apply for the grant. It is for the production, preservation, or financing of low-to-moderate income housing. The projects should also include green elements to qualify. Unsolicited grant funding is also set aside to be awarded through a competitive process.	\$400 million over 10 years	Must be a non-profit
Charette Grants	Grant	Affordable Housing	Enterprise	Helps development team develop green plan and teaches them how to manage/maintain green buildings	\$5,000	N/A		<a href="mailto:greencommunities@enterprisecommunity.org">greencommunities@enterprisecommunity.org</a>	<a href="http://www.greencommunitiesonline.org/Charrettes.aspx#EligibleApplications">http://www.greencommunitiesonline.org/Charrettes.aspx#EligibleApplications</a>	Unknown	Open to NPOs, PHAs, and others, these grants of up to \$5,000 help assist developers in integrating green elements into their developments & engage them in a serious discussion of green possibilities		
Early Predevelopment Loans	Loan	Affordable Housing	Enterprise	fund green building/environmental design services and related predevelopment costs	Up to \$35,000 at 0% for up to 18 months for projects serving 60% of less of AMI (rental) or 80% (homeownership)	Mike Sloss, VP of Community Loan Fund	410.772.2496	<a href="mailto:msloss@enterprisecommunity.org">msloss@enterprisecommunity.org</a>	<a href="http://www.greencommunitiesonline.org/about-essentials-loans.asp#a1">http://www.greencommunitiesonline.org/about-essentials-loans.asp#a1</a>	Unknown	fund green building/environmental design services and related predevelopment costs		Certain restrictions apply

Subsidy Name	Subsidy Type	Applicable Sector	Provider	Eligible Technologies	Maximum Incentive	Contact	Phone	Email	Website	Deadline	Description	Program Budget	Special Conditions
Predevelopment Loans	Loan	Affordable Housing	Enterprise	architectural, civil engineering and landscape design fees, electrical and mechanical engineering fees, interior design fees, surveys, environmental phase one and follow-up environmental impact studies, traffic studies, erosion control plans, zoning work, legal and title fees, appraisal fees, loan fees, application fees for debt, equity and subsidy financing and the costs of engaging a green design specialist.	\$50,000 to several hundred thousand dollars at 5.5% for up to 36 months (some loan fees apply); affordability restrictions as above	Mike Sloss, VP of Community Loan Fund	410.772.2497	<a href="mailto:msloss@enterprisecommunity.org">msloss@enterprisecommunity.org</a>	<a href="http://www.greencommunitiesonline.org/about-essentials-loans.asp#1">http://www.greencommunitiesonline.org/about-essentials-loans.asp#1</a>	Unknown	The sponsor must commit to meeting the Initiative's Green Communities™ Criteria and providing Enterprise with certification that the Criteria have been met; certifications will be made primarily by the project architect.	\$375 million for years 2-5	Many criteria to be considered; see website for desired project types
Acquisition Loan Products	Loan	Affordable Housing	Enterprise	earnest money deposits or option payments, land or building acquisition costs, title, closing and legal costs related to acquisition closing.	Up to \$3 million at 5.5% for up to 36 months (some loan fees apply)	Mike Sloss, VP of Community Loan Fund	410.772.2498	<a href="mailto:msloss@enterprisecommunity.org">msloss@enterprisecommunity.org</a>	<a href="http://www.greencommunitiesonline.org/about-essentials-loans.asp#1">http://www.greencommunitiesonline.org/about-essentials-loans.asp#1</a>	Unknown	Any community-based housing developer operating in the areas covered by Enterprise's 15 concentration cities and other locations served by Enterprise affiliates		
Construction Loan Products	Loan	Affordable Housing	Enterprise	construction contract costs, construction contingency, design, engineering and permitting costs during the construction period, construction management fees, carrying costs and any special costs related to compliance with Enterprise's Green Communities Criteria.	Up to \$3 million at 5.5% for up to 36 months (some loan fees apply)	Mike Sloss, VP of Community Loan Fund	410.772.2499	<a href="mailto:msloss@enterprisecommunity.org">msloss@enterprisecommunity.org</a>	<a href="http://www.greencommunitiesonline.org/about-essentials-loans.asp#2">http://www.greencommunitiesonline.org/about-essentials-loans.asp#2</a>	Unknown	Any community-based housing developer operating in the areas covered by Enterprise's 15 concentration cities and other locations served by Enterprise affiliates		Certain restrictions apply
LIHTC Equity	LIHTC Equity	Affordable Housing	Enterprise	equity to nonprofit and for-profit developers for new construction and/or rehabilitation of affordable rental housing that generally adheres to the Green Communities™ Criteria. Enterprise is committed to creating communities of greater sustainability by working with partners who are willing to incorporate green standards into their projects.	Not Clear	Aron Weisner, Enterprise Community Investment; Kirk Goodrich (Northeast Region)	410.772.2621; Kirk Goodrich 212.262.9575 x142	<a href="mailto:LIHTCEquity@GreenCommunitiesOnline.org">LIHTCEquity@GreenCommunitiesOnline.org</a>	<a href="http://www.greencommunitiesonline.org/about-essentials-lihtc.asp">http://www.greencommunitiesonline.org/about-essentials-lihtc.asp</a>	Unknown			

Subsidy Name	Subsidy Type	Applicable Sector	Provider	Eligible Technologies	Maximum Incentive	Contact	Phone	Email	Website	Deadline	Description	Program Budget	Special Conditions
<b>Federal Resources</b>													
Residential Energy Conservation Subsidy Exclusion (Corporate)	Corporate Exemption	Residential, Multifamily Residential	IRS	installations or modifications primarily designed to reduce consumption of electricity or natural gas, or improve the mgmt of energy demand	100% of subsidy (subsidies for energy conservation measures do not need to be counted as gross income)	Information Specialist; 1111 Constitution Ave, N.W.; Washington, D.C. 20224	800.829.1040	<a href="http://www.irs.gov">www.irs.gov</a>		N/A	exemption from gross income calculation for energy conservation measures; strong evidence that utility rebates for solarthermal and solar electric projects may be nontaxable (consult tax atty); other utility subsidies such as credits or reduced rates also non-taxable	N/A	Utility rebates may or may not be covered
Residential Energy Conservation Subsidy Exclusion (Personal)	Personal Exemption	Residential, Multifamily Residential	IRS	installations or modifications primarily designed to reduce consumption of electricity or natural gas, or improve the mgmt of energy demand	100% of subsidy (subsidies for energy conservation measures do not need to be counted as gross income)	Information Specialist; 1111 Constitution Ave, N.W.; Washington, D.C. 20225	800.829.1041	<a href="http://www.irs.gov">www.irs.gov</a>		N/A	exemption from gross income calculation for energy conservation measures; strong evidence that utility rebates for solarthermal and solar electric projects may be nontaxable (consult tax atty); other utility subsidies such as credits or reduced rates also non-taxable	N/A	Utility rebates may or may not be covered
Residential Energy Efficiency Tax Credit	Personal Tax Credit	Residential	IRS	Water Heaters, Furnaces, Boilers, Heat pumps, Air conditioners, Building Insulation, Windows, Doors, Roofs, Circulating fan used in a qualifying furnace	10% of cost of building envelope improvements; 100% for qualified energy property (heating, cooling, water heaters) Maximum Incentive: Varies by technology; no more than \$500 credit for all energy property and envelope improvements for all tax years.	Information Specialist; 1111 Constitution Ave, N.W.; Washington, D.C. 20226	800.829.1042	<a href="http://www.irs.gov">www.irs.gov</a>		N/A	Tax credits for energy efficiency improvements in building envelope or existin homes and for purchase of high-efficiency heating, cooling, and water heating equipment placed in service between 1/1/06 and 12/31/07; see website for particular eligible products	N/A	Performance & quality standards for tax credit eligibility vary by technology
Residential Solar & Fuel Cell Tax Credit	Personal Tax Credit	Residential	IRS	Solar Water Heat, PV Systems, Fuel Cells	\$2,000 for photovoltaics and solar water heating; \$500 per.5 kW for fuel cells; excess carried over	Information Specialist; 1111 Constitution Ave, N.W.; Washington, D.C. 20227	800.829.1043	<a href="http://www.irs.gov">www.irs.gov</a>		N/A	30% credit up to \$2,000 for purchase & installation of PV and solar water heating (can have 30% to \$2,000 for both systems); 30% credit up to .5 kW for fuel cells; must meets state performance standards; credit calculated on expenditures EXCLUDING subsidized energy financing	N/A	Not available for subsidize energy financing

Subsidy Name	Subsidy Type	Applicable Sector	Provider	Eligible Technologies	Maximum Incentive	Contact	Phone	Email	Website	Deadline	Description	Program Budget	Special Conditions
Veterans Housing Guaranteed and Insured Loans	Federal Loan	Residential	Department of Veterans Affairs	Passive Solar Space Heat, Solar Water Heat, Solar Space Heat	\$3,000-\$6,000 (VA guarantee on 50% of loans up to \$45,000)	N/A	N/A	N/A	<a href="http://www.federalgrantswire.com/veterans_housingguaranteed_and_insured_loans.html">www.federalgrantswire.com/veterans_housingguaranteed_and_insured_loans.html</a>	N/A	VA may guarantee loans for vets wishing to make improvements to homes including installation of solar heating systems, solar heating and cooling systems, window and skylight glazing, window insulation, movable insulation panels, portions of a residential structure that serve as solar furnaces, thermal walls, floors, and roofs, caulking and weather-stripping, furnace efficiency modifications, clock thermostats, building insulation, water heater insulation, storm windows and doors, heat pumps, and other energy conservation measures.	N/A	Eligibility depends on veteran status and applicant must have satisfactory credit record
National Housing Trust: Green Affordable Housing Preservation Loan Fund	Loan	Affordable Housing	National Housing Trust Community Development Fund	Site and construction systems	\$110,000 Predevelopment loan \$110,000 Interim Development loan	Keiva Dennis Loan Officer NHTCDF 1101 30th Street, NW, Suite 400 Washington, DC 20007	202 333 8931 x26 703 731 0608	<a href="mailto:kdennis@nhtinc.org">kdennis@nhtinc.org</a> <a href="mailto:jmorland@nhtinc.org">jmorland@nhtinc.org</a>		Unknown	Preseves affordable housing by providing short term financing. The loans take place during predevelopment (initial analysis, appraisals, market studies) and interim development. To participate in the program, the development team must include a Green qualified professional and the analysis must indicate a positive payback within 10 years. Request for loan forgiveness can be applied for anytime before the loan matures.		Must be a non-profit

## Appendix D – HPD Marketing Guidelines

- Rental
- Homeownership

## **HPD MARKETING PACKAGE CONTENTS RENTAL**

1. Tenant Selection Procedures (Pages 1-9)
2. Notice of Intent (Pages 10- 11)
3. Cover Letter to Marketing Application (Page 12)
4. Marketing Application (Pages 13-16)
5. Ineligibility Letter (Page 17)
6. Request for Interview (Page 18)
7. Notice of Eligibility (Page 19)
8. Application Information Form (Page 20)
9. Marketing Lottery Log Sheet (Addendum)

*REVISED SPRING 2008*

## **TENANT SELECTION PROCEDURES**

### **1. NOTICE OF INTENT**

The Sponsor/Developer, or a representative, must submit to HPD a Notice of Intent to begin marketing according to the following timetable:

- Marketing Meeting: **Seven (7) months** prior to anticipated occupancy
- Ads Placed and Community Letters Mailed when applicable: **Six (6) months** prior to anticipated occupancy
- Application Deadline: **Four (4) months** prior to anticipated occupancy, allowing for the required 60 day application period; i.e. 2 months following the placement of ads.

### **2. WRITING AND PLACING ADVERTISEMENT**

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

### **3. CONTENTS OF APPLICATION**

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

**NOTE:** The P.O. Call Box used will be one governed solely by The United States Postal Service. HPD will reserve the P.O. Box at the USPS branch of its own choosing, with all charges and fees to be reimbursed by the Developer. Only HPD will have access to the box and it will not be opened until the date of the lottery.

- 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 USPS will notify HPD prior to picking up the mail and HPD and the Developer will place all letters, unopened, in a secure locker/footlocker (see 5f). 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 applications postmarked by the deadline have been exhausted. (See Sections 8b and 9b)

## 5. OPENING APPLICATIONS & CREATING THE LOG

- a) Log format will be provided by HPD (See Addendum)
- b) Based on anticipated response volume, HPD will recommend a minimum number of staff/volunteers to be provided by the borrower for the full day of the lottery. Staff should be made familiar with the application log process and freed from any other duties or distractions on the day of the lottery. Agency monitors will be present strictly to observe the opening of applications and completion of the log sheets; they will be unable to assist in the actual opening and logging so as to not divert their attention from their oversight responsibilities.
- c) 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 fifty (50) 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. All subsequent loggings from this applicant pool, unless waived by HPD, must take place in the presence of HPD staff.
- e) Developer or a 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, Developer must provide a copy of the updated Log after each day's logging is completed.
- f) If more than one day is required, remaining applications must be secured in a locker or footlocker (to be provided by the Developer) which can accommodate a standard combination lock. HPD will provide the lock with a combination known only to HPD. This locker/footlocker will be stored by the borrower in a location approved by the agency monitors and subsequent days of opening and logging must also occur under agency supervision. At the completion of rent-up, after enough applications have been opened to achieve occupancy and establish a waiting list, any surplus applications will be shredded by the borrower.
- g) 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.**
- h) All offers of apartments must be made by Developer or representative to "eligible applicants", and must be made in numbered order from this Log, as long as units of appropriate size are available. An applicant to whom an apartment has been offered must be

given a reasonable specific amount of time to respond to the offer before a Developer can proceed to offer an apartment to the next eligible applicant on the Log.

- i) 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.
- j) The Applicant Log will be retained as a record for no less than three (3) years.

## 6. TENANTING APARTMENTS

- a) Referrals: The City reserves the right to refer potential tenants to the Developer. 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. Developer must indicate the source of the referral on the log.
- b) Homeless Units: If required by the project's Regulatory Agreement, Developer must offer units to "eligible homeless" applicants. "Eligible Homeless" applicants are 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, Developer must rent not less than fifteen per cent (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 per cent (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, 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, Developer must rent not less than fifty per cent (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 per cent (5%) of all marketed units will be sold 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 5% of the project units, or one unit, whichever is greater, is required to be made adaptable for disabled persons with mobility impairments, and a minimum of 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 5% and 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." 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, Developer, or representative, may go to the next disabled applicant on the log.

If Developer, or representative, cannot rent all disabled preference units from the original applicant pool, 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.

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. Applications from additional disabled applicants referred to Developer by MOPD must be postmarked not more than 35 days following such notification. 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, 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**

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, 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.

- a) If apartments are still available after the Developer has exhausted all remaining applications pursuant to Section 7a, 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.
- b) If after the Developer has exhausted all remaining applications as described above and low-income apartments are still available, 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 continue to apply.

## 8. **COMPLETING RENT-UP OF MODERATE-INCOME APARTMENTS**

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, 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. 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) Developer will then be required at minimum to re-advertise the units in addition to any direct outreach/solicitation.
  - Ad will be provided by the Developer;
  - Ad must be placed in at least three (3) newspapers as described in Section 2c of these Tenant Selection Procedures;
  - 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) Developer must apply the same eligibility and rent-up criteria/requirements utilized for all other applicants when renting these apartments.
- d) 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

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 preference units are rented:

- a) Developer must open and log any remaining unopened applications and attempt to tenant the remaining units with eligible neighborhood residents.
- b) 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, developer may consider applicants from the moderate-income advertisement.

After 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, 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 Developer, or a representative, in any order.
- b) Developer will notify each applicant to be interviewed by regular mail. Format for letter will be provided by HPD. Letter will indicate:
  - date, time, and location of interview and phone number should applicant be unable to appear;
  - list of required documents to be brought to interview by applicant;
  - that Developer reserves the right to make home visits or other appropriate inquiries to assist in qualifying applicants;
  - that no broker or application fees will be charged to the tenant;
  - if credit checks will be conducted by 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, Developer must send a second letter by regular mail to schedule another interview. The applicant will be given a reasonable 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) **Developer, employees, agents and employees of 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 with the firm.**

- c) If required by the Regulatory Agreement, 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) Developer must disqualify those applicants from whom multiple copies of an application are received.
- e) HPD will provide Developer with initial rents, income guidelines and minimum household size requirements when the Notice of Intent is received.
- f) HPD's low-income affordable apartments are not intended for “roommate situations” or other combinations of friends and/or distant relatives who join together solely for the purposes of qualifying for such a housing opportunity. For the purposes of HPD’s low-income housing programs, **a household shall be defined as “an immediate family or other such configuration of persons who have a documented financial interdependence.”** Aside from immediate family members (spouses and parent/child combinations), other possible households may document “financial interdependence” as follows:
- Adult persons already living together as a household as may be formally documented through current leases or current utility records identifying each person residing at the same address;
  - Adult persons who can document shared assets, such as shared bank accounts reflecting each person’s name, going back at least one year.
  - Adult couples who are not married but who meet the criteria above or who can document registration with The City of New York as a domestic partnership.
  - Additional minors who can be documented as being the lawful dependents of one or more adult household members. Individual letters signed by applicants or other individuals (such as a statement from an applicant’s sister that her child will be living with the applicant) are not acceptable documentation. Acceptable documentation may include the following:
    - i) legal custody or guardianship papers;
    - ii) tax documents reflecting the minor as a dependent;
    - iii) school records identifying the adult household member as the minor’s guardian of record; or
    - iv) Third Party verification from a governmental social services agency regarding the placement of the minor within the household
- g) Developer must notify all applicants processed of their selection status by regular mail as soon as a determination has been made. (See also Section 5f) A copy of the letter must be attached to the application and kept on file.
- h) As required under Section 5e, 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 ineligibility;
  - applicant's being an employee of 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;

- if files are incomplete or if flags are raised which require further review either internally or with The NYC Department of Investigation (DOI), the process will take as long as necessary to:
      - (i) acquire the missing or additional paperwork from the borrower’s management staff or
      - (ii) complete an additional review with DOI. On a case by case basis, if such processes extend past ten (10) business days without a resolution, the agencies may grant permission to place such questionable applicants on hold and proceed with other applications while such special reviews are being completed.
    - Ineligibility and Rejection Letters to Applicants must provide a specific reason an applicant cannot be approved. Responses to appeals must be even more specific and detailed. For example, stating “You are rejected because you are under-income” is not sufficient. The letter would need to state, as an example, “You have been deemed ineligible for this housing program because you do not meet the minimum income required for your family and unit size. The minimum income is \$35,000 and your household’s annual income has been determined to be \$34,000”.
- i) The first applications processed and submitted to the agencies from the log must be those that meet one of the approved housing preferences; community board, disability, municipal employee, etc.
  - If preferences are not met and there are still unopened applications remaining, another day of opening applications to identify additional preference applicants must be scheduled with the agencies. **No preferences will be waived unless all received applications have been opened.**
  - Only after all preferences have been achieved (or waived by the agencies following the exhaustion of the lottery) may non-preference applications be submitted for approval. This is to prevent non-preference applicants from being processed for units that are intended for preference-eligible applicants.
- j) Developer, or a representative cannot disqualify an applicant solely on the basis that the applicant receives Section 8 assistance.

## 12. COMPLIANCE WITH REGULATORY AGREEMENTS

In addition to discretionary selection criteria such as credit checks, landlord references, etc., HPD hereby makes criminal background checks a mandatory criterion. The owner must disclose in the project’s marketing plan which types of information revealed through such a check will or will not adversely impact an applicant’s eligibility *except* that HPD hereby requires a determination of ineligibility in the event that one or both of the following criminal findings is flagged during the background check:

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

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.

**NOTE: DISCOVERY OF FALSE INFORMATION:**

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

**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, 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, New York 10038

[To be placed on Developer's Letterhead]

NOTICE OF INTENT TO MARKET:  
*RENTAL UNITS*

Mr. Rubin Wolf, Director of Marketing  
Department of Housing Preservation and Development  
100 Gold Street, Room 5C  
New York, New York 10038  
FAX: (212) 863-7988  
Email: wolfr@hpd.nyc.gov

RE: PROGRAM \_\_\_\_\_  
PROJECT NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

Dear Mr. Wolf:

The project listed above is nearing completion. We expect units to be available for occupancy on DATE \_\_\_\_\_. Advertising should begin on DATE \_\_\_\_\_.

There are a total of \_\_\_\_\_ units to be marketed for sale in this project (excluding units set aside for the superintendent, if applicable). The distribution of units is as follows:

Available Units	Unit Size	Monthly Rent	Annual Income Range
_____	0 Bedroom	\$ _____	\$ _____ to \$ _____
_____	1 Bedroom	_____	_____
_____	2 Bedroom	_____	_____
_____	3 Bedroom	_____	_____

We will be advertising in the following three newspapers:

Citywide:  
Local:  
Ethnic:

The ad should list the following PO Box or address for application requests:  
The ad should state that application requests must be made by mail only: Yes \_\_\_ No \_\_\_.

The handicapped information for this project is as follows:

\_\_\_\_\_ Number of elevators in \_\_\_\_\_ buildings;  
\_\_\_\_\_ Number of ramps to \_\_\_\_\_ buildings;  
\_\_\_\_\_ Total Number of handicapped adaptable units.

I understand that the Department of Housing Preservation and Development will provide the camera-ready ad for this project. If I provide my own ad for this project I understand that the ad is subject to HPD's final review and approval. If there are any questions regarding the above information please contact:

Phone: ( )  
FAX: ( )  
Email:

Sincerely,

Developer/Manager

COVER LETTER TO APPLICATION  
[Indicate Developer Name Only]

Thank you for contacting us. Per your request, an application is enclosed for an apartment at \_\_\_\_\_.

The completed application must be returned by **REGULAR MAIL ONLY** to the following Post Office Box (Please note that this is a **DIFFERENT** address than where you wrote for an application):

The application deadline is \_\_\_\_\_. Applications postmarked after this deadline will be set aside for possible future consideration.

**If you answered "yes" to question "I" on the application regarding if you or a member of your household requires a special accommodation, kindly place a check mark ( ✓ ) on the outside of the envelope.**

**MAIL ONLY ONE APPLICATION PER FAMILY. YOU WILL BE DISQUALIFIED IF MORE THAN ONE APPLICATION PER FAMILY IS RECEIVED.**

**DO NOT GIVE BROKERS OR APPLICATION FEE TO ANYONE IN CONNECTION WITH THE OBTAINING, PREPARING OR FILING OF THIS APPLICATION FOR HOUSING.**

The rent and income distribution for these apartments is as follows:

[Developer must insert chart from advertisement]

Applications for these apartments will be randomly selected. If your application is selected, we will notify you in writing and schedule an interview. Please be prepared to document your income and the other information you provide on the application. A list of required documentation will be sent to you when an interview is scheduled.

Thank you for your interest.

[DEVELOPER NAME]  
[PROJECT NAME]  
[PROJECT ADDRESS]

## APPLICATION FOR APARTMENT

### Instructions:

1. Mail only one application per family. You will be disqualified if more than one application per family is received.
2. When completed, this application must be returned by regular mail only; do not send registered or certified mail.
3. The completed application must be postmarked no later than (month, day, year). Applications postmarked after this date will be set aside for possible future consideration.

4. Mail completed application to:

[POST OFFICE BOX ADDRESS]

\_\_\_\_\_  
\_\_\_\_\_

5. No payment should be given to anyone in connection with the preparation or filing of this application.

\_\_\_\_\_

6. This information to be filled out by the Applicant:

### A. Name and Address

Name \_\_\_\_\_  
Current Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Code \_\_\_\_\_  
Home Telephone/Cell \_\_\_\_\_  
Phone \_\_\_\_\_  
Work Phone \_\_\_\_\_  
How long have you lived at this address? \_\_\_\_\_ Years \_\_\_\_\_ Months

\_\_\_\_\_

### B. Household Information

How many persons in your household, including yourself, WILL LIVE IN THE UNIT FOR WHICH YOU ARE APPLYING? \_\_\_\_\_.

List all of the people WHO WILL LIVE IN THE UNIT FOR WHICH YOU ARE APPLYING, starting with yourself, and provide the following information. Add additional pages if necessary.

Full Name:	Relation to Applicant	Birth Date	Age	Sex	Occupation
------------	-----------------------	------------	-----	-----	------------

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you or any member of your household disabled? [ ] Yes [ ] No  
 If yes, would you describe the disability as [ ] mobility impairment? [ ] visual impairment? [ ] hearing impairment?  
 If you checked either mobility impairment, or visual impairment, or hearing impairment, do you or a member of your household require a special accommodation? [ ] Yes [ ] No  
 If yes, please specify the special accommodation required:

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**C. Income from Employment**

1) Are you an employee of the City of New York, the New York City Housing Development Corporation, the New York City Economic Development Corporation, the New York City Housing Authority, or the New York City Health and Hospitals Corporation? Yes \_\_\_\_\_ No \_\_\_\_\_ (If Yes, please identify the agency or entity at which you are employed): Agency/Entity

2) If you answered "yes" to Question 1 above, have you personally had any role or involvement in any process, decision, or approval regarding the housing development that is the subject of this application? Yes \_\_\_ No \_\_\_

**NOTE: If you answered 'Yes' to Question 1 above, you may be required to submit a statement from your employer that your application does not create a conflict of interest. If you answered 'Yes' to Question 2 above, you will be required to submit a statement from your employer that your application does not create a conflict of interest. Such statement would not be required until later in the application process, after you have been selected through the lottery, when you will also be required to provide other documents to verify your income and eligibility.**

List all full and/or part time employment for ALL HOUSEHOLD MEMBERS including yourself, WHO WILL BE LIVING WITH YOU in the residence for which you are applying. Include self-employment earnings.

Household Member:	Employer Name and Address:	Years Employed:	Gross Earnings:

**D. Income from Other Sources**

List all other income, for example, welfare (including housing allowance), AFDC, Social Security, SSI, pension, disability compensation, unemployment compensation, Interest income, babysitting, care-taking, alimony, child support, annuities, dividends, income from rental property, Armed Forces Reserves, scholarships and/or grants, etc.

HOUSEHOLD MEMBER	Type of Income	Amount
_____	_____	\$ _____ per _____
_____	_____	\$ _____ per _____
_____	_____	\$ _____ per _____
_____	_____	\$ _____ per _____

---

**E. Total Annual Household Income**

Add All Income Listed Above and Indicate the Total Earned for the Year \$\_\_\_\_\_ per year

---

**F. Current Landlord**

Landlord's Name \_\_\_\_\_

(If you live in a public housing project enter "NYCHA." If you live in a city-owned/In Rem building enter "HPD")

Landlord's Address \_\_\_\_\_

Landlord's Phone Number \_\_\_\_\_

---

**G. Current Rent**

What is the total rent on the apartment where you currently live or temporarily staying? \$\_\_\_\_\_ monthly

How much do you contribute to the total rent of the apartment? If nothing write "0" \$\_\_\_\_\_ monthly

---

**H. Reason for Moving**

Why are you moving? Please check all that apply.

Living with parents

Not enough space

Living in shelter or on the streets

Bad housing conditions

Health Reasons

Disability access problems

Do not like neighborhood

Living with relatives/other family members

Rent too high

Increase in family size (marriage, birth)

Other \_\_\_\_\_

---

**I. Section 8 Housing Assistance**

Are you presently receiving a Section 8 housing voucher or certificate?  Yes  No

Please check Yes or No. This information will not affect the processing of the application.

---

**J. Assets**

Checking /Bank or Branch \_\_\_\_\_

Savings/Bank or Branch \_\_\_\_\_

Certificates/Bank or Branch \_\_\_\_\_

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**K. Source of Information**

How did you hear about this development?

Newspaper

Local Organization or Church

City "affordable housing hotline" listing new ads for the month

Other \_\_\_\_\_

Sign Posted on Property

Friend

Web Site/Internet

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**L. Ethnic Identification (Used for Statistical Purposes Only)**

This information is optional and will not affect the processing of the application. Please check one group that best identifies the applicant.

- White (non Hispanic origin)                       Black  
 Hispanic origin                                       Asian or Pacific Islander  
 American Indian/Alaskan Native               Other
- 

**M. Signature**

I DECLARE THAT STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I have not withheld, falsified or otherwise misrepresented any information. I fully understand that any and all information I provide during this application process is subject to review by The New York City Department of Investigation (DOI), a fully empowered law enforcement agency which investigates potential fraud in City-sponsored programs. I understand that the consequences for providing false or knowingly incomplete information in an attempt to qualify for this program may include the disqualification of my application, the termination of my lease (if discovery is made after the fact), and referral to the appropriate authorities for potential criminal prosecution.

I DECLARE THAT NEITHER I, NOR ANY MEMBER OF MY IMMEDIATE FAMILY ARE EMPLOYED BY THE CITY OF NEW YORK'S HOUSING PRESERVATION AND DEVELOPMENT OR ITS SUBSIDIARIES, OR THE BUILDING OWNER OR ITS PRINCIPALS.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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**OFFICE USE ONLY:**

Community Board Resident  Yes  No  
Municipal Employee  Yes  No  
Size of Apartment Assigned:  Studio  1 Bedroom  2 Bedroom  3 Bedroom  4 Bedroom  
Family Composition: Adult Males \_\_\_\_\_ Adult Females \_\_\_\_\_ Male Children \_\_\_\_\_ Female Children \_\_\_\_\_  
Person with Disability  Mobility  Visual  Hearing  
TOTAL VERIFIED HOUSEHOLD INCOME: \$ \_\_\_\_\_ per Year

**SAMPLE INELIGIBILITY LETTER**

[Company Letterhead]

Date

Applicant's Name and Address

Re: Project Name  
Log # \_\_\_\_\_

Dear (Applicant):

We have received your application for residency in the project indicated above. Based on the guidelines for eligibility under this program, you are ineligible for the following reason:

- \_\_\_ 1. Your family's gross income exceeds the program limit.  
\_\_\_\_\_
- \_\_\_ 2. Your family's gross income is not sufficient to sustain the rent level.  
\_\_\_\_\_
- \_\_\_ 3. No remaining units are available within the project to accommodate your family size.  
\_\_\_\_\_
- \_\_\_ 4. Your application was not received through regular mail as instructed.  
\_\_\_\_\_
- \_\_\_ 5. Poor Credit History  
\_\_\_\_\_
- \_\_\_ 6. Home Visit  
\_\_\_\_\_
- \_\_\_ 7. Other  
\_\_\_\_\_

If you have additional information which you feel would entitle you to appeal this determination, you may contact this office within **two (2) weeks** from the date of this letter to request a review.

Sincerely,

Owner/Manager

[TO BE PLACED ON DEVELOPER LETTERHEAD]

**REQUEST FOR AN INTERVIEW**

Date:

Dear:

Your application for an apartment at \_\_\_\_\_ [Project Name/Address] \_\_\_\_\_ has been randomly selected for further processing. **THIS IS ONLY A NOTICE TO APPEAR FOR AN INTERVIEW. YOU MUST MEET CERTAIN ELIGIBILITY REQUIREMENTS BEFORE YOU CAN BE APPROVED.**

An interview has been set-up for you at \_\_\_\_\_  
on \_\_\_\_\_ am/pm.

[Developer to insert list of required documents here]

**IF YOU ARE UNABLE TO ATTEND, PLEASE CONTACT US AT LEAST 24 HOURS BEFORE YOUR SCHEDULED APPOINTMENT AT ( ) \_\_\_\_\_ OR AT THE ADDRESS LISTED ABOVE.**

We look forward to seeing you.

Sincerely,

Owner/Manager

[TO BE PLACED ON DEVELOPER LETTERHEAD]

**NOTICE OF ELIGIBILITY**

Date:

To:

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RE: Project Name/Address

Dear:

Congratulations! We are pleased to inform you that you have been approved for an apartment at \_\_\_\_\_ [Project Address] \_\_\_\_\_.  
You will be occupying apartment # \_\_\_\_\_.

Please contact us upon receipt of this letter in order to arrange for an inspection of the unit and the signing of the lease.

Thank you.

Sincerely,

Owner/Manager

**APPLICANT INFORMATION FORM**

(To be completed for all applicants to whom you intend to offer an apartment)

SITE: \_\_\_\_\_

1. Applicant Name: \_\_\_\_\_ Log #: \_\_\_\_\_

2. Building Address: \_\_\_\_\_ Apartment #: \_\_\_\_\_

3. Household Income: \$ \_\_\_\_\_ 3a. Rent: \$ \_\_\_\_\_

4.	a. NYCHA Housing	_____	Yes	_____	No
	b. Community Board Resident	_____	Yes	_____	No
	c. Municipal Employee	_____	Yes	_____	No
	d. Borough Resident	_____	Yes	_____	No
	e. Section 8 Recipient	_____	Yes	_____	No
	f. Disabled	_____	Yes	_____	No

If "Yes": \_\_\_\_\_ Mobility \_\_\_\_\_ Visual \_\_\_\_\_ Hearing \_\_\_\_\_

5. Ethnicity (check one)

White \_\_\_\_\_ Black \_\_\_\_\_ Hispanic \_\_\_\_\_ Asian \_\_\_\_\_ Other \_\_\_\_\_

6. Size of Apt. Assigned (check one)

Studio \_\_\_\_\_ 1 Bedroom \_\_\_\_\_ 2 Bedroom \_\_\_\_\_ 3 Bedroom \_\_\_\_\_ 4 Bedroom \_\_\_\_\_

7. List Names of all Family Member residing in Unit

a. Head	_____
b. Co-Head/Spouse:	_____
c. Family Member # 3	_____
d. Family Member # 4	_____
e. Family Member # 5	_____
f. Family Member # 6	_____

9. Rent of Apartment Assigned (check one)

Very Low \_\_\_\_\_ Low \_\_\_\_\_ Moderate \_\_\_\_\_ Market \_\_\_\_\_ HOME unit \_\_\_\_\_

10. a. Does this AIF serve to replace a previously approved applicant? Yes [ ] No [ ]

If "Yes", please indicate the name, log number, date, and reason why applicant is being replaced.

Name: \_\_\_\_\_ Log#: \_\_\_\_\_ Date: \_\_\_\_\_

b. Reason for replacement of previous applicant:

Applicant Cancelled: \_\_\_\_\_ Rejected: \_\_\_\_\_ Moved-Out: \_\_\_\_\_ Evicted: \_\_\_\_\_

Unit Transfer: \_\_\_\_\_ (Please give new unit #: \_\_\_\_\_) Vacant Unit: \_\_\_\_\_ Other: \_\_\_\_\_

## **HPD MARKETING PACKAGE CONTENTS HOMEOWNERSHIP**

1. Homeownership Selection Procedures (Pages 1-8)
2. Notice of Intent (Pages 9- 10)
3. Cover Letter to Marketing Application (Page 11)
4. Marketing Application (Pages 12-14)
5. Ineligibility Letter (Page 15)
6. Request for Interview (Page 16)
7. Notice of Eligibility (Page 17)
8. Application Information Form (Page 18-19)
9. Marketing Lottery Log Sheet (Addendum)

## HOMEOWNERSHIP SELECTION PROCEDURES

### 1. NOTICE OF INTENT

The Sponsor/Developer, or a representative, must submit to HPD a Notice of Intent to begin marketing according to the following timetable:

- Marketing Meeting: **Seven (7) months** prior to anticipated occupancy
- Ads Placed and Community Letters Mailed when applicable: **Six (6) months** prior to anticipated occupancy
- Application Deadline: **Four (4) months** prior to anticipated occupancy, allowing for the required 60 day application period; i.e. 2 months following the placement of ads.

### 2. WRITING AND PLACING ADVERTISEMENT

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

### 3. CONTENTS OF APPLICATION

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

**NOTE:** The P.O. Call Box used will be one governed solely by The United States Postal Service. HPD will reserve the P.O. Box at the USPS branch of its own choosing, with all

charges and fees to be reimbursed by the Developer. Only HPD will have access to the box and it will not be opened until the date of the lottery.

- a) Applications will be picked up from the post office box approximately 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 USPS will notify HPD prior to picking up the mail and HPD and the Developer will place all letters, unopened, in a secure locker/footlocker (see 5f). The Developer will then return to the post office approximately 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 Homeownership Selection Procedures, only after all applications postmarked by the deadline have been exhausted. (See Sections 8b and 9b)

## 5. OPENING APPLICATIONS & CREATING THE LOG

- a) Log format will be provided by HPD (See Addendum)
- b) Based on anticipated response volume, HPD will recommend a minimum number of staff/volunteers to be provided by the borrower for the full day of the lottery. Staff should be made familiar with the application log process and freed from any other duties or distractions on the day of the lottery. Agency monitors will be present strictly to observe the opening of applications and completion of the log sheets; they will be unable to assist in the actual opening and logging so as to not divert their attention from their oversight responsibilities.
- c) 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 fifty (50) 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. All subsequent loggings from this applicant pool, unless waived by HPD, must take place in the presence of HPD staff. **No preferences will be waived unless all received applications have been opened.**
- e) Developer or a 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, Developer must provide a copy of the updated Log after each day's logging is completed.
- f) If more than one day is required, remaining applications must be secured in a locker or footlocker (to be provided by the Developer) which can accommodate a standard combination lock. HPD will provide the lock with a combination known only to HPD. This locker/footlocker will be stored by the borrower in a location approved by the agency monitors and subsequent days of opening and logging must also occur under agency supervision. At the completion of all sales, after enough applications have been opened to achieve occupancy and establish a waiting list, any surplus applications will be shredded by the developer.

- g) 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 units to eligible applicants. ***HPD approval is required prior to signing contracts.***
- h) All homeownership offers must be made by Developer or representative to "eligible applicants", and must be made in numbered and preference order from this Log, as long as units of appropriate size are available. An applicant to whom a unit has been offered must be given a reasonable specific amount of time to respond to the offer before a Developer can proceed to offer a unit to the next eligible applicant on the Log.
- i) 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.
- j) The Applicant Log will be retained as a record for no less than three (3) years.

## 6. PURCHASING UNITS: PREFERENCES

- a) Neighborhood Preference Requirement: Fifty per cent (50%) of all marketed units will be sold to Community Board residents.
  - 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.
- b) Municipal Employee Preference:  
Five per cent (5%) of all marketed units will be sold to Municipal Employees of the City of New York.
- c) 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 5% of the project units, or one unit, whichever is greater, is required to be made adaptable for disabled persons with mobility impairments, and a minimum of 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 5% and 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." 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, Developer, or representative, may go to the next disabled applicant on the log.

If Developer, or representative, cannot sell all disabled preference units from the original applicant pool, 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.

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. Applications from additional disabled applicants referred to Developer by MOPD must be postmarked not more than 35 days following such notification. 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 sold 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 a unit to a disabled applicant who remained on the log, developer must offer an adaptable unit of appropriate size, if available. If no such unit is available, a non-adaptable unit should be offered. Developers are advised that Federal law requires the developer to provide a reasonable accommodation to the applicant, if requested.

## 7. COMPLETING PURCHASING OF UNITS

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

- a) Developer will then be required at minimum to re-advertise the units in addition to any direct outreach/solicitation.
  - Ad will be provided by the Developer;
  - Ad must be placed in at least three (3) newspapers as described in Section 2c of these Homeownership Selection Procedures;
  - 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) Developer must apply the same eligibility and purchasing criteria/requirements utilized for all other applicants when selling these units.
- d) Developer will be required to certify to HPD that this process has been completed in accordance with these guidelines.

## 8. COMPLETING NEIGHBORHOOD PREFERENCE SALES

Developer must contact HPD if, upon selling 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 preference units are sold:

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

After 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, Developer may proceed to sell units with eligible non-neighborhood residents in log order. (See 10.i)

## 9. INTERVIEWS

- a) Units must be offered to eligible applicants in log number order but interviews can be conducted by Developer, or a representative, in any order.
- b) Developer will notify each applicant to be interviewed by regular mail. Format for letter will be provided by HPD. Letter will indicate:
  - date, time, and location of interview and phone number should applicant be unable to appear;
  - list of required documents to be brought to interview by applicant;
  - that no broker or application fees will be charged to the purchaser;
  - if credit checks will be conducted by Developer, that the fee must be approved by HPD. 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, Developer must send a second letter by regular mail to schedule another interview. The applicant will be given a reasonable specific amount of time from the date of the second letter in which to respond.

## 10. QUALIFYING APPLICANTS

- a) All selections will be made by the Developer, or a representative.
- b) **Developer, employees, agents and employees of agents are prohibited from seeking a homeownership unit through the Developer's lotteries, and are further prohibited from being considered through any other means for any unit being marketed by this**

**Developer pursuant to these Homeownership Selection Procedures, regardless of their position with the firm.**

- c) If required by the Regulatory Agreement, 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) Developer must disqualify those applicants from whom multiple copies of an application are received.
- e) HPD will provide Developer with initial sales prices, income guidelines and minimum household size requirements when the Notice of Intent is received.
- f) HPD's affordable units are not intended for "roommate situations" or other combinations of friends and/or distant relatives who join together solely for the purposes of qualifying for such a housing opportunity. For the purposes of HPD's affordable housing programs, **a household shall be defined as "an immediate family or other such configuration of persons who have a documented financial interdependence."** Aside from immediate family members (spouses and parent/child combinations), other possible households may document "financial interdependence" as follows:
  - Adult persons already living together as a household as may be formally documented through current leases, deeds, or current utility records identifying each person residing at the same address;
  - Adult persons who can document shared assets, such as shared bank accounts reflecting each person's name, going back at least one year.
  - Adult couples who are not married but who meet the criteria above or who can document registration with The City of New York as a domestic partnership.
  - Additional minors who can be documented as being the lawful dependents of one or more adult household members. Individual letters signed by applicants or other individuals (such as a statement from an applicant's sister that her child will be living with the applicant) are not acceptable documentation. Acceptable documentation may include the following:
    - i) legal custody or guardianship papers;
    - ii) tax documents reflecting the minor as a dependent;
    - iii) school records identifying the adult household member as the minor's guardian of record; or
    - iv) Third Party verification from a governmental social services agency regarding the placement of the minor within the household
- g) Developer must notify all applicants processed of their selection status by regular mail as soon as a determination has been made. (See also Section 5f) A copy of the letter must be attached to the application and kept on file.
- h) As required under Section 5e, 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 ineligibility;
  - applicant's being an employee of Developer, or Developer's agent (See Section 11b);
  - does not meet New York City residency requirement;
  - lack of adequate income to support mortgage payments;
  - ineligible household size;
  - poor payment or credit history;

- receipt of more than one application per household;
  - falsification of information;
  - any other reason for rejection;
  - if files are incomplete or if flags are raised which require further review either internally or with The NYC Department of Investigation (DOI), the process will take as long as necessary to:
    - (i) acquire the missing or additional paperwork from the borrower's management staff or
    - (ii) complete an additional review with DOI. On a case by case basis, if such processes extend past ten (10) business days without a resolution, the agencies may grant permission to place such questionable applicants on hold and proceed with other applications while such special reviews are being completed.
  - Ineligibility and Rejection Letters to Applicants must provide a specific reason an applicant cannot be approved. Responses to appeals must be even more specific and detailed. For example, stating "You are rejected because you are under-income" is not sufficient. The letter would need to state, as an example, "You have been deemed ineligible for this housing program because you do not meet the minimum income required for your family and unit size. The minimum income is \$35,000 and your household's annual income has been determined to be \$34,000".
- i) The first applications processed and submitted to the agencies from the log must be those that meet one of the approved housing preferences; community board, disability, municipal employee, etc.
- If preferences are not met and there are still unopened applications remaining, another day of opening applications to identify additional preference applicants must be scheduled with the agencies. **No preferences will be waived unless all received applications have been opened.**
  - Only after all preferences have been achieved (or waived by the agencies following the exhaustion of the lottery) may non-preference applications be submitted for approval. This is to prevent non-preference applicants from being processed for units that are intended for preference-eligible applicants.

## 11. COMPLIANCE WITH REGULATORY AGREEMENTS

In addition to discretionary selection criteria such as credit checks, landlord references, etc., HPD hereby makes criminal background checks a mandatory criterion. The owner must disclose in the project's marketing plan which types of information revealed through such a check will or will not adversely impact an applicant's eligibility *except* that HPD hereby requires a determination of ineligibility in the event that one or both of the following criminal findings is flagged during the background check:

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

**NOTE: DISCOVERY OF FALSE INFORMATION:**

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

12. **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 Homeownership Selection Procedures, any violation thereof will be a violation of these Homeownership Selection Procedures.

13. **AMENDMENTS**

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

14. **INSPECTIONS**

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

15. **CORRESPONDENCE**

All notices to HPD regarding the Homeownership 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, New York 10038

[To be placed on Developer's Letterhead]

**NOTICE OF INTENT TO MARKET:**

**HOMEOWNERSHIP UNITS**

**Co-op \_\_ Condo \_\_ Multi-family \_\_ Single-family**

Mr. Rubin Wolf, Director of Marketing  
**Department of Housing Preservation and Development**  
**100 Gold Street, Room 5C**  
New York, New York 10038  
**FAX: (212) 863-7988**  
**Email: wolfr@hpd.nyc.gov**

Re: **PROGRAM:**  
**PROJECT NAME:**  
**ADDRESS:**

Dear Mr. Wolf:

The project listed above is nearing completion. We expect units to be available for occupancy on DATE. Advertising should begin on DATE.

There are a total of \_\_\_\_\_ units to be marketed for sale in this project (excluding units set aside for the superintendent, if applicable). The distribution of units is as follows:

<b>Available Units</b>	<b>Unit Size</b>	<b>Estimated Cost</b>	<b>Annual Income Range</b>
_____	0 Bedroom	\$ _____	\$ _____ to \$ _____
_____	1 Bedroom	_____	
_____	2 Bedroom	_____	
_____	3 Bedroom	_____	

We will be advertising in the following three newspapers:

Citywide:

Local:

Ethnic:

The ad should list the following PO Box or address for application requests:

The ad should state that application requests must be made by mail only: Yes\_\_\_\_No\_\_\_\_\_.

The handicapped information for this project is as follows:

\_\_\_\_\_ Number of elevators in \_\_\_\_\_ buildings;

\_\_\_\_\_ Number of ramps to \_\_\_\_\_ buildings;

\_\_\_\_\_ Total Number of handicapped adaptable units.

I understand that the Department of Housing Preservation and Development will provide the camera-ready ad for this project. If I provide my own ad for this project I understand that the ad is subject to HPD's final review and approval. If there any questions regarding the above information please contact:

Phone: ( )

FAX: ( )

Email:

Sincerely,

Developer/Manager

COVER LETTER TO APPLICATION  
[Indicate Developer Name Only]

Thank you for contacting us. Per your request, an application is enclosed for homeownership at \_\_\_\_\_.

The completed application must be returned by **REGULAR MAIL ONLY** to the following Post Office Box (Please note that this is a **DIFFERENT** address than where you wrote for an application):

The application deadline is \_\_\_\_\_. Applications postmarked after this deadline will be set aside for possible future consideration.

**If you answered "yes" to question "I" on the application regarding if you or a member of your household requires a special accommodation, kindly place a check mark ( ✓ ) on the outside of the envelope.**

**MAIL ONLY ONE APPLICATION PER FAMILY. YOU WILL BE DISQUALIFIED IF MORE THAN ONE APPLICATION PER FAMILY IS RECEIVED.**

**DO NOT GIVE BROKERS OR APPLICATION FEE TO ANYONE IN CONNECTION WITH THE OBTAINING, PREPARING OR FILING OF THIS APPLICATION FOR HOUSING.**

The prices and income distribution for these units are as follows:

[Developer must insert chart from advertisement]

Applications for these units will be randomly selected. If your application is selected, we will notify you in writing and schedule an interview. Please be prepared to document your income and the other information you provide on the application. A list of required documentation will be sent to you when an interview is scheduled.

Thank you for your interest.

**Homeownership Application Sample**

**DEVELOPER NAME**

**PROJECT NAME**

**PROJECT ADDRESS**

Please read the attached information and complete this application and credit authorization form with care and accuracy. Applications can be typed or printed IN INK. **Applications must be returned postmarked no later than (month, day, year).**

Mail completed application to: { Project Name, Project Address }

**A credit check fee is payable at time of interview.**

**This fee is \$\_\_\_\_\_ per individual application or \$\_\_\_\_\_ with co-applicant.**

**APPLICANT INFORMATION**

**CO-APPLICANT (include spouse/any others)**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Home/Cell Phone \_\_\_\_\_  
Employer \_\_\_\_\_  
Employer Address \_\_\_\_\_  
Employer Phone \_\_\_\_\_  
Fax \_\_\_\_\_  
Email \_\_\_\_\_  
Your Position \_\_\_\_\_  
Years at current position \_\_\_\_\_  
Current Annual Salary without overtime: \$ \_\_\_\_\_  
Dividends/Interest Income: \$ \_\_\_\_\_  
Self-employed: Yes \_\_\_\_\_ No \_\_\_\_\_  
Do you currently own a home? Yes \_\_\_\_\_ No \_\_\_\_\_\*  
Address of owned property \_\_\_\_\_  
\_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Home/Cell Phone \_\_\_\_\_  
Employer \_\_\_\_\_  
Employer Address \_\_\_\_\_  
Employer Phone \_\_\_\_\_  
Fax \_\_\_\_\_  
Email \_\_\_\_\_  
Your Position \_\_\_\_\_  
Years employed at current Position \_\_\_\_\_  
Current Annual Salary without overtime: \$ \_\_\_\_\_  
Dividends/Interest Income: \$ \_\_\_\_\_  
Self-employed: Yes \_\_\_\_\_ No \_\_\_\_\_  
Do you currently own a home? Yes \_\_\_\_\_ No \_\_\_\_\_\*  
Address of owned property \_\_\_\_\_  
\_\_\_\_\_

How many persons in your household, including yourself, WILL LIVE IN THE UNIT FOR WHICH YOU ARE APPLYING? \_\_\_\_\_.

List all of the people WHO WILL LIVE IN THE UNIT FOR WHICH YOU ARE APPLYING, starting with yourself, and provide the following information. Add additional pages if necessary.

<b>Full Name:</b>	<b>Relation to Applicant</b>	<b>Birth Date</b>	<b>Age</b>	<b>Sex</b>	<b>Occupation</b>

Are you or any member of your household disabled? [ ] Yes [ ] No  
If yes, would you describe the disability as [ ] mobility impairment? [ ] visual impairment? [ ] hearing impairment?  
If you checked either mobility impairment, or visual impairment, or hearing impairment, do you or a member of your household require a special accommodation? [ ] Yes [ ] No  
If yes, please specify the special accommodation required:

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**1) Are you or the co-applicant an employee of the City of New York, the New York City Housing Development Corporation, the New York City Economic Development Corporation, the New York City Housing Authority, or the New York City Health and Hospitals Corporation?** Yes \_\_\_\_\_ No \_\_\_\_\_ (If Yes, please identify the agency or entity at which you are employed): Agency/Entity

2) If you answered "yes" to Question 1 above, have you personally had any role or involvement in any process, decision, or approval regarding the housing development that is the subject of this application? Yes \_\_\_ No \_\_\_

**NOTE: If you answered ‘Yes’ to Question 1 above, you may be required to submit a statement from your employer that your application does not create a conflict of interest. If you answered ‘Yes’ to Question 2 above, you will be required to submit a statement from your employer that your application does not create a conflict of interest. Such statement would not be required until later in the application process, after you have been selected through the lottery, when you will also be required to provide other documents to verify your income and eligibility.**

**\*Applicants who have previously purchased a governmentally subsidized home are ineligible.**

**CASH AVAILABLE:** Indicate total amount of cash available for down payment and closing costs: \$ \_\_\_\_\_

Source of Cash: \_\_\_\_\_  
(Example: Savings and/or Money Market Account, CD, 401K, Insurance, Gifts, etc.)

**DEBT INFORMATION:** Indicate below all current and total outstanding debts for Applicant and Co-Applicant including, for example, auto loans, student loans, credit cards, mortgage loans, personal bank loans, court-ordered alimony and child support, etc (Add additional sheets if necessary).

Debtor \_\_\_\_\_ name:  
(Applicant/CoApplicant) \_\_\_\_\_  
Name of each person/company owed:

Balance owed: \$ \_\_\_\_\_  
Min. required monthly payment: \$ \_\_\_\_\_

### CREDIT CHECK AUTHORIZATION

I authorize you to obtain a credit report on the application names listed above. (If married less than 2 years or if known by another name or have a designation at the end of your name, such as Jr., Sr., II, etc., please indicate) If I meet the program’s eligibility requirements and am selected to purchase a new home, I understand I will need to apply separately for a mortgage loan if I need such funds to purchase the home.

Date: \_\_\_\_\_  
Applicant Signature \_\_\_\_\_  
Co-Applicant Signature \_\_\_\_\_

- **SUBMISSION OF AN APPLICATION DOES NOT GUARANTEE PURCHASE OF A HOME.**
- **NO APPLICATION OR BROKERS FEES MAY BE CHARGED TO YOU BY ANYONE.**

If applicable: This is not an offering. No offering can be made until an Offering Plan has been filed with the Department of Law of the State of New York. This is made pursuant to Cooperative Policy Statement No. 1 issued by the New York State Attorney General. The following CPS 1 registration number has been assigned by the Attorney General: CPS \_\_\_\_\_.

I DECLARE THAT STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I have not withheld, falsified or otherwise misrepresented any information. I fully understand that any and all information I provide during this application process is subject to review by The New York City Department of Investigation (DOI), a fully empowered law enforcement agency which investigates potential fraud in City-sponsored programs. I understand that the consequences for providing false or knowingly incomplete information in an attempt to qualify for this program may include the disqualification of my application, the termination of my lease (if discovery is made after the fact), and referral to the appropriate authorities for potential criminal prosecution.

I DECLARE THAT NEITHER I, NOR ANY MEMBER OF MY IMMEDIATE FAMILY ARE EMPLOYED BY THE CITY OF NEW YORK'S HOUSING PRESERVATION AND DEVELOPMENT OR ITS SUBSIDIARIES, OR THE BUILDING OWNER OR ITS PRINCIPALS.

**Signed:**

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
Co-Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY:**

Community Board Resident [ ] Yes [ ] No  
Municipal Employee [ ] Yes [ ] No  
Size of Unit Assigned: [ ] Studio [ ] 1 Bedroom [ ] 2 Bedroom [ ] 3 Bedroom [ ] 4 Bedroom  
Family Composition: Adult Males \_\_\_\_\_ Adult Females \_\_\_\_\_ Male Children \_\_\_\_\_ Female Children \_\_\_\_\_  
Person with Disability [ ] Mobility [ ] Visual [ ] Hearing  
TOTAL VERIFIED HOUSEHOLD INCOME: \$ \_\_\_\_\_ per Year

**SAMPLE INELIGIBILITY LETTER**

[Company Letterhead]

Date

Applicant's Name and Address

Re: Project Name  
Log # \_\_\_\_\_

Dear (Applicant):

We have received your application for residency in the project indicated above. Based on the guidelines for eligibility under this program, you are ineligible for the following reason:

- \_\_\_ 1. Your family's gross income exceeds the program limit.  
\_\_\_\_\_
- \_\_\_ 2. Your family's gross income is not sufficient to sustain the cost level.  
\_\_\_\_\_
- \_\_\_ 3. No remaining units are available within the project to accommodate your family size.  
\_\_\_\_\_
- \_\_\_ 4. Your application was not received through regular mail as instructed.  
\_\_\_\_\_
- \_\_\_ 5. Poor Credit History  
\_\_\_\_\_
- \_\_\_ 6. Home Visit  
\_\_\_\_\_
- \_\_\_ 7. Other  
\_\_\_\_\_

If you have additional information which you feel would entitle you to appeal this determination, you may contact this office within **two (2) weeks** from the date of this letter to request a review.

Sincerely,

Owner/Manager

[TO BE PLACED ON DEVELOPER LETTERHEAD]

**REQUEST FOR AN INTERVIEW**

Date:

Dear:

Your application for a homeownership unit at \_\_\_\_\_ [Project Name/Address] \_\_\_\_\_ has been randomly selected for further processing. **THIS IS ONLY A NOTICE TO APPEAR FOR AN INTERVIEW. YOU MUST MEET CERTAIN ELIGIBILITY REQUIREMENTS BEFORE YOU CAN BE APPROVED.**

An interview has been set-up for you at \_\_\_\_\_  
on \_\_\_\_\_ am/pm.

[Developer to insert list of required documents here]

**IF YOU ARE UNABLE TO ATTEND, PLEASE CONTACT US AT LEAST 24 HOURS BEFORE YOUR SCHEDULED APPOINTMENT AT ( ) \_\_\_\_\_ OR AT THE ADDRESS LISTED ABOVE.**

We look forward to seeing you.

Sincerely,

Owner/Manager

[TO BE PLACED ON DEVELOPER LETTERHEAD]

**NOTICE OF ELIGIBILITY**

Date:

To:

---

---

---

RE: Project Name/Address

Dear:

Congratulations! We are pleased to inform you that you have been approved for homeownership at \_\_\_\_\_ [Project Address] \_\_\_\_\_.  
You will be occupying unit # \_\_\_\_\_.

Please contact us upon receipt of this letter in order to arrange for an inspection of the unit and the signing of relevant documents.

Thank you.

Sincerely,

Owner/Manager

**APPLICANT INFORMATION FORM (REV 7/2008)**  
**HOME/CONDO/CO-OP**

DATE \_\_\_\_\_ PROGRAM \_\_\_\_\_ SITE \_\_\_\_\_

DEVELOPER \_\_\_\_\_

1. Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_

Co-Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_

List names of all household members:

\_\_\_\_\_  
\_\_\_\_\_

2. Log # \_\_\_\_\_ (or) Open Market Yes \_\_\_\_\_ No \_\_\_\_\_ OM \_\_\_\_\_

3. a. Community Board Preference Yes \_\_\_\_\_ No \_\_\_\_\_

b. Municipal Employee Yes \_\_\_\_\_ No \_\_\_\_\_

c. Disabled Yes \_\_\_\_\_ No \_\_\_\_\_

if "yes" M \_\_\_\_\_ V \_\_\_\_\_ H \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

d. HPD Employee Yes \_\_\_\_\_ No \_\_\_\_\_

4. NYC Residence Requirement Yes \_\_\_\_\_ No \_\_\_\_\_

5. Employer's Name:

Applicant's \_\_\_\_\_

Co-Applicant's \_\_\_\_\_

6. Total Household Income \$ \_\_\_\_\_ 7. Household Size \_\_\_\_\_

8. Ethnicity (check One) White \_\_\_\_\_ Black \_\_\_\_\_ Hispanic \_\_\_\_\_ Asian \_\_\_\_\_ Other \_\_\_\_\_

9. Purchase Price \$ \_\_\_\_\_ Type: Home \_\_\_\_\_ Condo \_\_\_\_\_ Co-op \_\_\_\_\_

**HOME PURCHASE INFORMATION:**

1. Address of Home \_\_\_\_\_ Boro \_\_\_\_\_

2. Size of Home 1 Family\_\_\_ 2 Family\_\_\_ 3 Family\_\_\_ 4 Family\_\_\_\_\_

CONDO PURCHASE INFORMATION:

1. Address of Condo\_\_\_\_\_ Unit #\_\_\_\_Boro\_\_\_\_\_

2. Size of Unit Studio\_\_ 1 Bedroom\_\_ 2 Bedroom\_\_\_3 Bedroom\_\_\_ 4 Bedroom\_\_\_\_\_

CO-OP PURCHASE INFORMATION:

1. Address of Co-op\_\_\_\_\_ Unit #\_\_\_\_Boro\_\_\_\_\_

2. Size of Unit Studio\_\_ 1 Bedroom\_\_ 2 Bedroom\_\_\_3 Bedroom\_\_\_ 4 Bedroom\_\_\_\_\_

**Does this AIF serve to replace a previously approved applicant? If yes, please indicate the name and log number of the applicant being replaced.**

Yes\_\_\_\_\_ No\_\_\_\_\_ Log #\_\_\_\_\_ OM #\_\_\_\_\_

Name\_\_\_\_\_

## Appendix E

- Equal Opportunities Requirements (pp. 172 – 186)

# Appendix E – 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;

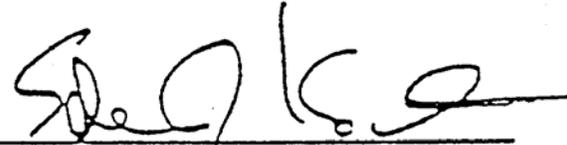
(ii) an emergency contract or other  
exempt contract, except as the Bureau may  
direct by regulation; and

(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.



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Edward I. Koch  
M A Y O R



JUN 25 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

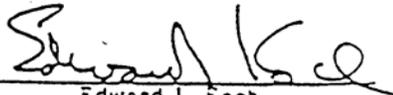
contract to which it becomes a party such provisions requiring the contractor to ensure equal employment opportunity as the Bureau may direct, consistent with this Order."

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

## Appendix F – Proposal Forms

- A. Completeness checklist and applicant’s letter
- B. Proposal summary
- C. Development team information and Applicant questionnaire
- D.
  1. Development experience and current workload
  2. Management experience and current workload
  3. Management Questionnaire
- E. Assets statement
- F. Financing Proposal
  - Rental Pro Forma
  - Coop and Condo Pro Forma

Pro formas not included in print version.

Download pro formas at:

<http://www.nyc.gov/html/hpd/html/developers/rfp.shtml>

## Form A: Completeness Checklist and Applicant's Letter

### A1 – Completeness Checklist (Tab A)

Before completing the following forms, please see instructions in **Section VI (Submission Requirements)**.

Tab	Form	✓
A	<b>Completeness Checklist and Applicant's Letter</b>	
	1. Completeness Checklist (Form A-1)	
	2. Applicant's Letter (Form A-2)	
B	<b>Proposal Summary</b>	
	1. Proposal Summary (Form B)	
	2. Proposal Narrative ( <i>provided by Applicant</i> )	
C	<b>Development Team Information and Applicant Questionnaire</b>	
	1. Development Team Information (Form C-1)	
	2. Not-For-Profit Organization Description (Form C-2)	
	3. Staffing Plan ( <i>provided by Applicant</i> )	
	4. Additional Evidence of Experience and Qualifications ( <i>provided by Applicant</i> )	
D	<b>Experience and Current Workload</b>	
	1. Residential Development Experience and Current Workload (Form D-1)	
	2. Residential Management Experience (Form D-2)	
	3. Management Questionnaire (Form D-3)	
E	<b>Ability to Finance</b>	
	1. Assets Statement (Form E or alternative statements)	
F	<b>Financing Proposal</b>	
	1. Rental Pro Forma (Form F-1, if applicable)	
	2. Sales Pro Forma (Form F-2, if applicable)	
	3. Two or Three Family Homes Pro Forma ( <i>provided by Applicant, if applicable</i> )	
	4. Financing Narrative ( <i>provided by Applicant</i> )	
	5. Market comparables ( <i>provided by Applicant if Proposal includes market rate units</i> )	
G	<b>Letters of Interest for Private and Public Funds</b> ( <i>provided by Applicant</i> )	
H	<b>Design Team Experience</b> ( <i>provided by Applicant</i> )	
I	<b>Design Narrative</b> ( <i>provided by Applicant</i> )	
J	<b>Architectural Submission</b> ( <i>provided by Applicant</i> )	
K	<b>Energy Efficiency and Green Design: Experience</b> ( <i>provided by Applicant</i> )	
L	<b>Development Schedule</b> ( <i>provided by Applicant</i> )	

## A2 – Applicant’s Letter (Tab A)

NYC Department of Housing Preservation and Development  
Office of Development  
Division of Planning and Pipeline Development  
100 Gold Street, Room 9I-2  
New York, NY 10038  
Attention: Peter Madden

Re: Proposal in Response to Melrose Commons North RFP: Site █

Dear Mr. Madden:

This letter is being submitted in connection with my proposal (“Proposal”) submitted in response to the Request for Proposals (“RFP”) issued by the Department of Housing Preservation and Development (“HPD”) of the City of New York (“City”) for mixed-use/housing Melrose Commons North Site █ (“Development Site”) in the Bronx.

I have received, read, and understand the provisions of the RFP. I understand that selection of an Applicant (“Applicant”) under the RFP for disposition of the Development Site and the development of the Project described in the RFP (“Project”) will mean only that HPD will commence negotiations with such Developer regarding the development of the Development Site.

I recognize that any negotiations with HPD 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) approved by the Mayor after a hearing on due notice; and (iii) duly executed by the Applicant and the City. The Negotiation Letter will only indicate HPD’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 Development Site, which permission will only be granted, if at all, in the form of a license agreement duly executed by the Applicant and the City. The execution of any such license agreement, if it occurs, will only indicate that the City has granted permission for the Applicant to enter onto the Development Site for the limited purposes stated in the scope of work set forth therein, and will not indicate that the City reached any other agreement with the Applicant regarding the Development Site or the Project.
3. The following requirements will have to be satisfied prior to the disposition of the Development Site:

The disposition of the Development Site and tax exemptions to be granted, if any, must be reviewed and approved in accordance with all applicable HPD and City policies, which include, but are not limited to, the following:

- a. The Applicant, any other potential grantee of the Development Site, and their respective Principals must successfully undergo a background check concerning their suitability to do business with the City.
  - b. The Development Site will not be sold 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 or other governmental entities, (ii) is in default on any obligations to the City, (iii) is a former owner of the Development Site, or (iv) has lost real property to the City in tax or lien enforcement proceedings.
  - c. The price and other terms for the disposition of the Development Site and the tax exemption(s) to be provided, if any, will be consistent with applicable City policies.
  - d. The grantee must execute legal documents in form and substance acceptable to HPD and in form approved by the City's Law Department.
4. During negotiations, the Applicant must diligently, competently, and expeditiously comply with all requirements communicated to the Applicant by HPD.
  5. The design of the Project must comply with any applicable HPD development requirements and guidelines.
  6. Either HPD or the Applicant may terminate negotiations at any time with or without cause. Negotiations may be terminated if Applicant does not commence construction within eighteen (18) months from the date of the Negotiation Letter.
  7. If negotiations are terminated by either HPD or the Applicant, whether with or without cause, or if negotiations terminate automatically, then neither the City nor the Applicant will have any rights against or liabilities to the other.
  8. The City is not obligated to pay, nor will it 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, the City, or any applicable laws.

Very truly yours,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Applicant

**Melrose Commons North RFP  
Form B – Proposal Summary**

**Site:** \_\_\_\_\_ **Developer:** \_\_\_\_\_

**Unit Summary**

Building Name/Description	Home Ownership Units	Rental Units	Total Units	Gross Square Feet
<b>Total</b>	0	0	0	0
<b>% of Total Project</b>			-	-

**Affordability Summary**

Building Name/Description	___%HUD IL	___%HUD IL	___%HUD IL	___%HUD IL
<b>Total Units</b>	0	0	0	0
<b>% of Total Project</b>				

**Residential Sales Prices**

Building Name/Description	Studio	1BR	2BR	3BR/4BR	Townhouse

**Unit Count by Type**

Building Name/Description	Studio	1BR	2BR	3BR/4BR
<b>Total Units</b>				
<b>% of Total Project</b>				

**Average Unit Size (SF)**

Building Name/Description	Studio	1BR	2BR	3BR/4BR

**Summary of other uses (commercial, community, etc.)**

Building Name/Description	Use	Gross Square Feet

**Form C: Development Team Information and Applicant Questionnaire**

**C1 – Development Team Information (Tab C)**

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

Name of Applicant: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_ E-mail: \_\_\_\_\_

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; O = Other (specify)

3. Provide the names, addresses, e-mail 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>Other:</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.

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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 [ ]
- (10) Negative findings from the Inspector General's Office? 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.

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**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

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Signature

---

Date

---

Print or Type Name and Title

---

Name of Organization

---

Signature

---

Date

---

Print or Type Name and Title

**C2 – 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

**C2 – 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

**C2 – 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





### D3 – Management Questionnaire

1. Across your portfolio, what is the typical ratio of property managers to number of units? Describe if staffing plans differ based on the funding source (e.g. LIHTC or HOME).
2. Describe the management and maintenance staffing plan envisioned for this project. If you have one, please submit a sample or project-specific Management Plan.
3. What property management certifications and licenses are held by your staff? (For example: RAM or IREM certification, tax credit certification, commercial real estate broker's license, etc.)
4. Please describe any LIHTC and/or HOME compliance coursework management staff has completed.
5. Has any property managed by the manager or owned by the owner ever had a recapture of LIHTC? If so, please explain in detail. Please include instances where you may have purchased or taken over management of a property with open compliance issues.
6. Have IRS Forms 8823s been issued for your properties, reporting noncompliance that was uncorrected at the time of issuance? If so, how many have been issued. Please include instances where you may have purchased or taken over management of a property with open compliance issues.
7. Do any properties managed by the manager or owned by an affiliate of the owner have open HOME compliance issues? If so, please explain in detail. Please include instances where you may have purchased or taken over management of a property with open compliance issues.
8. Do any properties managed by the manager or owned by an affiliate of the owner have open Class C NYC Housing Maintenance Code violations or open NYC DOB violations? If so, please explain in detail. Please include instances where you may have purchased or taken over management of a property with open violations.
9. Has the management company or any of its principals been disbarred by HUD or any other government agencies?
10. What is the vacancy rate across your portfolio as of the date of this submission? Please explain.
11. What are delinquent rents as a percentage of total rent roll across your portfolio of owned/managed properties? Please submit data showing arrears at 30, 60, and 90+ days arrearages.
12. Please submit a sample Monthly Management Report from the last year for an affordable housing property of your choosing.

## Form E: Assets Statement

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### E- Assets Statement (Tab E)

[Assets Statement must describe financial status within the last twelve months and must be dated and signed.]

**Principal or Individual whose assets are described below:**

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#### 1. Personal Information

Name:

Business Name:

Business Phone:

Residence Address:

City:

State:

Zip Code:

Business Address:

City:

State:

Zip Code:

Position (Title):

Years of Service:

Salary:

Bonus/Commission:

Other Income:

Source of Other Income:

Are you a defendant in any lawsuits or legal action that may impact your financial standing?

If so, please describe:

Do you have any contingent liabilities?

If so, please describe:

## 2. Statement of Financial Condition

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

\* Any interest in a closely held business must be documented by providing a current balance sheet for that business and stating the percent of interest held by the applicant.

**Schedule A: Marketable Securities Owned**

List separately and check (X) next to those pledged as collateral.

Marketable Securities Owned	Dollars (Omit Cents)	Collateral?

### 3. Signature Page

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. 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.

Name of Principal: \_\_\_\_\_

Signature of Individual: \_\_\_\_\_

Print Name and Title of Individual: \_\_\_\_\_

Date: \_\_\_\_\_

## **Form F: Financing Proposal**

- Rental Pro Forma
- Coop and Condo Pro Forma

Pro formas not included in print version.

Download pro formas at:

<http://www.nyc.gov/html/hpd/html/developers/rfp.shtml>

Appendix G – Melrose Commons First Amended Urban Renewal  
Plan, December 2006 (pp. 208 – 235)

**THE CITY OF NEW YORK  
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

**FIRST AMENDED  
URBAN RENEWAL PLAN**

**MELROSE COMMONS  
URBAN RENEWAL AREA**

**The Borough of the Bronx  
Community Districts Nos. 1 and 3**

**December, 2006**

## **HISTORY OF PRIOR APPROVALS**

### **Original**

City Planning Commission: April 25, 1994  
City Council: June 16, 1994 (Reso. No. 435)  
Mayor: June 29, 1994 (Cal. No. 36)

### **First Minor Change**

City Planning Commission: August 9, 1999

### **Second Minor Change**

City Planning Commission, June 19, 2006

### **First Amendment**

City Planning Commission: May 9, 2007  
City Council: June 15, 2007 (Reso. No. 919)  
Mayor: June 21, 2007

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C: CONTROLS ON REDEVELOPMENT.....	6
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### EXHIBITS

- A: PROPERTIES ACQUIRED AND TO BE ACQUIRED
- B: PROJECT BOUNDARY DESCRIPTION
- C: POTENTIAL ARCHAEOLOGICAL LOCATIONS

### MAPS

- 1: PROJECT BOUNDARY AND LAND ACQUISITION MAP, DATED December, 2006
- 2: LAND USE MAP, DATED December, 2006
- 3: SUB AREAS AND BLOCK NUMBERS MAP, DATED December, 2006

**A: URBAN RENEWAL AREA**

1. LEGAL AUTHORITY

The City of New York ("City") has designated the Melrose Commons Urban Renewal Area ("Area") as an urban renewal area pursuant to §504 of Article 15 ("Urban Renewal Law") of the General Municipal Law. The Department of Housing Preservation and Development ("HPD") represents the City in carrying out the provisions of the Urban Renewal Law pursuant to §502(5) of the Urban Renewal Law and §1802(6)(e) of the Charter.

2. AREA

The properties indicated on Map 1 and listed in Exhibit A ("Acquisition Parcels") have been or will be acquired by the City for redevelopment pursuant to this First Amended Melrose Commons Urban Renewal Plan ("Plan"). These Acquisition Parcels comprise the entire Area and, as such, are the only properties to be redeveloped pursuant to this Plan.

3. BOUNDARY

The Area is located in Community Districts Nos. 1 and 3 in the borough of the Bronx and is generally bounded by (i) East 163<sup>rd</sup> Street on the north, (ii) Third Avenue, St. Ann's Avenue and Brook Avenue on the east, (iii) East 156<sup>th</sup> Street, East 157<sup>th</sup> Street, East 158<sup>th</sup> Street, and East 159<sup>th</sup> Street on the south, and (iv) Melrose Avenue, Courtlandt Avenue, and Park Avenue on the west. The perimeter described in Exhibit B and shown on Map 1 ("Project Boundary") encompasses all of the Acquisition Parcels which comprise the Area, but may also encompass other properties which are not part of the Area. The Acquisition Parcels, and not the Project Boundary, define the Area.

4. OTHER PROPERTIES

Any properties located within the Project Boundary which are not listed in Exhibit A ("Exempt Parcels") will not be acquired by the City for redevelopment pursuant to this Plan. Notwithstanding the fact that they are located within the Project Boundary, Exempt Parcels are not part of the Area and are not subject to the controls of this Plan, even if they are or become City-owned.

5. ELIGIBILITY

The Area is eligible for designation as an urban renewal area pursuant to the Urban Renewal Law. The following insanitary and substandard conditions adversely affect the quality of life in the Area and its immediate vicinity:

- a. Abandoned, vacant, substandard, underutilized, and/or obsolete buildings and structures characterized by physical deterioration, high levels of code violations, defective construction, outmoded design, lack of proper sanitary facilities, and/or inadequate fire or safety protection.
- b. Abandoned, vacant, underutilized, substandard, and/or insanitary, lots.

- c. Incompatible adjacent uses.
- d. Insufficient light and ventilation
- e. Hazardous or detrimental industrial uses.
- f. Illegal uses and conversions.
- g. Blocks and lots of irregular form or shape or of insufficient size, width, or depth.
- h. Poorly or improperly designed street patterns and intersections.
- i. Impractical street widths, sizes, and shapes.
- j. Unsuitable topography, subsoil, or other physical conditions.

**B: URBAN RENEWAL PLAN**

1. LEGAL AUTHORITY

The City has established this Plan for the redevelopment of the Area pursuant to §505 of the Urban Renewal Law.

2. STATEMENT OF COMPLIANCE

In accordance with §502(7) of the Urban Renewal Law, this Plan states the following information:

a. Proposed Land Uses

See Section C.

b. Proposed Land Acquisition, Demolition, And Removal Of Structures

See Section D.

c. Proposed Acquisition Of Air Rights And Concomitant Easements Or Other Rights Of User Necessary For The Use And Development Of Such Air Rights

The acquisition of air rights over portions of the former Penn Central Railroad right-of-way has been completed.

d. Proposed Methods Or Techniques Of Urban Renewal

See Section D.

e. Proposed Public, Semi-Public, Private, Or Community Facilities Or Utilities

See Section C.

- f. Proposed New Codes And Ordinances And Amendments To Existing Codes And Ordinances As Are Required Or Necessary To Effectuate The Plan

See Section E.

- g. Proposed Program Of Code Enforcement

Properties will be required to comply with applicable United States ("Federal"), State of New York ("State"), and City laws, codes, ordinances, and regulations (collectively, "Laws").

- h. Proposed Time Schedule For Effectuation Of Plan

<u>Project Activity</u>	<u>Estimated Commencement Date</u>	<u>Estimated Completion Date</u>
Land Acquisition	June, 1996	July, 1998
Relocation of Site Occupants	September, 1994	June, 2008
Demolition and Site Clearance	June, 1995	December, 2008
Land Disposition	December, 1995	December, 2008
Project Completion		December, 2009

3. OBJECTIVES

This Plan seeks to:

- a. Redevelop the Area in a comprehensive manner, removing blight and maximizing appropriate land use.
- b. Remove or rehabilitate substandard and insanitary structures.
- c. Remove impediments to land assemblage and orderly development.
- d. Strengthen the tax base of the City by encouraging development and employment opportunities in the Area.
- e. Provide new housing of high quality and/or rehabilitated housing of upgraded quality.

- f. Provide appropriate community facilities, parks and recreational uses, retail shopping, public parking, and private parking.
- g. Provide a stable environment within the Area which will not be a blighting influence on surrounding neighborhoods.

4. DESIGN OBJECTIVES

It is the intent of this Plan that, to the extent deemed feasible by HPD, the Area should be developed in a manner compatible with or beneficial to the surrounding community.

**C: CONTROLS ON REDEVELOPMENT**

1. ZONING

The controls of this Plan will be concurrent with, and will not preempt or supersede, the controls of the Zoning Resolution of the City, as amended ("Zoning Resolution"). The controls of the Zoning Resolution will apply to all Acquisition Parcels at all times to the extent permitted by Law. The controls of this Plan will commence to apply to any Acquisition Parcel upon acquisition by the City or at such later date as may be specified in this Plan. Thereafter, if there is any conflict between the controls imposed by the Zoning Resolution and the controls imposed by this Plan, the more restrictive of the two will govern.

2. PROPOSED USES

Map 2 indicates the permitted use of each Acquisition Parcel following disposition by the City to a redeveloper. Each use indicated in Map 2 will have the meaning set forth in this Section C.2.

a. Residential

Residential and other compatible uses will be permitted in accordance with the Zoning Resolution, including, but not limited to, active and passive recreation for public purposes, commercial uses, and community facilities.

b. Commercial

Commercial uses permitted in C1-4, C2-4, or C4-4 zones in accordance with the Zoning Resolution will be permitted.

c. Community Facility

Community facility uses will be permitted in accordance with the Zoning Resolution.

d. Public Park

Active and passive recreational uses will be permitted and the property will be mapped as parkland.

e. Public Open Space

Active and passive recreational uses will be permitted.

3. SUPPLEMENTARY CONTROLS

a. Urban Design Controls

The applicable controls of the Zoning Resolution apply except as modified by the following urban design controls. Proposals by redevelopers will be subject to the review and approval of HPD as set forth in Section F.

For purposes of this Section C.3.a, the term "block" will have the meaning set forth in Section 12-10 of the Zoning Resolution, except that for Blocks 2366E and 2367, the boundaries will be the existing mapped streets and demapped portions of Brook Avenue, East 161<sup>st</sup> Street and East 162<sup>nd</sup> Street.

(1) Density

(a) For each sub-area of the Area, as shown in Map 3, new construction will achieve at least the following number of dwelling units.

<u>Sub-area</u>	<u>Block Numbers</u>	<u>Minimum Number of New Dwelling Units</u>
1	2364N, 2364S, 2378E 2379E, 2380E, 2381E	320
2	2378W, 2379W, 2380W 2381W, 2404, 2405 2406, 2418, 2419S	640
3	2382W, 2383W, 2384W 2407, 2408S, 2408N	400
4	2365, 2366E, 2367, 2382E	110

(b) Residential development on Sites 48, 49, 59, and 60 will not exceed an aggregate total of 750 dwelling units. Commercial development on Sites 48, 49, 59, and 60 will not exceed an aggregate total of 50,000 square feet.

(c) Residential development on Sites 56 and 57 will not exceed an aggregate total of 400 dwelling units.

(2) Location of Street Walls and Building Walls

- (a) Except for frontages along East 161<sup>st</sup> Street, for any building containing residential dwelling units on the ground floor or within 5 feet of curb level, the street walls containing legally required windows in all residential portions of that building will be set back a minimum of 5 feet from street lines.
- (b) For all frontages along Park Avenue and along Courtlandt Avenue north of East 161<sup>st</sup> Street, and for the frontage of Site 33 on East 160<sup>th</sup> Street, street walls will not be set back more than 20 feet from the street line. For all other frontages, street walls will not be set back more than 10 feet from the street line. However, up to 25% of the aggregate length of required street walls along any one block frontage may be exempt from these requirements, provided that such street wall fronts on an outer court. In no case will the width of outer court exceed 50 feet.
- (d) The lengths of building walls fronting onto the driveway described in Section C.3.a.4.e will be located between 30 and 35 feet from the centerline of that driveway.

(3) Building Height Limit

Except for obstructions permitted in accordance with the applicable controls of the Zoning Resolution:

- (a) In R7-2 districts, no building will exceed a height of 45 feet above curb level, except on Sites 44 and 56.
- (b) In R8 districts, no building will exceed a height of 85 feet above curb level, except for Sites 45, 46, 48, 49, 56, 57, 59, and 60.
- (c) In C4-4 districts, no building will exceed a height of 90 feet above curb level.

(4) Curb-cuts, Parking and Driveways

- (a) No parking will be located between any building wall and the street line from which it is required to be set back by Section C.3.a.2.
- (b) No curb cuts will be permitted on Park Avenue, Courtlandt Avenue, Melrose Avenue, Washington Avenue, East 161<sup>st</sup> Street, Melrose Crescent/East 163<sup>rd</sup> Street or East 163<sup>rd</sup> Street. No curb cuts will be permitted on Third Avenue south of the intersection of Third Avenue with Brook Avenue. No curb cuts will be permitted on Brook Avenue south of East 158<sup>th</sup> Street.
- (c) For each block frontage permitting curb cuts and having a mapped length of 300 feet or greater, including Acquisition Parcels and

Exempt Parcels, there will be no more than 4 curb cuts with a total aggregate width of 60 feet on Acquisition Parcels, excluding splays.

(d) For each block frontage permitting curb cuts and having a mapped length of less than 300 feet, including Acquisition Parcels and Exempt Parcels, there will be no more than 2 curb cuts with a total aggregate width of 30 feet on Acquisition Parcels, excluding splays.

(e) A driveway approximately coincident with the former bed of the demapped portion of East 160<sup>th</sup> Street will run in an east-west direction between Elton Avenue and the remaining mapped portion of East 160<sup>th</sup> Street east of Melrose Avenue. The driveway will be sized to accommodate on-site parking for Site 43 and emergency vehicle access to buildings fronting it. No portion of any building will be constructed above any portion of the driveway.

(5) Dwelling Unit, Open Space and Recreation Space Standards

All new residential construction will comply with the following Quality Housing Program sections of the Zoning Resolution:

Section 28-12	Street Tree Planting (such planting will not be located in easement areas)
Section 28-21	Size of Dwelling Units
Section 28-31	Types of Recreation Space
Section 28-32	Required Indoor and Outdoor Recreation Space)
Section 28-33	Location of Recreation Space
Section 28-34	Standards for Recreation Space
Section 28-351 (a)	Location of Required Planting (such planting will not be located in easement areas)
Section 28-352 (a)	Standards for Planting
Section 28-352 (b)	Standards for Planting

In addition, for Acquisition Parcels with residential development, at least 50 percent of any individual development site which is not lot coverage will be planted. Pedestrian pathways and paved areas required to meet the standards of Section 28-34 of the Zoning Resolution may be included in this required planted area. Each such development site will contain in the required planted area at least one tree per 3,500 square feet of site area.

For Site 48, no portion of any building will be located in the portions of Brook Avenue and East 161<sup>st</sup> Street.

b. Building Bulk

Building bulk requirements will be as required by the Zoning Resolution, except as is more restrictively set forth in Section C.3.a.

c. Parking

Parking requirements will be as required by the Zoning Resolution.

d. Utilities

(1) Any existing overhead telecommunications, electrical, and cable network lines in the Area will be removed and relocated underground and all new or additional telecommunications, electrical, and cable network lines will be placed underground, unless HPD determines that such placement underground is either unnecessary or infeasible.

(2) Sewers, water lines, street lighting, and electrical and gas services will be installed as required. Water supply, sanitary sewers, and storm sewers will be provided in accordance with the requirements of the City's Department of Environmental Protection.

e. Easements

Easements, if any, will be provided as shown on Map 2.

**D: PROPOSED METHODS AND TECHNIQUES OF URBAN RENEWAL**

1. ACQUISITION

a. Method Of Acquisition

Acquisition Parcels may be acquired by any means permitted by applicable Laws. Regardless of the method of acquisition, every Acquisition Parcel acquired by the City will be subject to the controls of, and developed in accordance with, this Plan.

b. Properties Acquired or to be Acquired

The Acquisition Parcels have been or will be acquired by the City. The Acquisition Parcels, if any, that the City acquired with Federal assistance are identified in Exhibit A. All other Acquisition Parcels have been or are intended to be acquired with City funds, without Federal assistance.

2. RELOCATION

There is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe, and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their

places of employment. HPD will relocate residential and commercial site occupants, if any, in compliance with all applicable Federal, State, and City Laws.

3. DEMOLITION AND/OR REHABILITATION

The structures on properties acquired in accordance with this Plan will either be demolished and cleared for new construction or retained for rehabilitation.

4. LAND DISPOSITION

Properties acquired will be disposed of for redevelopment in accordance with this Plan.

**E: RELATED ACTIONS**

1. ZONING MAP AMENDMENTS

The zoning of the Area will be as set forth in the Zoning Resolution. Zoning Map Amendments may be necessary in order to implement this Plan, but any proposed amendments set forth in this Section E.1 will have no force or effect until they are approved and become effective pursuant to the applicable provisions of the Charter. The proposed Zoning Map Amendments are:

<b>Site</b>	<b>Current Zoning</b>	<b>New Zoning</b>
48	C4-4	R8, with C2-4 overlay
49	C4-4	R8, with C2-4 overlay
50	C4-4	R8
59	C4-4	R8, with C2-4 overlay
60	R8, with C1-4 overlay	R8, with C2-4 overlay

2. STREET MODIFICATIONS

It may be necessary to map, demap, or modify streets within and/or adjacent to the Area in order to implement this Plan, but any proposed street modifications set forth in this Section E.2 will have no force or effect until they are approved and become effective pursuant to the applicable provisions of the Charter. The proposed street modifications are:

- a. The elimination, discontinuance, and closing of:

The northeasterly portion of the intersection of Third Avenue and Washington Avenue;

The northeasterly portion of the intersection of Brook Avenue and Third Avenue;

Brook Avenue from East 161<sup>st</sup> Street to East 163<sup>rd</sup> Street;

East 161<sup>st</sup> Street from Third Avenue to Brook Avenue;

East 162<sup>nd</sup> Street from Third Avenue to the proposed Melrose Crescent;  
and

East 163<sup>rd</sup> Street from Brook Avenue to the proposed Melrose Crescent.

- b. The elimination, discontinuance, and closing of portions of (and the establishment of pedestrian ways in the remaining portions of):

Washington Avenue from Elton Avenue to East 161<sup>st</sup> Street;

East 161<sup>st</sup> Street from Elton Avenue to Washington Avenue; and

East 160<sup>th</sup> Street from Elton Avenue to a line approximately 71 feet east of Melrose Avenue,

- c. The elimination of:

A Public Place (O'Neill Square) bounded by Elton Avenue, Washington Avenue, and East 161<sup>st</sup> Street.

- d. the establishment of:

Melrose Crescent between East 161<sup>st</sup> Street/Elton Avenue and East 163<sup>rd</sup> Street at a width of 60 feet.

- e. The widening of:

The southerly portion of the intersection of Courtlandt Avenue and East 163<sup>rd</sup> Street;

Elton Avenue from Brook Avenue to East 163<sup>rd</sup> Street; and

East 163<sup>rd</sup> Street from Washington Avenue to Brook Avenue.

- f. The realignment of:

The southeasterly intersection of Elton Avenue and East 161<sup>st</sup> Street.

- g. The establishment of two parks:

Generally, on the westerly half of the block bounded by East 159<sup>th</sup> Street, Melrose Avenue, East 160<sup>th</sup> Street, and Elton Avenue and;

Generally bounded by Elton Avenue, the westerly line of the proposed Washington Avenue Pedestrian Way and the northerly line of the proposed East 161<sup>st</sup> Street Pedestrian Way.

## **F: REDEVELOPER OBLIGATIONS**

### **1. RECORDABLE AGREEMENTS**

The instruments by which the City disposes of any Acquisition Parcel or part thereof to a redeveloper will be recorded in the Office of the City Register and will contain covenants running with the land which (i) incorporate this Plan by reference, (ii) require compliance with the terms and restrictions set forth in this Plan, and (iii) require compliance with Section F.4. An amendment to this Plan which becomes effective after the date of disposition of an Acquisition Parcel to a redeveloper will not apply to the real property comprising such Acquisition Parcel unless, following the effective date of such amendment, the City and the owner of such real property execute a written agreement, approved as to form by the Corporation Counsel, providing that such amendment shall thereafter apply to such real property.

2. LAND USE RESTRICTION

Each redeveloper will be required to devote the land solely to the uses specified as permitted uses in this Plan and to comply with all other terms and restrictions set forth in this Plan.

3. TIMELY PERFORMANCE

Each redeveloper will be required to expeditiously apply for all required governmental approvals and to begin and complete the redevelopment and construction of the improvements mandated by this Plan and agreed upon in the disposition instruments within a reasonable time.

4. NON-DISCRIMINATION

Each redeveloper, its successors and assigns of the land conveyed or any part thereof, and any lessee of the land conveyed or any part thereof (i) will not enter into any agreement, lease, conveyance, or other instrument which restricts the sale, lease, or occupancy of such land or any part thereof upon the basis of race, color, national origin, ancestry, alienage status, religion, creed, age, sex, marital status, sexual orientation, or disability, and (ii) will comply with all applicable Federal, State, and City laws in effect from time to time prohibiting discrimination or segregation by reason of race, color, national origin, ancestry, alienage status, religion, creed, age, sex, marital status, sexual orientation, or disability in the sale, lease, or occupancy of the property.

5. DESIGN REVIEW

HPD may require any redeveloper to (i) submit site plans, landscape plans, architectural drawings, outline specifications, schedules of materials and finishes, and/or final working drawings, in sufficient detail to permit determination of compliance with the controls of this Plan, for HPD approval prior to commencement of construction, and (ii) submit any material change to such documents thereafter proposed for HPD approval prior to commencement of construction of such change.

6. RESTRICTION ON TRANSFER PRIOR TO COMPLETION

No redeveloper will be permitted to sell, lease, or otherwise transfer land at any time prior to completion of the redevelopment thereof without prior written consent of HPD, except as set forth in the disposition instruments.

7. COOPERATION WITH HPD

Each redeveloper will be required to expeditiously submit all documents required by HPD for the approval and processing of the redevelopment project.

8. COOPERATION WITH OTHER CITY AGENCIES

Each redeveloper will be required to cooperate fully with the appropriate City agencies in realizing the specific objectives of this Plan.

9. CERTIFICATE OF COMPLETION

Each redeveloper will be required to provide HPD with current revised drawings as required by HPD, including, but not limited to, descriptions reflecting substantial changes during construction. HPD will use these drawings and descriptions, together with materials submitted prior to commencement of construction, for final determination of compliance and issuance of a Certificate of Completion in accordance with the terms of the disposition instruments.

10. ARCHAEOLOGICAL INVESTIGATION

Prior to the disposition and development of any parcels identified in Exhibit C, HPD will contact the Landmarks Preservation Commission ("LPC") and determine the appropriate scope of work for the (i) documentary research and (ii) field investigation plan, if any, for the proposed disposition and development. All documentary and field investigations will be conducted by one or more professionals certified by the Society of Professional Archaeologists (SOPA). Upon LPC's approval of the field investigation plan, the findings will be presented to LPC, which will then determine the extent of any necessary research and excavation. As a condition of the applicable disposition agreements, HPD will require the redeveloper to fulfill any requirements of this Section F.10 that have not been fulfilled on the date of disposition.

**G: MODIFICATION OF PLAN**

1. AMENDMENTS

The City may amend this Plan at any time pursuant to §505 of the Urban Renewal Law and §197-c and §197-d of the Charter and may amend the designation of the Area at any time pursuant to §504 of the Urban Renewal Law.

2. MINOR CHANGES

HPD, with the concurrence of the City Planning Commission ("CPC"), may authorize minor changes of the terms of these restrictions which conform with the intent and purpose of this Plan.

3. MERGERS AND SUBDIVISIONS

The development sites in the Area may be merged and/or subdivided where HPD determines in writing that (i) the site plan complies with the intent and provisions of this Plan, and (ii) the unused portion of the subdivided development site, if any, is marketable and developable in accordance with this Plan and with all applicable Federal, State, and City Laws. The merger and/or subdivision of a development site will not require review or approval by CPC, but HPD will file the Plan, as modified to indicate such merger and/or subdivision, with the Department of City Planning for information purposes.

**H: DURATION OF PLAN**

This Plan will remain in effect for a period of forty (40) years from the date of the original approval of this Plan, until June 29, 2034, except as provided in Section G.

**EXHIBIT A**

**PROPERTIES ACQUIRED AND TO BE ACQUIRED**

<b>Site</b>	<b>Block</b>	<b>Old Lot(s)</b>	<b>New Lot(s)<sup>1</sup></b>	<b>Land Use</b>
1	2364	2-5, 7, 9, 15, 17, 19, 21, 23, 24	2-5, 7, 9, 15, 17, 19, 21, 23, 24	Residential
2	2364	13	13	Community Facility/ Public Open Space
3	2378	49, 50, 51, 53, 54, p/o 55, 62, 64, 65, 66	49, 62, 64-66, 149-155	Residential
4	2378	21, 24, 26, 27	21, 23, 25, 28, 128-130	Residential
5	2378	1, 3, 4, 7, 9, 12, 13, 17, 31, 34, 36-38, 40, 42	1, 3, 4, 7, 9, 12, 13, 17, 31, 34, 36-38, 40, 42	Residential
6	2403	37	37	Public Open Space
7	2403	25-27, 29, 31	25-27, 29, 31	Public Open Space
8	2364	25	25	Public Park
9	2379	40-42, 44, 49, 50, 51-53, 54-57, 60	40, 49-57, 60, 140-143	Residential
10	2379	20, 22, 24	20, 21, 23, 25, 125, 126	Residential
11	2379	15, 16, 30	15, 16, 30	Public Open Space
12	2379	1, 6, 7, 9, 12, 34-38	1, 6, 7, 9, 12, 34-38	Residential
13	2404	13-16, 25, 26, 28, 31, 32	113-116, 125-132	Residential
14	2404	9, 10, 34-37	9, 10, 134-137	Residential
15	2404	1, 2	1, 2	Residential
16	2360	92	92	Commercial
17	2364	45, 49, 55, 56, 60, 61, 70, Air rights 15'-10" minimum clearance from the top of rail of lot 58	45, 49, 55, 56, 60, 61, 70, Air rights 15'-10" minimum clearance from the top of rail of lot 58	Residential
18	2380	40-42, 44-47, 51, 55, 59, 60, 65-67	40, 51, 140-147	Residential
19	2380	2, 4, 6-13, 15-17, 19, 21, 23-27, 29, 31, 32, 34, 38	101-130	Residential
20	2405	p/o 19, 21, 22, 26-28	117-121	Residential
21	2405	1, 3-5, 7, 8, 17, 30-38	17, 100-108, 122-131	Residential
22	2418	2-4, 10, 12, 14, 16, 18, 25, 26, 28- 34	2-4, 10, 12, 14, 16, 18, 25, 26, 28-34	Residential
23	2418	6	6	Residential
24	2365	23	23	Residential
25	2365	25-27	25, 26	Residential

<b>Site</b>	<b>Block</b>	<b>Old Lot(s)</b>	<b>New Lot(s)1</b>	<b>Land Use</b>
26	2365	9, 12, 14, Air rights 15'-10" minimum clearance from the top of rail of lot 15	9, 12, 14, Air rights 15'-10" minimum clearance from the top of rail of lot 15	Community Facility
27	Bed of Street to be demapped	The northeasterly portion of the intersection of Washington Avenue and Third Avenue.	The northeasterly portion of the intersection of Washington Avenue and Third Avenue.	Community Facility
28	2381	52, 56, 58, 59, 60	52, 56, 58, 59, 60	Residential
29	2381	64	64	Residential
30	2381	47	47	Residential
31	2381	43	43	Residential
32	2381	1, 6, 7, 9, 10-15, 34-38, 39, 40, 70	1, 6, 7, 9, 10-15, 34-38, 39, 40, 70	Public Park
33	2406	21, 24	21, 24	Residential
34	2406	28, 29	28, 29	Community Facility/ Public Open Space
35	2406	31	31	Residential
36	2406	11, 12	11, 12	Residential
37	2406	4-9, 36	4-9, 36	Residential
38	2419	4, 19, 20, 23-26	4, 19, 20	Residential
			23-26	Residential/Community Facility
39	2419	17	17	Residential
40	2419	14, 15	14, 15	Residential
41	2419	13	13	Residential
42	2419	10, 11	10, 11	Residential
43	2382	7, 12, 13, 16, 20, 22-25, 27, 28, 30-35	7, 12, 13, 16, 20, 22-25, 27, 28, 30-35	Residential
44	2407	18*, 23, 27, 28	18, 23, 27, 28	Residential
45	2407	31, 32	31, 32	Residential/ Commercial/ Community Facility
46	2407	5, 8, 10, 11, 12	5, 8, 10, 11, 12	Residential
47	Bed of Street to be demapped	The northeasterly portion of the intersection of Brook Avenue and Third Avenue.	The northeasterly portion of the intersection of Brook Avenue and Third Avenue.	Public Open Space
48	2366	21-23, 25, 27, 32-34, 37-39, 40	21-23, 25, 27, 32-34, 37-39, 40	Residential/ Commercial/ Community Facility
	2367	p/o 1, 26, 28-32, p/o 33-38, 55, p/o 60	p/o 1, 26, 28-32, p/o 33-38, 55, p/o 60	Residential/ Commercial/ Community Facility (with easements)
49	2366	1	1	Community Facility

50	2383	61	61	Public Park (with easements)
<b>Site</b>	<b>Block</b>	<b>Old Lot(s)</b>	<b>New Lot(s)1</b>	<b>Land Use</b>
51	2383	p/o 24, 25, 27, 29, p/o 30, p/o 31	p/o 24, 25, 27, 29, p/o 30, p/o 31	Community Facility
52	2383	p/o 19	p/o 19	Residential
53	2383	p/o 33, p/o 35, 37, 39	p/o 33, p/o 35, 37, 39	Residential/ Commercial/ Community Facility
54	2383	48	48	Commercial
55	2383	8, 11	8, 11	Community Facility
56	2408	6-10, p/o 12, 13, 14, p/o 16, 20, 25, 27-29, 31	6-9, 10, p/o 12, 13, 14, p/o 16, 20, 25, 27-29, 31	Residential
57	2408	1	1	Residential
58	2409	73	73	Public Park
59	2367	20-22, 24	20-22, 24	Residential/ Commercial/ Community Facility
60	2367	p/o 1, p/o 3, p/o 6, p/o 8, p/o 10, p/o 11, p/o 12, 14-16, p/o 33 - p/o 38, p/o 50, p/o 60	p/o 1, p/o 3, p/o 6, p/o 8, p/o 10, p/o 11, p/o 12, 14-16, p/o 33-38, p/o 50, p/o 60	Residential
61	2384	25, 28, 32-34, p/o 38, p/o 43, 61, Air rights 15'-10" minimum clearance from the top of rail of lot 23	25, 28, 32-34, p/o 38, p/o 43, 61, Air rights 15'-10" minimum clearance from the top of rail of lot 23	Public Open Space (with easements)
62	2384	1, 5, p/o 7, 9, 10, 12, p/o 13, p/o 14, p/o 16, p/o 20, p/o 48, 51, 53, 54, 57-60	1, 5, p/o 7, 9, 10, 12, p/o 13, p/o 14, p/o 16, p/o 20, p/o 48, 51, 53, 54, 57-60	Residential
63	2384	p/o 7	p/o 7	Residential
64	2408	p/o 35, p/o 41, 45, 46, 49, 51-53	p/o 35, p/o 41, 45, 46, 49, 51-53	Residential
65	2408	33	33	Residential
66	2381	19	19	Residential

**The following properties are to be acquired exclusively for the establishment, widening or realignment of new streets:**

<b>Block</b>	<b>Lot(s)</b>
2367	p/o 3, p/o 6, 7, p/o 8, p/o 10, p/o 11, p/o 12, p/o 50
2383	p/o 19, 22, 23, p/o 24, p/o 30, p/o 31, p/o 33, p/o 35
2384	p/o 13, p/o 14, p/o 16, p/o 20, p/o 38, p/o 43, p/o 48
2385	p/o 1, p/o 3, p/o 55, 57, p/o 59
2408	p/o 8, p/o 35, p/o 41

**THE ELIMINATION, DISCONTINUANCE, AND CLOSING OF THE FOLLOWING STREETS:**

The northeasterly portion of the intersection of Third Avenue and Washington Avenue;  
the northeasterly portion of the intersection of Brook Avenue and Third Avenue;  
Brook Avenue from East 161st Street to East 163rd Street;  
East 161st Street from Elton Avenue to Washington Avenue;  
East 161st Street from Third Avenue to Brook Avenue;  
Washington Avenue from East 161st Street to Elton Avenue;  
East 162nd Street from Third Avenue to the proposed Melrose Crescent;  
East 163rd Street from Brook Avenue to the proposed Melrose Crescent;  
East 160th Street from Elton Avenue to a line approximately 71 feet east of Melrose Avenue and;  
Public Place (O'Neill Square) bounded by Elton Avenue, Washington Avenue and East 161st Street.

**PROPERTIES ACQUIRED AND TO BE ACQUIRED FOR THE ESTABLISHMENT OF NEW PARKS:**

<u>Block</u>	<u>Lot(s)</u>
2381	1, 6, 7, 9-15, 34-40, 70
2383	61

**KEY TO EXHIBIT ANOTATIONS**

- <sup>1</sup> New Lots are as shown on the Tax Map of the City of New York dated July 1, 2004.
- p/o Portion of tax lot
- R Property designated for rehabilitation
- F Property acquired with Federal Assistance

## EXHIBIT B

### PROJECT BOUNDARY DESCRIPTION

Beginning at the corner formed by the intersection of the westerly line of Park Avenue with the northerly line of East 158th Street;

1. Running thence northerly, along the westerly line of Park Avenue and its prolongation to the northerly line of East 161st Street;
2. Thence westerly along the northerly line of East 161st Street to the westerly line of Tax Lot 73 in Bronx Tax Block 2409 as shown on the Tax Map of the City of New York for the Borough and County of the Bronx as said Tax Map existed on May 1 1994;
3. Thence northerly along the westerly line of Tax Lot 73 to the southerly line of East 162nd Street;
4. Thence southeasterly, along the southerly line of East 162nd Street to the easterly line of Courtlandt Avenue;
5. Thence northerly, along the easterly line of Courtlandt Avenue to the northerly line of Melrose Crescent/East 163rd Street;
6. Thence easterly, along the northerly line of Melrose Crescent/East 163rd Street to an angle point on the southerly line of Tax Lot 5 in the Bronx Tax Block 2391;
7. Thence easterly across Brook Avenue to a point on the easterly line of Brook Avenue located 433.887 feet southeasterly of the intersection of said easterly line of Brook Avenue with the southerly line of East 164th Street;
8. Thence southerly and easterly across Tax Lots 3 and 1 in the Tax Block 2385 along a line curving to the left along a circular curve having a radius of 100.00 feet, an arc of 53 degrees 13 minutes 44.6 seconds and a length of 92.902 feet to a point on the easterly projection of the northerly line of East 163rd Street as such line is mapped between Washington Avenue and Third Avenue;
9. Thence easterly across Tax Lots 1, 59 and 55 (and thus including all of Tax Lot 57) in the Tax Block 2385 along said projection of the northerly line of East 163rd Street and continuing along the northerly line of East 163rd Street to the intersection of said northerly line of East 163rd Street with the westerly line of Third Avenue;
10. Thence southerly, along the westerly line of 3rd Avenue and across the bed of 3rd Avenue and continuing southerly, along the westerly line of Saint Ann's Avenue to the northerly line of East 159th Street;

11. Thence westerly, along the northerly line of East 159th Street and its prolongation to the westerly line of Brook Avenue;
12. Thence southerly, along the westerly line of Brook Avenue to the northerly line of East 156th Street;
13. Thence westerly, along the northerly line of East 156th Street to the westerly line of Tax Lot 37 in the Bronx Tax Block 2403;
14. Thence northerly, along the westerly line of Tax Lot 37 to the northerly line of Tax Lot 37;
15. Thence easterly, along the northerly line of Tax Lot 37 to the Westerly line of Tax Lot 31;
16. Thence northerly, along the westerly line of Tax Lot 31. 29 and 25 to the southerly line of East 157th Street;
17. Thence westerly, along the southerly line of East 157th Street to the easterly line of Courtlandt Avenue;
18. Thence northerly along the easterly line of Courtlandt Avenue to the northerly line of East 158th Street;
19. Thence westerly, along the northerly line of East 158th Street to the westerly line of Park Avenue, to the point or place of beginning.

The above described area is known as part of Section 9 as shown on the Tax Map of the City of New York for the Borough and County of the Bronx as said Tax Map existed on May 1, 1994.

**EXHIBIT C**

**POTENTIAL ARCHAEOLOGICAL LOCATIONS**

Table 1

**MELROSE COMMONS URA POTENTIAL ARCHAEOLOGICAL PREHISTORIC RESOURCE LOCATIONS UNDISTURBED BY PAST DEVELOPMENT LIKELY TO BE DISTURBED UNDER THE PROPOSED ACTION**

<b>BLOCK</b>	<b>LOT(S)</b>	<b>DESCRIPTION OF AREA</b>
2360N	92	Open space covering center of lot
	97	Narrow strip near south end of lot
2364N	49	Yard at eastern end
	56	Rear yard adjacent to Railroad
2365W	12	Rear yard adjacent to Railroad
	17	Rear yard adjacent to Railroad
	20	Rear yard adjacent to Railroad
	20-24	Rear yard adjacent to Railroad
	25-26	Rear yard adjacent to Railroad
2366E	38	Portion of rear yard
2367	3	Northern half of rear yard
	6	Narrow strip along easterly half of southern lot line
	10, 11	Northern ends of rectangular rear yards
	12	Side yard at center of west side
	25	Narrow strip along southerly side of rear yard
	38	Northwest corner of rear yard
	50	Northern end of rectangular rear yard
	29	Rear yard
2384W	43	Southwestern third of rear yard

Table 2

**MELROSE COMMONS URA POTENTIAL HISTORIC ARCHAEOLOGICAL RESOURCE LOCATIONS UNDISTURBED BY PAST DEVELOPMENT LIKELY TO BE DISTURBED UNDER THE PROPOSED ACTION**

<b>BLOCK</b>	<b>LOT(S)</b>	<b>DESCRIPTION OF AREA</b>
2360N	97	Narrow strip near center of lot
2366E	38	Portion of rear yard
2367	25	Narrow strip along southerly side of rear yard
2380E	44,45	Rear yard except for part of north side
	55	Under one-story stores along eastern half of lot
2380W	6,7,8	Rear yard
2381E	47	Southern half of lot
2382W	7,12	Under two story building except southwest corner
	20	Rear yard except southern end
2384W	25	Rear yard and southwest end of side yard
2404	35	Rear yard
2405	4,5	Rear yard
2419	17	Rear yard

**FACT SHEET**

**MELROSE COMMONS URBAN RENEWAL PROJECT**

**December 2006**

**REASONS FOR AMENDMENT**

1. The Melrose Commons Urban Renewal Plan (the "Plan") is being amended to facilitate the disposition of Sites 48, 49, 59 and 60 for the purpose of developing "Boricua Village", an approximately 650-750 unit residential complex with commercial space and space for Boricua College.
2. The Plan is also being amended to facilitate the disposition of Sites 45, 46, 56 and 57 for the purpose of future development.
3. In addition, the land use for Site 15 is being changed from commercial to residential to allow for the mixed-use development of the site.
4. In addition, the Plan is being amended to correct minor errors in the original plan, to allow for new uses, and to reflect changes to various Urban Renewal Sites that have occurred since the Plan was adopted in 1994. Please see the specific changes listed below for details.

**Specific Changes**

<u>Number</u>	<u>Site(s)</u>	<u>Descriptions of and Reasons for Changes</u>
1	48	Map 2 has been modified to reflect a change in land use from <u>Community Facility / Commercial</u> to <u>Residential / Commercial / Community Facility</u> to allow for the development of Boricua Village.
2	48, 49, 59, 60 45, 46, 56, 57	Building height limits have been deleted to allow for the development of Boricua Village and future development on these Sites in the northern section of Melrose Commons, pursuant to zoning.
3	48, 49, 59, 60	The development of these Sites, in the aggregate, has been limited to a maximum of 750 residential units and 50,000 square feet of commercial space.
4	56, 57	The development of these Sites, in the aggregate, has been limited to a maximum of 400 residential units.
5	48	Deleted, from Section C, the lot coverage maximum for Site 48 to allow for the mixed use development of Boricua Village.
6	46	Map 2 has been modified to reflect a change in the land use from <u>Commercial</u> to <u>Residential</u> to allow for mixed use development on this Site, consistent with other Sites on East 161 Street.
7	45	Restrictions on permitted land uses have been modified to allow for greater flexibility for the use of this Site.
8	15	Map 2 has been modified to reflect a change in land use from <u>Commercial</u> to <u>Residential</u> to allow for mixed-use development on this Site.

**FOR INFORMATION ONLY**

**NOT PART OF URBAN RENEWAL PLAN/NOT PART OF ULURP APPLICATION**

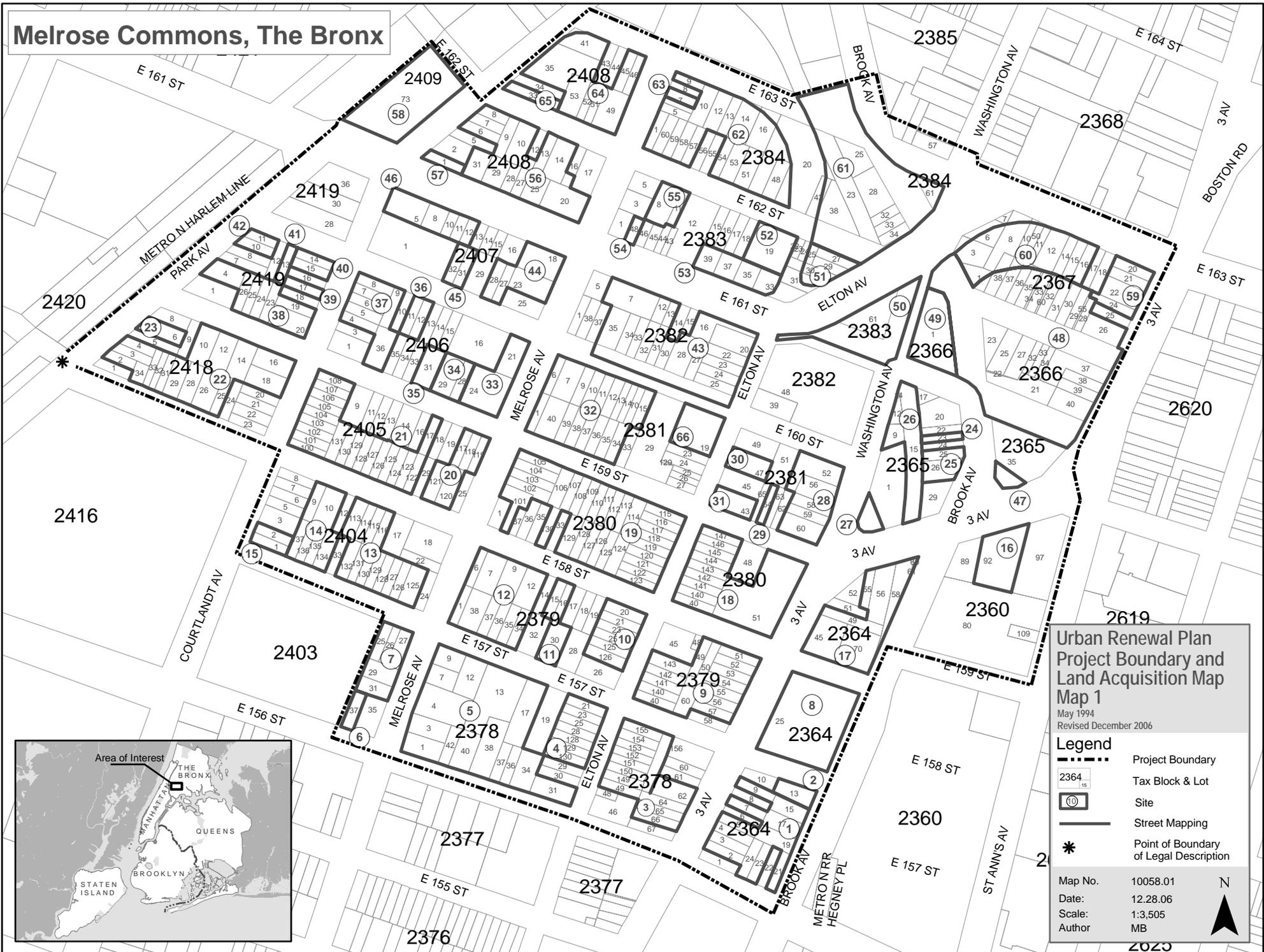
9	33	Maps 1 and 2 and new Exhibits A and B have been modified by deleting Block 2406, p/o Lot 16 from the UR Plan.
10	19	Maps 1 and 2 and new Exhibits A and B have been modified to delete Block 2380, Lots 35 and 36 from the UR Plan.
11	60	Map 2 was modified to designate the land use as <u>Residential</u> . No designation was provided in the original plan.
12	38	Map 2 was modified to change the land use of Block 2419, Lots 23-26 from <u>Residential</u> to <u>Residential/Community Facility</u> .
13	ALL	The "Minimum Street Wall and Building Wall Lengths and Heights" section has been deleted in order to simplify the design and review of projects.
14	48, 16, 17	The restriction that "no curb cuts shall be permitted on Third Avenue south of the proposed to be demapped portion of East 162 Street" has been changed to "No curb cuts will be permitted on Third Avenue south of the intersection of Third Avenue with Brook Avenue."  In addition, Brook Avenue has been deleted from the series of streets for which curb cuts are prohibited and the stipulation that "No curb cuts will be permitted on Brook Avenue south of East 158 Street" has been added.
15	p/o 1, p/o 5, p/o 14, 30,45	The definition of <u>Residential</u> Land Use has been clarified to allow for active and passive recreation for public purposes.
16	2	Map 2 has been modified to change the land use from <u>Community Facility</u> to <u>Community Facility/Public Open Space</u> to provide more flexibility for the use of this site.
17	34	Map 2 has been modified to change the land use from <u>Community Facility</u> to <u>Community Facility/Public Open Space</u> to provide more flexibility for the use of this site.
18	48, 49, 59, 60	Section E.1 has been modified to reflect the intended rezonings.

### **Other Changes**

The language and format of the Urban Renewal Plan have been changed to the current standard form, and the time schedule for the effectuation of the plan has been updated.

**FOR INFORMATION ONLY**  
**NOT PART OF URBAN RENEWAL PLAN/NOT PART OF ULURP APPLICATION**

# Melrose Commons, The Bronx



**Urban Renewal Plan  
Project Boundary and  
Land Acquisition Map  
Map 1**  
May 1994  
Revised December 2006

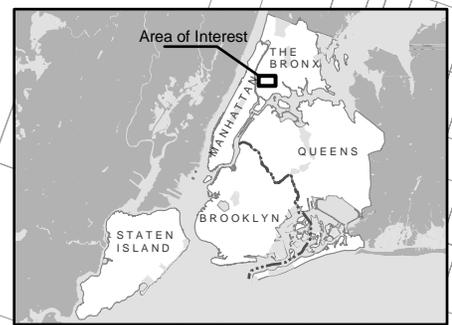
**Legend**

- Project Boundary
- Tax Block & Lot
- Site
- Street Mapping
- Point of Boundary of Legal Description

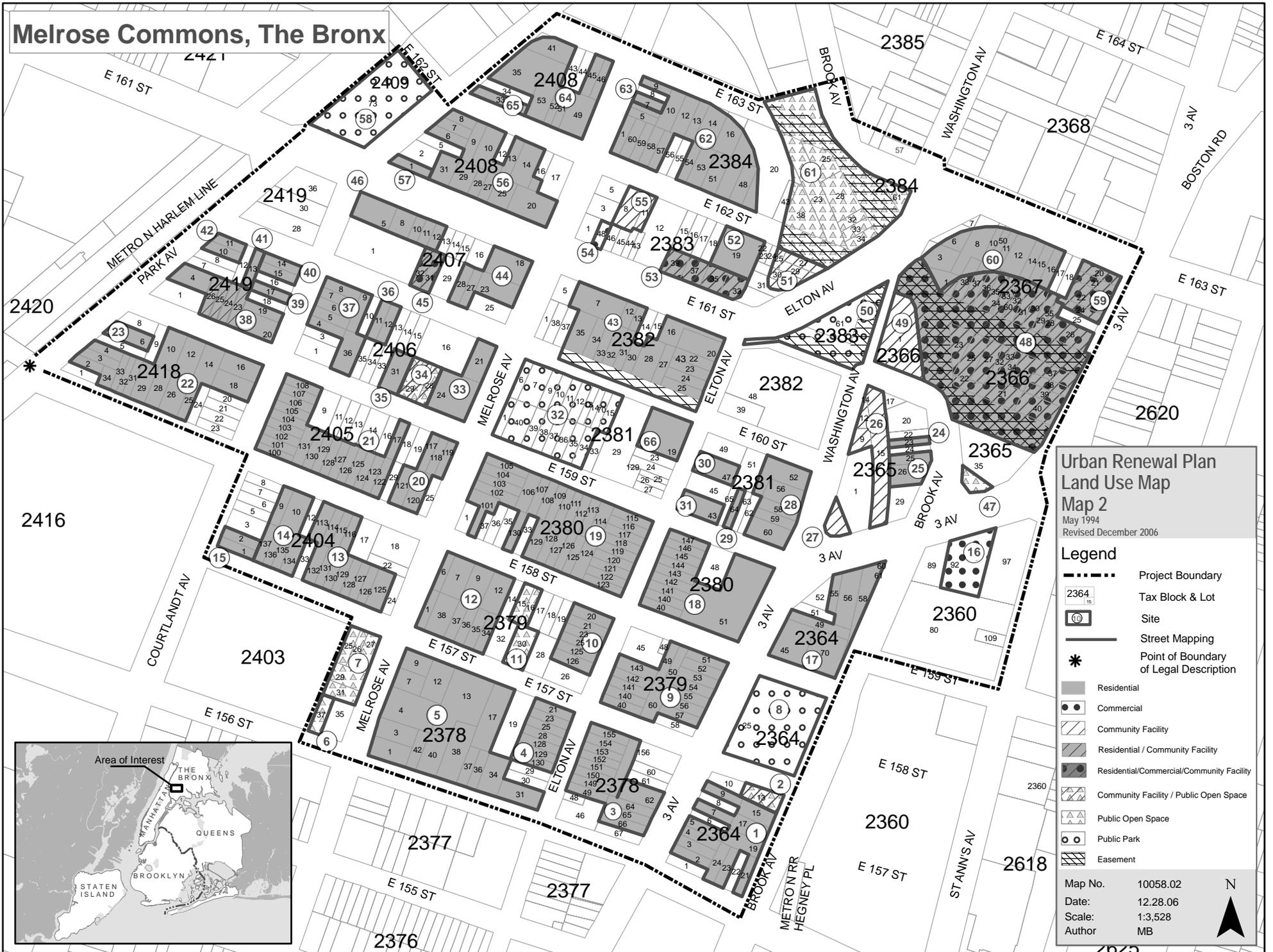
Map No. 10058.01  
Date: 12.28.06  
Scale: 1:3,505  
Author: MB

N

**2020**



# Melrose Commons, The Bronx



**Urban Renewal Plan  
Land Use Map  
Map 2**  
May 1994  
Revised December 2006

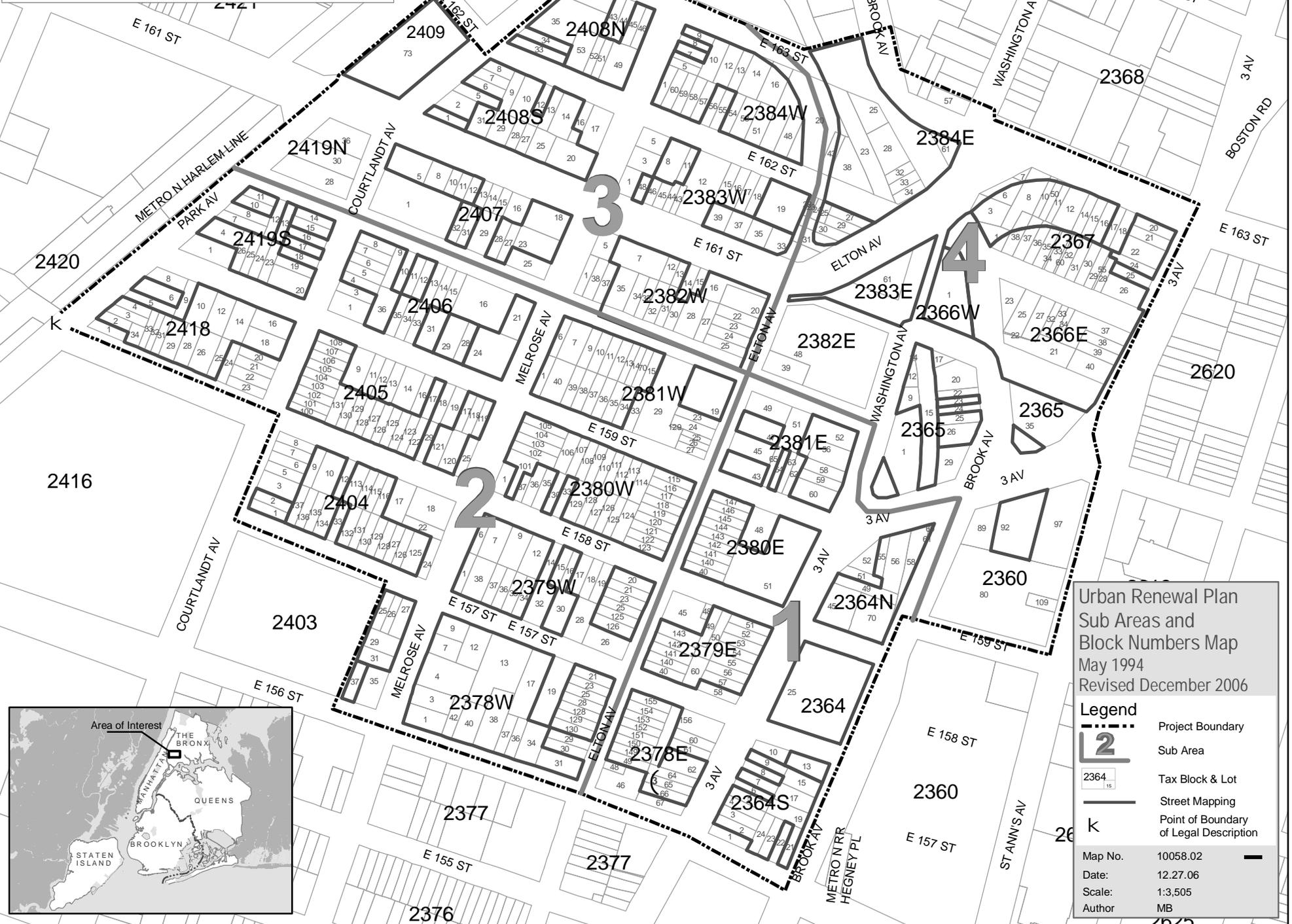
- Legend**
- Project Boundary
  - Tax Block & Lot
  - Site
  - Street Mapping
  - Point of Boundary of Legal Description

- Residential
- Commercial
- Community Facility
- Residential / Community Facility
- Residential/Commercial/Community Facility
- Community Facility / Public Open Space
- Public Open Space
- Public Park
- Easement

Map No. 10058.02  
Date: 12.28.06  
Scale: 1:3,528  
Author: MB



# Melrose Commons, The Bronx



Urban Renewal Plan  
 Sub Areas and  
 Block Numbers Map  
 May 1994  
 Revised December 2006

Legend	
	Project Boundary
	Sub Area
	Tax Block & Lot
	Street Mapping
	Point of Boundary of Legal Description
Map No.	10058.02
Date:	12.27.06
Scale:	1:3,505
Author	MB



## Appendix H – ACS Design Guidelines

### **ACS Design Guidelines**

The following guidelines are REQUIRED of all Proposals.

1. Proposals must demonstrate sustainable design practices that meet the requirements of the Enterprise Green Communities guidelines.
2. The proposed early childhood space must meet regulatory standards as set by the NYC Department of Health and Mental Hygiene (DOHMH); Article 47 of the NYC Health Code requirements for child care facilities.

Child care services for infant/toddler programs are restricted to the first (ground) floor and one below ground level floor to facilitate evacuation of the youngest children in emergencies. Child care services for older children will be restricted to the third or lower floors for the same reason. Window guards will be required for all windows.

The proposed early childhood facility should not only provide a safe, healthy environment for children, but also enhances each child's physical, intellectual and social development.

#### **Classrooms**

1. A minimum of 30 square feet per child of usable interior classroom space is required (usable activity space does not include bathrooms, halls, offices, food preparation, storage areas, and space occupied by fixed furniture and fixtures)
2. Built-in features must be scaled appropriately to the size and ages of children, and staff.
3. Storage area must be provided for each child's clothing, personal belongings and napping equipment/ bedding; one cubby per child.
4. Storage must be provided in the classrooms for indoor play materials and equipment, and sleeping cots.

#### **Bathrooms**

1. One toilet and one wash basin, of appropriate child size, must be provided for every 15 children or fraction thereof.
2. Toilet facilities for all children shall be in or adjacent to classrooms and play areas
3. Programs serving infants require changing tables and adult hand washing sinks. It is desirable that centers serving infants also install a washer and dryer.
4. Separate adult lavatories must be provided for staff

#### **Kitchens and Food Preparation Areas**

1. If meals or snacks are to be prepared on site, a food preparation area must be provided. This area must be equipped with a sink, hot and cold running water, refrigerator, and storage space for food
2. Adequate storage space is also needed (for cleaning compounds, soaps and detergents) which will be physically separate from storage space for food supplies
3. In infant and toddler rooms the food prep area and sink must be physically separate from the diaper changing table and hand washing sink.

**Storage**

1. Storage must be provided for indoor play materials and equipment
2. Storage space must be provided for food supplies
3. Storage space for cleaning equipment and supplies must be provided in an area separate from food supplies which locks or is otherwise inaccessible to children
4. Storage and janitor closets must provided

**Outdoor Play Area (if the site can accommodate it)**

1. If outdoor space is provided it should be a minimum of 3,000 square feet to accommodate two classrooms at any given time
2. Area must be safely accessible
3. Surfaces under climbing equipment, swings, and the like must be cushioned with material that absorbs falls
4. The outdoor area must be located so as to allow both sun and shade
5. Play area must be enclosed by a fence which keeps children in play area and yet does not itself present a hazard
6. Incinerators, air conditioning equipment, water heaters, fuse boxes and the like must be inaccessible to children
7. All materials, surfaces, and landscaping accessible to children must be free of toxic substances
8. Adequate storage shall be provided for outdoor equipment – such as wheel toys and balls
9. Play area should include outdoor drinking facility; if off-site, access to toilet facilities

**Fire Safety**

1. The child care facility must obtain a “fire clearance” before it will be licensed. Check to see if the local fire requirements are more stringent than those of the state.
2. There must be fire protection fixtures (extinguishers, sprinklers, alarm devices); centers with fifty or more occupants must install a dependable method of sounding an alarm of fire.

**Major Categories of Space Use**

Children’s Classroom Area	Outdoor Area	Administrative / Staff Area	Support Service Area
Large group area	Small/large muscle activities	Director’s office	Kitchen
Sleeping areas	Small group areas	Administration office	Storage
Eating areas	Private areas	Isolation area	Heating area
Small group areas	Adult observation areas	Staff toilet	Janitorial closet
Reading/quiet area	Storage	Staff lounge	
Water play areas	Art activities	Waiting area	
Personal storage	Gardening/ nature activities	Reception area	
Material & equipment storage		Office storage	
Parent/teacher meeting space		Personal storage	
Children’s toilets		Conference/ resource center	