

REQUEST FOR PROPOSALS RANDOLPH HOUSES CENTRAL HARLEM, MANHATTAN

Issue Date: August 22, 2011
Pre-Submission Conference: September 12, 2011
Site Inspection Date: September 19, 2011
Proposal Due Date: November 7, 2011



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*Must be downloaded separately from website

I. INTRODUCTION

A. Overview

The New York City Housing Authority (“**NYCHA**”) and the New York City Department of Housing Preservation and Development (“**HPD**”) invite Applicants (“**Applicants**”) to submit proposals (the “**Proposals**”) to design, rehabilitate, market, own, and operate dwelling units within 36 existing tenement buildings located in Central Harlem, Manhattan on West 114th Street between Adam Clayton Powell Jr. Boulevard (Seventh Avenue) and Frederick Douglass Boulevard (Eighth Avenue) (the “**Development Site**”), as further described in **Exhibit A**, for Public Housing and affordable rental housing (the “**Project**”). The Development Site is located in Central Harlem within Community District 10.

Together, NYCHA and HPD will select the Applicant that they deem to be the most qualified.

The Randolph Houses Request for Proposals (“**RFP**”) is the latest in a series of NYCHA and HPD collaborative projects for the development of affordable housing in New York City. The Project is part of the Mayor’s New Housing Marketplace Plan and the United States Department of Housing and Urban Development’s (“**HUD**”) “Mixed Finance Program.” The New Housing Marketplace Plan was created to respond to the changing housing needs of the city’s communities by committing to the new construction or rehabilitation of 165,000 housing units by 2014. The Development serves the Plan’s critical goals of creating needed rental opportunities, providing affordable housing, and, in turn, enhancing the City’s and NYCHA’s community revitalization efforts. HUD’s Mixed-Finance approach allows HUD and local Housing Authorities to mix public and private funds to develop and operate affordable housing, including Public Housing, in mixed income communities in accordance with 24 C.F.R. Part 941 subpart F.

The Development Site contains 36 five-story Old Law tenement buildings, 14 of which are on the north side of the street (collectively, the “**North Side**”) and 22 on the south side of the street (collectively, the “**South Side**”), and together comprise the Public Housing development known as “**Randolph Houses.**” Both the North Side and the South Side will be awarded to the same Developer to be developed sequentially, and cannot be bid on individually. Floor plans showing existing conditions of representative buildings on the Development Site are included in **Exhibit B**.

The North Side is currently occupied and the South Side has been entirely vacant since approximately 2007. The apartments within the buildings have deteriorated and their configurations do not provide adequate light, air, and handicapped accessibility. As such, they are in need of major rehabilitation that is anticipated to include substantial modifications to the structures. Based on a determination by the New York State Historical Preservation Office (“**SHPO**”), all of the buildings at the Development Site meet the eligibility requirements for listing on the State and National Register of Historic Places (“**S/NR**”) as contributing buildings in the S/NR-eligible West 114th Street Historic District. The proposed rehabilitation work must preserve certain elements of the building exteriors to meet a determination of

“no adverse effect” on historic resources pursuant to Section 106 of the National Historic Preservation Act as further described in the letter dated January 6, 2011 from SHPO to NYCHA (the “**SHPO Letter**”), included in this RFP as **Exhibit C**.

NYCHA and HPD expect that the rehabilitation work will comply with existing zoning and that no actions pursuant to the Uniform Land Use Review Procedure (“**ULURP**”) will be required.

The Development Site is currently owned by NYCHA. The South Side will be ground leased by NYCHA to the selected Developer for a period of 99 years. The minimum terms of the ground lease (the “**Ground Lease**”) may be found in more detail in Section IV(G), “Disposition and Ground Lease.” The North Side will be conveyed to the selected Developer.

Requirements for the Project are described in Section IV, “Site Description, Program Requirements, and Guidelines”. The Project must include approximately 140 units of Public Housing in the first development phase, which will occur on the South Side (“**South Side**”), to be intermixed with other units affordable to households with incomes up to 60% of Area Median Income (“**AMI**”). The second development phase is on the North Side (“**North Side**”). The North Side may include units at income tiers not to exceed 130% AMI, with at least 25% of the units affordable at or below 60% AMI. Additional affordability guidelines are outlined in Section IV (B), “Development Program.” Eligible tenants and marketing requirements are outlined in Section IV (I), “Marketing and Tenant Preferences.”

Priority for the new Public Housing units will be given to current Randolph Houses residents and former residents who were relocated to other NYCHA developments between 2003 and 2007 and who may wish to return to the completed development. As of issuance of this RFP, there are 109 households living at Randolph Houses and 73 households who were displaced from Randolph Houses and are now living in other NYCHA developments who have the right to return to Randolph Houses.

The redevelopment of the Development Site will require financing from a combination of private and public sources. NYCHA will provide up to \$40 million in capital subsidy from HUD for the South Side Phase I of the Project to offset costs of the approximately 140 Public Housing units to be constructed there. As described below in Section IV(H), “Financing,” the capital subsidy will be subject to HUD’s Total Development Cost (“**TDC**”) limits.

Additional public financing may be available from the New York City Housing Development Corporation (“**HDC**”), HPD, or other sources. Property tax incentives, as further described in Section IV(M), “Real Property Taxes,” may also be available.

The Developer must adhere to the requirements of this RFP. The Developer is responsible for assembling a “**Development Team**,” as defined in Section II below, and for undertaking the design, construction, marketing, and management of the residential units, as well as other obligations listed in Section IV (F), “Obligations of Selected Developer.” NYCHA and HPD will select a Developer based on an

evaluation of the Applicants' qualifications, the feasibility of the Proposal, experience in development of similar residential projects, affordability of residential units, subsidy requirements, the quality of design, and compliance with other requirements as further noted in Section IV, "Site Description, Program Requirements, and Guidelines," and Section V, "Developer Selection Criteria."

A Phase I Environmental Site Assessment for the Development Site was completed in March 2011. The Phase I text, without the associated appendices, is attached as **Exhibit D**. The Phase I will be for preliminary review only and is not intended to substitute for a review of the entire Phase I Environmental Site Assessment and should not be relied upon for any purpose. The complete assessment, including appendices, is available for inspection upon request.

This RFP does not represent any obligation or agreement whatsoever on the part of either NYCHA or HPD. Any obligation or agreement on the part of NYCHA or HPD may only be incurred after NYCHA and HPD enter into a written agreement approved by NYCHA, the Mayor, the City Corporation Counsel, and HPD, as applicable. In addition, certain obligations or agreements involving NYCHA may require the written approval of HUD.

B. RFP Timetable

1. The release date of this RFP is August 22, 2011 (the "**Release Date**").
2. A pre-submission conference will be held on September 12, 2011 at 10:00 am, at NYCHA, 250 Broadway, 12th floor NYCHA Board Room, New York, NY, which every entity wishing to submit a Proposal in response to this RFP is encouraged to attend. An additional conference specifically covering the regulations of Mixed-Finance development will be held on September 15 at 12:00 pm at 250 Broadway, 12th floor NYCHA Board Room. If you are planning to attend either or both of these conferences, please RSVP to RandolphHousesRFP@nycha.nyc.gov. The Development Site will be available for inspection on September 19, 2011 between 1PM and 4PM.
4. Inquiries regarding this RFP may be directed to: RandolphHousesRFP@nycha.nyc.gov.
5. People with disabilities requiring special accommodations to attend/or participate in the pre-submission conference should make arrangements by contacting NYCHA at the e-mail address above.
6. Proposals shall be hand delivered by **November 7, 2011**, no later than 4:00 p.m. (the "**Proposal Submission Deadline**") to:

New York City Housing Authority
Department for Development

250 Broadway, 24th Floor
New York, New York 10007
Attention: Cara McAteer

II. DEFINITIONS

Terms not otherwise defined above in Section I, shall have the following meanings:

Applicant

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

Applicant's Letter

Letter included in the Proposal Forms (**Exhibit I**) outlining the terms of negotiation between the Developer and NYCHA/HPD and which must be signed on behalf of the Applicant.

Area Median Income (AMI)

Area Median Income shall mean the median income levels as modified by household size for the New York metropolitan statistical area as determined from time to time by HUD. For 2011, 100% of the AMI is \$81,800 for a family of four in the New York Metropolitan Statistical Area and \$57,300 for a single person.

Authorized NYCHA Resident

A resident whose name appears, as tenant, on a lease at one of NYCHA's developments and therefore can be counted toward resident hiring goals. NYCHA's Office of Resident Economic Empowerment and Sustainability (REES) will confirm if a candidate is an authorized NYCHA resident.

City

City of New York.

Developer

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

Development Site

The property to be developed in relation to this RFP, as shown in **Exhibit A**. The Development Site consists of the North Side and the South Side.

Development Team

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

Ground Lease

Long-term ground lease between NYCHA and the selected Developer for the South Side.

HDC

The New York City Housing Development Corporation.

LPC

The New York City Landmarks Preservation Commission.

Mixed-Finance or Mixed-Financing

Refers to the combined use of public and private sources of funds for development of privately owned housing that includes public housing units, in accordance with Section 35 of the United States Housing Act of 1937, as codified at 42 U.S.C. § 1437z-7, as may be amended from time to time.

Negotiation Letter

The letter sent to the selected Developer by HPD and NYCHA regarding the commencement of negotiations for the Project.

North Side

A portion of the Development Site consisting of 14 five-story Old Law tenement buildings which are located on the north side of West 114th Street.

Old Law Tenement Buildings

Buildings built prior to the passage of the New York State Tenement House Act of 1901, commonly known as the "New Law," which was created to prohibit the construction of dark and poorly ventilated residential buildings.

Operating Subsidy

Funding from HUD to cover all or part of the difference between the operating income and operating expenses of the Public Housing units in the Project. Funding is provided pursuant to Section 9 of the United States Housing Act of 1937, as codified at 42 U.S.C. § 1437g, as may be amended from time to time. The availability of Operating Subsidy is subject to annual appropriations from Congress.

Principal

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

Proposal

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

Public Housing

Low-income housing and all necessary appurtenances assisted under the United States Housing Act of 1937, codified at 42 U.S.C. § 1437 et. seq., as amended from time to time, that receives capital or operating subsidy from HUD. The term “Public Housing” includes dwelling units in a mixed finance project that are assisted by a public housing agency with capital or operating assistance.

Rehabilitation Feasibility Study

Study undertaken for NYCHA by an architectural team to assess the feasibility of rehabilitating the Development Site buildings in a manner acceptable to the New York State Historic Preservation Office (SHPO) included as **Exhibit C**.

Section 3

Section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. 1701u and 24 CFR Part 135], which represents HUD’s policy to ensure that employment and other economic opportunities generated by HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

Section 18 Disposition Approval

Disposition of Public Housing property requires HUD approval under Section 18 of the United States Housing Act of 1937, as amended from time to time and codified at 42 U.S.C. § 1437p. HUD has promulgated regulations at 24 C.F.R. Part 970, detailing the administrative steps required to perform demolition/disposition activity in accordance with the Act. The Section 18 regulations may be found at: **http://www.hud.gov/offices/pih/centers/sac/demo_dispo/24cfr970.pdf**

SHPO

The New York State Historic Preservation Office (“**SHPO**”) administers programs authorized by both the National Historic Preservation Act of 1966 and the New York State Historic Preservation Act of 1980. These programs include the Statewide Historic Resources Survey, the New York State and National Registers of Historic Places, the federal historic rehabilitation tax credit, the Certified Local Government program, the state historic preservation grants program, state and federal environmental review, and a wide range of technical assistance.

South Side

A portion of the Development Site consisting of 22 five-story Old Law tenement buildings which are located on the south side of West 114th Street.

S/NR

New York State and National Registers of Historic Places program administered by SHPO, as authorized by both the National Historic Preservation Act of 1966 and the New York State Historic Preservation Act of 1980.

Uniform Land Use Review Procedure (“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. BACKGROUND INFORMATION

A. Development Site History

All buildings on the Development Site were built prior to the passage of the New York State Tenement House Act of 1901, commonly known as the “New Law,” which was created to prohibit the construction of dark and poorly ventilated residential buildings. The State Tenement House Act of 1901, among other provisions, made requirements for a maximum seventy percent (70%) lot coverage, and dramatically increased the size of interior and exterior air shafts to courtyard proportions. Historical records show that the buildings on the South Side were constructed between 1896 and 1899. The exact construction dates of the buildings on the North Side are not known; however, given their classification by the NYC Department of Buildings as Old Law tenements, it can be inferred that they were completed before 1901. The Development Site buildings were not upgraded to meet the standards of the 1901 Act.

B. NYCHA Acquisition / Previous Redevelopment Plans

Substantial changes to the layouts and interiors of all buildings on the Development Site appear to have taken place in the late 1960’s, as the current Certificates of Occupancy date to that time. NYCHA acquired the buildings in the late 1970’s and made further minor renovations.

By 2007, NYCHA had planned to demolish the buildings on the South Side and replace them with newly constructed Public Housing. All tenants living in the South Side buildings were relocated to other NYCHA developments with the “right to return” to new Public Housing units at the Development Site provided that they qualify.

During the course of the environmental review for the new construction proposal, SHPO determined that the Randolph Houses buildings, along with the adjacent Wadleigh High School building on the north side of the street (which was previously individually eligible for listing on the S/NR), met eligibility criteria for listing on the S/NR. According to SHPO’s determination, all 36 Old Law tenement buildings at the Development Site are contributing buildings in the S/NR-eligible West 114th Street Historic District. SHPO concluded that the proposed demolition of the South Side buildings, which comprise nearly half of the S/NR-eligible district, would have constituted an adverse effect on historic resources.

C. Historic Preservation

Due to SHPO’s objection to the demolition of the South Side buildings and the poor condition of the remaining occupied Randolph Houses buildings, NYCHA expanded its planning to include the rehabilitation of the entire Randolph Houses development. In the fall of 2010, NYCHA retained an architectural team to investigate the feasibility of rehabilitating these buildings to preserve historic elements while upgrading the units to current NYCHA and HPD standards. This includes elevator access, larger bedroom sizes, better layouts, and increased access to light and air. In addition to an architect, the consultant team included a structural engineer, mechanical, electric, and plumbing (MEP) engineer, and a cost estimator.

Based on the test fit plans developed during the study, it was determined that it is feasible to rehabilitate the South Side and the North Side buildings while avoiding any adverse impact on historic resources. The test fit plans propose grouping several existing tenement buildings around a single circulation core and removing the rear portions of some of the buildings, which would meet the goals of providing better light and air and elevator access. Preliminary evaluation by NYCHA and HPD indicated that a development constructed per these plans can be a feasible option for the redevelopment of Randolph Houses.

SHPO reviewed the test fit plans and elevation drawings and determined that a rehabilitation per the test fit plans would not result in an adverse impact on historic resources. As outlined in the SHPO Letter (see **Exhibit C**), SHPO based this determination on the condition that all historic facades and stoops be retained and repaired according to the standards provided by the applicable National Park Service preservation briefs. SHPO noted that a limited number of ground floor windows may be extended down to street level to create doorways to meet universal access requirements. Stoops should be retained as entrances to the building hallway or individual units to the extent practicable. While the test fit plans represent one feasible approach, Applicants may propose other design approaches that meet SHPO's conditions.

The New York City Landmarks Preservation Commission ("**LPC**") has determined that the buildings do not meet eligibility criteria to become New York City Landmarks.

IV. SITE DESCRIPTION, PROGRAM REQUIREMENTS, & GUIDELINES

A. Development Site

The Development Site consists of 38 tax lots on West 114th Street between Adam Clayton Powell Jr. Boulevard (Seventh Avenue) and Frederick Douglass Boulevard (Eighth Avenue) (see list below in [Table 1](#) and map in [Exhibit A](#)). The Development Site includes 36 five-story Old Law tenement buildings, facing each other across West 114th Street, as well as two unbuilt lots containing play equipment. The buildings currently contain a total of 452 units, the majority of which are vacant, as described below. The apartments are in deteriorated conditions and their configurations do not provide adequate light, air, and handicapped accessibility. As such, they are in need of major rehabilitation that is anticipated to include substantial modifications to the structures and to result in fewer units than the current 452.

- The South Side consists of 23 tax lots, including 22 tenement buildings (204-246 West 114th Street) and a playground at the eastern end of West 114th Street. All 307 units in the South Side buildings are vacant.
- The North Side consists of 15 tax lots, including 14 tenement buildings (251-277 West 114th Street) and an adjacent playground area at the western end of the site. As of Spring 2011, 109 of the 145 units on the North Side were occupied.

Table 1: Development Site

Block	Lot	Address	Land Use	Building Type	No. of Existing Hsg Units
South Side					
1829	38	202 W. 114 Street	Playground	N/A	N/A
1829	39	204 W. 114 Street	Vacant Building	5-story walkup	11
1829	40	206 W. 114 Street	Vacant Building	5-story walkup	11
1829	41	208 W. 114 Street	Vacant Building	5-story walkup	11
1829	42	210 W. 114 Street	Vacant Building	5-story walkup	11
1829	43	212 W. 114 Street	Vacant Building	5-story walkup	11
1829	44	214 W. 114 Street	Vacant Building	5-story walkup	15
1829	45	216 W. 114 Street	Vacant Building	5-story walkup	15
1829	46	218 W. 114 Street	Vacant Building	5-story walkup	15
1829	47	220 W. 114 Street	Vacant Building	5-story walkup	15
1829	48	222 W. 114 Street	Vacant Building	5-story walkup	15
1829	49	224 W. 114 Street	Vacant Building	5-story walkup	15
1829	50	226 W. 114 Street	Vacant Building	5-story walkup	15
1829	51	228 W. 114 Street	Vacant Building	5-story walkup	15
1829	52	230 W. 114 Street	Vacant Building	5-story walkup	15
1829	53	232 W. 114 Street	Vacant Building	5-story walkup	15
1829	54	234 W. 114 Street	Vacant Building	5-story walkup	12
1829	55	236 W. 114 Street	Vacant Building	5-story walkup	15
1829	56	238 W. 114 Street	Vacant Building	5-story walkup	15
1829	57	240 W. 114 Street	Vacant Building	5-story walkup	15
1829	58	242 W. 114 Street	Vacant Building	5-story walkup	15
1829	59	244 W. 114 Street	Vacant Building	5-story walkup	15
1829	60	246 W. 114 Street	Vacant Building	5-story walkup	15
North Side					
1830	18	251 W. 114 Street	Residential	5-story walkup	11
1830	17	253 W. 114 Street	Residential	5-story walkup	11
1830	16	255 W. 114 Street	Residential	5-story walkup	11
1830	15	257 W. 114 Street	Residential	5-story walkup	11
1830	14	259 W. 114 Street	Residential	5-story walkup	11
1830	13	261 W. 114 Street	Residential	5-story walkup	11
1830	12	263 W. 114 Street	Residential	5-story walkup	11
1830	11	265 W. 114 Street	Residential	5-story walkup	11
1830	10	267 W. 114 Street	Residential	5-story walkup	8
1830	9	269 W. 114 Street	Residential	5-story walkup	8
1830	8	271 W. 114 Street	Residential	5-story walkup	11
1830	7	273 W. 114 Street	Residential	5-story walkup	11
1830	6	275 W. 114 Street	Residential	5-story walkup	11
1830	5	277 W. 114 Street	Residential	5-story walkup	8
1830	104	279 W. 114 Street	Playground	N/A	N/A

B. Development Program

The redevelopment of both the South Side and the North Side will consist of the rehabilitation of the existing buildings, along with the design, ownership, operation, and management of the rehabilitated buildings. The redevelopment must accommodate rental housing units along with community space and outdoor open space, both for the use of tenants.

Residential Units

South Side (Phase I): The South Side is currently vacant and must be rehabilitated first. Approximately 140 Public Housing units (plus or minus 5% of 140) must be provided on the South Side; the remaining units must be affordable to households at or below 60% AMI. The Public Housing units and non-Public Housing units should be intermixed throughout the South Side.

North Side (Phase II): The North Side is currently partially occupied and may only be rehabilitated after occupants have been relocated to the completed South Side. After redevelopment, the North Side may (but is not required to) include affordability tiers up to 130% AMI. At least 25% of units must be affordable to households at or below 60% AMI.

Rehab Scope and Total Units: Both the North Side and the South Side require substantial rehabilitation including layout changes and the addition of elevators. A minimum of 295 housing units, including approximately 140 Public Housing units, must be provided in total on the North Side and South Side combined. NYCHA's test fit plans show that 295 units can be accommodated within SHPO's conditions to avoid an adverse impact on historic resources; however, alternate plans with a higher number of units could be pursued with SHPO's approval.

Unit Sizes: Various unit sizes should be provided in order to accommodate a range of household sizes, as follows:

Public Housing Units

The Public Housing units should include a mix of unit sizes that can accommodate the tenants currently living on the North Side. Based on the compositions of the households currently living at Randolph Houses, the unit mix should be distributed approximately as follows:

- 1-Bedroom: 40%
- 2-Bedroom: 35%
- 3-Bedroom: 15%
- 4-Bedroom: 10%

Non-Public Housing Units

With respect to the non-Public Housing units, the creation of family-sized units (two or more bedrooms) is encouraged.

Community Space

The South Side must include accessory community space, including, at minimum, a community room of at least 2,000 square feet, for use by both the Public Housing and the non-Public Housing residents from both the South Side and the North Side.

Open space

Pursuant to zoning regulations, both the South Side and the North Side must include landscaped open space in the rear yards for use by the tenants. Per a deed restriction on the property, the playground along the South Side of West 114th Street must be used as open space.

Rents and Long Term Affordability

Rent: Rent for Public Housing units should be assumed to be 30% of household income. For purposes of this RFP, applicants should assume that incomes of Public Housing tenants will average 38% AMI. Electricity and cooking gas are included in the rent.

Rents for non-Public Housing units may be proposed by the applicant, as long as they comply with AMI limitations stated elsewhere in this RFP, and any limitations imposed by any subsidy program(s) proposed by the applicant.

Long Term Affordability: The minimum affordability term for non-Public Housing units is 50 years and preference will be given to Proposals with longer affordability terms. Throughout the affordability term, rents will be based on specified AMIs (as adjusted from time to time by HUD) in addition to limitations imposed by the Rent Stabilization system (see Section IV(L) "Rent Stabilization"). Public Housing units shall remain as Public Housing for as long as there is subsidy available from HUD.

C. Project Phasing & Tenant Relocation

The Project will be developed in two phases. The South Side Phase I must be developed first and is expected to include all of the development's approximately 140 Public Housing units. Upon completion of the first phase of development, NYCHA will be responsible, in collaboration with Developer, for relocating the former Randolph Houses residents who have a right to return, as well as the tenants currently living at the North Side (see Section IV(E), "Role of NYCHA" below). Rehabilitation of the North Side buildings may begin once the South Side is completed and the current North Side tenants have been relocated.

Eligibility of current and former Randolph Houses residents to move into the new Public Housing units will be determined solely by NYCHA. To be eligible for the new Public Housing units, current and relocated Randolph Houses tenants must be in good standing with NYCHA and will be required to demonstrate two years of consistent on-time rent payment, as determined by NYCHA.

D. Design & Historic Preservation Guidelines

Historic Preservation

Proposals must meet the conditions in SHPO's letter (**Exhibit C**) which specify how rehabilitation of the buildings may be completed without having an adverse effect on historic resources. Responses to this RFP may pursue the design scheme presented in the Rehabilitation Feasibility Study (**Exhibit E**) or may develop a different design approach that meets SHPO's criteria. After selection, the Developer will be responsible for obtaining SHPO's concurrence that the proposed changes to the buildings would not result in an adverse effect.

HPD Design Guidelines

Proposals must conform to the design guidelines outlined in HPD's Design Guidelines for Substantial Rehabilitation, which has been attached as **Exhibit F**, as well as the current New York City Zoning Resolution and Building Code, and all other applicable laws and regulations.

Energy Efficiency and Green Design: Enterprise Green Communities

Proposals must achieve Certification through the Enterprise Green Communities Program, which is a comprehensive green building framework for affordable housing that provides cost-effective standards for creating healthy and energy-efficient homes. Enterprise Green Communities offers an online certification process for affordable housing developments built using these criteria. The Green Communities Checklist can be found in **Exhibit H**.

For affordable housing developments funded by the City of New York, instructions can be found online at: http://www.greencommunitiesonline.org/tools/certification/nyc_hpd_certification.asp.

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

Uniform Federal Accessibility Standards

Public Housing units must meet the Uniform Federal Accessibility Standards (UFAS), which are described on the web site of the United States Access Board: <http://www.access-board.gov/ufas/ufas-html/ufas.htm>.

E. Role of NYCHA

1. Land Owner for South Side - NYCHA will ground lease the land comprising the South Side to the selected Developer. The Developer will be responsible for carrying out the rehabilitation, as well as owning and operating the improved buildings.
2. Provider of Capital Subsidy - NYCHA will provide up to \$40 million in HUD capital subsidy for the South Side Phase I of the Project to offset costs of the Public Housing units to be constructed there.
3. Provider of Operating Subsidies - NYCHA will make financial contributions toward the cost of operating the Public Housing units in the form of federal operating subsidies from HUD subject to HUD's approval and Congressional allocation. The terms for providing operating subsidies will be contained in Regulatory and Operating Agreements that will be negotiated between NYCHA, the Developer, and other involved City and State agencies. See Section IV(G), "Disposition and Ground Lease," for further detail.
4. Relocation Manager - NYCHA will be responsible for relocating the current Randolph Houses tenants from the North Side to the South Side once the Public Housing units on the South Side are completed. NYCHA will also move the previously relocated Randolph Houses residents who are living in other NYCHA developments into the new Public Housing units on the South Side, provided that they choose to return. NYCHA will pay the costs associated with the relocations and will select and prioritize the tenants to be relocated. See Section IV(I), "Marketing and Tenant Preferences," for further detail. The timing and schedule of the moves will be determined in consultation with the Developer.
5. Liaison to HUD - NYCHA will have primary responsibility for submitting required applications to HUD for disposition and funding approvals, though the applications will be prepared in cooperation with the Developer. To receive capital and operating subsidies from HUD, NYCHA, with the assistance of the Developer, must submit a Mixed-Finance proposal to HUD for review and approval. The Developer will not be finally designated until HUD approval of the Mixed-Finance proposal is received and approved. NYCHA will obtain Section 18 disposition approval from HUD and the removal of the Development Site's Declaration of Trust, both of which are required prior to closing.

F. Obligations of the Selected Developer

1. Development Team

The Developer will be responsible for assembling a Development Team (including at least a contractor, architect, and managing agent), securing all necessary construction and permanent financing, and undertaking site planning, building design, site preparation, construction, rent-up and management of the completed buildings. The Development Team should also include a historic preservation consultant since the selected Developer will need to consult with SHPO as the Project design is developed.

2. Outreach Meetings

Because there are existing tenants who will remain on the North Side while the South Side is under construction, NYCHA will require the Developer to present periodic updates to the Randolph Tenants Association and their President while the Project is in construction.

3. Design

The Developer will be responsible for preparing preliminary site and architectural plans, zoning analysis, elevations, cost estimates, engineering and on-site environmental studies, testing and/or remediation as may be required by NYCHA and HPD and by construction lenders. The Project will undergo design review by HPD and NYCHA. Prior to closing, the Project must also receive HUD approval with respect to accessibility requirements (UFAS standards, as described above in Section IV(D), "Design and Historic Preservation Guidelines").

4. Pre-Development and Construction Timetables

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

The Developer will be held accountable for the schedules outlined in their response to this RFP. Strict timelines and penalties may be imposed in the event that predevelopment and build-out for both phases exceed an overall forty-eight (48) month Project timeline.

Pre-development for the North Side should be underway during construction of the first phase. Construction on the North Side should be completed within an 18-month timeframe after the South Side development is completed and the current North Side tenants are relocated.

5. Equity and Financing

The Developer must provide an equity contribution in the form of deferred development fees and/or payment of pre-development costs, must secure private market construction financing and provide any personal guarantees required, and must meet any other additional equity contribution and financing terms and conditions required by construction lenders, HPD, NYCHA, and HUD. The Developer must pay any transfer taxes and mortgage related taxes, as applicable, associated with the disposition and redevelopment of the Development Site (see Section IV(H), "Financing," for further details). HUD Mixed Finance Program Cost Control and Safe Harbor Standards must be met (see **Exhibit J**).

6. Subcontracting

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

7. Section 3 Compliance

The use of HUD capital funds provided via NYCHA triggers the need for Section 3 compliance in the first phase of development. The Developer must comply with Section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. 1701u and 24 CFR Part 135], which represents HUD's policy to ensure that employment and other economic opportunities generated by HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons. Employment preferences under Section 3 are targeted first to Public Housing residents and, secondarily, to other low- and very low-income residents in the metropolitan area in which the Section 3 covered assistance is expended.

NYCHA's Resident Economic Empowerment and Sustainability (REES) division is currently working to assemble a pool of NYCHA residents qualified for jobs generated by development projects using NYCHA land and/or funding. Their initiatives include the NYCHA Resident Training Academy and other partnerships with proven job training organizations, as well as working with unions to increase access for Public Housing residents. With these efforts, it is anticipated that there will be a substantial number of qualified job candidates for the selected developer to hire from by the time the Randolph Houses rehabilitation enters construction.

8. Davis-Bacon

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

If the Developer chooses to use any part of NYCHA's \$40 million in capital funding, the South Side will need to comply with Davis-Bacon. The North Side will only need to comply with Davis-Bacon if federal funding, such as HOME, is used.

9. Marketing

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

10. Equal Opportunity Requirements

Agreements resulting from this RFP will be subject to the provisions of Executive Order 50 and its implementing regulations as stated in **Exhibit M** (Equal Opportunity Requirements). A representative from the Developer and each entity with which the Developer's partner(s) will be required to attend a class administered by HPD outlining the requirements of Executive Order 50 and to submit Equal Opportunity forms provided by HPD verifying their compliance with its provisions.

G. Disposition and Ground Lease

South Side: The South Side land will be ground leased by NYCHA to the Developer for one dollar per year. Existing improvements on the South Side will be conveyed to the Developer for one dollar.

North Side: The North Side (both land and improvements) will be conveyed by NYCHA to the Developer. If the North Side is developed as a 100% low-income project (60% AMI or lower), it will be conveyed to the Developer for one dollar. If the Developer proposes a mixed-income development (*i.e.*, units higher than 60% AMI are included), the Developer shall also propose an acquisition price for the Development Site. Such acquisition price may be paid from surplus cash flow after the developer has been paid its deferred development fee. Options for payment structures include, but are not limited to: 1.) a purchase money mortgage, 2.) a preferred equity interest, or a 3.) long-term ground lease.

Disposition by sale or ground lease is subject to HUD approval pursuant to Section 18 of the U.S. Housing Act of 1937, as amended, and disposition regulations in 24 CFR Part 970, and all other applicable laws and regulations. Lease and conveyance of the Development Site will be subject to covenants requiring that the Development Site be developed, operated and maintained in accordance with the purposes outlined herein and upon which HUD's approval of such dispositions will be conditioned. HUD requires remedies to non-compliance of the covenants include NYCHA exercising its right to recapture the Development Site after it has been conveyed. In addition to reversionary interests in favor of NYCHA, disposition of the Development Site may be subject to use restrictions, affordability requirements and subordination of the Developer or its lender's interests in the property.

No ULURP action is required in connection with the disposition and ground lease.

The Development Site will be delivered to the Developer in "as-is" condition, including, without limitation, all environmental conditions and hazards. Neither NYCHA nor HPD makes any representation or warranty whatsoever regarding the condition of the property or the suitability of the property for the uses contemplated by this RFP.

H. Financing

1. Equity

The amount of the Developer's equity will be determined by the construction lender and if HPD provides financing, by HPD.

2. Mixed-Finance Public Housing Subsidy

a. HUD Mixed-Finance Program Overview

HUD's Mixed-Finance program allows developers to mix public, private, and non-profit funds to develop and operate housing developments. New developments may be made up of a variety of housing types: rental, homeownership, private, subsidized, and Public Housing. These new communities are built for residents with a wide range of incomes, and are designed to fit into the surrounding community. Public Housing units created under the Mixed-Finance program will remain as public housing for as long as there is subsidy available from HUD.

A Mixed-Finance rental term sheet shall be submitted to HUD by NYCHA on behalf of the Developer. The Mixed-Finance term sheet consists of four sections that are to be filled out by NYCHA and the Developer as part of the Mixed-Finance proposal and submitted to a HUD grant manager for presentation to HUD's project review panel.

To download a copy of the HUD Mixed-Finance rental term sheet, please refer to the following web site: http://search.hud.gov/search?q=rental+term+sheet&sort=date%3AD%3A%3Ad1&output=xml_no_dtd&ie=UTF-8&oe=UTF-8&client=hud2009_frontend&proxystylesheet=hud2009_frontend&site=default_collection

As part of the Mixed-Finance capital structure for Randolph Houses, NYCHA will make available HUD grant proceeds up to \$40 million. Actual grant proceeds shall be determined by HUD's Capital Subsidy formula for Public Housing units, based on the Project's proposed TDC limits for the phase of the proposed development featuring Public Housing units. The TDC limits vary based on a combination of: 1) the total number of Public Housing units; 2) the proposed unit mix (no. of one-bedroom, two-bedroom, three-bedroom, etc.); 3) building construction type (new construction vs. rehabilitation; elevator building vs. walk-up); and 4) the location of the project.

For example, according to the most recent version of the HUD Capital Subsidy formula for Mixed-Finance projects to be completed in New York City, TDC limits for rehabilitation projects range from approximately \$210,000 for a one bedroom unit to approximately \$451,000 for a four bedroom unit.

To download HUD Capital Subsidy Calculator, please refer to the following web site: <http://www.hud.gov/offices/pih/programs/ph/hope6/mfph/tdcinstructions.xls>

The HUD Capital Subsidy may be subject to reduction pending any changes to the Federal budget between the date that the RFP is released and the close of the Project's construction financing.

b. HUD Operating Subsidy

HUD's Mixed-Finance program for Public Housing units also features an operating subsidy in the form of annual capital contributions (ACC).

The amount of HUD operating subsidy utilized in a given year shall be relative to the HUD operating subsidy calculator. The HUD Operating Subsidy is based on a combination of: 1) the total number of Public Housing units; 2) proposed unit mix (no. of one-bedroom, two-bedroom, three-bedroom, etc.); 3) occupancy type (senior citizen vs. family); and 4) the location of the project.

To download the HUD Operating Subsidy Calculator, please refer to the following web site:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/am/pels

As of Fiscal Year 2011, the maximum HUD operating subsidy available for this Project is the lesser of \$375/month/Public Housing unit and the operating shortfall created by Public Housing tenant rents minus actual Public Housing operating expenses. Should Public Housing tenant rents exceed actual Public Housing operating costs, HUD will not infuse Operating Subsidy into the Project's operating budget. Excess Public Housing tenant rents shall be available to the Developer for alternative uses. On the contrary, HUD operating subsidy cannot be used for any use other than to fund operating shortfalls associated with Public Housing unit operating expenses.

HUD will also pay an administrative fee to the Developer equal to \$7.50 per unit per month for bookkeeping fees, \$10.00 per unit per month for the asset management fees, and \$59.98 per unit per month for property management fees to the property owner to cover Public Housing unit management expenses. Such fees from HUD shall represent only the property management fees for the public housing units in the project.

The maximum HUD Operating Subsidy available to Randolph Houses Public Housing units may be subject to appropriation risks pending changes to the Federal budget and subsequently, HUD's Operating Subsidy available to NYCHA Public Housing units.

3. NYCHA Fees

a. NYCHA Development Fee - NYCHA shall be paid a development fee equal to 1% of the Project's total developer fees paid on each phase to cover the costs associated with NYCHA's planning consultation, financial advisory services, NYCHA tenant waiting list administration, HUD regulatory compliance requirements, and community outreach.

b. NYCHA Administration Fee - NYCHA shall be paid an administration fee equal to 1.5% of the HUD Grant used to finance any phase of the Project. The administration fee will cover the HUD grant origination fee plus all transaction costs incurred by NYCHA including but not limited to legal fees, banking fees, and third-party report costs.

4. Other Potential Sources of Financing

It is the responsibility of the Developer to obtain other sources of construction and permanent financing, whether by loan(s) or grant(s), and real estate tax abatements and/or exemptions, in amounts consistent with the Proposal. Although NYCHA and HPD make no representations or warranties regarding the financing that will be available at the time of construction or that the Project will qualify for any specific type or amount of financing, it is currently anticipated that the re-development of the Development Site may be eligible for allocations of public and private financing, as outlined below.

HDC: Applicants may (but are not required to) propose financing that utilizes HDC's Low-Income Affordable Marketplace Program (LAMP), or Mixed-Income Program. Proposed use of HDC programs must conform to HDC term sheets.

HPD: Applicants may (but are not required to) propose use of HPD's Low Income Rental Program (LIRP), or HPD's Mixed Income Program. Proposed use of HPD subsidy must conform with requirements of relevant term sheets, but in no case can proposed HPD subsidy for the combined Randolph sites exceed \$11 million. Competitive preference will be given to proposals that request less than \$11 million from HPD.

Other: Applicants may propose other applicable City, State, or Federal sources of financing, including Low Income Housing Tax Credits (LIHTC). All proposed sources of financing must meet requirements as described in relevant lenders' term sheets.

A letter of interest must be included in the Proposal from any source of funds other than HPD, HDC, or NYCHA that the Developer anticipates using. Applicants should indicate if they plan to apply for financing awarded on a competitive basis and therefore cannot include a letter of interest. **Any Proposal that assumes competitive financing must submit an alternate scenario using non-competitive financing sources, and must provide appropriate letters of interest from the alternate sources.** Within one hundred twenty (120) days of issuance of the Negotiation Letter, the Developer will be required to submit a signed term sheet from a private lender for construction financing for the Development Site. HPD or NYCHA may terminate negotiations with the Developer if the required term sheet is not submitted within one hundred twenty (120) days. Alternatively, the Developer may submit proof of liquid assets necessary to self-finance the Project.

5. Self-financing Requirements

If the Developer contributes their own funds towards the Project instead of obtaining a construction loan from an institutional lender(s) and/or grants sufficient to cover the development costs, the following applies:

a. Construction Loan Servicer

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

b. Equity

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

6. Background Reviews

The source(s) of private funding may be subject to HPD's Sponsor Review and NYCHA Full Disclosure Review, standard credit references and New York City Department of Investigation reviews.

I. Marketing and Tenant Preferences

Public Housing Units

As discussed above under Section IV(E), "Role of NYCHA," NYCHA will be responsible for the selection of tenants to be relocated and the costs associated with the relocation. The schedule of the relocation will be determined in consultation with the Developer. NYCHA will select tenants according to the following preferences:

- a. Current and Relocated Randolph Houses Residents: The Public Housing units created as part of the Project shall be offered first to current Randolph Houses residents and former residents who have been relocated to other NYCHA developments. All current and relocated Randolph Houses tenants who are in good standing with NYCHA and have a history of consistent on-time payment of rent will have the right to move to a new Public Housing unit in Randolph Houses.
- b. NYCHA Waiting List: Any remaining Public Housing units will be offered to families on NYCHA's waiting list for Public Housing. The selected Developer shall have the right to screen and select tenants from among qualified applicants from NYCHA's waiting list.

Affordable Housing Units

The marketing and rent-up of the remaining (non-Public Housing) apartments to eligible tenants is the sole responsibility of the Developer and the Development Team. In carrying out these functions, the Developer must comply with the marketing requirements of HPD, which are designed to ensure that the availability of the apartments is disseminated as widely and fairly as possible. HPD Marketing Guidelines are attached as Exhibit G. The marketing requirements will be part of a "Regulatory and Operating Agreement" and "Ground Lease" that the Developer will execute with NYCHA and HPD at construction closing. Marketing will be monitored by HPD staff to ensure compliance with these requirements. The tenant preferences for affordable housing units are as follows:

- NYCHA Preference: Current NYCHA residents at the time of lease-up will have preference for 25% of the low-income units on the North Side. In its referrals, NYCHA will give the highest priority to current Randolph Houses residents and former residents of Randolph

Houses who have been relocated. Current and relocated Randolph Houses residents who qualify for moderate-income units (over 60% AMI) and wish to be considered for those units would be given preference for any moderate-income units that may be developed on the North Side.

- Community Board Preference: Current residents of Community District 10 in Manhattan at the time of lease-up will have preference for 50% of all units remaining after the NYCHA preferences are satisfied.

J. Land Use

Proposals are expected to comply with the current zoning and not to require any zoning actions or ULURP approvals.

K. Environmental Review

The Project will be subject to the environmental review requirements of the National Environmental Policy Act (NEPA) as well as the New York State Environmental Quality Review Act (SEQRA). The Developer will be required to prepare the appropriate environmental review documents for review by NYCHA, HUD, and HPD (which acts as the Responsible Entity for environmental review on behalf of HUD).

A Phase I Environmental Site Assessment was completed in March 2011 and the text (excluding appendices) is attached to this RFP as Exhibit D.

L. Rent Stabilization

For the units that are not Public Housing units, initial rents will be established in accordance with the regulatory agreement consistent with the income requirements outlined in this RFP. Prior to initial occupancy all non-Public Housing units must be entered into the New York State Rent Stabilization system at rents specified in the regulatory agreement. Units must remain in the system for the duration of the Project, but in no case less than fifty (50) years.

M. Real Property Taxes

The Development Site, including any portion ground leased by NYCHA, is subject to New York City Real Property Taxes and charges. However, the tax exemptions described below may be available for eligible projects. Specific benefits may vary depending on characteristics of the project. 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). **NYCHA and HPD make no representations or warranties as to the continued availability of these benefits or as to the Project's eligibility to receive these benefits.**

The J-51 program provides tax exemption and/or tax abatement benefits for the rehabilitation of multiple dwellings. Eligible projects receive an exemption from any increase in the New York City real property taxes based on the increase in assessed valuation resulting from the improvement to the property for up to thirty-four (34) years, including a gradual phase-in of full taxes over the last four (4) years of the exemption. The J-51 program also provides an abatement of up to 12 ½% of eligible costs (Certified Reasonable Costs or CRC) each year to reduce the taxes on the property up to a maximum of 150% of the CRC; any unused abatement may be carried forward for up to twenty (20) years. Projects may include new construction resulting from an increase in gross cubic content provided that at least 50% of the floor area of the completed building consists of the pre-existing building that was converted, altered, or improved. A proportionate reduction in the CRC will be made for any commercial or non-residential space.

The 420-c tax exemption provides an exemption from New York City real property taxes for up to sixty (60) years for housing financed or previously financed in part with Federal Low Income Housing Tax Credits. In order to be eligible for this tax exemption, at least 70% of the units must be subject to the income and occupancy requirements of IRC Section 42. 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 the provision of low income housing, or a wholly-owned and wholly-controlled subsidiary of such a charitable organization. HPD must approve the regulatory agreement that imposes tax credit restrictions on the project's dwelling units and may also require a payment in lieu of taxes.

V. DEVELOPER SELECTION CRITERIA

A. Review

Each Proposal will be reviewed according to the threshold requirements detailed in this Section V(B) (“Threshold Requirements”). Proposals that fail to meet the Threshold Requirements will not be further evaluated.

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

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

B. Threshold Requirements

1. Complete Proposal

The Proposal must contain all documentation required under Section VII, “Proposal Forms and Content Requirements.” All of the required Proposal Forms must be fully completed and application requirements met at the time of submission. Upon review, however, NYCHA and HPD, at their discretion, may notify an Applicant that additional information or clarification is necessary. A checklist is provided to assist applicants in preparing a complete submission.

2. Comparable Development Experience

At least one Principal of the Applicant must have had prior development experience. “Development Experience” is defined as the successful completion of the construction of at least one residential gut rehabilitation project of at least one hundred (100) residential units within the past ten years.

3. Comparable Management Experience

At least one Principal of the Applicant or the proposed managing agent must have comparable rental management experience, defined as the successful management of at least one hundred (100) residential units in New York City within the past ten (10) years. The Principal must have been the owner and manager, or the owner acting through a

management entity, to fulfill this qualification. No changes in managing agent may be made without NYCHA and HPD prior approval.

4. Historic Preservation Experience

Applicants must have experience rehabilitating historic buildings. While the Developer need not necessarily have experience rehabilitating historic buildings, the architect and/or historic resources consultant on the Development Team must have relevant experience.

5. Development Capacity and Current Workload

Applicants must be capable of meeting the construction timeline presented in this RFP. An Applicant's current workload and other pending project obligations will be considered in assessing capacity for undertaking the Project, pursuant to the plans proposed by the Applicant, within NYCHA and HPD's proposed timeframe prescribed for the Project.

6. Conformance with RFP

Proposals for the Project must meet all minimum requirements outlined in Section IV, "Site Description, Program Requirements, and Guidelines."

7. Ability to Finance

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

8. Feasibility of Development Proposal

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

9. No Adverse Findings

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

- Negative findings from the NYCHA Inspector General's Office or from the HPD Sponsor Review process;

- 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;
- Conviction for fraud, bribery or grand larceny; or
- Being debarred by HUD.

C. 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. Proposals will be scored with one third of the total points weighted within the following three major categories: Strength of the Development Team, Program and Financing, and Design.

1. Strength of the Development Team (35% of score)

A. Development Experience and Capacity

Previous development experience (beyond the minimum Threshold Requirements) 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: 1) quality of construction and design in projects completed or currently being built by the Applicant and/or its Principals; 2) extent of the Applicant's experience, in terms of number, size, type, and scale of projects completed within the last ten years; 3) history of delivering quality projects on time and within budget; 4) the absence of tenant complaints; 5) rehabilitation of historic properties; 6) development of mixed finance projects with public housing units; 7) current workload, staff capacity, and other pending project obligations; and 8) experience developing properties within the Harlem community.

B. Management Experience

The Applicant's previous experience in managing rental housing (beyond the minimum Threshold Requirements), either directly or through a managing agent, and the experience of any managing agent proposed to manage the Project, 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: 1) the number of buildings and units currently managed by the Applicant, and those managed by the Applicant over the past ten (10) years; 2) the quality of maintenance provided by the Applicant; 3) 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; 4) 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; and 5) experience with Mixed-Financed projects with Public Housing units.

C. Design Experience

Design qualifications of the Applicant will be taken into consideration. Applicants must provide a portfolio of projects, as described in Section VII(B), Tab K (previous experience, including experience related to historic preservation and sustainable design, as evidenced by this portfolio, will be used in ranking under this criterion). In scoring with respect to design experience, consideration may be given to references especially in regard to agency input, community concerns, technical approach and methodology.

2. Program and Financing (50% of score)

A. Affordability Level

Proposals that exceed the minimum requirement of 25% of units on the North Side affordable to families with incomes up to 60% of AMI will be given preference.

B. Affordability Term

Preference will be given to Proposals that exceed the minimum affordability term of 50 years.

C. Least Subsidy

Proposals that require the least City subsidy will be ranked higher. For evaluation purposes, City subsidy shall include all HPD and HDC funding, as determined by HPD and NYCHA. In no case may proposed HPD subsidy exceed \$11 million for the combined Randolph sites.

D. Achievability of Proposed Financing

Preference will be given to Proposals with realistic financing plans and with proposed funding sources that have a high likelihood of being available.

E. Acquisition Price (for Mixed Income Development on North Side)

As discussed above in Section IV(G), "Disposition and Ground Lease," in the event of a mixed income development (i.e. including units higher than 60% AMI) on the North Side, the developer shall propose an acquisition price from surplus cash flow. The acquisition price

may be paid from cash flow after the developer has been paid its deferred development fee. For those applications that include units higher than 60% AMI on the North Side, preference will be given to proposals with higher acquisition prices.

F. Unit Size and Distribution

The Public Housing units should be distributed consistent with the unit mix described in Section IV(B), "Development Program." With respect to the non-Public Housing units, the creation of family-sized units (two or more bedrooms) is encouraged. Proposals that provide at least 50% of all units as two-bedrooms or greater will be given preference.

G. Resident Services Plan

Proposals that include a feasible and beneficial Resident Services Plan will be given preference. Developers may propose the services they consider appropriate for the expected residents. To qualify for preference, the plan must specify services to be provided, staffing and/or partners who will provide the services, operating budget and funding sources. Developers should also describe their own prior experience operating projects with resident services.

H. Hiring of NYCHA Residents

Applicants must provide a plan detailing how they intend to hire Authorized NYCHA Residents to meet Section 3 requirements on the South Side. Preference will be given to Applicants whose plans detail credible strategies for exceeding Section 3 requirements on the South Side.

Additional preference will be given to Applicants who provide a credible plan for hiring Authorized NYCHA Residents on the North Side (where not required by Section 3). Such plan should prioritize qualified Authorized NYCHA Residents for all construction and non-construction positions. NYCHA's Resident Economic Empowerment and Sustainability's (REES) referrals can be included as one source of recruiting qualified Authorized NYCHA Residents for employment. Additional strategies to identify and hire qualified NYCHA residents, outside of NYCHA's referrals, will strengthen the proposal.

3. Design (15% of score)

A. Quality of Design Proposal

Overall quality of design and construction will be given significant consideration. The submitted Proposals will be evaluated for design quality, extent to which they demonstrate creativity and insight in their solution to the design problem (including the constraints relating to historic resources), relationship to the site and surrounding environment, constructability, innovative use of materials and construction technology, and potential long-term viability within reasonable cost parameters. Site planning, street wall elevations, interior layouts, building materials, amenities, streetscape treatment, and sustainability will be considered.

While the design guidelines found in Section III(C) “Historic Preservation” and **Exhibit F** (HPD Design Guidelines for Substantial Rehabilitation) represent minimum design guidelines and construction requirements, Applicants are strongly encouraged to exceed those minimum standards to provide the best quality Project possible. All Proposals will be judged on adherence to applicable codes, and the requirements and guidelines in the above-mentioned sections.

B. Sustainable Design and Development Criteria

To the maximum extent possible, Proposals should incorporate green building, sustainable development, and “smart building” concepts and technologies in order to enhance overall design and construction, integration of high technology into units, and the long-term marketability of the units, while simultaneously making the buildings environmentally responsible. While all applicants must meet the minimum Enterprise Green Communities Criteria, as set forth in **Exhibit H**, Proposals that exceed the minimum Green Communities requirement of 30 points for substantial rehabilitation projects will achieve a high design ranking.

C. Safety and Security

Safety and security plans for the Project, will be considered in ranking design proposals, with preference given to stronger plans. Proposals should describe measures to achieve security and safety within the buildings and open spaces, including both phases of the Project. See **Exhibit L** for a list of suggested measures that may be considered for inclusion in Safety and Security plans.

D. Selection

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

1. Negotiation Letter

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

The Applicant’s letter (“**Applicant’s Letter**”), attached within **Exhibit I**, is a letter that describes this process. Each Proposal must include this letter signed on behalf of the Applicant by a Principal. HPD and NYCHA reserve the right to terminate negotiations with or without cause after the issuance of such Negotiation Letter.

2. Pre-Development Timetable

The maximum pre-development timetable shall not exceed the timetables presented in Section IV(F), “Obligations of Selected Developer,” except in extraordinary circumstances under which NYCHA and HPD determine the Developer may require longer timetables. The Negotiation Letter will include a development schedule setting out the major actions and timeframes necessary to accomplish a construction start within this timeframe. Failure of the Developer to follow the development schedule may result in the termination of negotiations and the selection of another Developer.

3. Disclosure

The Developer that receives a Negotiation Letter from NYCHA and HPD must thereafter disclose all previous participation with government-assisted projects. Such entity and all principals thereof will each be required to submit completed Entity and Individual Disclosure Statements, including the NYCHA Business Entity Questionnaire, which will be forwarded to the Developer. NYCHA and HPD will provide copies of these forms upon request to any Applicant.

4. No Obligation

This RFP does not represent any obligation or agreement whatsoever on the part of NYCHA or HPD. Any obligation or agreement on the part of NYCHA or HPD may only be incurred after NYCHA and/or HPD enters into a written agreement approved by the Mayor, the City Corporation Counsel for HPD and the NYCHA Board and NYCHA Law Department for NYCHA. NYCHA and HPD may use the Proposals submitted pursuant to this RFP as a basis for negotiation with Applicants as they deem appropriate. NYCHA and 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). NYCHA and 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 sites or parcels from or to this RFP.

VI. PROPOSAL SUBMISSION PROCEDURES

A. General Information

1. Communication

- a. All questions regarding this RFP must be submitted in writing to the RFP Coordinator:
Cara McAteer
New York City Housing Authority
Department for Development
250 Broadway, 24th Floor
New York, New York 10007
RandolphHousesRFP@nycha.nyc.gov
- b. From the date this RFP is issued until NYCHA and HPD choose a Developer, the only contact the Applicant may have regarding this RFP is with the Coordinator. The Applicant should rely only on representations, statements or explanations contained in this RFP and in such formal written addenda as may be issued by jointly by the agencies prior to the Proposal Submission Deadline. The Applicant must not rely on any material, whether written or oral, that the Applicant receives from any other source.
- c. It is the Applicant's responsibility to ensure that it has a complete and thorough understanding of all requirements, expressed or implied, regarding what NYCHA and HPD expect from the Applicant, as set forth in this RFP, prior to submitting its Proposal. By submitting a Proposal, the Applicant covenants that it will not make any claims for or have any rights to damages because of any misinterpretation or misunderstanding of the RFP, or because of any misinformation or lack of information.
- d. Submission of a Proposal shall constitute permission from the Applicant for NYCHA and HPD to make such inquiries concerning the Applicant as HPD and NYCHA deem necessary. NYCHA and HPD reserve the right to communicate with any of the Applicants, but NYCHA and HPD are not obligated to do so. No Applicant has any rights against NYCHA and HPD arising from any such invitation to a discussion, or from any negotiations that may arise pursuant to the discussions.

2. Modifications/Negotiations

- a. A Proposal may be modified in writing only prior to the Proposal Submission Deadline. Modifications received after the Proposal Submission Deadline will not be considered.
- b. Upon review, NYCHA and HPD, at their discretion, may notify an Applicant that additional information or clarification is necessary. Applicants must comply with all

requests for information and, if requested by HPD or NYCHA, appear for discussion. If an Applicant fails to do so within the time period given (or within any time extension that NYCHA and HPD may grant), NYCHA and HPD may deem the failure to be an act of non-conformance with the RFP requirements, which will permit NYCHA and HPD to select another Applicant or to solicit new Proposals. In furtherance and not in limitation of the foregoing, before a final award is made, NYCHA and HPD may require an Applicant 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/or 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 or shareholders, as the case may be.

- c. NYCHA and HPD reserve the right to issue addenda to correct, modify, amend or withdraw this RFP (including any requirements and/or terms or conditions) at any time. If, in NYCHA and HPD's sole judgment, additional time is required for Applicants to respond, NYCHA and HPD reserve the right to grant an extension of the deadline for submission of a Proposal, and such extension will then be granted to all Applicants.
- d. In order to be considered, Proposals must conform to any addenda that may be issued to this RFP. Addenda may include, without limitation, any requirements, terms and/or conditions contained in this RFP. NYCHA and HPD will advise each party that has requested a copy of this RFP of any clarifications or revisions that NYCHA or HPD has made to this RFP.
- e. 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 proposal content requirements listed below in Section VII, "Proposal Form and Content Requirements."
- f. All submissions become the property of NYCHA and HPD. Submission of a Proposal will be deemed to be permission for NYCHA and HPD to make such inquiries concerning the Proposal and the Applicant as they deem necessary. If NYCHA or HPD determines, upon review of a Proposal, that any items are missing and/or incomplete, NYCHA or HPD, in its sole discretion, may notify the Applicant to provide such items. Failure to provide complete information in a timely fashion could result in rejection of the Proposal

3. Withdrawal of Proposals

An applicant may withdraw a proposal at any time prior to signing a Negotiation Letter by notifying the Coordinator in writing of its desire to withdraw the Proposal.

4. Postponement or Cancellation of RFP or Rejection of All Proposals

NYCHA and HPD reserve the right to postpone or cancel this RFP, to reject any and all Proposals, to re-advertise for new Proposals and/or not to award any Agreement pursuant to this RFP, if NYCHA and HPD deem it in their best interest to do so.

5. Costs Incurred by Applicants

NYCHA and HPD are not liable for any costs that an Applicant incurs in preparing its Proposal, for any work performed in connection therewith, or for travel expenses related. NYCHA and HPD's receipt of a Proposal from an Applicant, or selection of an Applicant, in no way obligates NYCHA or HPD to that party.

6. Confidential Information

- a. Certain information that NYCHA or HPD may furnish in connection with this RFP may be labeled as confidential and should be treated as proprietary information of NYCHA or HPD, as appropriate, by each recipient of this RFP. By the Applicant's receipt of this RFP, the Applicant agrees not to (a) disclose any part or all of such confidential information furnished to the Applicant pursuant to this RFP to any party, including, without limitation, any law firm or any corporate or government office, except to the extent essential to the preparation of the Proposal, and to secure from any party to whom a disclosure is made under this provision a commitment not to disclose such information to any other party, or (b) use such information for any purpose other than to prepare a response to this Applicant.
- b. An Applicant must clearly designate in its Proposal those portions of the Proposal which it considers confidential. To the extent the law permits, NYCHA and HPD will use reasonable efforts to hold the designated portions of the Proposal in confidence.

7. Public Announcements

Any party receiving this RFP shall not make news releases or other public announcements relating to this RFP without the prior written approval of NYCHA and HPD.

VII. PROPOSAL FORM AND CONTENT REQUIREMENTS

A. Format of Proposal

Each Proposal must consist of one (1) bound original and nine (9) bound copies. **All Proposals must be bound in three-ring binders of an appropriate size.** An authorized representative of the Applicant must sign the original Proposal. Proposal packages should also include a CD with a PDF of the full Proposal.

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

- a. "Randolph Houses RFP"
- b. Name of Applicant
- c. Date of Submission

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

B. Proposal Content Requirements

All forms can be found in **Exhibit I**.

The Proposal must contain the following information, tabbed as follows:

Tab A - Completeness Checklist and Applicant's Letter

The Completeness Checklist (Form A-1) and Applicant's Letter (Form A-2) should be included in this tab.

Tab B - Narrative Overview

Include Form B and a narrative of one or more pages that describes the Proposal. The narrative must include, at a minimum:

- the income and rent levels contemplated, the number and size of units;
- the average size of units, the sources and amounts of financing, and any property tax abatement or exemption programs the applicant proposes to use; and
- a brief description of land uses, including proposed open spaces and any accessory uses such as community space or laundry rooms that may be proposed for the building basements; 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 Applicant Description Forms (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 Form C-1.

Applicants are encouraged to include a resume in this tab as well as any additional information that would be helpful to NYCHA or HPD in the review process. 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, Current Workload, and Management Experience

The following forms, fully completed, shall be provided by each Principal of the Applicant. If an individual has no experience, this shall be indicated by including a form marked "None". These forms should be submitted as Excel files in original formatting on disc:

Residential Development Experience and Current Workload (Form D-1)

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

Residential Management Experience and Questionnaire (Forms D-2 and D-3)

A form shall be provided for a Principal or managing agent proposed to manage the Project.

Tab E - Assets Statement

Each Proposal must contain a completed Assets Statement (Form E), for at least one Principal of the Developer. An Audited or Certified Financial Statement prepared according to Generally Accepted Accounting Principles ("GAAP") may substitute for Form 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.

Tab F - Financing Proposal

A separate financing proposal (Form F) must be submitted for each Phase (North Side and South Side) of the project.

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. No rental income should be projected for superintendent units.

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

Competitive Sources

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

Tab H - Design Narrative

Applicants must provide a detailed narrative description outlining the proposed concept and methodology of the Project and include the Applicant's approach to the Project and urban design. The narrative should identify how the development complies with zoning and other legal requirements, as well as the conditions set by SHPO for a determination of no adverse effect on historic resources. The proposed open space should also be described in the design narrative. Where applicable, the narrative should include a detailed description of construction methods, foundation types and building systems, including high performance technology and communications, for all new buildings. Description and location of any mandatory infrastructure and other public improvements should also be included.

The Design Narrative must include a description of proposed Safety and Security measures that will create a secure environment for the residents of Randolph Houses and reduce opportunities for criminal activity.

Tab I - Architectural Submission

All plans must be prepared by a Registered Architect or Professional Engineer. Provide the following information on 11" x 17" format or smaller so that it can be easily reproduced:

- **Photographs:** Photos of the Development Site and the Development Site's relation to surrounding buildings, streets and open spaces, at least 3" x 5" in size. Photos must be keyed on the area plan outlined below.
- **Area Plan:** A copy of the most recent Sanborn map of the area; indicate vehicular traffic directions and locations of bus stops in a two-block radius.
- **Zoning Analysis / Calculations:** Include a zoning map for the Development Site, a detailed zoning analysis to demonstrate compliance with existing zoning (including citations of all relevant sections), and Building Code information indicating occupancy group and construction classification. Also include apartment count and distribution.
- **Development Site Plan:** Clearly legible site plan indicating all components of the Project and other development within one block of the Development Site. It must include walkways, sidewalks, parking, driveways, curb cuts, building access points, recreational and open space areas, tree locations, plant materials, fences, gates, lighting, easements, and encroachments.
- **Typical and Atypical Floor Plans:** It is not required that design and architectural documents submitted include full apartment layouts for the floor plans. Submissions, however, must show blocked out units and clearly indicate all dimensions and total square footages. Community spaces (laundry room, play room, etc.) should be indicated in the floor plans. Unit plans must be 1/8"=1'0". Unit and bedroom dimensions should be computed to the inside of finished surfaces

of walls, excluding columns, pipe chases, kitchens, kitchenettes, entryways, and closets. Plans should include a North arrow, actual scale and graphic scale.

- **Elevations:** All elevations of the buildings at the same scale as the plans. Finishes, construction materials, grade elevations, ground floor heights, typical floor heights, and total building heights must be shown and labeled on drawings. Measured elevations for all facades and rendered elevations for key facades indicating curb cuts and landscaping. Perspective drawings/renderings are optional; however, they must not replace required elevations. Color renderings and/or elevations are appreciated but not required.
- Any other architectural drawings such as axonometric, street frontage elevations, perspective or sectional drawings or computer generated modeling, if they provide a better understanding of the development concept.

Tab J - Sustainability Elements

Applicants should provide a concise narrative in Tab J describing sustainability elements included in their Proposal. Applicants must comply with Enterprise Green Communities Criteria and should include the Green Communities Intended Methods Workbook in this tab.

Tab K - Design Team Experience

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

Tab L - Development Schedule

Applicants must provide a development schedule and phasing plan, including for each phase 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 Development.

Tab M - NYCHA Resident Hiring Plan

Applicants must submit a plan for hiring Authorized NYCHA Residents. The plan should include the following:

- Estimated number of workers by title who will be employed during each phase of the Project: pre-development, construction, lease-up, and operation.
- Estimated number of positions by title expected to be filled by new hires.
- Outreach and recruitment strategy to target Authorized NYCHA Residents.
- Description of the Applicant's past experience, if any, in hiring or attempting to hire NYCHA residents.

A NYCHA Resident Hiring Plan is required to indicate how Applicants intend to meet Section 3 requirements for the South Side. Competitive points will be awarded for NYCHA Resident Hiring Plans that show how Applicants can exceed Section 3 requirements on the South Side and achieve resident hiring on the North Side.

Tab N - Subcontracting and Local Employment Plan and Experience

Applicants must provide a narrative describing how they will take affirmative steps to include minority- and woman-owned business enterprises. Describe past experience, if any.

Tab O - Resident Services Plan

For competitive preference, applicants may provide a narrative describing: (a) services to be provided (b) staffing and/or partners who will provide the services, (c) an operating budget, (d) funding sources for the services, and (d) a description of other projects owned by the developer where services are provided

VIII. CONDITIONS, TERMS, AND LIMITATIONS

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. Applicants will be deemed to have consented to such terms by submitting a Proposal in response to this RFP.

The Development Site is to be disposed of in "as is" condition. NYCHA and HPD make no representation whatsoever as to the physical condition of the Development Site or the structures thereon or their suitability for any specific use. The Development Site shall be subject to New York City Real Property Taxes and charges. Tax benefits may be available under the J-51 and 420-c tax benefit programs.

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

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

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

The commencement of negotiations with a Developer will depend on satisfaction of the additional documentation and review requirements described in this RFP. The continuation of negotiations with a Developer will depend on satisfaction of the additional documentation and review requirements described in this RFP and will be subject to joint review by NYCHA and HPD. The Development Site will be leased and/or conveyed by NYCHA pursuant and subject to the provisions of the Ground Lease, Deed, "Development Agreement," and Regulatory and Operating Agreement (or other documents) between NYCHA and the Developer.

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

No commission for brokerage or any other fee or compensation shall be due or payable by the City, HPD or NYCHA, and the submission of a Proposal will constitute the Applicant's undertaking to indemnify and hold NYCHA, the City, and HPD harmless from and against any such claim for any such fee or

compensation based upon, arising out of, or in connection with any action taken by the Applicant, the selection of the Applicant's submission and invitation to the Applicant to respond to this RFP, the conditional selection of a Developer pursuant to this RFP or the sale of the Development Sites.

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

This RFP does not represent any obligation or agreement whatsoever on the part of NYCHA, the City, or HPD, which may only be incurred or entered into by written agreement to which NYCHA, the City, and/or HPD are parties, subject to the approvals of HUD, the NYCHA Board, the NYCHA Law Department and/or the New York City Law Department. NYCHA, the City, and HPD may use the Proposals submitted pursuant to this RFP as a basis for negotiation with Applicants as NYCHA, the City, and HPD, deem appropriate. NYCHA and 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). NYCHA and 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 sites or parcels from or to this RFP.

Selection of an Applicant's Proposal will not create any rights on the Applicant's part, including, without limitation, rights of enforcement, equity or reimbursement, until after the approvals of NYCHA and HPD, and until the Deed, the Development Agreement, the Regulatory and Operating Agreement, and all related documents are fully executed and approved. The terms of the Ground Lease, Deed, the Development Agreement, and the Regulatory and Operating Agreement (or other agreements) after execution (the "**NYCHA Documents**"), shall govern the relationship between NYCHA and the Developer. In the event of any variance between the terms of this RFP and the Ground Lease or the NYCHA Documents, the terms of the Ground Lease and/or the NYCHA Documents will govern.

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

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

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

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.

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

Applicants and/or the selected Developer are not to contact or communicate with the press or with members of the community or the tenant association regarding this RFP or the proposed project, either before or after submission of response to the RFP, without the approval and participation of NYCHA and HPD.

IX. CONFLICT OF INTEREST

Current or former employees of the City of New York may respond to this RFP only in accordance with the section(s) of Chapter 68 of the New York City Charter governing ethics and conflicts of interest affecting City personnel. Section 2604(b)(7) of the City Charter contains specific prohibitions that exclude enumerated groups of employees from participating in the sales process. In addition, current NYCHA or 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 participating in the Development may be requested from the New York City Conflict of Interests Board. This body is empowered, under Section 2602 of the City Charter, to issue advisory opinions on conflict of interest questions and other matters of ethical consideration. It is not necessary, however, that such an opinion be obtained prior to responding to this RFP.

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

Exhibit A: DEVELOPMENT SITE MAP

Exhibit B: EXISTING FLOOR PLANS

Exhibit B: Existing Floor Plans

Plans of representative Randolph Houses buildings are available for download in PDF format as part of this RFP.

The dimensions of the buildings on the North Side are essentially the same, though there are some variations with respect to interior layout on the upper floors. Plans for 251 and 277 West 114th are included to show typical dimensions and layouts for the North Side buildings.

The buildings on the South Side were constructed in groups over a period of several years and each group has typical building dimensions and layouts. The South Side buildings can be grouped into four types according to the following addresses:

- 204-206 West 114th Street
- 208-212 West 114th Street
- 214-226 West 114th Street
- 218-246 West 114th Street

A representative plan for each of these buildings types is included.

Exhibit C: SHPO LETTER



Andrew M. Cuomo
Governor

Andy Beers
Acting Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643

www.nysparks.com

January 6, 2011

Amy Chester
Deputy Directory
New York City Housing Authority Department for Development
250 Broadway
New York, NY 10007

Re: HUD
Randolph Houses
New York County
07PR03421

Dear Ms. Chester,

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO) for the proposed redevelopment of the tenements located on West 114th Street between Frederick Douglass Blvd and Adam Clayton Powell Jr. Blvd. in Manhattan, known as the Randolph Houses. We have been reviewing the project in accordance with the provisions of Section 106 of the national Historic Preservation Act of 1966 and relevant implementing regulations.

We have reviewed our notes from our conference calls and the drawings e-mailed to our office on December 13, 2010. The drawings accompanying this e-mail are dated December 3, 2010 and December 9, 2010 from Roger Marvel Architect, PLLC. In addition we have reviewed the Advisory council on Historic Preservation Policy Statement on Affordable Housing and Historic Preservation. As you know, Federal Agencies are required to consider the effects of their undertakings on historic properties. In Section II under Implementing Principles III, we are advised that review of effects in historic districts should focus on exterior features. As you know, the Randolph Houses are included in the National Register eligible West 114th Street Historic District. Each project is reviewed on its individual merit and does not necessarily set a precedent for future projects. Given these facts, our current review will be limited to the character-defining exterior features of these buildings within the historic district.

Based upon our review of the existing drawings from Roger Marvel Architects, PLLC, it is the SHPO's opinion that the proposed work will have No Adverse Effect upon historic resources provided the following understandings and conditions are maintained within the project:

1. All historic facades and stoops shall be retained and repaired according to the standards provided by the applicable National Park Service's Preservation Briefs. Since the existing windows are not original to the buildings, they may be replaced with units with a double hung sash that fill the entire masonry opening with a meeting rail located approximately at the center of the window.
2. As shown in your elevation drawings A1, B1, C1&C2 and E1&D1 a limited number of windows may be dropped to the street level for universal access requirements. These openings shall be in general scale and detail as presented in these drawings.

Please note: this guidance does not extend to the Federal Rehabilitation Tax Credit Program and this project would not meet the standards of the Tax Credit Program review.

If you have any questions, I can be reached at (518) 237-8643, ext. 3282. Please refer to the Project Review (PR) number in any future correspondences regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth A. Cumming". The signature is fluid and cursive, with a prominent initial "B" and a long, sweeping tail.

Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: Beth.cumming@oprhp.state.ny.us

cc: C. Cooney - AKRF
T. Fretwell - HUD

e-mail only

Exhibit D: PHASE I ENVIRONMENTAL SITE
ASSESSMENT

Randolph Houses

Tax Block 1829, Lots 38-60 and 111 and Block 1830, Lots 5-18, 56 and 104

NEW YORK, NEW YORK

Phase I Environmental Site Assessment

AKRF Project Number: 22061



Prepared for:

New York City Housing Authority
250 Broadway
New York, NY 10007

Prepared by:



AKRF, Inc.
440 Park Avenue South
New York, NY 10016
212-696-0670

MARCH 2011

EXECUTIVE SUMMARY

AKRF, Inc. (AKRF) was retained by the New York City Housing Authority (NYCHA) to perform a Phase I Environmental Site Assessment (ESA) of a Property consisting of 36 five-story (plus basements) tenements, three vacant lots and a playground, located on two blocks bounded by West 115th Street to the north, Adam Clayton Powell Jr. Boulevard (Seventh Avenue) to the east, West 113th Street to the south, and Frederick Douglass Boulevard (Eighth Avenue) to the west (see Figure 2). The Property is bisected by West 114th Street, and is identified as Tax Block 1829, Lots 38-60 and 111, and Block 1830, Lots 5-18, 56 and 104. Previous studies of the Property included an August 2007 Phase I ESA and a May 2008 Subsurface (Phase II) Investigation of the southern portion of the Property, both conducted by PB Americas Inc. (PBA).

This Phase I ESA was performed in conformance with ASTM Standard E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*. Any exceptions to, or deletions from, this practice are described in Section 8.0. The term “*Recognized Environmental Condition*” means the presence or likely presence of hazardous substances or petroleum at the property, including the ground, groundwater, or surface water at or under the property.

At the time of AKRF’s reconnaissance, the Property included 36 five-story (plus basements) tenements, three vacant lots and a playground. The 14 tenements on the northern Property block were occupied, while the remaining tenements had been vacant since approximately 2007. The surrounding area was occupied mainly by residential buildings, some with ground-floor commercial uses, and some institutional uses (churches and schools).

This assessment revealed evidence of Recognized Environmental Conditions (the first two bullets). A summary of the assessment findings is presented below:

- The assessment found that the Property was developed with the current buildings prior to 1902. The currently vacant Block 1829, Lots 38 and 111, and Block 1830, Lots 56 and 104 were historically developed with a church, stores and dwellings, which were demolished by 1985. During the reconnaissance, seven aboveground storage tanks (ASTs) ranging from approximately 550 to 7,500 gallons in size, were observed in the basements of 228, 240, 253, 263 and 275 West 114th Street. One 4,000-gallon concrete-encased AST was located in the basement of 269 West 114th Street. Two USTs, 5,000 and 7,000 gallons in size, are reportedly located at 208 and 218 West 114th Street respectively, based on regulatory database review and previous reports, but were not accessible for observation during the reconnaissance. Based on observations of the accessible tanks, the tanks registered as USTs at 208 and 218 West 114th Street may well be ASTs. Potential oil staining was noted on the floors inside the tank vaults in 228, 263, 269 and 275 West 114th Street; the floors appeared to be concrete in good condition without significant cracks, but were only partially visible due to limited assess and poor lighting. No petroleum-like odors were noted. Four closed-status petroleum spills, including a spill with the potential for subsurface impact, were reported on the southern portion of the Property. However, the 2008 Phase II investigation identified no evidence of petroleum contamination in the southern portion of the Property. Documents indicating that four of the tanks in the southern portion of the Property were emptied and closed were provided to AKRF. No closure documents were provided for the remaining tanks.
- Regulatory databases identified off-site open and closed-status petroleum spills, petroleum storage facilities and hazardous waste generators with the potential to affect subsurface conditions beneath the Property. Historical Sanborn maps indicated that a dry cleaner was historically located east of the Property on Block 1830, and the reconnaissance identified dry cleaners in the western portion of Block 1829 and to the southwest at the northwestern corner of Frederick Douglass Boulevard and

West 112th Street. A sign identified the dry cleaner on Block 1829 as “organic”, however this term is not well defined and may include petroleum-based solvents – additionally, past use of chlorinated solvents cannot be ruled out.

- The 2008 Phase II encountered urban fill (predominantly sand with crushed concrete, brick, glass and wood) beneath the southern portion of the Property. Laboratory analysis of soil samples identified low concentrations of metals and semi volatile organic compounds (SVOC). Urban fill typically contains highly variable concentrations of metals and SVOCs, and may contain higher contaminant concentrations in other portions of the Property.
- The 2007 Phase I ESA noted an unpaved vacant lot at the northeastern corner of West 114th Street and Frederick Douglass Boulevard (potentially in the northern portion of the Property) with a “baited area” sign, indicating the potential for pesticides to have affected subsurface conditions.
- Based on the age of the buildings, fluorescent lighting components and electrical equipment observed during the reconnaissance may contain polychlorinated biphenyls (PCBs). Fluorescent lights observed on the Property may contain mercury. Based on their reported installation date, hydraulic trash compactors in the Property buildings are unlikely to utilize PCB-containing hydraulic oil. Broken fluorescent lights were noted on the floor in the basements of 228 and 242 West 114th Street. No evidence of leaks or stains associated with other observed equipment and fixtures was noted.
- Based on the age of the buildings, asbestos-containing materials (ACM) may be present. Suspect ACM observed during the reconnaissance included roofing materials, 12”x12” vinyl floor tiles and associated mastic, thermal pipe insulation, spray-on fireproofing, and sheetrock walls and ceilings. Damaged suspect ACM, including sheetrock walls and ceilings and vinyl floor tiles, were noted throughout the southern portion of the Site and in vacant units on the northern portion of the Site. Other suspect ACM were noted to be in good condition. According to NYCHA representatives, asbestos testing has been conducted on the Property and some ACM were removed during past renovations.
- Based on the buildings’ age, lead-based paint may be present on interior and exterior painted surfaces. Interior painted surfaces on the southern portion of the Property and in vacant units on the northern portion of the Property were in poor condition, with flaking paint and paint chips on the floors. Peeling paint was also noted on some exterior Property walls and on boilers. Painted surfaces in basements and hallways on the northern portion of the Property were observed to be in good condition. Information provided by NYCHA representatives indicated that lead-based paint has been identified on the Property.
- Small containers (up to five gallons) of cleaning and maintenance chemicals and hydraulic oil for compactors were stored throughout the Property on shelving and floors. A sign indicated pesticide storage in the basement of 261 West 114th Street in the northern portion of the Property. All observed chemicals were neatly stored and labeled. Minor staining was noted in some storage areas, but did not appear likely to impact subsurface conditions.

RECOMMENDATIONS

- No evidence of petroleum contamination was indicated by the Phase II investigation of the southern portion of the Property following the closure of the ASTs in this area. Although soil and groundwater beneath the Property may have been affected by potential releases from the fuel oil storage tanks in the northern portion of the Property and historical and present off-site uses, exposure risks to any

potential subsurface contaminants would be limited to situations when subsurface disturbance would occur. If no activities are planned that would disturb the concrete floor slabs or subsurface soil or groundwater, the continued use of the Property would not be expected to represent a potential health or environmental concern. Any cuts in the floor slab (e.g., for piping work) should be sealed following the work to prevent potential vapor intrusion. If the Property is redeveloped with new construction or a building addition or modification (i.e., activities involving subsurface disturbance), AKRF recommends a subsurface investigation in the proposed soil disturbance area(s), involving collection and laboratory analysis of subsurface samples. It is possible that this investigation may uncover evidence of a petroleum spill or other situation reportable to NYSDEC and/or other regulatory agencies. During any future subsurface disturbance, excavated soil should be handled and disposed of in accordance with applicable regulatory requirements.

- The two approximately 550-gallon tanks at 228 West 114th Street should be registered with the New York State Department of Environmental Conservation (NYSDEC) and, if required, the New York City Fire Department. The NYSDEC tank registration information and, if necessary, the Fire Department registration, should be corrected to reflect that several Property tanks are ASTs rather than USTs. If any tanks will be returned to service in the future, they should be operated and maintained in accordance with applicable regulatory requirements. Otherwise, if the tanks in the northern portion of the Property and the 550-gallon tanks have not been properly closed, they should be closed in accordance with the applicable requirements and removed, along with associated piping. Then the underlying slabs or soils should be examined for signs of contamination and if there are signs of contamination, the contaminated areas of the slabs and/or contaminated soil should be removed, in accordance with applicable regulatory requirements. Any evidence of a petroleum spill must be reported to NYSDEC and addressed in accordance with applicable requirements.
- Known and suspect ACM should be maintained in good condition in accordance with applicable regulations. Unless the damaged suspect ACM are known not to contain asbestos, these materials should be sampled for asbestos by appropriately licensed/certified individuals, and any damaged ACM should be removed or repaired in accordance with applicable requirements. Prior to any renovation or demolition activities with the potential to disturb known or suspect ACM, an asbestos survey of the areas to be disturbed should be conducted and any ACM should be removed and disposed of in accordance with local, state and federal requirements.
- Any activities with the potential to disturb lead-based paint must be performed in accordance with applicable requirements (including federal Occupational Safety and Health Administration regulation 29 CFR 1926.62 - *Lead Exposure in Construction*). Additional requirements even if no disturbance is planned (e.g., tenant notification, inspections and abatement) apply to occupied residential buildings.
- Broken fluorescent lights should be removed from the Property. Unless there is labeling or test data indicating that suspect PCB-containing fluorescent lighting fixtures and electrical equipment do not contain PCBs, and that fluorescent lighting fixtures do not contain mercury, if disposal is required, it should be performed in accordance with applicable federal, state and local requirements.
- If disposal of any on-site chemicals is required, it should be done in accordance with applicable regulatory requirements.

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1.0 INTRODUCTION

AKRF, Inc. (AKRF) was retained by the New York City Housing Authority (NYCHA) to perform a Phase I Environmental Site Assessment of a Property consisting of 36 five-story (plus basements) tenements, three vacant lots and a playground, located on two blocks bounded by West 115th Street to the north, Adam Clayton Powell Jr. Boulevard (Seventh Avenue) to the east, West 113th Street to the south, and Frederick Douglass Boulevard (Eighth Avenue) to the west (see Figure 2). The site is bisected by West 114th Street, and is identified as Tax Block 1829, Lots 38-60 and 111, and Block 1830, Lots 5-18, 56 and 104.

At the time of AKRF's reconnaissance, the northern portion of the Property included 14 occupied five-story (plus basements) tenements and two vacant lots. The southern portion of the Property included by 22 five-story (plus basements) tenements which had been vacant since approximately 2007, a playground and a vacant lot. The surrounding area was occupied mainly by residential buildings, some with ground-floor commercial uses, and some institutional uses (churches and schools).

The scope of services for this assessment was in conformance with ASTM Standard E1527-05 (*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*). Any exceptions to, or deletions from, this practice are described in Section 8.0. The scope included the following:

- Observations of the Property (reconnaissance) to identify potential sources or indications of hazardous substances, including: aboveground storage tanks (ASTs); underground storage tanks (USTs); tank vents and fill ports; transformers and other items that could contain polychlorinated biphenyls (PCBs), drums or areas where hazardous materials were used, stored, or disposed; stained surfaces and soils; stressed vegetation, leaks, odors. In addition, neighboring properties were viewed, but only from public rights-of-way, to identify similar concerns.
- Readily available geological and groundwater (hydrogeological) information was evaluated to assist in determining the potential for contamination migration within, from and onto the Property.
- The reconnaissance of the Property included preliminarily identifying visible suspect asbestos-containing materials (ACMs) and the potential lead-based paint. However, no samples were collected or analyzed.
- A state database of radon concentrations was used to determine whether indoor radon levels in the general area (data are by county) generally comply with United States Environmental Protection Agency (USEPA) guidelines.
- Historical fire insurance maps for the site and adjacent properties were reviewed to evaluate historic land uses.
- The following federal regulatory databases were reviewed to determine the regulatory status of the Property and other properties within the ASTM-defined radii: National Priority List (NPL); Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS); Emergency Response Notification System (ERNS); Toxic Chemical Release Inventory System (TRIS); the Permit Compliance System of Toxic Wastewater Discharges (WWD); the Air Discharge Facilities Index (ADF) and the USEPA Civil Enforcement Docket. The federal listing of facilities which are subject to corrective action under the Resource Conservation and Recovery Act (CORRACTS) is discussed with the State databases of RCRA listings.

- The following state regulatory databases were reviewed to determine the regulatory status of the Property, adjacent properties, and properties within a predetermined study area; the listings of hazardous material spills (SPILLS); Resource Conservation and Recovery Act Notifiers (RCRA); Chemical Bulk Storage (CBS); Solid Waste Facilities (SWF); Petroleum Bulk Storage (PBS); State Inactive Hazardous Waste Disposal Sites (SHWS); Major Oil Storage Facilities (MOSF); Brownfield Sites; and Historic Utility Sites.
- A review of NYC Fire Department (obtained as part of the database search) and online Buildings Department records for the Property was conducted to obtain information likely to be pertinent to this assessment.

2.0 PHYSICAL SITE DESCRIPTION

On February 1, 2011, Ms. Asya Kleyn of AKRF conducted a reconnaissance of the Property. Neighboring properties were also viewed, but only from public rights-of way. Ms. Cara McAteer of the NYCHA Department for Development and Mr. Robert Washington and Mr. Raphael Moya (NYCHA Randolph Houses custodial staff) provided access to portions of the Property and answered pertinent questions. The weather was cloudy and approximately 30 °F, the visibility good, and the premises generally adequately illuminated. Areas not adequately illuminated by natural and/or artificial light (including the fuel oil storage tank vaults and the vacant buildings' basements) were viewed by flashlight. The on-site vacant lots and sidewalks adjacent to the Property were covered by snow. Photographs from the reconnaissance are included in Appendix A.

2.1 General Site Conditions

The Property consisted of portions of Tax Blocks 1829 and 1830, which are bounded by West 115th Street to the north, Adam Clayton Powell Jr. Boulevard (Seventh Avenue) to the east, West 113th Street to the south, and Frederick Douglass Boulevard (Eighth Avenue) to the west, and bisected by West 114th Street. The northern (Block 1830) portion of the Property was occupied by 14 occupied five-story (plus basements) tenements and two vacant lots. The southern (Block 1829) portion of the Property was occupied by 22 five-story (plus basements) vacant tenements, a playground and a vacant lot. The tenements were constructed with similar floor plans. These brick and concrete buildings had no elevators, were illuminated by fluorescent and incandescent lights, and contained up to two hydraulic trash compactors per basement. According to custodial staff, the Property buildings were converted from fuel oil to natural gas heating in approximately 2001. The southern portion of the Property was unheated at the time of the reconnaissance. According to NYCHA representatives, the buildings on the southern portion of the Property were vacated in 2007 due to a natural gas leak.

Interior finishing materials in the buildings included: wood, 12"x12" vinyl tile and concrete floors; painted sheetrock, stone, painted and unpainted brick and concrete walls; and painted sheetrock, wood, metal and concrete ceilings. The buildings' roofs were covered by tar roofing. Mechanical spaces including meter rooms, boiler rooms and maintenance offices were located in the basements. A sign indicated pesticide storage in the basement of 261 West 114th Street (Block 1830, Lot 13). Eyewash stations were noted in some basements.

Nine fuel oil aboveground storage tanks and one fuel oil underground storage tank were located on the Property as noted in Section 2.3. The existing boilers, which were connected to the oil tanks prior to the conversion to natural gas, were located in the same basements as the tanks or in adjacent basements, with one boiler heating several Property buildings. The boilers were located

in pits with sumps. No oil staining was noted in the boiler pits. Potential oil staining was noted in several tank vaults as noted in Section 2.3.

The backyards of the tenements were connected into two alleys. A playground occupied Block 1029, Lot 38. The vacant lot on Block 1830, Lot 56, was used as a parking lot and driveway for Randolph Houses. Block 1830, Lot 104 and Block 1829, Lot 111 were vacant. No surface features could be observed in the alleys, on the playground, or on the vacant lots due to snow cover.

2.2 Topography and Hydrogeology

The surface topography slopes down to the east along West 114th Street. Based on reports compiled by the U.S. Geological Survey (Central Park Quadrangle), the property lies at an elevation of approximately 40 feet above mean sea level. The 2008 Phase II investigation in the southern portion of the Property discussed in Section 7.0 noted urban fill (predominantly sand with crushed concrete, brick, glass and wood) at depths ranging from approximately 1.5 to 10 feet below basement floor grade, underlain by apparent weathered bedrock. USGS maps indicated that bedrock depth would be expected to be highly variable, but generally deeper than encountered during some of the Phase II borings and ranging approximately from mean sea level to 120 feet below mean sea level.

Based on surface topography, groundwater is expected approximately 30-40 feet below grade and would be expected to flow in a generally easterly direction toward the East River, which is approximately 1.25 miles to the east. One boring advanced during the 2008 Phase II encountered groundwater approximately six feet below basement floor grade; this groundwater appeared to be perched on bedrock rather than part of the surficial water table. Actual groundwater depth and flow direction can be affected by many factors including subsurface openings or obstructions such as basements, underground utilities, subway tunnels (including the A/B/C line approximately 200 feet to the west and the 2/3 line approximately 1,250 feet to the east), bedrock geology, and other factors beyond the scope of this assessment. Groundwater in Manhattan is not used as a source of potable water (the municipal water supply uses upstate reservoirs).

2.3 Storage Tanks

2.3.1 Underground Storage Tanks (USTs)

Based on computerized NYC Buildings Department records and regulatory records, two underground storage tanks (USTs) were located on the Property as shown in Table 1:

Location	Capacity (gallons)	Comments
220 West 114 th Street (Block 1829, Lot 47)	7,000	Basement inaccessible - tank not observed. New York State Department of Environmental Conservation (NYSDEC) registration indicated the tank was located on adjacent Lot 46 (the basement of which was also inaccessible). If installed similarly to most other tanks on the Property, may well be an AST rather than a UST.
208 West 114 th Street (Block 1829, Lot 41)	5,000	Vent pipe noted in front of building. Basement inaccessible - tank not observed. If installed similarly to most other tanks on the Property, may well be an AST rather than a UST.

The above USTs were registered with NYSDEC as temporarily out-of-service underground vaulted tanks containing No. 2 fuel oil. Four closed-status spills were

reported in the southern portion of the Property as discussed in Section 5.2.2; the spill listings seemingly erroneously indicated the release of No. 4 rather than No. 2 fuel oil.

Computerized Building Department records contained oil burner applications for 208 and 218 West 114th Street. Based on the 2008 Phase II investigation, the applications for 218 West 114th Street may be erroneous and likely pertain to 220 West 114th Street.

Tank closure documents were provided for the USTs, indicating that in 2003 the tanks were emptied and cleaned, oil lines were disconnected, fill lines were cemented, and NYC Fire Department affidavits of temporary abandonment were filed. Copies of the closure documents are provided in Appendix B. A spill response plan for the Property petroleum tanks was posted in the basement of 263 West 114th Street.

Off-site USTs are discussed in Section 5.2.2.

2.3.2 Aboveground Storage Tanks (ASTs)

Based on observations during the reconnaissance, computerized NYC Buildings Department records and regulatory records, nine aboveground storage tanks (ASTs) were located on the Property as shown in Table 2.

Location	Capacity (gallons)	Comments
275 West 114 th Street (Block 1830, Lot 6)	4,000	Tank in a brick and concrete vault. Vent pipe noted in front of building. Boiler in same basement. NYSDEC and NYC Fire Department (FDNY) registration posted in boiler room. A sign indicated the AST is out of service. Potential oil staining noted on top of the tank and on the floor of the tank vault.
269 West 114 th Street (Block 1830, Lot 9)	4,000	Tank aboveground, but entirely encased in concrete with sides and bottom not visible, i.e. this tank may be subject to UST requirements per New York State regulations. Tank in a brick and concrete vault. Boiler in same basement. NYSDEC and FDNY registration posted in boiler room. Potential oil staining noted on the floor inside the tank vault. A sign indicated the tank is out of service.
263 West 114 th Street (Block 1830, Lot 12)	4,000	Tank in a brick and concrete vault. Vent pipe noted in front of building. Boiler in same basement. NYSDEC registration posted in boiler room. Potential oil staining noted on the top of the tank and on the floor of the tank vault. A sign indicated the AST is out of service.
253 West 114 th Street (Block 1830, Lot 17)	7,500	Tank in a brick and concrete vault. Vent pipe noted in front of building. Boiler in same basement. Registered with NYSDEC as a 5,000-gallon tank; NYSDEC registration for 7,500-gallon tank posted in boiler room (address given as 242 West 114 th Street, corrected by hand to refer to #253). A sign indicated the AST is out of service. No staining noted in the tank vault.
240 West 114 th Street (Block 1829, Lot 57)	7,000	Tank in a brick and concrete vault. Boiler in adjacent basement (Lot 58). Registered with NYSDEC as a 7,500-gallon tank; NYSDEC registration for 7,000-gallon tank posted in boiler room. Signs indicated that the boiler is not to be used due to water cleaning chemicals in boiler, and that the AST is out of service. Staining noted on top of the tank and on concrete floor adjacent to the boiler pit.

Location	Capacity (gallons)	Comments
228 West 114 th Street (Block 1829, Lot 51)	Approx. 550 x2 7,500	7,500-gallon tank in a brick and concrete vault; approximately 550-gallon tanks not vaulted. Boiler in adjacent basement (Lot 52). NYSDEC registration posted in boiler room. FDNY registration (for a 7,000-gallon No. 4 fuel oil tank) also posted in boiler room. A sign indicated the AST is out of service. Potential oil staining noted on top of the tanks and on the floor of the 7,500-gallon tank vault.

The floors of the tank vaults appeared to be concrete in good condition; however, portions of the floors were not visible from openings in the vault walls or were obscured by poor lighting. No petroleum-like odors were noted. Except for the approximately 550-gallon ASTs, which were not registered with NYSDEC, the above ASTs were registered with NYSDEC as temporarily out-of-service underground vaulted tanks containing No. 2 fuel oil. Although computerized NYC Fire Department (FDNY) Records did not identify any records of ASTs on the Property, FDNY registrations were posted in boiler rooms for two of the tanks. Four closed-status spills were reported in the southern portion of the Property as discussed in Section 5.2.2; the spill listings erroneously indicated the release of No. 4 rather than No. 2 fuel oil.

Computerized Building Department records contained oil burner applications for 228, 240, 253, 263, 269 and 275 East 114th Street, as well as 230, 242, 259 and 267 West 114th Street. 230, 242, 259 and 267 West 114th Street did not contain tanks according to NYCHA representatives (oil burner listings may have been assigned to these addresses erroneously).

Tank closure documents were provided for the ASTs in the southern portion of the Property (except the two approximately 550-gallon tanks), indicating that in 2003 the tanks were emptied and cleaned, oil lines were disconnected, fill lines were cemented, and NYC Fire Department affidavits of temporary abandonment were filed. Copies of the closure documents are provided in Appendix B. No closure documentation was provided for the tanks in the northern portion of the Property. According to NYCHA representatives, since the concrete-encased AST at 269 West 114th Street was registered as a vaulted tank, no tank tightness tests have been conducted. As noted above, a spill response plan for the Property petroleum tanks was posted in the basement of 263 West 114th Street.

Off-site ASTs are discussed in Section 5.2.2.

2.4 Polychlorinated Biphenyls (PCBs)

Until 1979, polychlorinated biphenyls (PCBs), which provided beneficial insulating properties, were manufactured for use in a wide variety of products, primarily in electrical equipment such transformers, capacitors, fluorescent light fixtures (especially ballasts), and voltage regulators, but also in hydraulic fluids and some other products.

Based on the age of the buildings, fluorescent lighting fixtures and electrical equipment observed during the reconnaissance may contain PCB-containing components. Broken fluorescent lights were noted on the floor in the basements of 228 and 242 West 114th Street. No evidence of leaks or stains associated with other observed equipment and fixtures was noted.

Up to two hydraulic trash compactors were located in the basement of each building. Surface staining was noted near several compactors; however, it could not be determined whether the

staining was due to hydraulic oil leaks or trash compacting activities. According to building custodians, the compactors were installed in approximately 1979 or 1980. The compactors are therefore unlikely to utilize PCB-containing hydraulic oil.

2.5 Lead-Based Paint

Lead-based paint was generally not used inside residential buildings after 1960 in NYC. After 1977, the use of lead-based paint inside the interiors of commercial structures was restricted and its use elsewhere became much less common, but lead-based paint may still sometimes be used outdoors. Lead-based paint can present a hazard, particularly to children and especially when it is in a deteriorating condition.

Interior painted surfaces on the southern portion of the Property and in vacant units on the northern portion of the Property were in poor condition, with flaking paint and paint chips on the floors. Peeling paint was also noted on some exterior Property walls and on boilers. Painted surfaces in basements and hallways on the northern portion of the Property were observed to be in good condition. Lead-based paint testing reports provided by Ms. McAteer indicated that lead-based paint has been identified in some Property buildings.

Activities (such as renovation or demolition) with the potential to disturb lead-based paint are subject to a variety of requirements, including US Occupational Safety and Health Administration regulation 29 CFR 1926.62 (Lead Exposure in Construction). Additional requirements even if no disturbance is planned (e.g., tenant notification, inspections and abatement) apply to occupied residential buildings.

2.6 Utilities

The Property was supplied with electricity and was connected to the municipal water and sewer systems. The northern portion of the Property was supplied with natural gas. The gas supply to the southern portion of the Property was shut off. According to NYCHA representatives, drains on the Property were connected to municipal sewers.

2.7 Waste Management and Chemical Handling

According to NYCHA representatives, household trash is picked up by the NYC Department of Sanitation for disposal. Small containers (up to five gallons) of cleaning and maintenance chemicals and hydraulic oil for compactors were stored throughout the Property on shelving and floors. A sign indicated pesticide storage in the basement of 261 West 114th Street in the northern portion of the Property. All observed chemicals were neatly stored and labeled. Minor staining was noted in some storage areas, but did not appear likely to impact subsurface conditions.

2.8 Radon

Radon is a colorless, odorless gas most commonly produced by the radioactive decay of certain rocks. According to a New York State Department of Health database the average level of radon found in basements in Manhattan is 2.10 picocuries/liter, below the USEPA recommended action level of 4.0 picocuries/liter.

3.0 ASBESTOS-CONTAINING MATERIALS (ACM)

Asbestos is a name applied to a group of natural minerals, with particularly good fire resistant and insulation properties. In addition to insulation/fireproofing products, it is also commonly found in vinyl flooring, plaster, sheetrock, joint compound, ceiling tiles, roofing materials, gaskets, mastics, caulks and a

range of other products. Materials containing more than one percent asbestos are considered asbestos-containing materials (ACM). ACM are classified as friable or non-friable: friable (e.g., most spray-on fireproofing) ACM more readily release asbestos fibers than non-friable ACM (e.g., vinyl flooring and most roofing materials).

The reconnaissance was conducted by Ms. Asya Kleyn, a New York State-certified asbestos inspector. Visible suspect ACM were noted if they were observed. However, this reconnaissance was not intended to and may not have identified all visible suspect ACM. In addition, suspect ACM may be present in areas not visible during the reconnaissance (e.g., on roofs, areas hidden behind walls, under flooring, above suspended ceilings, etc.). The observations made during the reconnaissance do not constitute and cannot substitute for an asbestos survey which is a comprehensive study with laboratory testing. Prior to implementing an activity which could disturb suspect ACM (e.g., renovation or demolition), a NYC-certified asbestos investigator must inspect the areas and conduct testing, as necessary, to determine whether the activity would disturb ACM. Any such ACM must be removed prior to the activity. There are also requirements that all suspect ACM be maintained in good condition regardless of whether they are to be disturbed by a project.

Based on the age of the buildings, ACM may be present on the Property. Suspect ACM observed during the reconnaissance included roofing materials, 12"x12" vinyl floor tiles and associated mastic, thermal pipe insulation, spray-on fireproofing, and sheetrock walls and ceilings. Damaged suspect ACM, including sheetrock walls and ceilings and vinyl floor tiles were noted throughout the southern portion of the Site and in vacant units on the northern portion of the Site. Damaged thermal pipe insulation was observed in several basements, but appeared to be fiberglass, which is not a suspect ACM. Roofing on the southern portion of the Property was not visible due to snow cover. Roofing in the northern portion of the Property and other suspect ACM were observed to be in good condition.

According to reports provided by NYCHA, asbestos surveys have been conducted on the Property. Mr. Joe Lurski of NYCHA Environmental Health and Safety noted that some identified ACM have been removed during renovations. AKRF recommends that unless damaged suspect ACM are known to be non-ACM, these materials be sampled for asbestos, and any damaged ACM be removed or repaired in accordance with applicable requirements. Any such sampling and removal/repair must be performed by appropriately licensed/certified individuals.

4.0 ADJACENT LAND USE

The surrounding area was occupied mainly by residential buildings, some with ground-floor commercial uses. Schools were located east-adjacent to the northern portion of the Property and on the block to the south, and a church was observed on a block to the east. Dry cleaners were observed to the west in the western portion of Block 1829, and to the southwest in the northwestern corner of Frederick Douglass Boulevard and West 112th Street. A sign identified the dry cleaner on Block 1829 as "organic", however this term is not well defined and may include petroleum-based solvents – additionally, past use of chlorinated solvents cannot be ruled out.

5.0 PROPERTY HISTORY AND RECORDS REVIEW

5.1 Prior Ownership and Usage

5.1.1 Historical Land Use maps

Historical insurance maps were reviewed for indications of uses (or other evidence) suggesting hazardous materials generation, usage or disposal on or near the Property. Specifically, Sanborn Fire Insurance Maps from 1902, 1912, 1951, 1976, 1980, 1985, 1991, 1995, and 2006 were reviewed.

1902

The Property was occupied by: a one-story church on Block 1829, Lot 38; a three-story (plus basement) building on Block 1829, Lot 111; a four-story building on Block 1830, Lot 56; and five-story buildings on the remainder of the Property. Except for the church, the buildings were of unspecified use, but appeared to be residential. All Property buildings were shown with backyards.

The surrounding area was occupied predominantly by mid-rise buildings of unspecified use, which appeared to be residential and/or commercial, and vacant land. The Wadleigh High School for Girls was east-adjacent to the northern portion of the Property.

1912

The Property buildings were noted to have basements and, except for the church and Block 1830, Lots 56 and 104, were identified as dwellings. The buildings on Lots 56 and 104 were identified as containing stores and dwellings.

The surrounding area was more densely developed compared to the 1902 map, predominantly by residential and commercial-residential properties, with some office and institutional (a post office and a library) uses. The school east-adjacent to the Property was labeled "Wadleigh High School." A drugstore was located on the southwestern corner of the southern Property block. A roofer and a carpenter were located in the western portion of the block north of the Property, a movie theater and an upholsterer were located on this block's northern portion, and a large building whose use was illegible occupied the northeastern corner of this block.

1951

A carpenter was shown north-adjacent to Property Block 1830, Lot 5. The drugstore shown on the southern Property block, and the roofer and carpenter shown on the block to the north on the 1912 map, were no longer shown. The formerly illegible building on the block to the north was shown as a theater. No other significant changes from the 1912 map were shown on the Property or in the surrounding area.

1976

Property Block 1829, Lot 111 and Block 1830, Lots 56 and 104 were vacant. No other significant changes from the 1951 map were noted on the Property.

The carpenter shown north-adjacent to the Property on the 1951 map was no longer present. A dry cleaner was shown on the northeastern corner of the northern Property block. Several buildings on the northern Property block had been demolished and

replaced by vacant land. The theater shown on the block to the north on the 1951 map was converted into a church.

1980

No significant changes from the 1978 map were noted on the Property or in the surrounding area.

1985

Property Block 1829, Lot 38 was shown as vacant.

No significant changes from the 1980 map were noted in the surrounding area.

1991

No significant changes from the 1985 map were noted on the Property or in the surrounding area.

1995

No significant changes from the 1991 map were noted on the Property or in the surrounding area.

2006

No significant changes from the 1995 map were noted on the Property or in the surrounding area.

To summarize, the Sanborn maps indicated that the Property was developed with the current buildings since prior to 1902. The currently vacant Block 1829, Lots 38 and 111, and Block 1830, Lots 56 and 104 were historically developed with a church, stores and dwellings, which were demolished by 1985.

The surrounding area was historically predominantly residential and commercial, with some office and institutional uses (a church, a school, a post office and a library). A roofing shop was historically shown west of the Property on the northern Property block, and a dry cleaner was shown east of the Property on the same block.

5.1.2 Historical Aerial Photographs

The 2007 Phase I ESA of the southern portion of the Property, summarized in Section 7.0, reviewed aerial photographs of the Property and surrounding area dating from 1955 to 1996. The Property was noted to be generally similar to its current configuration on the photographs, and both the Property and the surrounding area appeared to be predominantly residential. The review of aerial photographs did not identify any potential environmental concerns for the Property.

5.1.3 Property Tax Files and Zoning Records

Based on NYC Department of City Planning's Primary Land Use Tax Output (PLUTO) information provided by Toxics Targeting, Inc. of Ithaca, New York, the Property tax area is zoned as R7A one R8A (general residence). Most on-site buildings were classified as C1 (walk-up apartment buildings without stores). On-site buildings on Block 1830, Lots 13, 14 and 18 were classified as C7 (walk-up apartment buildings with stores). The on-site vacant lots were classified as V0 (vacant land, zoned residential) or V1 (vacant land, not

zoned residential). The building construction dates were listed as 1900-1910, while historical Sanborn maps indicated that the buildings were constructed prior to 1902.

5.1.4 Recorded Land Title Records

Copies of title records were not provided to AKRF for review. A review of computerized New York City Automated City Register Information System (ACRIS) records, which included records of financial transactions involving the Property, identified no environmental liens or use restrictions for the Property tax lot.

5.1.5 Local Street Directories

Information about historical uses of the Property was available from historical land use maps and regulatory databases. Given that it is unlikely that further significant information exists in City Directory records, and given that it is unlikely that it would change the findings of this Phase I assessment, no additional sources were reviewed.

5.2 Regulatory Review

Regulatory database information, as shown in Appendix D, was obtained from Toxics Targeting, Inc. of Ithaca, New York. The Introduction of Appendix D includes summaries of the databases searched, their radii around the Property and limitations of the data. The databases searched and associated radii were consistent with ASTM E1527-05.

5.2.1 Federal

The federal databases searched included the National Priority List (NPL); Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS); Emergency Response Notification System (ERNS); Toxic Chemical Release Inventory System (TRIS); the Permit Compliance System of Toxic Wastewater Discharges (WWD); the Air Discharge Facilities Index (ADF); and the USEPA Civil Enforcement Docket. The federal listing of facilities which are subject to corrective action under the Resource Conservation and Recovery Act (CORRACTS) is discussed with the State databases of RCRA listings.

National Priority List (NPL)

The NPL is the USEPA's compilation of some sites that probably remedial action under the Superfund Program. NPL sites can pose a significant risk of stigmatizing surrounding properties and thus impacting property values.

No NPL sites were identified within a one-mile radius of the Property.

Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)

CERCLIS is a compilation of sites which the USEPA has investigated, or plans to investigate, pursuant to the Superfund Act of 1980 (CERCLA). As such, some of these sites may ultimately present concerns and others may not (but could still pose a perceived threat, thus affecting property values).

No CERCLIS sites were identified within a ½-mile radius of the Property.

Emergency Response Notification System (ERNS)

This federal database, compiled by the Emergency Response Notification System, records and stores information on certain reported releases of petroleum and other potentially hazardous substances.

The Property was not listed as an ERNS site.

Toxic Chemical Release Inventory System (TRIS)

The TRIS contains information reported by a variety of industries on their annual estimated releases of certain chemicals.

No TRIS sites were identified within a 1/8-mile radius of the Property.

Permit Compliance System of Toxic Wastewater Discharge (WWD)

This database includes certain sites which discharge wastewater containing potentially hazardous chemicals.

No WWD facilities were reported within a 1/8-mile radius of the Property.

United States Environmental Protection Agency Civil Enforcement Docket

This database tracks civil judiciary cases filed on behalf of the USEPA by the Department of Justice.

No facilities were listed in the USEPA's Civil Enforcement Docket within a 1/8-mile radius of the Property.

Air Discharge Facilities Index (ADF)

This federal database includes information on certain air emission sources.

No Air Discharge Facilities were identified within a 1/8-mile radius of the Property.

5.2.2 State

The state records reviewed included the listings of hazardous material spills (SPILLS); Resource Conservation and Recovery Act Notifiers (RCRA); Chemical Bulk Storage (CBS); Solid Waste Facilities (SWF); Petroleum Bulk Storage (PBS); State Inactive Hazardous Waste Disposal Sites (SHWS); Major Oil Storage Facilities (MOSF); Brownfield Sites; and Historic Utility Sites.

New York SPILLS Database

This database includes releases reported to the NYSDEC, including tank test failures (for USTs only) and tank failures.

Five closed status spills were reported on or adjacent to the Property as follows:

- In April 1997, an approximately one-gallon antifreeze spill (Spill #9700666) from a vehicle occurred in front of 232 West 114th Street (Block 1829, Lot 53). The spill was reportedly cleaned up, and the listing was closed.
- In September 1996, an approximately 15-gallon spill of No. 4 fuel oil (Spill #9607462) was reported at Randolph Housing – 224 West 114th Street (Block 1829, Lot 49) when a 55-gallon oil drum fell onto concrete and a small area of soil. The spill was reportedly cleaned up, and the listing was closed.

- An approximately two-gallon No. 4 fuel oil spill (Spill #9600614) was reported at Randolph Houses – 230 West 114th Street (Block 1829, Lot 52) in April 1996. The spill reportedly occurred when oil spilled from a fill line which was being replaced. The listing also noted that an inspection of the tank vault found evidence of an old unreported spill. No further information was provided, and the listing was closed.
- In March 1995, a No. 4 fuel oil spill (Spill #9505402) was reported at Randolph Houses – 220, 228 and 240 West 114th Street (Block 1829, Lots 47, 51 and 57). The listing indicated that oil and oily debris were found in tank vaults in these buildings, and could not be cleaned until asbestos was removed from the vaults. Some of the vaults were reported to have dirt floors or damaged concrete floors. Inspections in 1996 found evidence of fresh oil in all three vaults. The spill was reportedly cleaned up, and the listing was closed.
- An approximately 50-gallon spill of No. 4 fuel oil (Spill #9011108) was reported at 228 West 114th Street (Block 1829, Lot 51) in January 1991. The spill reportedly occurred due to a tank overflow, and was contained on pavement and cleaned up. The spill listing was closed.

Additionally, four hundred and sixty-four spills were reported within a ½-mile radius of the Property, including 19 active status spills and 445 closed status spills. The nearest spills with the potential to affect the Property based on proximity or listing details are listed as follows:

- A No. 2 fuel oil spill was reported at 240 West 116th Street, approximately 215 feet north-northeast of the Property, in October 2004. According to the listing, a broken tank vent line caused the release of approximately 250 gallons of oil onto a sidewalk and into the building's basement during tank filling. The spill was reportedly cleaned up. However, the tank was not retested to ensure that the leak was repaired. The spill listing remained active.
- A transformer oil spill was reported in Con Ed Vault 5425, at the intersection of West 113th Street and Eighth Avenue, approximately 200 feet to the west, in May 2002. The listing indicated that approximately 125 gallons of oil spilled inside the vault due to a transformer leak, and was contained within the vault. The leak was reportedly cleaned up, the leaking transformer was replaced, and the spill was closed.
- A No. 4 fuel oil spill was reported at 320 Manhattan Avenue, approximately 522 feet to the west-northwest. The listing indicated that oil was found behind a basement wall. No further information was provided. However, the spill listing was closed.
- A tank test failure was reported at 301 West 116th Street, approximately 535 feet to the north, in December 1988. The spill involved 550-gallon gasoline tanks at a former filling station converted into an auto parts store. The tanks were reportedly removed; however, no closure documentation was provided to NYSDEC. The spill listing remained open.

The above spills may have affected subsurface conditions beneath the Property. Other identified spills are not likely to have significantly affected the Property based on their location, status and/or listing details. Details from all spills are included in Appendix D.

Resource Conservation and Recovery Act (RCRA) Notifiers Listings

This database lists sites which have filed notification forms regarding hazardous waste activity, including: treatment, storage and disposal facilities (TSDs); small-quantity (SQG) and large-quantity generators (LQG); and transporters regulated under RCRA. The discussion below includes any CORRACTS listings of facilities which are subject to corrective action under RCRA.

No CORRACTS listings were identified within a one-mile radius of the Property. No TSD facilities were identified within a ½-mile radius of the Property.

An address on the Property was identified as a RCRA Generator/Transporter. Fifty-two additional Generators/Transporters were reported within a ⅛-mile radius of the Property. Details of the Property listing and the nearest facilities with the potential to affect the Property due to listing nature or location are as follows:

- NYCHA – Randolph House at 265 West 114th Street (Block 1830, Lot 9 on the Property) was listed in the RCRA database. However, no hazardous waste activity was reported.
- NYC Board of Education – I.S. 88 Building, located at 215 West 114th Street, east-adjacent to the northern portion of the Property, was listed as a Conditionally Exempt Small Quantity Generator of: ignitable, corrosive and reactive waste; barium and mercury waste; and spent non-halogenated solvents in 1989 and 2005. One RCRA violation (Generators – General) was reported in 1990, with a return to compliance on the same day.
- Goodrich Cleaners, located at 215 West 116th Street, approximately 495 feet northeast of the Property, was listed as a generator of spent halogenated solvents in 1997. Two RCRA violations (Generator – Manifest) were reported in 1987, with returns to compliance within several days.

No hazardous waste generation or storage was noted on the Property. However, potential discharges from the east-adjacent school may have affected subsurface conditions beneath the Property. Although violations were reported for Goodrich Cleaners, this facility and other identified RCRA facilities are not likely to have affected the Property based on their location and/or the nature of the waste generated.

Chemical Bulk Storage (CBS) Database

The New York CBS is a list of facilities that store regulated non-petroleum substances in aboveground tanks with capacities greater than 185 gallons and/or in underground tanks of any size.

No CBS facilities were listed within a ⅛-mile radius of the Property.

Solid Waste Facilities (SWF)

This database includes certain landfills, incinerators, transfer stations, recycling centers, and other sites which manage solid waste.

No SWFs were identified within a ½-mile radius of the Property.

Petroleum Bulk Storage (PBS) Database

This database lists facilities that registered having either aboveground or underground petroleum tanks with total storage exceeding 1,100 gallons. Facilities with more than 400,000 gallons appear on the Major Oil Storage Facilities (MOSF) database (see below).

Sixty-six PBS facilities were identified within a 1/8-mile radius of the Property, including eight on-site listings. Details of facilities most likely to impact the Property, based on proximity and information provided in the database, are given in Table 3.

Table 1
Area Petroleum Bulk Storage Facility Data

Location	Capacity (gallons)	Product Stored	Status	Distance/Direction from Property
Randolph Houses 275 West 114 th Street	4,000 UST	No. 2 Fuel Oil	Temporarily Out of Service	On-Site at: Block 1830, Lot 6
269 West 114 th Street	4,000 UST			Block 1830, Lot 9
263 West 114 th Street	4,000 UST			Block 1830, Lot 12
253 West 114 th Street	5,000 UST			Block 1830, Lot 17
242 West 114 th Street	7,500 UST			Block 1829, Lot 58
230 West 114 th Street	7,500 UST			Block 1829, Lot 52
218 West 114 th Street	7,000 UST			Block 1829, Lot 46
208 West 114 th Street	5,000 UST			Block 1829, Lot 41
1878 Seventh Avenue	5,000 AST	No. 2 Fuel Oil	In Service	East-adjacent (Block 1829)
Marlene Associates 269-273 West 113 th Street	5,000 AST	No. 2 Fuel Oil	Administratively Closed	South-adjacent (Block 1829)
	5000 AST		In Service	
267 West 113 th Street	2,500 AST	Gasoline	In Service	South-adjacent (Block 1829)
Junior High School 88 215 West 114 th Street	12,500 AST x2	No. 2 Fuel Oil	In Service	East-adjacent (Block 1830)
Harlem Valley 1886 Seventh Avenue	3,000 AST	Gasoline	In Service	130 feet/east-southeast
Public School 113 240 West 113 th Street	15,000 UST	No. 6 Fuel Oil	In Service	160 feet/south-southwest
Lisa Dawn Apartments Inc., 200 West 113 th Street	5,000 AST	No. 6 Fuel Oil	In Service	200 feet / south-southeast

Notes: AST - aboveground storage tank
UST - underground storage tank

The reconnaissance indicated that except for the tank at 269 West 114th Street, the Property fuel oil tanks were ASTs in brick and concrete vaults. The tank at 269 West 114th Street was also aboveground, but was entirely encased in concrete and would therefore be considered a UST under New York State regulations. Two approximately 550-gallon ASTs, which were not registered with NYSDEC, were noted in the basement of 228 West 114th Street outside the main tank vault. Apparent oil staining was noted on the floors inside the 228, 263 and 275 West 114th Street tank vaults.

Open and/or closed status spills were associated with the Property and other identified PBS sites. Based on details provided in the State SPILLS database and the anticipated groundwater flow direction, the reported spills and potential undetected releases may have affected subsurface conditions beneath the Property. Details of the additional 51 PBS facilities located within 1/8 mile of the Property are included in Appendix D.

State Inactive Hazardous Waste Disposal Site Registry (SHWS)

This program (also known as State Superfund) lists information regarding a variety of sites likely requiring cleanup.

No State Inactive Hazardous Waste Disposal Sites were reported within a one-mile radius of the Property.

State Hazardous Substance Waste Disposal Site Study (SHSWDS)

This database tracks certain sites that were not listed on SHWS, but may still require investigation and/or cleanup.

No SHSWDSs were identified within a ½-mile radius of the Property.

Major Oil Storage Facilities (MOSF) Database

These facilities have petroleum storage of 400,000 gallons or more.

No Major Oil Storage Facilities were reported within a ¼-mile radius of the Property.

Environmental Restoration Program

These sites (which are generally municipally-owned) are receiving New York State funding for site investigation and remediation. Some sites in this program have known contamination, whereas others have not had sufficient investigation to determine whether contamination is present.

No ERP sites were identified within a ½-mile radius of the Property.

Voluntary Cleanup Program

The Voluntary Cleanup Program is a NYSDEC program for investigation and remediation of (generally) privately-owned sites. Some sites in this program have known contamination, whereas others have not had sufficient investigation to determine whether contamination is present.

No VCP sites were listed within ½-mile of the Property.

Brownfield Cleanup Program

This NYSDEC program is the successor to the Voluntary Cleanup Program. Again, some sites have known contamination, whereas others have not had sufficient investigation to determine whether contamination is present.

No BCP sites were listed within a ½-mile radius of the Property.

Historic Utility Sites

This is an inventory of certain power generating stations, manufactured gas plants, gas storage facilities, maintenance yards and other gas and electric utility sites identified in various historic documents, maps and annual reports from 1898 to 1950.

No historical utilities were reported within a ¼ mile of the Property.

5.2.3 Local

Records available online from the New York City Fire and Buildings Departments were viewed for the Property. The Fire Department records were obtained by Toxics Targeting, Inc. as part of the regulatory database search. Since the records typically

address a multitude of issues, the review focused on items likely to relate to the potential presence of hazardous materials, e.g., petroleum tank installation applications and permits, and records indicating prior uses. Copies of pertinent information are included in Appendices D (Fire Department Records) and E (Buildings Department Records).

Buildings Department

Computerized Buildings Department records included the following information:

For Block 1829:

- 206 West 114th Street (Lot 40): a 1968 Temporary Certificate of Occupancy (TCO) and a 1969 Certificate of Occupancy (CO) for a five-story apartment building with a trash room and a superintendent's workshop in the basement, noting that heat and hot water are supplied by 208 West 114th Street (Lot 41).
- 208 West 114th Street (Lot 41): a 1900 demolition permit; two 1900 new building permits; a 1957 new building permit; a 1988 oil burner application; and a 2005 application for boiler installation.
- 210 West 114th Street (Lot 42): a 1968 TCO and a 1969 CO for a five-story apartment building with a trash room and a superintendent's workshop in the basement, noting that heat and hot water are supplied by 208 West 114th Street (Lot 41); and a 1997 permit to repair or replace the roof and apartments due to fire damage.
- 214 West 114th Street (Lot 44): a TCO and a CO (both dated 1969) for a five-story apartment building with a trash room and a superintendent's workshop in the basement, noting that heat and hot water are supplied by 218 West 114th Street (Lot 46).
- 216 West 114th Street (Lot 45): a TCO and a CO (both dated 1969) for a five-story apartment building with a trash room and a superintendent's workshop in the basement, noting that heat and hot water are supplied by 218 West 114th Street (Lot 46).
- 218 West 114th Street (Lot 46): Two oil burner applications dated 1987 and 1988.
- 228 West 114th Street (Lot 51): a 1987 oil burner application.
- 230 West 114th Street (Lot 52): a 1988 oil burner application and a 2005 application for boiler installation.
- 236 West 114th Street (Lot 55): a TCO and a CO (both dated 1968) for a five-story apartment building with a trash room and a superintendent's workshop in the basement, noting that heat and hot water are supplied by 230 West 114th Street (Lot 52).
- 240 West 114th Street (Lot 57): a 2009 complaint regarding potential residential use of a ground-floor commercial space.
- 242 West 114th Street (Lot 58): three oil burner applications dated 1987 and 1988.
- 246 West 114th Street (Lot 60): five boiler-related violations, which were cancelled with a note stating that the building is heated by 242 West 114th Street (Lot 58).
- 261 West 113th Street (Lot 111): a 1937 multiple dwelling violation; a 1966 demolition permit; and a 1986 new building permit. The new building permit may have been listed at this address in error, since historical Sanborn maps show that this lot has been vacant since prior to 1976.

For Block 1830:

- 277 West 114th Street (Lot 5): a 1965 CO for a five-story apartment building with a trash room and a superintendent's workshop in the basement, noting that heat and hot water are supplied by 275 West 114th Street (Lot 6).
- 275 West 114th Street (Lot 6): three oil burner applications dated 1935, 1965 and 1988; and three TCOs (dated 1965 and 1966) and a 1966 CO for a five-story apartment building with a trash room and a boiler room in the basement.
- 273 West 114th Street (Lot 7): three TCOs (dated 1965 and 1966) and a 1966 CO for a five-story apartment building with a trash room and a superintendent's workshop in the basement, noting that heat and hot water are supplied by 275 West 114th Street.
- 269 West 114th Street (Lot 9): three oil burner applications dated 1961, 1966 and 1988; and a 1966 TCO and 1967 CO for a five-story apartment building with a trash room and a boiler room in the basement.
- 267 West 114th Street (Lot 10): two oil burner applications dated 1947 and 1957; and a 1966 TCO and 1967 CO for a five-story apartment building with a trash room in the basement, noting that heat and hot water are supplied by 269 West 114th Street (Lot 9).
- 265 West 114th Street (Lot 11): a 1966 TCO and a 1967 CO for a five-story apartment building with a trash room in the basement, noting that heat and hot water are supplied by 263 West 114th Street (Lot 12).
- 263 West 114th Street (Lot 12): two oil burner applications dated 1987 and 1988.
- 261 West 114th Street (Lot 13): a 2000 renovation permit noting the presence of a superintendent's workshop in the basement.
- 259 West 114th Street (Lot 14): a 1954 oil burner application, and two TCOs (dated 1966 and 1967) and a 1967 CO for a five-story apartment building with a trash room in the basement, noting that heat and hot water are supplied by 263 West 114th Street.
- 253 West 114th Street (Lot 17): two oil burner applications dated 1987 and 1988.
- 251 West 114th Street (Lot 18): a 1992 permit for an interior renovation and roof replacement; a 1993 permit for compactor installation; and a 1993 TCO and 1994 CO for a five-story apartment building with meeting rooms on the first floor and a trash room in the basement.
- 270 West 115th Street (Lot 56): a 2003 Environmental Control Board (ECB) violation noting illegal parking on the vacant lot, listed as resolved.

Most of the other listed actions for the Property were associated with renovations (including kitchen and bathroom renovations and reductions in apartments per building), generally in the 1990s, inspections and repairs. Files pertaining to some computerized records were unavailable for review.

Fire Department

The New York City Fire Department Tanks database was searched regarding past or current motor vehicle fuel and heating oil tank listings within a 1/8-mile radius of the Property. Computerized NYC Fire Department records identified 20 locations with aboveground or underground storage tanks within this radius. The nearest facilities registered with the Fire Department are summarized below:

- Tinsley Brothers, located at 2126 Eighth Avenue, approximately 80 feet north-northwest of the Property, with a 2,000-gallon fuel oil tank.

- Grokahn Realty Corp., located at 283 West 115th Street, approximately 165 feet north of the Property, with a 2,000-gallon No. 2 fuel oil tank.
- Bianca Realty Corp., located at 2121 Eighth Avenue, approximately 235 feet northwest of the Property, with a 1,500-gallon fuel oil tank.
- 238 Manhattan Food Corp., located at 236 West 116th Street, approximately 235 feet northeast of the Property, with a 1,500-gallon fuel oil tank.

Based on their proximity to the Property and/or the anticipated groundwater flow direction, the Fire Department tank facilities may have affected subsurface conditions beneath the Property.

5.2.4 Additional Environmental Record Sources

To enhance the search, ASTM requires that additional local records be checked when, in judgment of the environmental professional, such records are: 1) reasonably ascertainable; 2) useful, accurate and complete in light of the objective of the records review; and 3) are obtained in initial ESAs. These records include:

- Local Brownfields Lists
- Local Lists of Landfill/solid waste disposal sites
- Local Lists of Hazardous Waste/Contaminated Sites
- Local Lists of Registered Tanks
- Local Land Records (for activity use limitations)
- Records of emergency release reports
- Records of contaminated public wells

Sources for these records include:

- Department of Health/Environmental Division
- Fire Department
- Building Permit/Inspection Department
- Local/Regional Pollution Control Agency
- Local/Regional Water Quality Agency
- Local Electric Utility (for PCB records)

In AKRF's judgment, no such additional local records meeting the ASTM criteria are pertinent for the Property.

6.0 USER-PROVIDED INFORMATION

The following information was provided by NYCHA representatives:

- The Phase I was performed to evaluate the site prior to the proposed renovation of the Property, which would entail gut rehabilitation of the Property buildings and the removal of the back portions

of some buildings. New construction would potentially occur on portions of the Property in the future, but the scope of any such construction has not been determined.

- NYCHA representatives indicated that the Property buildings were residential throughout their history, and were not aware of any past commercial uses in the existing buildings.
- NYCHA representatives were not aware of any open environmental violations, environmental liens or activity use limitations on the Property.

To the extent that pertinent additional information was provided, it has been summarized elsewhere in this report.

7.0 PREVIOUS STUDIES

Draft Phase I Environmental Site Assessment – Randolph Houses, 204-246 West 114th Street, New York, NY, PB Americas, Inc., August 2007.

In 2007, PB Americas, Inc. (PBA) conducted a Phase I ESA of the southern portion of the Property for a redevelopment planned at the time. At the time of the 2007 Phase I ESA, the uses of the southern portion of the Property were similar to current uses. The Phase I ESA identified the following, including Recognized Environmental Conditions (RECs):

- An unpaved vacant lot at the northeastern corner of West 114th Street and Frederick Douglass Boulevard (potentially in the northern portion of the Property) was identified as a REC due to the presence of a “baited area” sign, indicating the potential for pesticides to have affected subsurface conditions.
- Four No. 2 fuel oil aboveground storage tanks (ASTs), which were emptied and closed in place in 2003, were registered in the southern portion of the Property. During the 2007 reconnaissance, the basement of 228 West 114th Street was inaccessible, and the tanks located in it were not observed. The tanks in 208, 218 and 240 West 114th Street were observed to be situated on dirt or a broken concrete floor, and a strong petroleum-like odor was noted in the 218 West 114th Street tank vault. Regulatory databases identified four closed-status spills in the southern portion of the Property, with one (Spill #9505402) identified as a REC due to the potential for subsurface impact.
- Two open spills located potentially upgradient of the Property with respect to groundwater flow were identified as RECs: a spill at Consolidated Edison Manhole MH 32537 at the intersection of West 112th Street and Frederick Douglass Boulevard (approximately 420 feet to the west-southwest) and a tank test failure at an apartment building at 282 Manhattan Avenue, approximately 705 feet to the west. Both of these spills have been closed since the completion of the 2007 Phase I ESA.
- A review of computerized NYC Buildings Department records identified several open NYC Buildings Department violations, which were identified as RECs. However, the violations did not appear to pertain to environmental conditions, and therefore AKRF does not consider these violations to be RECs.

Based on the above findings, the Phase I ESA recommended a Subsurface (Phase II) Investigation to determine whether subsurface conditions beneath the southern portion of the Property had been affected.

Final Phase II Environmental Site Investigation – A. Philip Randolph Houses – 208, 220, 228 and 240 West 114th Street, PBA, May 2008.

A Phase II investigation of the southern portion of the Property was conducted by PBA in 2008. The Phase II included the advancement of 12 borings to depths of up to 10 feet below basement floors in the buildings where ASTs were located (208, 220, 228 and 240 West 114th Street), and the collection of soil samples for laboratory analysis. One grab sample was collected from each of 11 borings and analyzed for volatile organic compounds (VOCs), one composite sample was collected from each of 10 borings and analyzed for semi-volatile organic compounds (SVOCs), and one composite sample per building was analyzed for Target Analyte List (TAL) metals and total petroleum hydrocarbons (TPH). The VOCs and SVOCs were analyzed for the NYSDEC STARS Memo No.1 analyte list, which includes petroleum-related VOCs, but not VOCs associated with dry cleaning solvents. Groundwater was encountered approximately 6 feet below basement floor grade in one boring, but was not sampled. This appeared to be groundwater perched on bedrock rather than a water table aquifer. Urban fill (predominantly sand with crushed concrete, brick, glass and wood) was encountered in the borings, underlain by apparent weathered bedrock at depths ranging from approximately 1.5 to 10 feet below basement floor grade.

No VOCs were detected in the soil samples. SVOCs were detected in three composite samples below their respective NYSDEC 6 NYCRR Part 375 Soil Cleanup Objectives for Unrestricted Use (USCOs). Metals were detected in all composite samples, with four (copper, lead, mercury and zinc) exceeding their respective USCOs, but no exceedances of Part 375 Soil Cleanup Objectives for Restricted Residential Use (RRSCOs). A TPH fingerprinting analysis indicated low concentrations of weathered hydrocarbons beneath 208 and 228 West 114th Street. The Phase II report concluded that the detected SVOC, metal and TPH concentrations are attributable to urban fill materials. The Phase II detected no evidence of petroleum contamination beneath the southern portion of the Property.

8.0 LIMITATIONS AND DATA GAPS

This assessment met the requirements of the American Society for Testing and Materials (ASTM) as established by ASTM Standard E1527-05 at the time it was performed, with the following limitations:

- Results of this investigation are valid as of the dates on which the investigation was performed.
- The reconnaissance included a tour of representative interior building spaces and mechanical spaces on Block 1829, Lots 41, 44-46, 51, 57 and 58, and on Block 1830, Lots 6, 8, 9, 12, 14 and 17. Typical vacant apartments were observed during the reconnaissance; occupied units were not toured.
- The interiors of the tank vaults were not accessible; the tanks were observed through openings in the vault wall. The vaults were unlighted and were observed by flashlight. The basements of 208, 218 and 220 West 114th Street, where potential fuel oil tanks may be present, were inaccessible due to locked doors.
- Roofs on the southern portion of the Property, the back alleys, vacant lots and playground and the sidewalks adjacent to the Property were not inspected for staining and surface features due to snow cover.
- Interviews and user provided information were limited to those discussed in Section 6.0. To the extent that interviews were not conducted with the list of interviewees cited in the ASTM Standard (past and present owners, operators, and occupants of the Property and local government officials), AKRF does not believe that this represents a significant data gap likely to result in additional or significantly changed recognized environmental conditions or conclusions.

- The Property and area history was not conducted in five-year intervals. However, sufficient information about the history could be obtained from the available historical Sanborn maps and regulatory records, and this data gap is not likely to alter the conclusions of this report.

9.0 CONCLUSIONS AND RECOMMENDATIONS

This Phase I Environmental Site Assessment was performed in conformance with ASTM Standard E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*. Any exceptions to, or deletions from, this practice are described in Section 8.0. The term “Recognized Environmental Condition” means the presence or likely presence of hazardous substances or petroleum at the property, including the ground, groundwater, or surface water at or under the property.

At the time of AKRF’s reconnaissance, the Property included 36 five-story (plus basements) tenements, three vacant lots and a playground. The 14 tenements on the northern Property block were occupied, while the remaining tenements had been vacant since approximately 2007. The surrounding area was occupied mainly by residential buildings, some with ground-floor commercial uses, and some institutional uses (churches and schools).

This assessment revealed evidence of Recognized Environmental Conditions (the first two bullets). A summary of the assessment findings is presented below:

- The assessment found that the Property was developed with the current buildings prior to 1902. The currently vacant Block 1829, Lots 38 and 111, and Block 1830, Lots 56 and 104 were historically developed with a church, stores and dwellings, which were demolished by 1985. During the reconnaissance, seven aboveground storage tanks (ASTs) ranging from approximately 550 to 7,500 gallons in size, were observed in the basements of 228, 240, 253, 263 and 275 West 114th Street. One 4,000-gallon concrete-encased AST was located in the basement of 269 West 114th Street. Two USTs, 5,000 and 7,000 gallons in size, are reportedly located at 208 and 218 West 114th Street respectively, based on regulatory database review and previous reports, but were not accessible for observation during the reconnaissance. Based on observations of the accessible tanks, the tanks registered as USTs at 208 and 218 West 114th Street may well be ASTs. Potential oil staining was noted on the floors inside the tank vaults in 228, 263, 269 and 275 West 114th Street; the floors appeared to be concrete in good condition without significant cracks, but were only partially visible due to limited assess and poor lighting. No petroleum-like odors were noted. Four closed-status petroleum spills, including a spill with the potential for subsurface impact, were reported on the southern portion of the Property. However, the 2008 Phase II investigation identified no evidence of petroleum contamination in the southern portion of the Property. Documents indicating that four of the tanks in the southern portion of the Property were emptied and closed were provided to AKRF. No closure documents were provided for the remaining tanks.
- Regulatory databases identified off-site open and closed-status petroleum spills, petroleum storage facilities and hazardous waste generators with the potential to affect subsurface conditions beneath the Property. Historical Sanborn maps indicated that a dry cleaner was historically located east of the Property on Block 1830, and the reconnaissance identified dry cleaners in the western portion of Block 1829 and to the southwest at the northwestern corner of Frederick Douglass Boulevard and West 112th Street. A sign identified the dry cleaner on Block 1829 as “organic”, however this term is not well defined and may include petroleum-based solvents – additionally, past use of chlorinated solvents cannot be ruled out.
- The 2008 Phase II encountered urban fill (predominantly sand with crushed concrete, brick, glass and wood) beneath the southern portion of the Property. Laboratory analysis of soil samples identified low concentrations of metals and semi volatile organic compounds (SVOC). Urban fill typically contains highly variable concentrations of metals and SVOCs, and may contain higher contaminant concentrations in other portions of the Property.

- The 2007 Phase I ESA noted an unpaved vacant lot at the northeastern corner of West 114th Street and Frederick Douglass Boulevard (potentially in the northern portion of the Property) with a “baited area” sign, indicating the potential for pesticides to have affected subsurface conditions.
- Based on the age of the buildings, fluorescent lighting components and electrical equipment observed during the reconnaissance may contain polychlorinated biphenyls (PCBs). Fluorescent lights observed on the Property may contain mercury. Based on their reported installation date, hydraulic trash compactors in the Property buildings are unlikely to utilize PCB-containing hydraulic oil. Broken fluorescent lights were noted on the floor in the basements of 228 and 242 West 114th Street. No evidence of leaks or stains associated with other observed equipment and fixtures was noted.
- Based on the age of the buildings, asbestos-containing materials (ACM) may be present. Suspect ACM observed during the reconnaissance included roofing materials, 12”x12” vinyl floor tiles and associated mastic, thermal pipe insulation, spray-on fireproofing, and sheetrock walls and ceilings. Damaged suspect ACM, including sheetrock walls and ceilings and vinyl floor tiles, were noted throughout the southern portion of the Site and in vacant units on the northern portion of the Site. Other suspect ACM were noted to be in good condition. According to NYCHA representatives, asbestos testing has been conducted on the Property and some ACM were removed during past renovations.
- Based on the buildings’ age, lead-based paint may be present on interior and exterior painted surfaces. Interior painted surfaces on the southern portion of the Property and in vacant units on the northern portion of the Property were in poor condition, with flaking paint and paint chips on the floors. Peeling paint was also noted on some exterior Property walls and on boilers. Painted surfaces in basements and hallways on the northern portion of the Property were observed to be in good condition. Information provided by NYCHA representatives indicated that lead-based paint has been identified on the Property.
- Small containers (up to five gallons) of cleaning and maintenance chemicals and hydraulic oil for compactors were stored throughout the Property on shelving and floors. A sign indicated pesticide storage in the basement of 261 West 114th Street in the northern portion of the Property. All observed chemicals were neatly stored and labeled. Minor staining was noted in some storage areas, but did not appear likely to impact subsurface conditions.

RECOMMENDATIONS

- No evidence of petroleum contamination was indicated by the Phase II investigation of the southern portion of the Property following the closure of the ASTs in this area. Although soil and groundwater beneath the Property may have been affected by potential releases from the fuel oil storage tanks in the northern portion of the Property and historical and present off-site uses, exposure risks to any potential subsurface contaminants would be limited to situations when subsurface disturbance would occur. If no activities are planned that would disturb the concrete floor slabs or subsurface soil or groundwater, the continued use of the Property would not be expected to represent a potential health or environmental concern. Any cuts in the floor slab (e.g., for piping work) should be sealed following the work to prevent potential vapor intrusion. If the Property is redeveloped with new construction or a building addition or modification (i.e., activities involving subsurface disturbance), AKRF recommends a subsurface investigation in the proposed soil disturbance area(s), involving collection and laboratory analysis of subsurface samples. It is possible that this investigation may uncover evidence of a petroleum spill or other situation reportable to NYSDEC and/or other

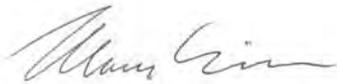
regulatory agencies. During any future subsurface disturbance, excavated soil should be handled and disposed of in accordance with applicable regulatory requirements.

- The two approximately 550-gallon tanks at 228 West 114th Street should be registered with the New York State Department of Environmental Conservation (NYSDEC) and, if required, the New York City Fire Department. The NYSDEC tank registration information and, if necessary, the Fire Department registration, should be corrected to reflect that several Property tanks are ASTs rather than USTs. If any tanks will be returned to service in the future, they should be operated and maintained in accordance with applicable regulatory requirements. Otherwise, if the tanks in the northern portion of the Property and the 550-gallon tanks have not been properly closed, they should be closed in accordance with the applicable requirements and removed, along with associated piping. Then the underlying slabs or soils should be examined for signs of contamination and if there are signs of contamination, the contaminated areas of the slabs and/or contaminated soil should be removed, in accordance with applicable regulatory requirements. Any evidence of a petroleum spill must be reported to NYSDEC and addressed in accordance with applicable requirements.
- Known and suspect ACM should be maintained in good condition in accordance with applicable regulations. Unless the damaged suspect ACM are known not to contain asbestos, these materials should be sampled for asbestos by appropriately licensed/certified individuals, and any damaged ACM should be removed or repaired in accordance with applicable requirements. Prior to any renovation or demolition activities with the potential to disturb known or suspect ACM, an asbestos survey of the areas to be disturbed should be conducted and any ACM should be removed and disposed of in accordance with local, state and federal requirements.
- Any activities with the potential to disturb lead-based paint must be performed in accordance with applicable requirements (including federal Occupational Safety and Health Administration regulation 29 CFR 1926.62 - *Lead Exposure in Construction*). Additional requirements even if no disturbance is planned (e.g., tenant notification, inspections and abatement) apply to occupied residential buildings.
- Broken fluorescent lights should be removed from the Property. Unless there is labeling or test data indicating that suspect PCB-containing fluorescent lighting fixtures and electrical equipment do not contain PCBs, and that fluorescent lighting fixtures do not contain mercury, if disposal is required, it should be performed in accordance with applicable federal, state and local requirements.
- If disposal of any on-site chemicals is required, it should be done in accordance with applicable regulatory requirements.

10.0 SIGNATURE PAGE

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312.

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the property for which the assessment was performed. I have performed all the appropriate inquiries in conformance with standards and practices set forth in 40 CFR Part 312.



Marcus Simons
Senior Vice President

11.0 QUALIFICATIONS

The purpose of this assessment was to convey a professional opinion about the potential presence or absence of contamination, or possible sources of contamination on the property, and to identify existing and/or potential environmental problems associated with the property including *Recognized Environmental Conditions* as defined in ASTM Standard E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*.

The assessment was performed in accordance with customary principles and practices in the environmental consulting industry, and in accordance with the above-referenced ASTM Standard, except as noted otherwise in Section 8.0. It should only be used as a guide in determining the possible presence or absence of hazardous materials on the property at the time of the reconnaissance, as it is based upon the review of readily available records relating to both the property and the surrounding area, as well as a visual reconnaissance of current conditions.

This Phase I Assessment is not, and should not be construed as, a guarantee, warranty, or certification of the presence or absence of hazardous substances, which can be made only with testing, and contains no formal plans or recommendations to rectify or remediate the presence of any hazardous substances which may be subject to regulatory approval. This report is not a regulatory compliance audit.

This report is based on services performed by AKRF, Inc. professional staff and observation of the property and its surroundings. We represent that observations made in this assessment are accurate to the best of our knowledge, and that no findings or observations concerning the potential presence of hazardous substances have been withheld or amended. The research and reconnaissance have been carried to a level that meets accepted industry and professional standards. Nevertheless, AKRF and the undersigned shall have no liability or obligation to any party other than NYCHA and their successors or assignees, and AKRF's obligations and liabilities to the above, their successors or assignees is limited to fraudulent statements made, or grossly negligent or willful acts or omissions.

12.0 REFERENCES

1. Toxics Targeting, Inc.; Randolph Houses – New York, NY 10026; Regulatory Radius Search; January 24, 2010.
2. U.S. Geological Survey; *Central Park, N.Y. – N.J. Quadrangle*; 7.5 minute Series (Topographic); Scale 1:24,000; 1966; Photorevised 1995.
3. U.S. Geological Survey; Open Files Report 89-462; Bedrock and Engineering Geologic Maps of New York County and Parts of Kings and Queens Counties, New York, and Parts of Bergen and Hudson Counties, New Jersey; Sheet 3 - Bedrock Contours and Outcrops; 1990.
4. New York State Department of Health: Office of Public Health - Environmental Radiation Section; Basement Radon Screening Data; October 2010.
5. Sanborn Insurance Maps dated 1902, 1912, 1951, 1976, 1980, 1985, 1991, 1995, and 2006.
6. *Existing Conditions Report, Randolph Houses Rehab Phase 1*, Misra & Associates, P.C., June 16, 2003.
7. *Draft Phase I Environmental Site Assessment – Randolph Houses, 204-246 West 114th Street, New York, NY*, PB Americas, Inc., August 2007.
8. *Final Phase II Environmental Site Investigation – A. Philip Randolph Houses – 208, 220, 228 and 240 West 114th Street*, PBA, May 2008.

FIGURES



SOURCE
 USGS 7.5 Minute Topographic Map
 Central Park Quad 1995



RANDOLPH HOUSES
 NEW YORK, NEW YORK



DATE
2.24.11

PROJECT No.
22061

PROJECT SITE LOCATION

Environmental Consultants
 440 Park Avenue South, New York, N.Y. 10016

FIGURE
1



- LEGEND:**
- PROJECT SITE BOUNDARY
 - LOT LINES
 - BUILDING LINES
 - 1830** TAX BLOCK NUMBER
 - 19 TAX LOT NUMBER
 - UST UNDERGROUND STORAGE TANK
 - AST ABOVEGROUND STORAGE TANK



Source: NYCDP (NYC Dept. of City Planning) GIS database

**RANDOLPH HOUSES
NEW YORK, NEW YORK
SITE PLAN**

DATE	2.24.11
PROJECT NO.	22061
SCALE	as shown
FIGURE	2

Exhibit E: REHABILITATION FEASIBILITY STUDY



Randolph Houses
Rehabilitation Feasibility Study

Issued: January 14, 2011
Revised: February 2, 2011





Randolph Houses

Rehabilitation Feasibility Study

- 1. Executive Summary**
- 2. Design Criteria**
- 3. Preservation Strategy**
- 4. Code and Zoning Review**
- 5. Test Fit Plans**
- 6. Tenant Presentation**
- 7. Envelope Assessment and Drawings**
- 8. Structural Report**
- 9. Mechanical Report**
- 10. Cost Estimate**



Randolph Houses
Rehabilitation Feasibility Study

1. Executive Summary

1. EXECUTIVE SUMMARY

Rogers Marvel was commissioned by the New York City Housing Authority to develop alternatives for the rehabilitation or reconstruction of the Randolph Houses, a group of 36 Old Law Tenements on West 114th street that were constructed between 1895 and 1900. The buildings do not meet current housing standards for light and air, room size, and elevator access. The New York State Historic Preservation Office (SHPO) determined that the 36 tenement buildings are eligible for listing on the State and National Registers of Historic Places, along with the neighboring Wadleigh High School building, as the West 114th Street Historic District. Section 106 of the National Historic Preservation Act requires that SHPO review proposed changes to eligible buildings and determine whether the changes would have an “adverse effect” on historic resources. If SHPO determines that the changes would constitute an “adverse effect,” then an alternatives analysis must be undertaken to demonstrate that there is no feasible alternative that would allow a greater extent of historic preservation. As discussed below, the plans presented in this report were determined by SHPO to have no adverse effect on historic resources.

Over a period of three months starting in September 2010, Rogers Marvel visited the site four times and reviewed the building documentation provided by NYCHA. This effort was supported by Robert Silman Associates, Structural Engineers; Herbert Kunstadt Associates, Mechanical Engineers, and Design 2147 Code Consultants; as well as AKRF, NYCHA’s planning consultant and personnel from NYCHA’s Capital, Development, and Operations departments. We worked with NYCHA and the Department of Housing Preservation and Development to prepare a program for the rehabilitation. Test-fit plans illustrated how the proposed program and improvements could be accommodated. We also met with members of the Randolph Houses Tenant’s Association to review the proposed reconfiguration of the buildings.

Based on this assessment of existing conditions and the test-fit proposal Faithful and Gould prepared an order of magnitude cost estimate for the rehabilitation. We worked with NYCHA to refine the test-fit plans and arrived at a design that NYCHA considered financially viable. As a check of the proposed work and cost estimate we visited a comparable NYCHA/HPD affordable housing project currently under construction and reviewed cost information provided by the developer. For comparison purposes, Faithful and Gould also prepared a cost estimate for demolition and replacement of the Randolph Houses based on plans provided by NYCHA.

With the assistance of AKRF we reviewed the interim and final proposal with the State Historic Preservation Office which found that the proposal had “no adverse effect” on the historic district.

The result of this study is that the rehabilitation of the Randolph Houses, in a manner that preserves the historic value of the street, is feasible within a construction budget acceptable to NYCHA. Based on this conclusion, NYCHA may move forward with an RFP to select a developer to rehabilitate Randolph Houses.



Randolph Houses
Rehabilitation Feasibility Study

2. Design Criteria

2. DESIGN CRITERIA

The criteria described in this section were defined through a process of meetings and plan reviews with NYCHA and represent the best compromise between the need retain existing elements to preserve the buildings' historic features and limit construction cost, and the goal of upgrading the buildings to current standards. The buildings in their current condition fit within the Building Code category of Old Law Tenements as defined and regulated under the Multiple Dwelling Law. Although they could legally continue to be occupied as such, the existing conditions fall outside of what NYCHA considers acceptable. A number of requirements, goals and preferences for the improvement of the buildings were established during discussions with NYCHA. These objectives were further refined and obstacles and potential compromises were established through the test-fit plans.

The following are objectives for the rehabilitation and improvement of the Randolph Houses listed in order of priority:

1. Light and Air

All bedrooms and living rooms should have direct access to light and air through a street, yard, or court. The units currently include interior rooms served by small light shafts which, although they may meet the requirements of the MDL, provided little light or ventilation, especially at lower floors. These shafts might be retained to serve kitchens, circulation spaces or to provide secondary light and ventilation to occupiable rooms.

2. Increased Room Size

In the current configuration of the Randolph Houses apartments, bedrooms can be as small as 9'x 8' with no closets. It was established that bedrooms in the reconfigured units should include closets and be as close as possible to the room sizes established in HPD's Design Guidelines for Substantial Renovation allowing for some variance to work around the building's existing structure.

3. Elevator Access

The existing buildings are five story walk-ups. NYCHA does not consider this acceptable for renovated units especially given that Randolph Houses includes a high proportion of elderly residents. Walk-up units might be acceptable for market rate or affordable units, however, for the purposes of the test-fit plans, no distinction was made between market rate, affordable and public units, so, all above grade were provided with elevator access.

4. Historic Preservation

Based on the results of the Randolph Houses Rehabilitation/Redevelopment Study, it is possible to meet NYCHA's requirements for the building's renovation and obtain a finding of "No Adverse Effect" from the State Historic Preservation Office ("SHPO"). SHPO's findings and requirements are outlined in their letter dated January 6th, 2011 attached as an appendix to this report. The rehabilitation of the buildings should be designed to meet these requirements.

5. Accessible ground floors

Accessibility for the disabled should be improved to the greatest extent possible as required by Local Law 58. The greatest challenge is the building's existing ground floors which are set 3'-2" to 4'-3" above the sidewalk. Adding a ramp of the required length in front of the buildings would mean eliminating most of the building stoops. Although the stoops are not original, they reproduce the historic configuration of the building entries and are required to be preserved. The test-fit plans show a ramp inside the entry lobby. This ramp provides access to the elevator and the upper floors, however, it is not long enough to reach the floor elevation of the ground floor units. Although it presents operations burden the addition of a wheelchair lift inside the lobby may be required. The cost of the lift would be offset by the reduction in the area of the ground floor which requires reframing.

6. Vertical Circulation

Fire escapes should be replaced with interior egress stairs. The apartments are currently served by a single, open stair and fire escapes as a second means of egress. The open stairs, many of which are day lit, are an amenity and in keeping with the City's Active Design Guidelines, however, the fire escapes are not desirable for light, air, maintenance, security, or aesthetics. As described in the code section of the report, elimination of the fire escapes requires the creation of code compliant interior stairs. Providing interior day lit egress stairs in accordance with code requirements and responsive to the recommendations of the city's active design guidelines is a rehabilitation goal.

In addition to the above objectives a number of secondary considerations and observations emerged out of the review and development of the test-fit plans and are listed below:

1. Preservation of existing building fabric

With the exception of the facades on the street, preservation of the existing building fabric was not identified as a requirement by SHPO. The balance of preservation and replacement of existing fabric in the test-fit plans is driven by an effort to limit the costs associated with selective demolition and reconstruction. With this in mind, wherever possible, new vertical circulation is introduced in existing shafts and clear boundaries are maintained between demolition and rehabilitation areas.

2. Shared Cores

In order to economically provide improved vertical circulation, multiple existing buildings were grouped on a single core. Grouping a number of apartments was also desirable from an operations perspective because it limits the number of elevators and compactor rooms which need to be serviced. This was balanced against a desire to maximize the number of units and keep the rhythm and scale of the residential entries along the street. The typical floor shown in the test-fit plans for the south side of the street with seven apartments per core represents an ideal balance of these factors. On the north side of the street, in order to offset higher facade restoration costs, more apartments were grouped on a single core beyond what would be considered ideal from a streetscape or operational perspective.

3. Historic Preservation Tax Credits

The existing buildings could be eligible for historic preservation tax credits if they were to be nominated for and listed on the State and National Registers of Historic Places. However, it is the opinion of SHPO that obtaining historic preservation tax credits would require the preservation of the internal organization and circulation and the full building envelope as well as the building facades. This could not be economically realized in combination with the objectives above and therefore was not pursued in the test-fit plans.



Randolph Houses Rehabilitation Feasibility Study

3. Preservation Strategy

- **Regulatory Context**
- **Physical Condition**
- **SHPO Letter**

3. PRESERVATION STRATEGY

Regulatory Context

The New York State Historic Preservation Office (SHPO) determined that the 36 tenement buildings are eligible for listing on the State and National Registers of Historic Places, along with the neighboring Wadleigh High School building, as the West 114th Street Historic District. Section 106 of the National Historic Preservation Act requires that SHPO review proposed changes to eligible buildings and determine whether the changes would have an “adverse effect” on historic resources. If SHPO determines that the changes would constitute an “adverse effect,” then an alternatives analysis must be undertaken to demonstrate that there is no feasible alternative that would allow a greater extent of historic preservation. The test-fit plans developed as part of this feasibility study have been reviewed by the State Historic Preservation Office and found to have “No Adverse Effect” and therefore eliminate the need for the Alternatives Analysis. SHPO’s letter describing their findings is attached at the end of this section.

The determination of no adverse effect was based on the building’s significance as part of a historic district residing primarily in their exterior features and street facades in particular. The Proposed work includes a number of actions to restore and preserve these features:

- Restoration of the existing brick and masonry facades
- Retention of the Non-historic front stoops- although the current stoops are not historic, they conform to the typology of the original stoop.
- Preservation of apartment entries at most of the original tenement front doors.
- Elimination of the fire escapes which are not original and cause deterioration of the building facades

The proposed work also includes a number of modifications to the facades:

- The creation of new building entries at existing window openings and, in some cases, the widening of those openings to serve a larger number of apartments.
- The introduction of a fence in front of the stoops which are not retained as apartment entries.
- The replacement of all existing doors and windows.

PAIR OF DOUBLE HUNG WINDOWS
SIMILAR TO OTHERS AT FIRST FLOOR
SET INTO EXISTING MASONRY OPENING

TRANSOME
CANOPY
DOUBLE DOOR



TYPICAL ENTRY DETAIL AT NORTH



PAIR OF DOUBLE HUNG WINDOWS
SIMILAR TO OTHERS AT FIRST FLOOR
SET INTO EXISTING MASONRY OPENING

TRANSOME
CANOPY
SINGLE DOOR
SIDELIGHT

TYPICAL ENTRY DETAIL AT SOUTH

The work on rear of the buildings includes removals of intermittent tenement units to provide improved access to light and air for the apartments. The building interiors are completely reconfigured to provide upgraded egress and vertical circulation. This level of alteration was accepted by SHPO as part of their review of the proposed plans.

Physical Condition

The condition of the Randolph Houses building envelope is fairly good given the age of the buildings. Two major exceptions to this are the brownstone facade elements on the North side of 114th street and the roof parapets. The buildings were built in groups of 2, 3, or 4 with different materials and details. Each of them exhibits different levels of preservation and deterioration which is outlined on the attached preservation elevations. These drawings do not attempt to identify individual defects but present the typical level of preservation for the purpose of an order of magnitude cost estimate for the preservation of the facades.

The overall condition of the masonry structure and floor framing is discussed in the structural report included as Section 8 of this study.



Andrew M. Cuomo
Governor

Andy Beers
Acting Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643

www.nysparks.com

January 6, 2011

Amy Chester
Deputy Directory
New York City Housing Authority Department for Development
250 Broadway
New York, NY 10007

Re: HUD
Randolph Houses
New York County
07PR03421

Dear Ms. Chester,

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO) for the proposed redevelopment of the tenements located on West 114th Street between Frederick Douglass Blvd and Adam Clayton Powell Jr. Blvd. in Manhattan, known as the Randolph Houses. We have been reviewing the project in accordance with the provisions of Section 106 of the national Historic Preservation Act of 1966 and relevant implementing regulations.

We have reviewed our notes from our conference calls and the drawings e-mailed to our office on December 13, 2010. The drawings accompanying this e-mail are dated December 3, 2010 and December 9, 2010 from Roger Marvel Architect, PLLC. In addition we have reviewed the Advisory council on Historic Preservation Policy Statement on Affordable Housing and Historic Preservation. As you know, Federal Agencies are required to consider the effects of their undertakings on historic properties. In Section II under Implementing Principles III, we are advised that review of effects in historic districts should focus on exterior features. As you know, the Randolph Houses are included in the National Register eligible West 114th Street Historic District. Each project is reviewed on its individual merit and does not necessarily set a precedent for future projects. Given these facts, our current review will be limited to the character-defining exterior features of these buildings within the historic district.

Based upon our review of the existing drawings from Roger Marvel Architects, PLLC, it is the SHPO's opinion that the proposed work will have No Adverse Effect upon historic resources provided the following understandings and conditions are maintained within the project:

1. All historic facades and stoops shall be retained and repaired according to the standards provided by the applicable National Park Service's Preservation Briefs. Since the existing windows are not original to the buildings, they may be replaced with units with a double hung sash that fill the entire masonry opening with a meeting rail located approximately at the center of the window.
2. As shown in your elevation drawings A1, B1, C1&C2 and E1&D1 a limited number of windows may be dropped to the street level for universal access requirements. These openings shall be in general scale and detail as presented in these drawings.

Please note: this guidance does not extend to the Federal Rehabilitation Tax Credit Program and this project would not meet the standards of the Tax Credit Program review.

If you have any questions, I can be reached at (518) 237-8643, ext. 3282. Please refer to the Project Review (PR) number in any future correspondences regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth A. Cumming". The signature is fluid and cursive, with a prominent initial "B" and a long, sweeping tail.

Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: Beth.cumming@oprhp.state.ny.us

cc: C. Cooney - AKRF
T. Fretwell - HUD

e-mail only



Randolph Houses

Rehabilitation Feasibility Study

4. Code and Zoning Review

- **Zoning**
- **Applicable Building Codes**
- **Multiple Dwelling Law**
- **Zoning Section and Calculations**

4. CODE AND ZONING REVIEW

The following zoning and code review was prepared by Rogers Marvel Architects working in conjunction with Design 2147 Code consultants.

Zoning

The Randolph Houses are located in Zoning District R7A with a maximum FAR of 4.0, a maximum Lot Coverage of 65% and 30' required Rear Yard. As built, the typical building has an FAR of just less than 3.8, Lot Coverage of just over 70% and a Rear Yard of 15'. The buildings are non-compliant with respect to lot coverage and rear yard size but can be preserved as allowed for non-complying buildings in the Zoning Resolution. The final zoning calculations may evaluate each of the proposed buildings separately or create one larger zoning lot on each side of the street. (But can not shift development rights across the street.)

Article V chapter four of the zoning resolution section 54-11 provides that the use of non-complying buildings can be continued except as otherwise provided. Enlargements of a non-complying building are subject to 54-31 which prohibits enlargements which would increase the degree of non-compliance or create a new non-compliance. The one location where this could be an issue is where new habitable rooms are created where they did not previously exist as in the cellars. In this case these rooms must face out onto streets or legal yards or courts based on the definitions in the MDL. (See additional discussion in the MDL section.)

In the case of the test-fit plan no enlargement of the current buildings was proposed. The addition of two stories above the existing buildings and set within the required set-backs was studied and could have been permitted as an enlargement which did not increase existing non-compliance. This option was set aside because the additional units gained did not warrant the increased cost of construction.

Accessory Parking spaces are not required despite the reorganization of the buildings in larger lots combining multiple existing tenements based on section 25-21 of the Off-Street Parking Regulations for Residential Districts which states that these are required for dwelling or rooming units created after December 15, 1961. The testfit plans do not propose additional dwelling units and actually represent a reduction compared to the number of units existing on the site.

In general, the proposed plan reduces non-compliant conditions compared to the existing condition. At present a number of un-built lots exist as part of the Randolph Houses. These parcels have their own development rights which could be used independently of the existing tenements or could potentially be the basis of increased bulk above the existing buildings. However, the height limits for the district (80' with a 65' max base

height) make it difficult to take advantage of this capacity so it was not reflected as part of the test-fit plans. An overview of the existing and proposed bulk for the site and the allowable zoning envelope is included in the attached drawings.

Applicable Building Codes

Per the 2008 NYC building code section 28-101.4.3 buildings constructed in accordance with the 1968 building code or prior, codes may be modified in accordance to the requirements of the 1968 code, with the exception of Fuel, plumbing, mechanical, elevators, and where the cost of the alteration exceeds 50% of the replacement cost of the building facilities for people with physical disabilities which must then be provided as in new construction (28-101.4.3-5). The same 50% threshold is included in the 1968 Code section 27-123.1: “alterations that do not exceed the 50% cost threshold must minimally provide compliance in all areas that are altered”. Because an elevator is being installed and the ground floor units are being reconfigured this will likely be interpreted to require compliance with section 27-292.1 thru 27-292.20 (facilities for persons with physical disabilities) for the ground floor units as well as the upper floors. This can be addressed by the addition of a wheelchair lift in the lobby.

Section 28-102.4.2 refers to section 28-101.4.3 above even where changes in use or occupancy are proposed.

Section 28-102.4.3 also allows that:

“at the option of the owner, multiple dwellings erected prior to December 6, 1969 may be altered and buildings erected prior to December 6, 1969 may be converted to multiple dwellings in accordance with applicable provisions of the multiple dwelling law and the building laws and regulations in effect prior to December 6, 1968, provided the general safety and public welfare are not thereby endangered.”

Therefore, with the above exception the alterations proposed for the Randolph Houses can be carried out at the option of the owner according to the provisions of the MDL or 1968 Code. A pre-consideration should be sought with the Department of Buildings regarding the valuation of the replacement cost of the existing buildings and the 50% threshold for applicability of the code sections with regard to accessibility for the disabled.

Because the Randolph Houses are currently regulated as old law tenements by the MDL, complying with the MDL rather than subsequent codes appears to offer the fewest challenges to the building’s rehabilitation especially regarding clear distances in light courts and access to light and air.

Multiple Dwelling Law

Article 1 Section 4 of the MDL defines tenements as a pre 1929 building occupied as a residence by 3 families or more, and an Old Law Tenement as pre 1901. Therefore, the Randolph Houses, built between 1895 and 1900, fit the definition of Old Law Tenements. Per Article 1 section 8 a Tenement is also a “Class A Multiple Dwelling”.

The buildings can be occupied in their current state, however, specific design objectives drive a sequence of changes and upgrades to the buildings. Foremost among these is the desire to introduce elevator access. This objective, combined with the need to spread the cost of the elevator over more units drives the combination of the existing individual tenement buildings into larger apartment blocks with shared vertical circulation. This in turn triggers an upgrading of the egress stairs per MDL 218-6. The desire to eliminate the fire escapes on the building exterior drives additional changes to building egress and the creation of a hallway separated from the egress stairs per MDL234-2. Cellar level apartments have been developed as an option in the test- fit plans however because they are new units being created in a cellar where none previously existed, they face several challenges which would need to be overcome for their approval. It is likely that Cellar units facing the new courts created on the rear of the north side of the street would be permitted because these courts comply with the required 30’ width. On the south side of the street a variance from the Board of Standards and Appeals would be required.

Below is an outline of relevant provisions of the MDL with specific significance to the Randolph Houses rehabilitation as identified in Article 7:

33. Cooking Space
 - Kitchen > 59sf > Kitchenette
 - Fire retarded walls or sprinklers required - Sprinklers provided
 - 2’ clear above cooking surface
 - Mechanical ventilation or window and opening to apartment for make-up air required.

34. Rooms in Basements or Cellars
 - Permit required for basement and cellar rooms
 - 8’-0” min ceiling height 7’-6” at beams
 - Ceilings for rooms in front part of dwelling > 4’-6” above curb level, all other rooms 2’-0”
 - An adequate adjacent space with a minimum dimension of 30’ is provided outside of all walls with legal windows. (Cellar units on the North side of the street facing onto the newly created courts could meet this requirement - all other cellar units would require a variance.)

52. Stairs

(requirements generally less stringent than typical current construction)
Stair must be provided as per MDL 218.6 and conform to the requirements of subdivision 2 of section 233 and sections 234 to 238 inclusive, except that such combined tenements, if over 3 stories in height, shall have in the roof a fireproof bulkhead with a fireproof self-closing door.

Critical provisions from Article 7 Tenements

211. Height and Bulk

1. No height increase to a height greater than 1.5 times street width
No non-fireproof tenement higher than 5 stories unless it complies with post 1929 provisions

213. No room or public hall shall be altered so as to have its light or ventilation diminished

3. No room occupied for living unless:
 - a. Window on a street or yard at least 4' in depth or a court or shaft at least 20sf.

214. Size of rooms generally less restrictive than the applicable HPD guidelines

216. Rooms in basements and Cellars

For old law tenements: minimum 8' ceiling heights, at least ½ the height of the room above the ground outside it for a distance of 30'.

1. b. Every such room and all cellars and basements shall be lighted and ventilated to the satisfaction of the department." this section is interpreted by the department as meaning compliant with the most recent building code. The 2008 building code requires such cellar spaces to have light and ventilation as per BC 1205.2.3 and must have "adequate adjacent space", with a minimum dimension of 30'. This is achievable for units facing the enlarged courts on the rear of the north side of the street. The courts created between existing masonry walls on the south side of the street are less than 30' in width so a variance would be required for their approval.

217. Lighting and Ventilation of Public halls and Stairs

1. One window required for every 25' to 30' if at ends or one window every 20' of public hall if set along the length. It may be possible to comply with this requirement using the interior light courts. Otherwise a recon based on modern illumination and ventilation may be possible.

218. Alterations

1. Apartments extending from street to yard may be changed to face only street or yard provided that minimum court sizes are met.
2. New rooms in cellars must comply with section 34 except that court and yard depths for tenements apply. (This is triggered for the cellar units.)
3. Any additional room or hall shall comply with post 1912 requirements except that ceiling height may match existing ceiling height.
5. If the number of rooms in Old Law tenement is increased:
 - a. Entrance and stair walls to be fire retarded
 - b. Stairs extended to roof
 - c. No interior stair to basement w/o 3 hr separation
6. If Old Law Tenement rooms increased by 1/3 or more or combined with other tenements for a floor area of over 3000 square feet the stair halls, entrance halls, and other public halls shall comply with 233-2, 234 to 238.
7. Sprinklers acceptable in lieu of requirements of 218-5 above.

231. Egress

1. 2 means of egress required
2. 1 stair per 233-238 required
3. Other acceptable means including additional stairs or fire escapes (the proposed elimination of the existing fire escapes requires the provision of additional stairs in their place.)

234. Stairs and Public Halls

1. Stairs to extend from entry story to roof and minimum 3' wide.
2. 3 hour separation of stairs from other stair, public halls and elevators (Both of these requirements do not apply to Old Law Tenements and therefore should not apply to this project. But considering the extent of the modifications to the existing structure, this should be confirmed as part of the design process)

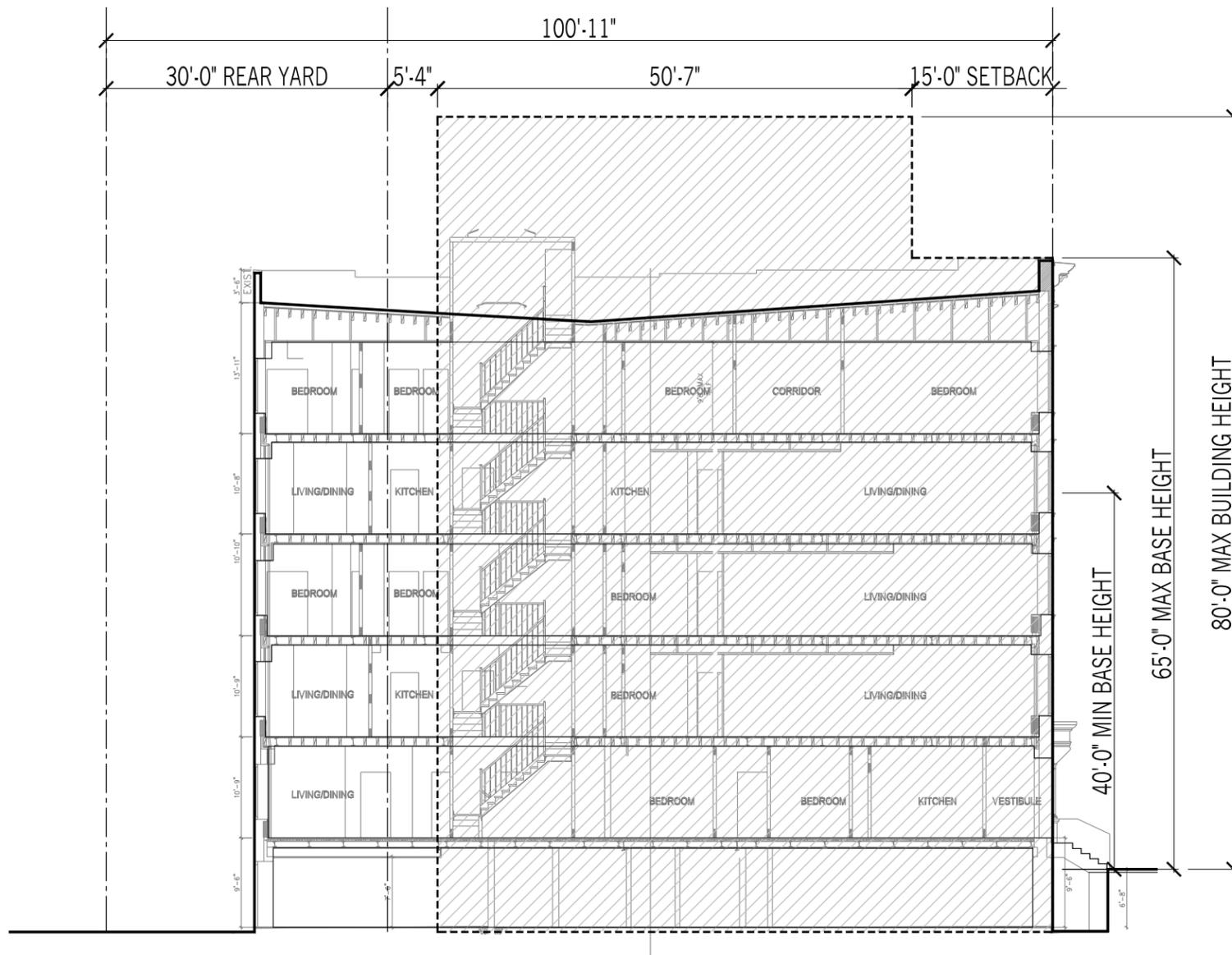
235. Stairs in Non-Fireproof Tenements

1. One stair for each 26 apartments above the ground floor (As above this is a provision for NLT's and therefore should not apply. If it were found to apply a reconsideration should be sought for the larger proposed building on the North side of the street considering it is narrowly over this requirement and sprinkler protection is proposed.)
2. One stair for each 20 rooms on each story

237. Stair construction

1. Every stair shall be accessible on the entrance story from the street or a street court with direct access to a street.

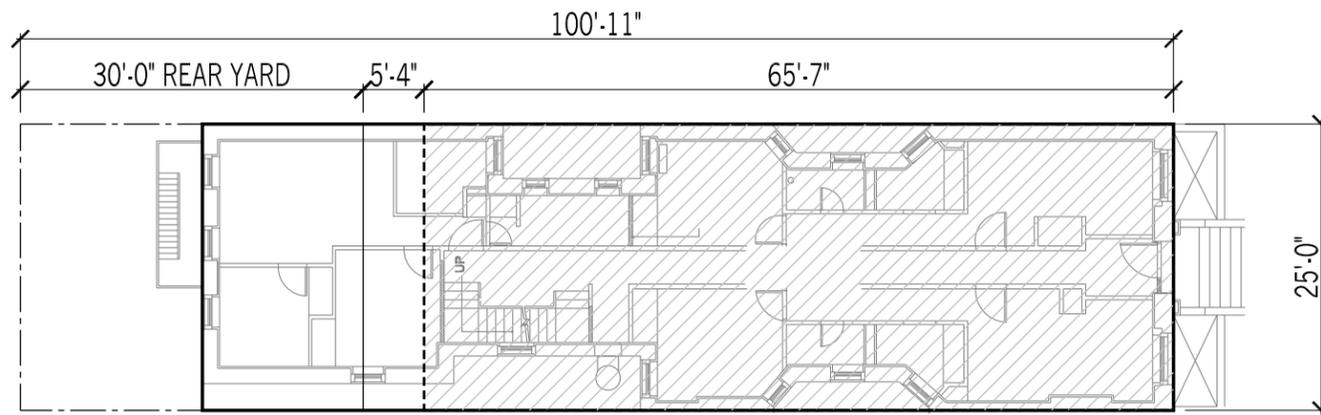
238. Stairs and entrance halls
1. Separated from non fire-proof portions of the building (Not for OLT)
 2. 3'-6" minimum entrance hall width. 5' if serving 2 or more stairs (Not for OLT)
 3. For post 1912 tenements stairs to be fireproof throughout (see 218-3 above). (Not for OLT)
 4. Every door opening onto a stair shall be self closing
240. First Tier of beams
All beams above the lowest floor shall be fireproofed
242. Cellar and Basement Stairs in Non-Fireproof Tenements
2. In old-law tenements exceeding a basement and 3 other stories in height and provided with an inside cellar stair communicating between the entrance story and a cellar or lower story, the opening to such stair if located underneath the main stair leading to the upper stories shall be enclosed from the level of the entrance story up to the underside of the first flight of such main stairs. The soffit of such first flight of main stairs and the partitions forming such enclosure shall be fire-retarded or covered with 26 gauge metal. The opening to such enclosure shall be provided with a fireproof door and assembly with the door self-closing.



PRELIMINARY ZONING REVIEW

ZONING DISTRICT: R7A
 ZONING MAP: 6b
 BLOCK NO: 1829, 1830
 TAX LOTS: 38-60, 5-18
 ADDRESSES: 202-246, 251-277

ZR 23-145	MAXIMUM LOT COVERAGE:	65%	
	MAXIMUM FLOOR AREA RATIO:	4.0	
	LOT AREA =	25 X 100.92 =	2,523 SF
	ALLOWABLE LOT COVERAGE =	2,523 X 65% =	1,639.95 SF
	ALLOWABLE FAR =	2,523 X 4.0 =	10,092 SF
ZR 23-22	DENSITY REGULATION FACTOR FOR DWELLING UNIT =	680	
	MAX DWELLING UNIT =	10,092 / 680 =	14.8
ZR 23-45	FRONT YARD REQ	NONE	
ZR 23-462	SIDE YARD REQ	NONE	
ZR 23-45	REAR YARD REQ	30 FEET	



INFO			LOT			MAX FAR		MAX COVERAGE		EXISTING BUILDING						BUILT				PROPOSED						
Block	Lot	Address	Depth (ft)	Width (ft)	Area (sf)	R7A	Total	R7A	Total	Type	Depth (ft)	Width (ft)	Floor Area	# of Floor	Total Area (sf)	Gross FAR	Deductio ns	Net FAR	Lot Cover- age	# of Floor	Floor Area Deduct	Total Area Deduct	Circulatio n ADD	Total Area ADD	New FAR	
						UON		UON																		
South																										
1829	38	202	100.92	25	2,523	4.0	10,092	65%	1,640					0	0	0.00		0.00	0%							0.00
	39	204	100.92	25	2,523	4.0	10,092	65%	1,640	A	84.5	25	1,880	5	9,400	3.73		3.73	75%	5						3.73
	40	206	100.92	25	2,523	4.0	10,092	65%	1,640	A	84.5	25	1,880	5	9,400	3.73		3.73	75%	5	574	2,870				2.59
	41	208	100.92	25	2,523	4.0	10,092	65%	1,640	B	84.5	25	1,892	5	9,460	3.75		3.75	75%	5						3.75
	42	210	100.92	25	2,523	4.0	10,092	65%	1,640	B	84.5	25	1,892	5	9,460	3.75		3.75	75%	5			50	250		3.85
	43	212	100.92	25	2,523	4.0	10,092	65%	1,640	B	84.5	25	1,892	5	9,460	3.75		3.75	75%	5	543	2,715				2.67
	44	214	100.92	25	2,523	4.0	10,092	65%	1,640	C	84.3	25	1,885	5	9,425	3.74		3.74	75%	5						3.74
	45	216	100.92	25	2,523	4.0	10,092	65%	1,640	C	84.3	25	1,885	5	9,425	3.74		3.74	75%	5	633	3,165				2.48
	46	218	100.92	25	2,523	4.0	10,092	65%	1,640	C	84.3	25	1,885	5	9,425	3.74		3.74	75%	5			157	785		4.05
	47	220	100.92	25	2,523	4.0	10,092	65%	1,640	C	84.3	25	1,885	5	9,425	3.74		3.74	75%	5						3.74
	48	222	100.92	25	2,523	4.0	10,092	65%	1,640	C	84.3	25	1,885	5	9,425	3.74		3.74	75%	5	754	3,770	157	785		2.55
	49	224	100.92	25	2,523	4.0	10,092	65%	1,640	C	84.3	25	1,885	5	9,425	3.74		3.74	75%	5	754	3,770				2.24
	50	226	100.92	25	2,523	4.0	10,092	65%	1,640	C	84.3	25	1,885	5	9,425	3.74		3.74	75%	5			157	785		4.05
	51	228	100.92	25	2,523	4.0	10,092	65%	1,640	D	84.3	25	1,905	5	9,525	3.78		3.78	76%	5						3.78
	52	230	100.92	25	2,523	4.0	10,092	65%	1,640	D	84.3	25	1,905	5	9,525	3.78		3.78	76%	5			110	550		3.99
	53	232	100.92	25	2,523	4.0	10,092	65%	1,640	D	84.3	25	1,905	5	9,525	3.78		3.78	76%	5	826	4,130				2.14
	54	234	100.92	25	2,523	4.0	10,092	65%	1,640	D	84.3	25	1,905	5	9,525	3.78		3.78	76%	5						3.78
	55	236	100.92	25	2,523	4.0	10,092	65%	1,640	D	84.3	25	1,905	5	9,525	3.78		3.78	76%	5			110	550		3.99
	56	238	100.92	25	2,523	4.0	10,092	65%	1,640	D	84.3	25	1,905	5	9,525	3.78		3.78	76%	5			110	550		3.99
	57	240	100.92	25	2,523	4.0	10,092	65%	1,640	D	84.3	25	1,905	5	9,525	3.78		3.78	76%	5	826	4,130				2.14
	58	242	100.92	25	2,523	4.0	10,092	65%	1,640	D	84.3	25	1,905	5	9,525	3.78		3.78	76%	5						3.78
	59	244	100.92	25	2,523	4.0	10,092	65%	1,640	D	84.3	25	1,905	5	9,525	3.78		3.78	76%	5			110	550		3.99
	60	246	100.92	25	2,523	4.0	10,092	65%	1,640	D	84.3	25	1,905	5	9,525	3.78		3.78	76%	5			110	550		3.99
	111	261 W 113th	100.92	18	1,817	4.0	7,266	65%	1,181					0	0	0.00		0.00	0%							0.00
					59,846	96	239,382		38,900						208,405	3.44		3.44				24,550	5,355	3.12		

North																										
1830	18	251	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5	374	1,870				2.91
	17	253	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5						3.65
	16	255	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5						3.65
	15	257	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5	370	1,850	50	250		3.02
	14	259	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5						3.65
	13	261	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5						3.65
	12	263	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5	374	1,870				2.91
	11	265	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5						3.65
	10	267	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5						3.65
	9	269	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5	370	1,850				2.92
	8	271	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5						3.65
	7	273	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5	370	1,850	50	250		3.02
	6	275	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5						3.65
	5	277	100.92	25	2,523	4.0	10,092	65%	1,640	E	80.0	25	1,843	5	9,215	3.65		3.65	73%	5						3.65
						R8A W/C1-4		R8A W/C1-4																		0.00
	104	279	100.92	20	2,018	6.0	12,110	65%	1,312					0	0	0.00		0.00								0.00
	56	270 w 115th	100.92	25	2,523	4.0	10,092	65%	1,640					0	0	0.00		0.00								
					39,863	66	163,490		25,911						129,010	3.20		3.20		70		9,290	500	2.98		

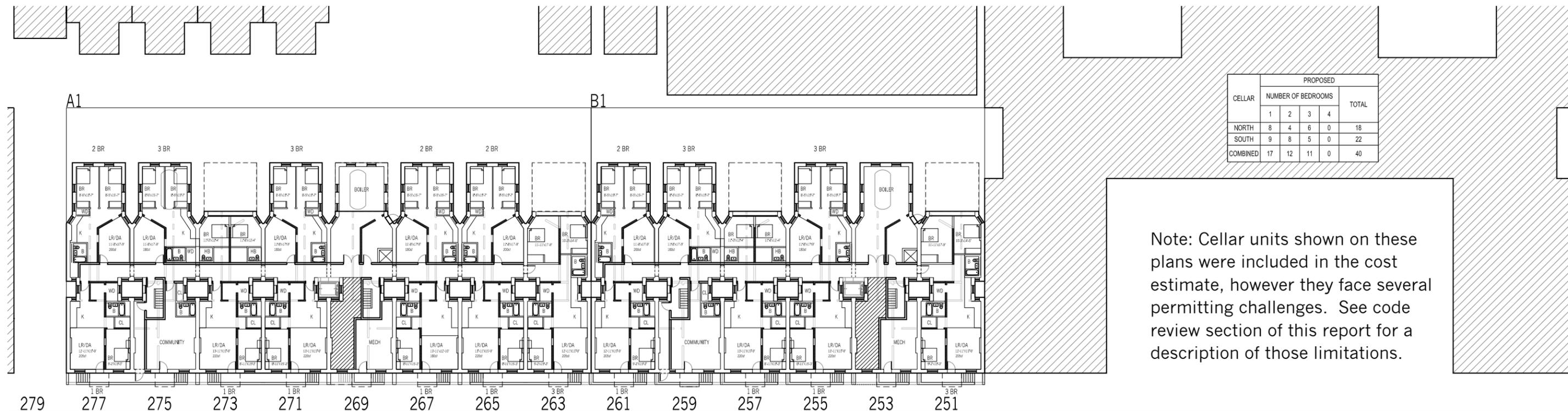


Randolph Houses

Rehabilitation Feasibility Study

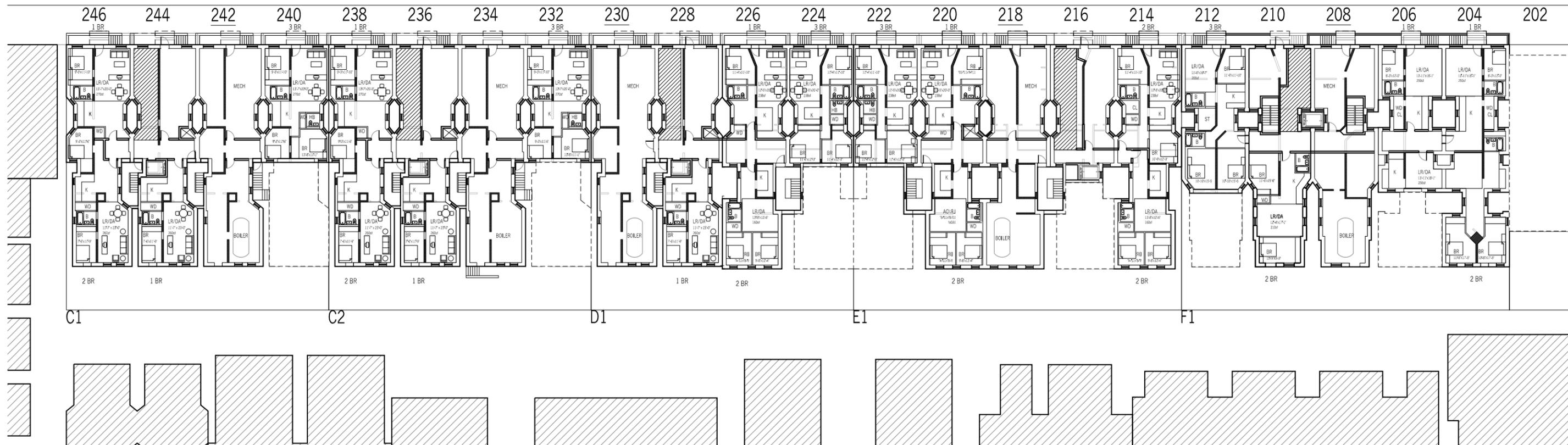
5. Test-Fit Plans

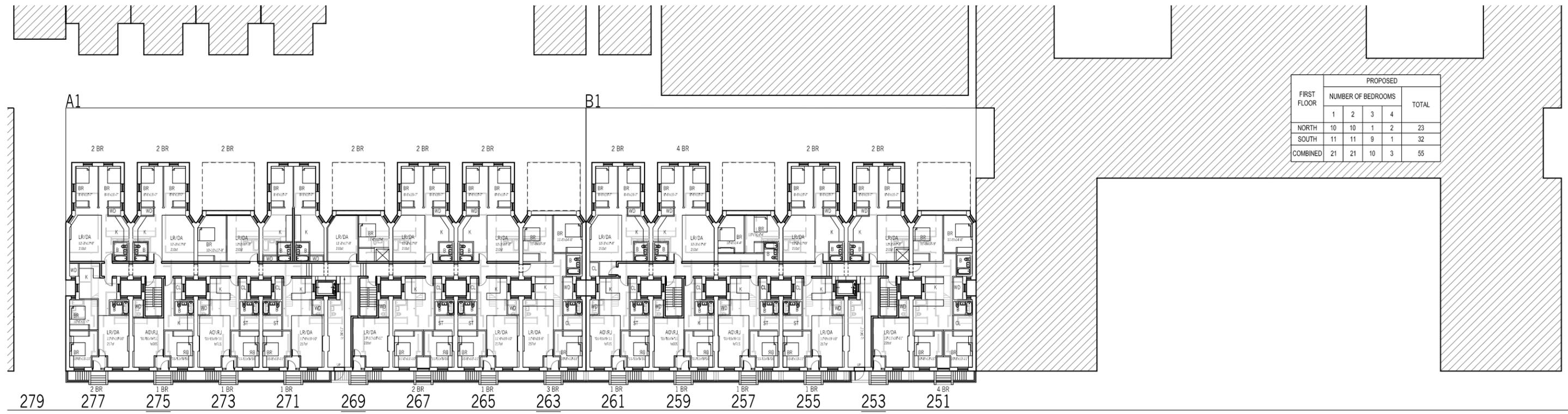
The following test-fit plans and elevations were developed out of the Design Criteria in Section 2 of this report. They were submitted to SHPO and formed the basis of their “no adverse effect” determination. They were also the basis of the cost estimate presented in Section 10 of this report.



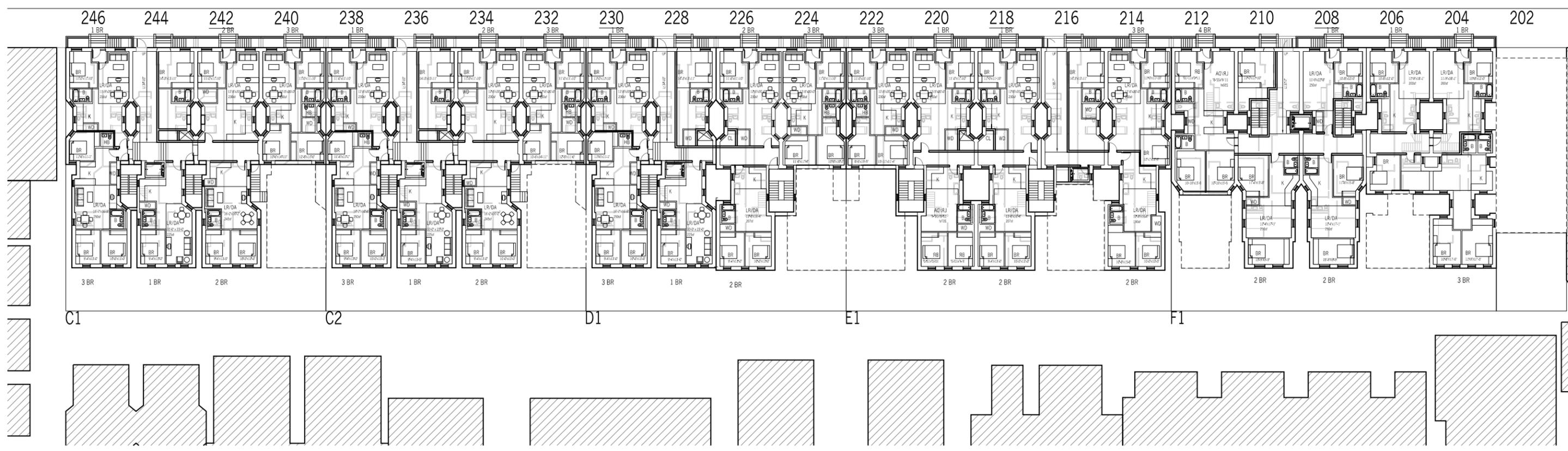
Note: Cellar units shown on these plans were included in the cost estimate, however they face several permitting challenges. See code review section of this report for a description of those limitations.

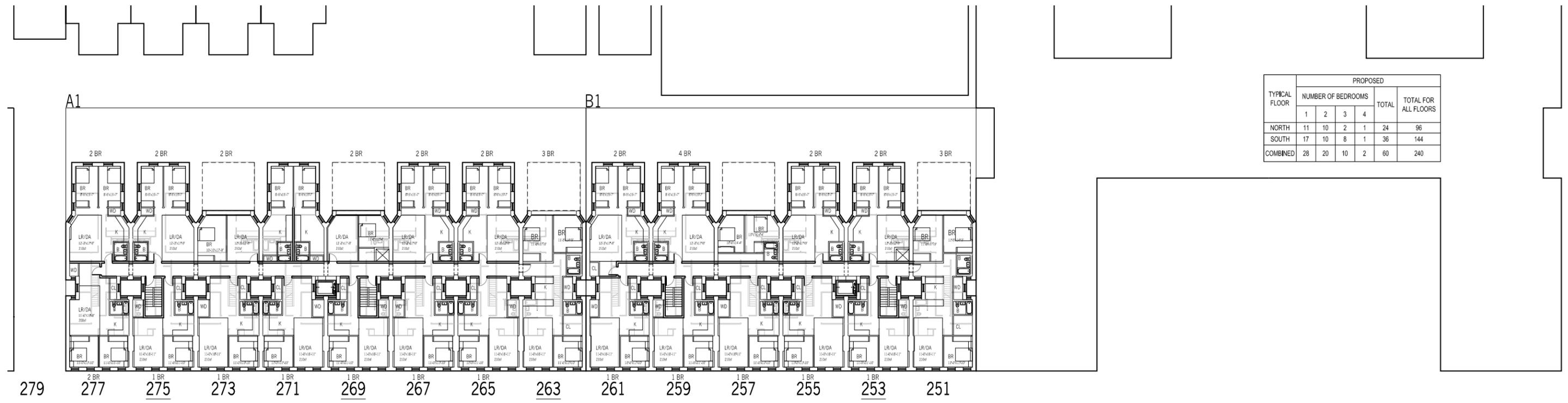
W. 114TH ST.



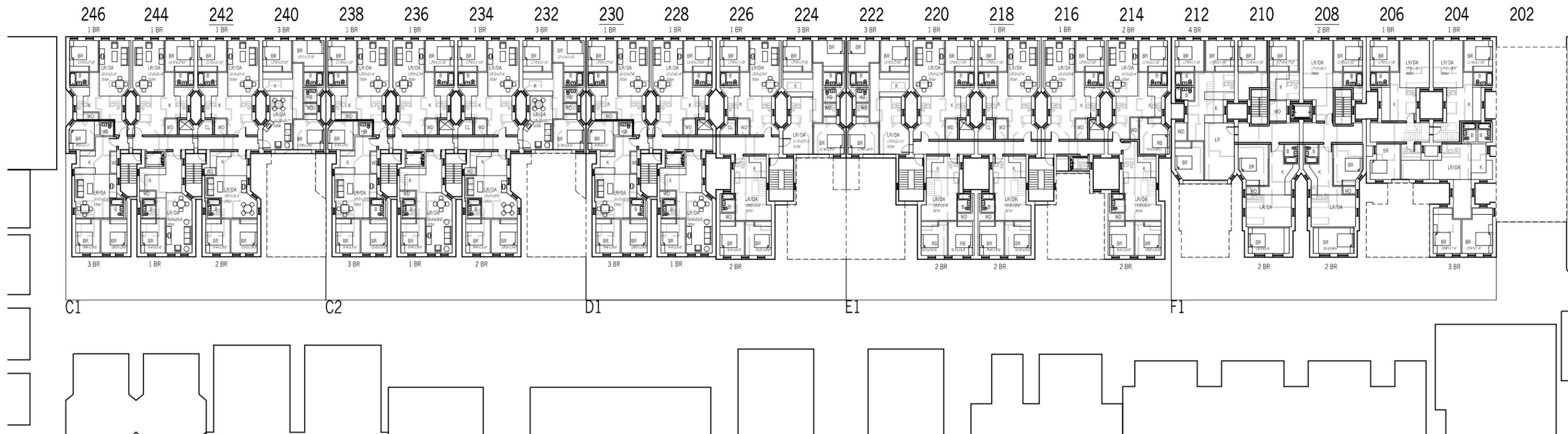


W. 114TH ST.





W. 114TH ST.





PAIR OF DOUBLE HUNG WINDOWS
SIMILAR TO OTHERS AT FIRST FLOOR
SET INTO EXISTING MASONRY OPENING

TRANSOME

CANOPY

DOUBLE DOOR



TYPICAL ENTRY DETAIL AT NORTH





ROGERS MARVEL ARCHITECTS, PLLC

145 HUDSON STREET THIRD FLOOR NEW YORK, NEW YORK 10013 212 941-6718 212 941-7573 FAX

PROJECT: RANDOLPH HOUSES 1029
 DWG REF.: SCALE: 1/16"=1'-0"
 TITLE: PROPOSED ELEVATIONS DATE: 12/13/10

SOUTH
 C1 & C2

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- PAIR OF DOUBLE HUNG WINDOWS
SIMILAR TO OTHERS AT FIRST FLOOR
SET INTO EXISTING MASONRY OPENING
- TRANSOME
- CANOPY
- SINGLE DOOR
- SIDELIGHT

TYPICAL ENTRY DETAIL AT SOUTH



LOT LINE

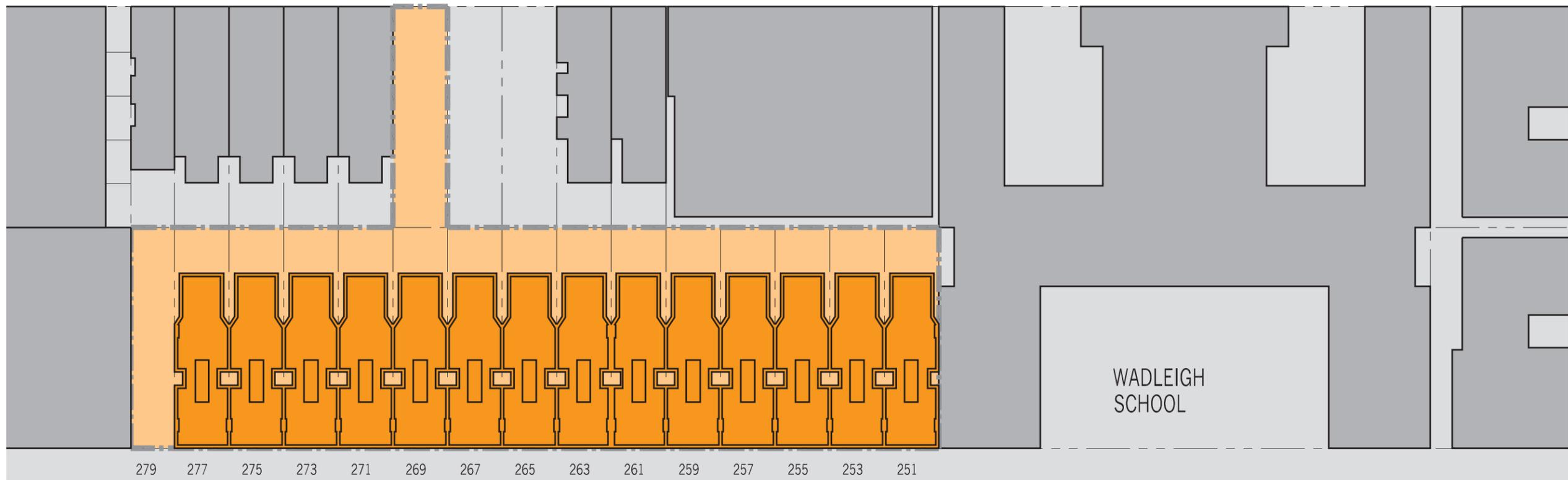




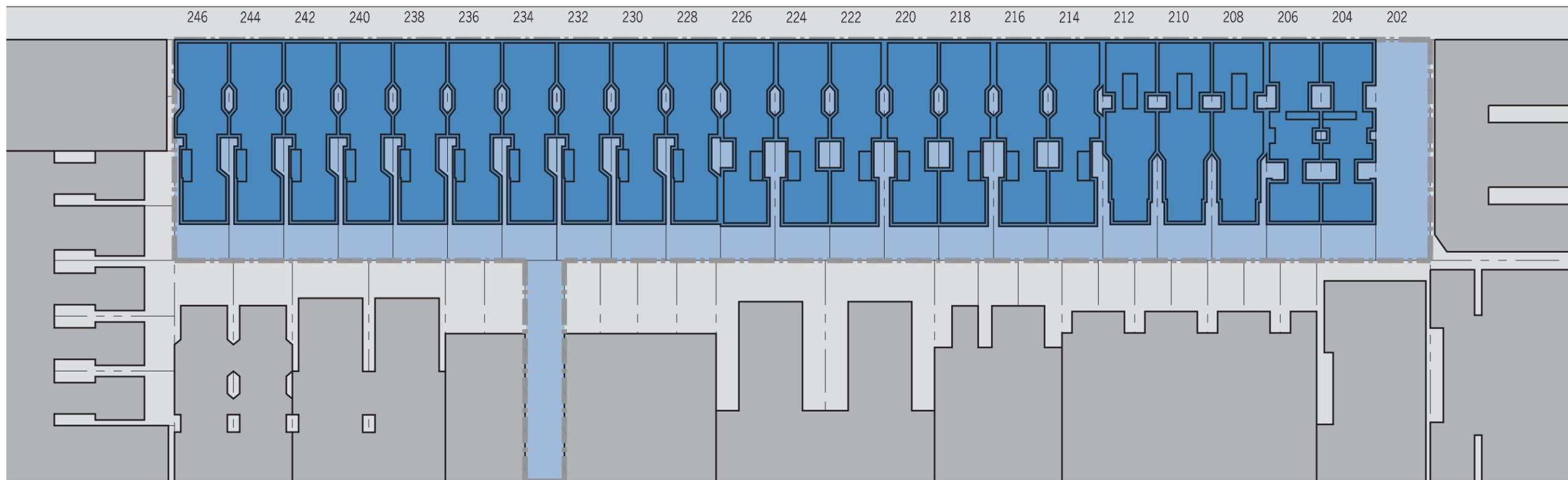
Randolph Houses Rehabilitation Feasibility Study

6. Tenant Presentation

The following illustrative plans and sectional diagrams were presented to members of the Randolph Houses Tenant Association on November 4, 2010. NYCHA updated the Tenant Association Board on discussions with SHPO and progress to date. RMA presented the range of improvements to the apartment units that the potential renovation would provide.



W. 114TH ST.

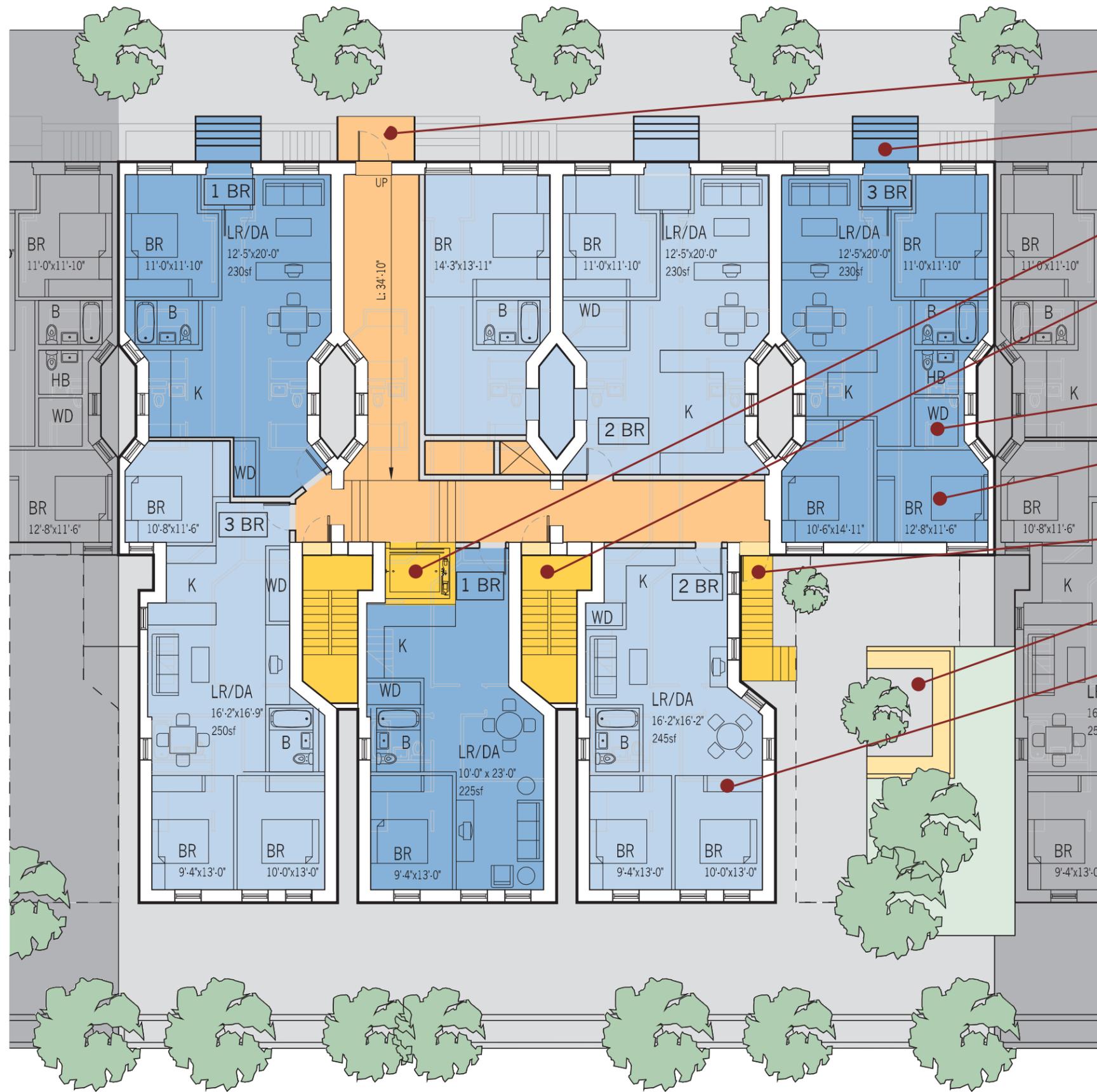


EXISTING SITE PLAN

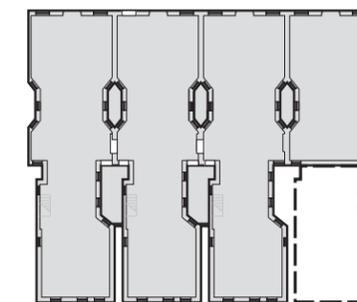
RANDOLPH HOUSES
W 114TH ST, NEW YORK NY

ROGERS MARVEL ARCHITECTS, PLLC





- ENTRY AT STREET LEVEL
- STOOP TO INDIVIDUAL UNIT
- ELEVATOR
- INTERIOR STAIR IN PLACE OF FIRE ESCAPES
- LAUNDRY CLOSET
- WINDOWS TO STREET OR REAR YARD IN ALL BEDROOMS
- REAR YARD ACCESS
- ENLARGED REAR YARD
- CLOSETS IN ALL BEDROOMS



FIRST FLOOR PLAN

RANDOLPH HOUSES
W 114TH ST, NEW YORK NY

ROGERS MARVEL ARCHITECTS, PLLC





TYPICAL FLOOR PLAN

RANDOLPH HOUSES
W 114TH ST, NEW YORK NY

ROGERS MARVEL ARCHITECTS, PLLC





BUILDING SECTION

RANDOLPH HOUSES
W 114TH ST, NEW YORK NY

ROGERS MARVEL ARCHITECTS, PLLC





BUILDING SECTION

RANDOLPH HOUSES
W 114TH ST, NEW YORK NY

ROGERS MARVEL ARCHITECTS, PLLC





Randolph Houses

Rehabilitation Feasibility Study

7. Envelope Assessment and Drawings

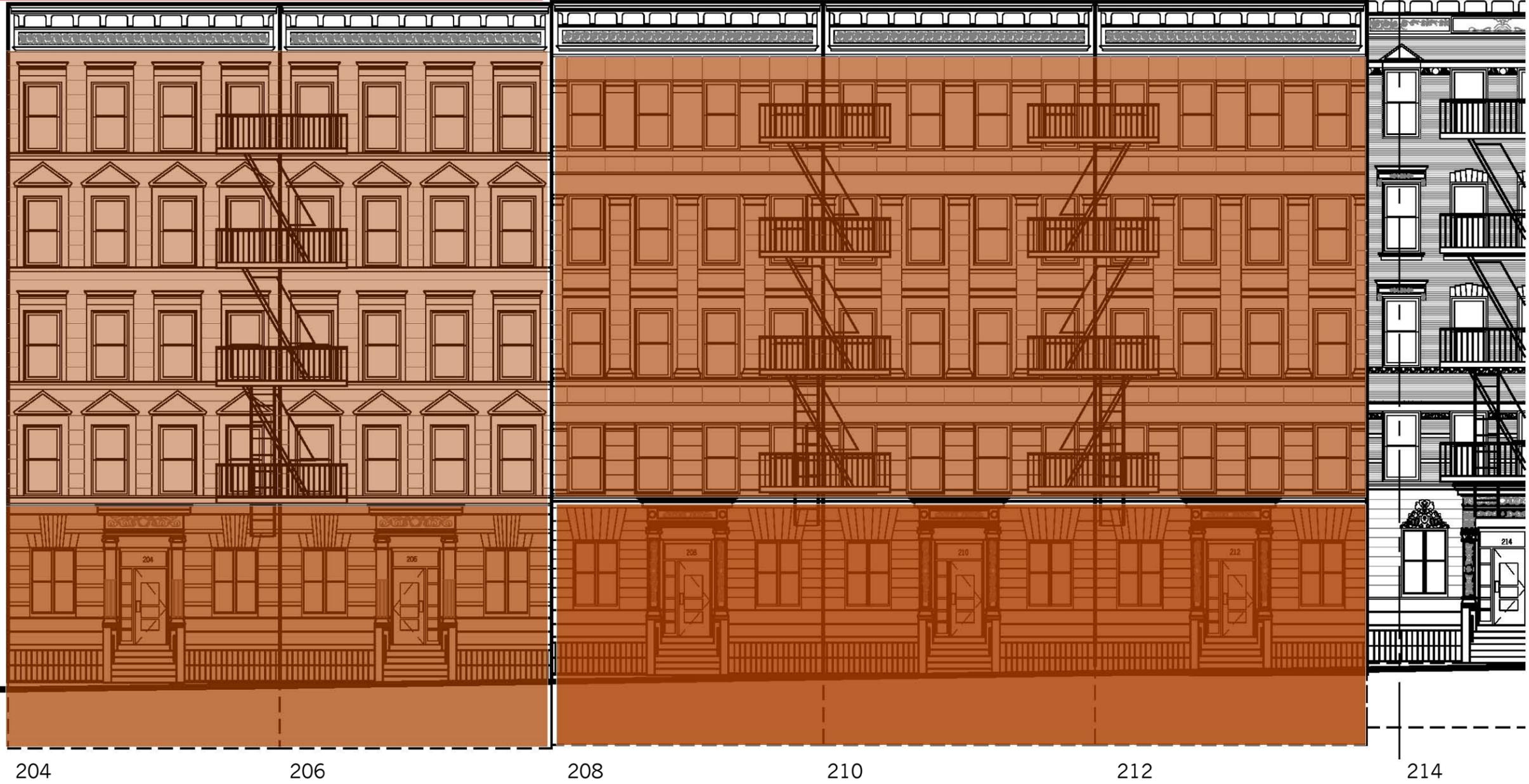
The following drawings were based on visual observation from street level, roofs, and apartment interiors for the purpose of establishing an order of magnitude cost estimate for façade restoration. These drawings combined with the structural report in Section 8 were the basis of the cost estimate for facade repair presented in Section 10.

a.) Brownstone base, configured as ashlar stone, smooth surface. Fair condition, allow 30% patch repair
 b.) Entryways with decorative corinthian columns and decorative frieze at entry entablature. Selective patching (20%) required at smooth surfaces, 20% required at decorative surfaces.
 b.) Brownstone Floors 2-5 with classical frames supporting pediments or entablature. 25% of classical frames require repair/reconstruction. 20% across other flat surfaces
 c.) Decorative Frieze within window pediments, some have been solid filled. Replacement of 5 pediments required.
 d.) Full repainting of facade
 e.) entrance stoop has been replaced with cast concrete steps and sidewalls

a.) Brownstone base, configured as ashlar stone, hammered surface. Fair condition, allow 10% for patch repair
 b.) Decorative Ionic pilasters at entryway with partially decorative entablature and roped door surround. Allow 10% patch repair
 c.) Brownstone Floors 2-5 with continuous entablature above windows of floors 2, 4 and 5. Good condition. Deterioration observed mostly and window sills and bottoms of jambs. Allow 15% patch repair at flat areas. 20% repair at ornamented areas. Assume 50% of sills to be repaired or replaced.
 d.) Decorative Frieze panel at spandrel of Floor 4. Good condition. Selected repair only.
 e.) Full repainting of facade
 f.) entrance stoop has been replaced with cast concrete steps and sidewalls

LOT LINE

MATCH LINE



- a.) Stone Base in good condition. Remove paint. Selected repairs only
- b.) Roman-style brick (long, flat configuration) at floors 2-5 in running bond pattern with thin mortar joints. Good condition. Cleaning required. Little to no replacement of brick anticipated
- c.) Stone banding, entablatures and pediments at windows. Decorative pilaster capitals and continuous entablature at 2nd floor. Decorative continuous base at 3rd floor. Individual bracketed and decorative entablatures at 3rd and 4th floor. Continuous entablature at 5th floor. All stone in very good condition.
- d.) Original cornices missing at buildings 222 and 224. Replace to match original.
- e.) entrance stoop has been replaced with cast concrete steps and sidewalls



214
216
plans were included in the cost estimate, however they face several challenges. See code review section of this report for a description of those limitations.24

218
220
226

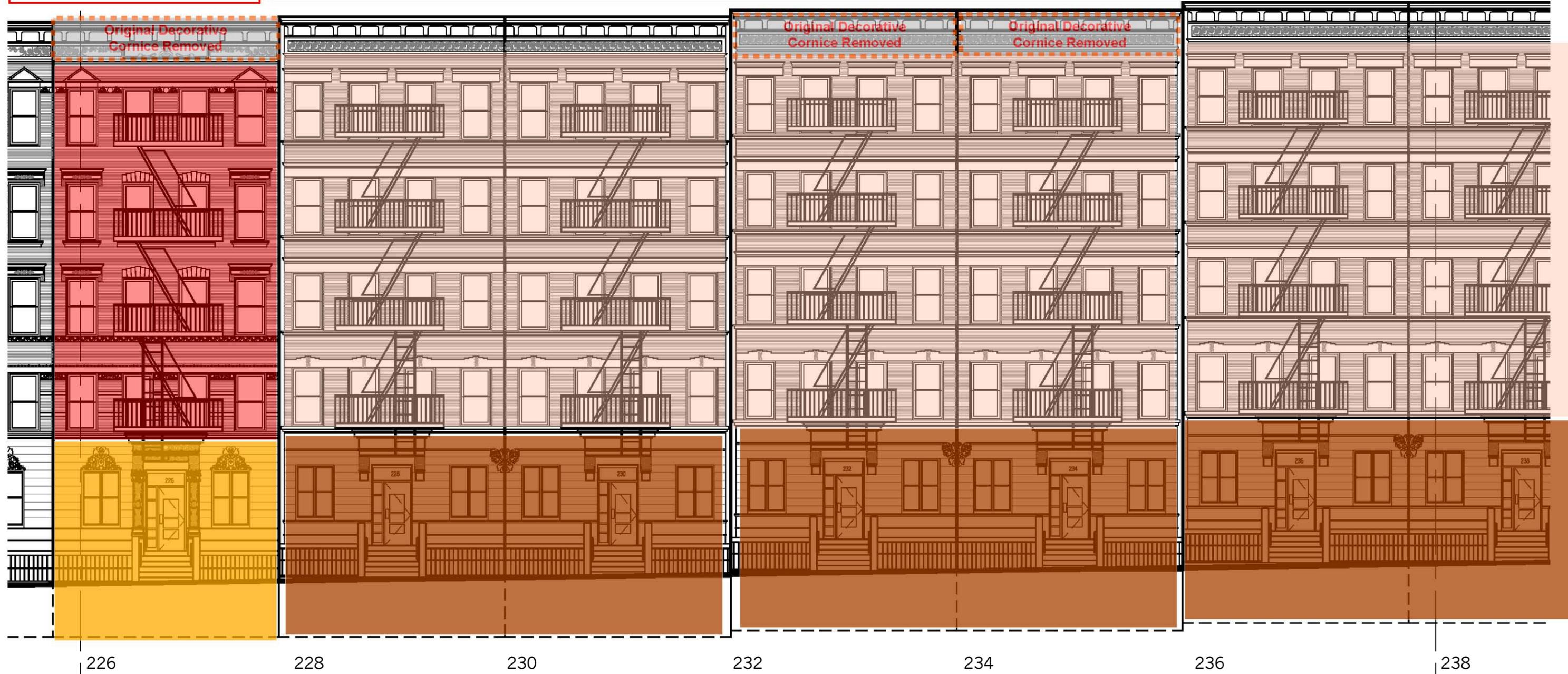
212

224
2Note: Cellar units shown on these

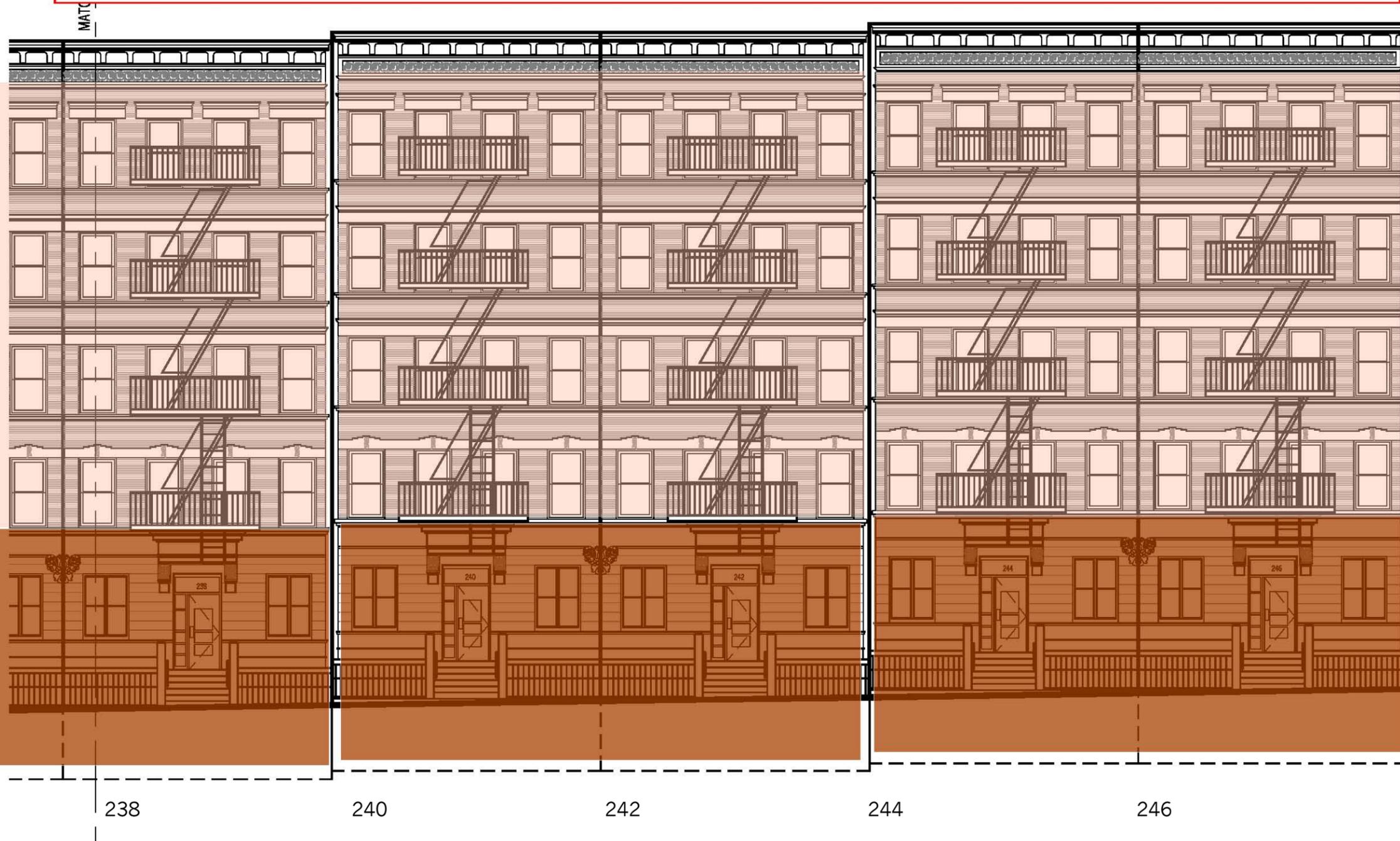
see description on prior page
Original cornice missing at building 226. Replace to match original.

- a.) Brownstone base in good condition. Remove paint. Selected repairs only. Allow 15%
- b.) Bracketed entablature with flat frieze. Good condition. Limited repairs required
- c.) Standard sized brick (approx 2"H x 8"L at floors 2-5 in running bond pattern approx 3/8" mortar joints. Good condition. Cleaning required. Little to no replacement of brick anticipated.
- d.) Stone banding, entablatures and pediments at windows. Stone is typically flush with brick masonry with limited projections at the cornice only. Good condition with limited repair required
- e.) Original cornices missing at buildings 232 and 234. Replace to match original.
- f.) entrance stoop has been replaced with cast concrete steps and sidewalls

MATCH LINE



see description on prior page

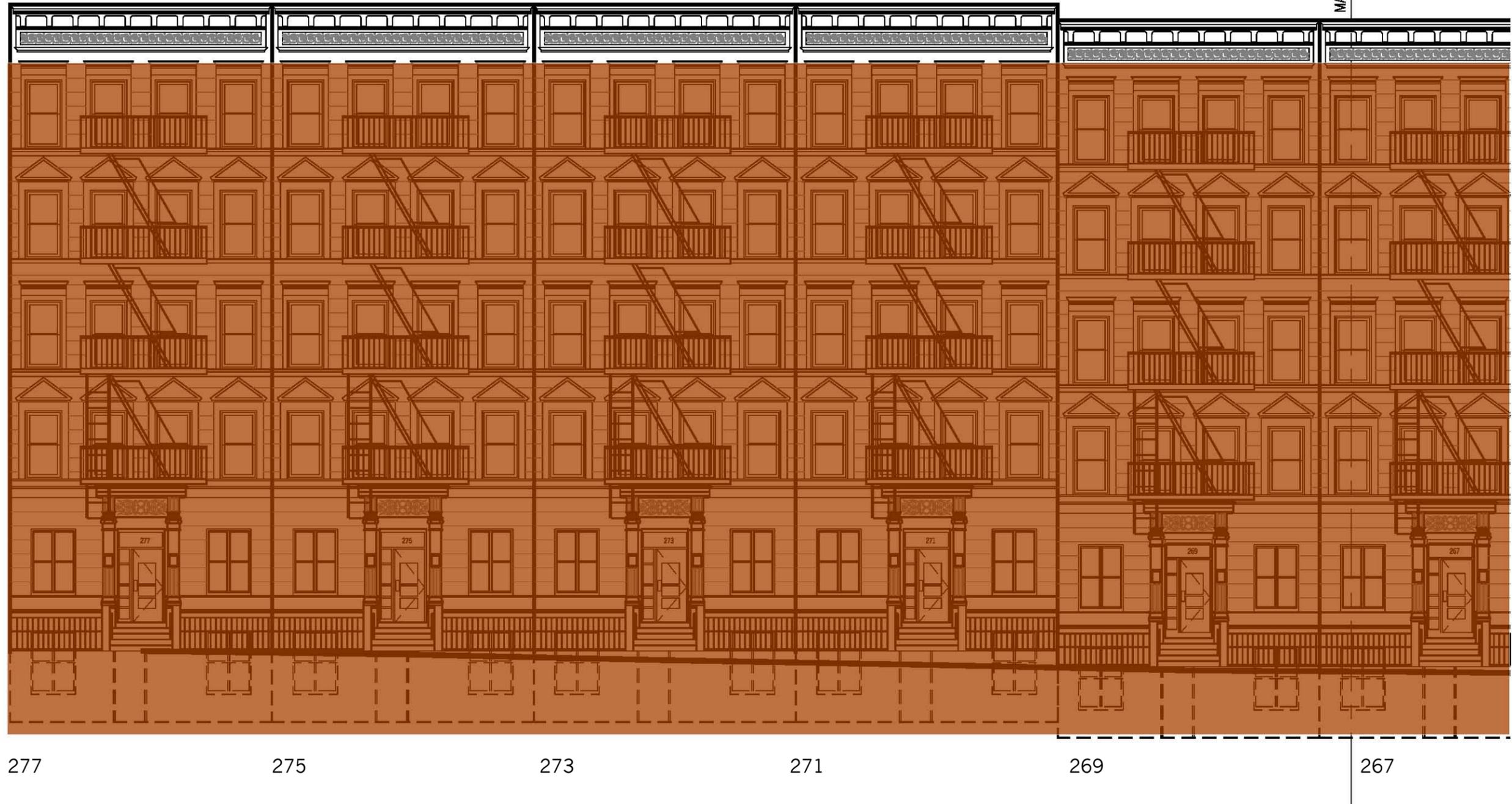


Full brownstone facade in poor condition. Prior repairs have failed, poorly executed, continue to deteriorate, or fully missing. The current facade appears to be stabilized, though inspection was only completed from the ground. Repairs or patching allowances as follows:

- a.) building base (1st floor), configured with bands of ashlar stone and decorative spandrels below windows - 75%
- b.) building entryways with figurine base (Nos. 263-277) or scrolled base (Nos. 261-251), and decorative columns and entablature - 50%
- c.) flat areas of brownstone at floors 2-5- 75%
- d.) window surrounds, entablatures, pediments - 90%
- e.) cornice appears in serviceable condition. Structural stabilization and cladding repairs may be required.
- f.) full repainting of facade required
- g.) entrance stoop has replaced with cast concrete steps and sidewalls

LOT LINE

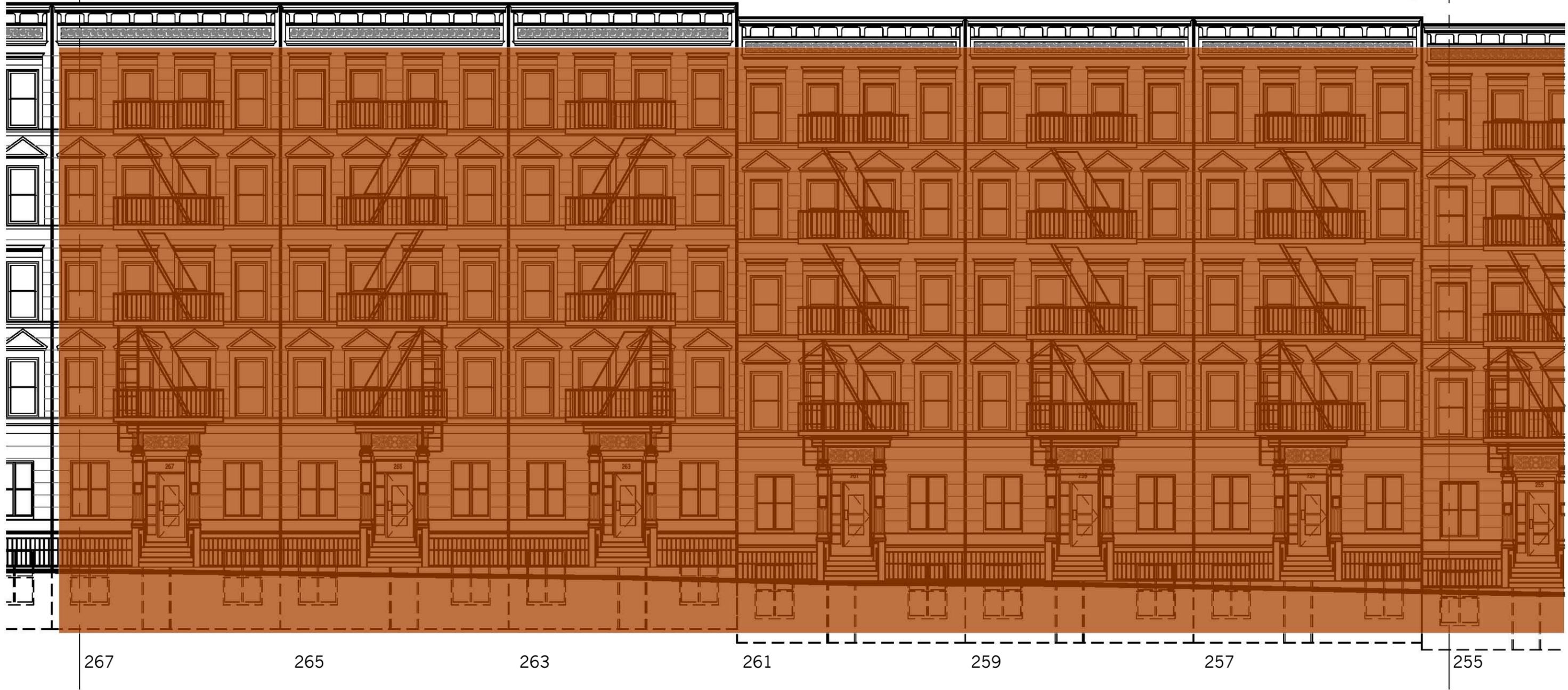
MATCH LINE



See prior description

MATCH LINE

MATCH LINE



ROGERS MARVEL ARCHITECTS, PLLC

PROJECT: RANDOLPH HOUSES 1029
DWG REF.: _____ SCALE: 3/32"=1'-0"
TITLE: SOUTH ELEVATIONS DATE: 10/26/10

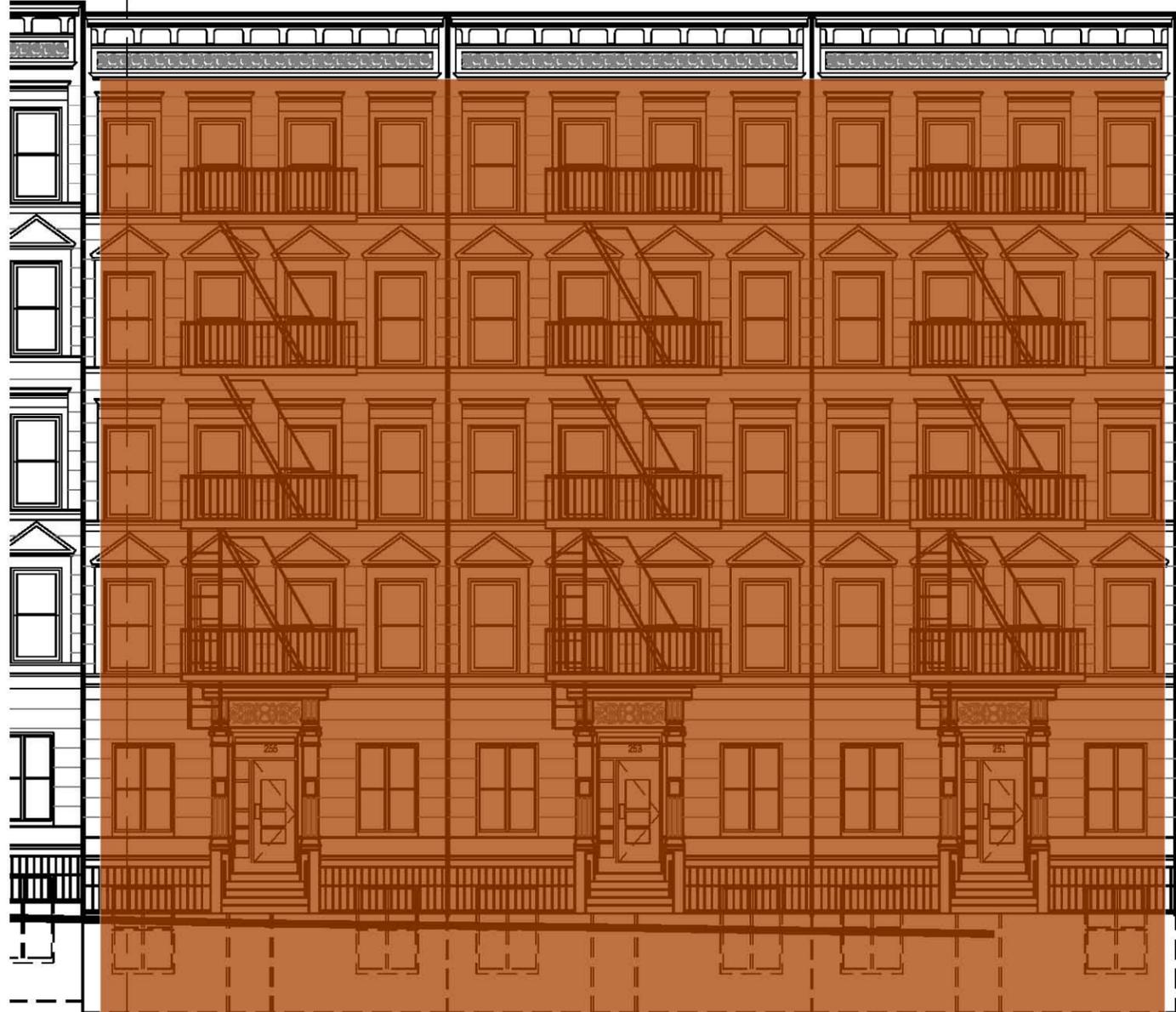
145 HUDSON STREET THIRD FLOOR NEW YORK, NEW YORK 10013 212 941-6718 212 941-7573 FAX

S-ELEV-2

©RMA, PLLC 2010

See prior description

MATCH LINE



255

253

251



Randolph Houses
Rehabilitation Feasibility Study

8. Structural Report



ROBERT SILMAN ASSOCIATES
STRUCTURAL ENGINEERS

PRINCIPALS

Robert Silman
Joseph F. Tortorella
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Nat Oppenheimer
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Existing Structural Conditions Report

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**Randolph Houses
West 114th Street
New York, NY**

Prepared For

Rogers Marvel Architects

and

The New York City Housing Authority

December 21, 2010

We are pleased to present this report with our findings and recommendations on the existing conditions at the Randolph Houses.

I. Introduction

The Randolph Houses are a series of 36 historic tenements on the north and south sides of West 114th Street in Manhattan, between Frederick Douglas Boulevard and Adam Clayton Powell Boulevard. 14 buildings are located on the north side of the street, and 22 are on the south side. It is believed that the buildings were originally constructed in the 1890s, with renovations performed in the 1960s, and acquisition by NYCHA in the 1970s coinciding with further renovations. The buildings were constructed in five different groups of slightly varying layouts. Each house has a basement, 1st through 5th floors, and roof level.

Robert Silman Associates (RSA) performed two one-day site visits, each one-day visit manned by two engineers: Eytan Solomon and Sarah Millsaps were the personnel on October 7, 2010, and Scott Hughes and Ben Rosenberg were the personnel on October 13, 2010. The site visits included visual inspection of the facades, roofs, basements, and interior floors where safe access was available. Some basements and interior floors were inaccessible due to locked rooms and occupied buildings; RSA was able to generally access 26 of the 36 houses. Generally, the apartments on the north side of the street had finishes and ceilings intact, limiting the extent of observable existing floor and roof framing. No field or laboratory testing was performed on any building materials or soils, no test pits, borings or probes were performed, and no hung or supported scaffold access was utilized.

II. Walls and Foundations

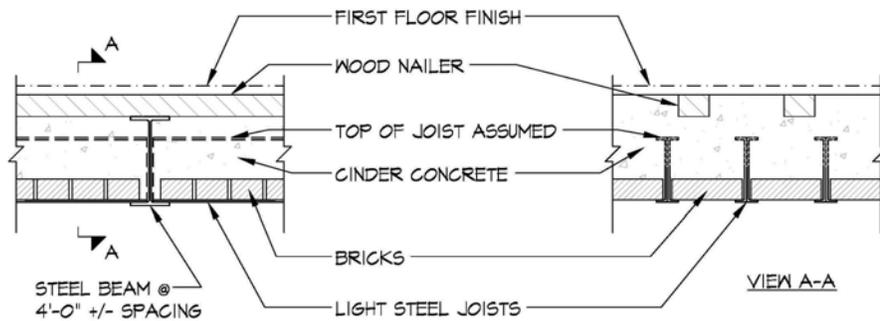
The vertical load-bearing structure of the houses is the masonry walls. Typically these walls are brick on the east, west, and backyard elevations, and stone with brick backup on the front/street elevation. In the basements these bearing walls typically transition to stone rubble masonry, with occasional brick and CMU composition. At the typical basement, an additional interior masonry wall line is present which typically supports the first floor framing but does not continue up past the first floor level; in some houses this interior support line is composed of steel or concrete posts and beams. Local cracking and brick displacement was commonly observed in the masonry walls. Each building has a sheet metal cornice at the front façade except for 222, 224, 226, 232 and 234 West 114th, at which the cornice appears to have been removed in the past.

While no test pits were performed, based on similarly-constructed buildings of this era it is believed that the typical foundations are rough-hewn stone footings underlying the walls, and that these footings bear directly on soil subgrade. Some cracking was observed, especially in the interior basement walls, which suggest local settlement issues.

III. Floor and Roof Framing

The 2nd through 5th floor and roof framing is comprised of wood joists spanning east-west to the side bearing walls, with wood-board subfloor (replaced with plywood in some locations) and hardwood floors on top of the joists. The typical joist size measured in situ was approximately 3" to 4" width by 10" depth, actual dimensions, spaced at 16" on center, with doubled joists typically at openings for fireplaces, flues and stairs. The joist framing, as observed typically from below through collapsed ceilings, was typically in fair condition, with local areas of water-, fire-, and termite-induced damage. Locations of loose connection joints were also observed, especially at stair openings. At various locations the flooring has buckled up, indicating likely water infiltration. In several locations, existing joists with a rotted ends have been sistered with new joists during a past repair.

The 1st floor framing is comprised of steel beams spanning east-west to the side and interior bearing walls, with light steel joists spanning between the beams, individual bricks sitting on the joist bottom flanges, and cinder concrete slab poured on top of the bricks (see detail below). The first floor construction, as observed typically from the basement below, was typically in fair to poor condition. Many areas of floor brick collapse and emergency shoring were observed in the basements, and the bottoms of the steel beams and joists were generally rusted to various degrees.



FIRST FLOOR CONSTRUCTION DETAIL

IV. Building Envelope

The brick facades as observed from the backyards and air shafts were typically in fair to poor condition given the age of the buildings, and commonly exhibited local cracking, mortar deterioration, and open joints. On some houses the diagonal cracks on the rear facades suggested settlement issues at the interior line. Brick facades generally had areas of efflorescence indicating water infiltration (observed at the building interiors as well).

At the buildings on the south side of 114th Street, the front façades as observable from the sidewalk were typically in fair condition with local areas of spalling, delamination and erosion, particularly of the sandstone at grade level, and also at window lintels and sills and at the entry columns and canopies and steps. It was also observed that the installation of the fire escapes resulted in intentional local demolition of some of the bandcourses. The fire escapes appear to be in fair condition, however we did not observe them closely, and our observations were focused on any damage to the existing facades. In general, the fire escape attachments to the building façades have caused only minor damage in isolated locations.

At the buildings on the north side of 114th Street, the front (street) façade is comprised of Brownstone, presumably with a brick backup. While it was apparent that that Brownstone had undergone superficial repairs in the past, it was obvious that it was in poor condition. Many of the stone details throughout the façade had spalled in the past. Window surrounds and pediments were either partially or completely lost, and previous repairs did not restore the original detail. Typically these repairs consisted of a sandstone parge repair that was strictly utilitarian. While the Brownstone appears stable at present based on our visual observations from the ground, it will continue to deteriorate. It is our recommendation that if the Brownstone facades of the houses on the north side of 114th Street are to be preserved, a complete restoration be undertaken to address long term issues of stabilization. This would involve virtually all of the window openings and entrance details. It was apparent that previous repairs had also been performed on the field stone. While these repairs

concealed the extent of deterioration, it is likely that the field stone is also in poor condition and would require significant repairs and replacement.

The roofs were generally observed to be in poor condition, with many locations of leaning parapets, other displaced and spalled brick, and cracked terra cotta parapet caps. Vegetation was also observed at some locations, suggesting significant water infiltration. The roofing membrane and bituminous waterproofing typically runs up the side of the parapet, resulting in trapped water and observed deterioration of the brick and mortar.

V. Recommendations

It is RSA's opinion that the re-use of these existing structures for future occupancy is feasible, though several important remediation measures would be required. Herein we offer very rough, approximate guidelines for discussion and conceptual-level cost estimation:

- 60% to 70% replacement of the first floor framing, including extensive temporary bracing to ensure wall stability during demolition.
- 20% replacement of the 2nd through 5th floor and roof joist framing.
- 100% replacement of the rooftop brick parapets, in coordination with complete replacement of the waterproofing system.
- 10% of brick façade surfaces to be replaced with new brick.
- 10% of south side stone façade surfaces to be repaired with composite-type materials.
- 100% of brownstone façade surfaces to be repaired or restored.
- The possibility for underpinning or other foundation remediation at the walls which exhibit signs of settlement issues.

Note that these recommendations are based only on structural implications and do not address any potential issues relating to finishes, architectural layouts, egress, ADA access, landmark preservation, MEP systems, etc.

VI. Photographs



1. Typical 2nd through 5th floor and roof joist framing, from below through collapsed ceiling.



2. Typical 1st floor framing, from below in basement.



3. Typical front façade with areas of stone spall and erosion.



4. Typical rear façade with brick cracking patterns.



5. Typical roof parapet conditions: Cracked cap, brick cracking and deterioration, mortar erosion.



6. Typical roof parapet conditions: Leaning brickwork.



7. Common air shaft façade condition with cracked brick joints.



8. Typical failure of first floor framing, from basement.



9. Typical existing emergency shoring in basement for failed first floor framing.



10. Common condition of settlement cracking in interior basement wall.



11. Common condition of fire-/water-induced damage at floor joists.



12. Common condition of brick displacement at fireplace and chimney flue.



13. Unusual condition of existing sistering of floor joists, presumably to reinforce failing floor structure.



14. Unusual condition of existing additional steel beams in basement ceiling, presumably to shore failing first floor.



15. Common condition damage at joist ends and wall brick displacement.



16. Unusual condition of broken cornice pieces at front/street face.



17. Common condition of trapped water at parapet causing deterioration of brick and mortar.

18. Common condition of installed fire escapes and intentional demolition of bandcourse.

Should you have any questions or concerns about this report, please do not hesitate to contact our office.

Sincerely yours,

ROBERT SILMAN ASSOCIATES



Eytan Solomon, P.E.
Senior Engineer

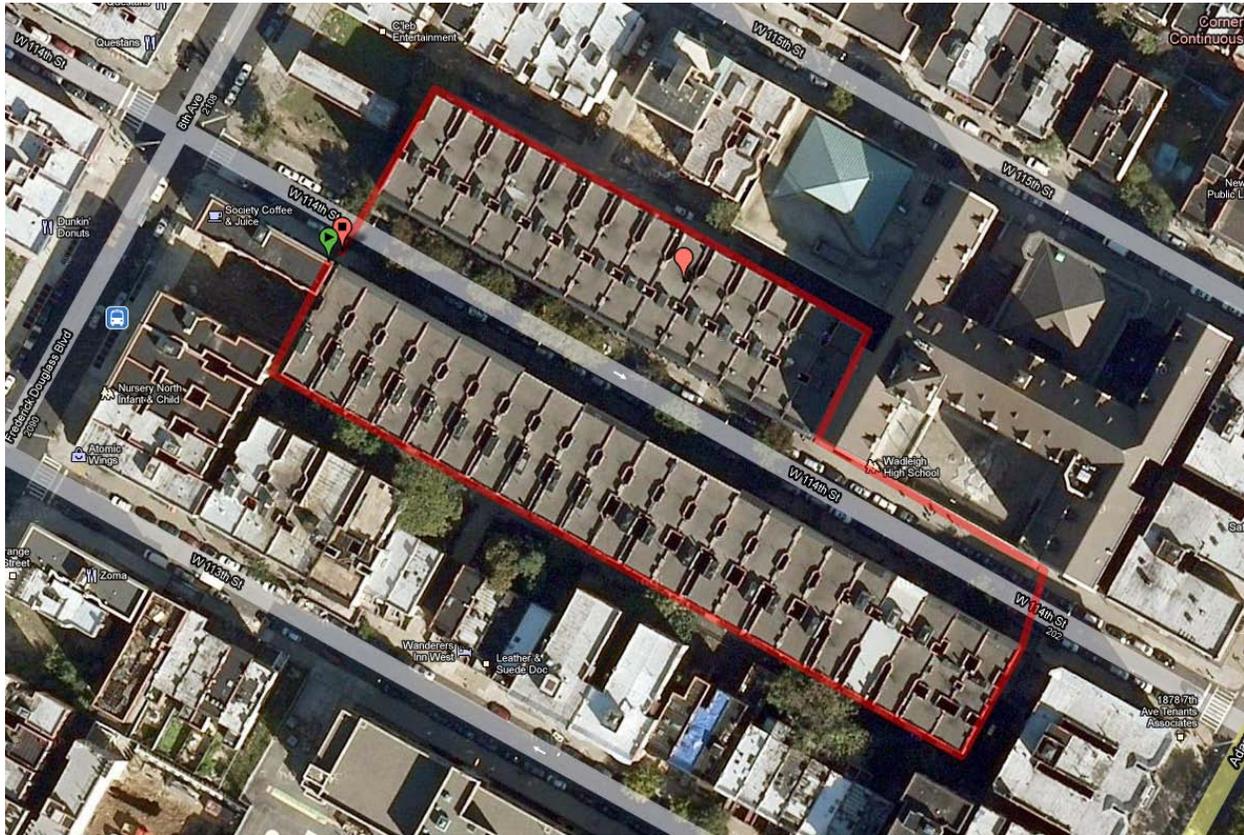
cc:

\\NYFS\Wordproc\Projects\13800 to 13899\13806 - Randolph Houses\13806 2010-12-21 existing conditions
report.doc



Randolph Houses
Rehabilitation Feasibility Study

9. Mechanical Report



Subject: NYCHA – Randolph Houses MEP/ FP
Date: November 5, 2010 Rev: 1
Location: 114 St. between 7 & 8 Av. New York, NY
Contact: Guido Hartray, Rogers Marvel Architects, 212 941-6718,
ghartray@rogersmarvel.com

Introduction

HKA was retained by Rogers Marvel Architects to survey and report on the condition of NYCHA's Randolph Houses MEP/FP systems. This report also discusses the MEP/FP scope of Roger Marvel's conceptual redesign of the site dated 10/18/10, which remodels the layouts and demolishes approximately 10% of the buildings. The existing 36 smaller buildings would be converted into 10 larger buildings. Currently, all the buildings on the southern side of the street were unoccupied, while the buildings on the northern side of the street were occupied. On 10/26/2010 Michael Tobias, PE, from our office visited the site together with Guido Hartray from Rogers Marvel, Cara McAteer from NYCHA Development, NYCHA's heating system manager, and representatives from NYCHA's maintenance staff.

Executive summary

Due to age, condition, and new proposed layouts, HKA recommends all MEP/FP equipment, piping, and wiring should be removed and replaced with new systems. A new sprinkler system and fire alarm system is required. Larger water services and electrical services are needed. All utilities are relocated to coordinate with the new 10 building scheme.

Mechanical Systems

8 Steam boilers are located in the rear cellar of buildings: 208, 218, 230, 242, 253, 263, 269, 275. Building 269 boiler was observed as typical, a Federal – A.L. Eastmond & Sons model: PLW132 of capacity: 3441 Mbtu/hr dated 1989. Each boiler now runs on natural gas converted from oil. The old oil tanks in the basement were abandoned in place. Each boiler serves approximately 4 buildings through a 1-pipe steam system. Steam radiators were in poor condition. There is no individual heating control. The boiler fires based on outdoor air temperature. Boiler flues go out the back and up the exterior to the roof. The boilers in the unoccupied buildings have been scavenged for spare parts and are currently not operational. No air conditioning system exists; each apartment utilizes their own window air conditioner.

HKA recommends the replacement of all boilers with modular hot water boilers which allow individual control, less maintenance, and improved energy efficiency. Steam distribution piping should be removed and replaced with hot water supply and return piping. Each apartment should have new fin tube radiation with its own individual thermostatic control valve. The boilers would serve new spaces coordinating to the new 10 building scheme. Several outdoor flues have to be relocated due to the demolition of buildings they are currently attached to. The building is naturally ventilated through operable windows in bathrooms and kitchenettes; some new layouts indicate bathrooms without windows. An exhaust system with a fan on the roof would be needed in these bathrooms.

Each new boiler can be located in one of the 10 new buildings. For this to occur, each boiler would be replaced in the same location except building 263's boiler room would move to building 259, two other boiler rooms would be added in 236 and 222. There is room for this to occur.

Electrical Systems

Each building has a main disconnect switch of 400 A fused at 225 A. Each apartment, base building equipment and common space is metered separately. Most apartments have window air conditioners that cause high electrical loads during the summer. These summer loads continuously cause the building's main fuses to blow, as indicated by NYCHA's maintenance staff. Each apartment has (2) 40 Amp circuit breakers and is metered separately.

The current electrical service size is not adequate and should be upgraded. The distribution wiring must be removed and replaced to correspond to the new layouts. The existing electrical services would be removed and replaced by 10 new services to each new building.

Plumbing Systems

Building 269 was observed as typical, a 1-1/2" water service enters the cellar. It serves the entire existing building and doesn't contain a backflow preventer. Local RPZs were installed on the boilers. Street pressure is utilized, no booster pump exists. Domestic hot water is heated by an additional coil in the boiler in winter time or multiple domestic hot water heaters with storage tanks located next to each boiler. There is a domestic hot water recirculation loop with a circulation pump near each set of domestic hot water heaters. It's assumed the areas served for domestic hot water and steam for heating are identical. Sanitary piping is under the cellar slab serving multiple risers. One 4" gas service enters each cellar housing a boiler. The boiler, domestic hot water heaters, and tenants are metered separately. The boiler service has a gas booster. Some corrosion was noticed on gas risers. This can lead to a safety issue, such as a gas leak in the building.

A new, larger water service for each building is required due to the increased demand of the proposed new sprinkler system. The new service must contain a backflow preventer. The pressure drop caused by the new backflow preventer may require a domestic water booster pump. Since new layouts with new bathroom locations are proposed, new cold water, hot water, sanitary risers and distribution piping are needed. The existing piping should be removed. The domestic hot water heaters are at the end of their life. Therefore their replacement is recommended. Alternatively, the domestic hot water preparation and building heating can be combined with a space efficient "Caravan" system of modular boilers. The gas service is adequate. Due to some piping corrosion and stove relocations, new gas risers are necessary.

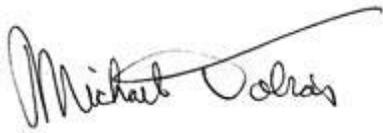
Coordinating the gas service to match the 10 new buildings would require 3 new gas services to be made: in buildings 259, 236, 222, the gas service in building 263 would be removed. Currently each building has its own water service, upon converting to 10 larger buildings all water services would be removed and replaced with 10 larger water services to each building. Each new buildings water service serves sprinkler and domestic water.

Fire Protection Systems

The buildings do not have sprinkler coverage except for the compactor room. The sprinkler water taps off the main water service. A flow switch is installed which rings a bell located on the exterior front of each building.

A complete sprinkler system must be installed to meet the NYC Building Code. A complimentary fire alarm system shall be installed to automatically notify the tenants and fire station upon smoke detection or sprinkler water flow.

Respectively submitted,

A handwritten signature in black ink that reads "Michael Tobias". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Michael Tobias, PE, LEED AP, Principal
Herbert Kunstadt Associates, PC

Exhibit F: HPD DESIGN GUIDELINES FOR
SUBSTANTIAL REHABILITATION

DESIGN GUIDELINES FOR SUBSTANTIAL REHABILITATION.

I. APPLICABILITY OF GUIDELINES.

The design guidelines apply to the rehabilitation of multi-family buildings, subject to H.P.D. review and approval.

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

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

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

II. SITE DEVELOPMENT.

A. Open Space.

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

B. Street Facades.

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

III. BUILDING DESIGN

A. Commercial Space

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

B. Building Entrance

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

C. Dwelling Unit Distribution

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

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

$$\text{Bedroom Average} = \frac{\text{Total No.of Bedrooms}}{\text{Total No.of Apartments}}$$

D. Location of Dwelling Units

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

E. Maintenance

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

IV. APARTMENT DESIGN GUIDELINES

A. Room Sizes

Minimum required room sizes in all projects must be as set forth in the following **Table I:** (see next page)

TABLE 1 **MINIMUM AREA (SQ. FT.)**

Location	For separate and combined spaces					Minimum Dimension
	0 - BR D.U.	1 - BR D.U.	2 - BR D.U.	3 - BR D.U.	4 - BR D.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:

0 - BR:	Studio apartment with no separate bedroom.
D.U.	Dweling Unit
BR:	Bedroom
SA:	Sleeping Area
LR:	Living Room
K:	Kitchenette
DA/DR:	Dining Area / Dining Room
NA:	Not Applicable

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

B. Apartment Arrangement

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

C. Kitchens (Kitchenette)

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

Table II

Apartment Type	Countertop Work Surface	Cabinet Shelving
0 B.R.	5 lin. ft.	30 lin. ft.
1 B.R.	6 lin. ft.	40 lin. ft..
2 B.R.	7 lin. ft.	50 lin. ft.
3 B.R.	8 lin. ft.	55 lin. ft.
4 B.R.	8 lin. ft.	65 lin. ft.

4. Base cabinets/Countertops must be 2'-0" deep minimum.
5. Shelving must be 11½" deep minimum.

D. Dining Area

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

E. Bathrooms

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

F. Storage

1. Coat Closet

Every dwelling unit must contain a coat closet convenient to the entrance that is at least 2'-0" clear deep and 3'-0" wide.

2. Bedroom Closets

Every bedroom must contain a clothes closet at least 2'-0" clear deep and 5'-0" wide.

3. Linen Closets

Every dwelling unit must contain storage for linens that is at least 1'-6" deep and 2'-0" wide.

4. Bulk Storage

Additional storage space should also be provided in each dwelling unit

5. Provide swinging doors for all closets.

Exhibit G: HPD MARKETING GUIDELINES

HPD marketing guidelines

for rentals



MARKETING PACKAGE CONTENTS

Tenant Selection Procedures (Pages 2-24)

Notice of Intent (Pages 27- 29)

Cover Letter to Marketing Application (Page 31)

Marketing Application(Pages 31-41)

Ineligibility Letter (Page 43)

Notice of Eligibility (Page 45)

Request for Interview (Page 47)

Application Information Form (Page 49)

Marketing Lottery Log Sheet (Addendum)



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 Marketing.
- 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.
- 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

Developer 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 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.
 - **"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.

 - **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.

- 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.

- C| **Neighborhood Preference Requirement:** Fifty per cent (50%) of all marketed units will be rented up to Community Board residents.
- D| **Municipal Employee Preference:** Five per cent (5%) of all marketed units will be rented to Municipal Employees of the City of New York.

E| **Federal Disability Preference:** If (i) this is a rehabilitation project containing fifteen (15) or more units and if the cost of the alterations is 75% or more of the replacement cost of the completed facility, or (ii) if this is a new construction project containing five (5) or more units, a minimum of 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, 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:
 - a) legal custody or guardianship papers;
 - b) tax documents reflecting the minor as a dependent;
 - c) school records identifying the adult household member as the minor's guardian of record; or
 - d) 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:
 - a) acquire the missing or additional paperwork from the borrower's management staff or
 - b) 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.

incorporation of “fair housing laws”

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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 or email to the attention of:

Director of Marketing
City of New York
Department of Housing Preservation and Development
100 Gold Street Room 9V5A
New York, New York 10038

torisj@hpd.nyc.gov

[To be placed on Developer's Letterhead]

NOTICE OF INTENT TO MARKET:
RENTAL UNITS

Director of Marketing

Department of Housing Preservation and Development
100 Gold Street, Room 9V5A
New York, New York 10038

FAX: (212) 863-7988
Email: torisj@hpd.nyc.gov

Re: PROGRAM: _____
PROJECT NAME: _____
ADDRESS: _____

Dear :

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 [NUMBER OF UNITS] units to be marketed for renty in this project (excluding units set aside for the superintendent, if applicable). The distribution of units is as follows:

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

We will be advertising in the following three newspapers:

- Citywide:
- Local:
- Ethnic:

[To be placed on Developer's Letterhead]

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

[To be placed on Developer's Letterhead]

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 **[Date]** . 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.

[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 the 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 / 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:

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.

- | | |
|--|---|
| <input type="checkbox"/> Living with parents | <input type="checkbox"/> Do not like neighborhood |
| <input type="checkbox"/> Not enough space | <input type="checkbox"/> Living with relatives/other family members |
| <input type="checkbox"/> Living in shelter or on the streets | <input type="checkbox"/> Rent too high |
| <input type="checkbox"/> Bad housing conditions | <input type="checkbox"/> Increase in family size (marriage, birth) |
| <input type="checkbox"/> Health Reasons | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Disability access problems | |
-

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: _____

K. Source of Information

How did you hear about this development?

- Newspaper Sign Posted on Property
 Local Organization or Church Friend
 City "affordable housing hotline" listing new ads for the month Web Site/Internet
 Other: _____
-

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, IS EMPLOYED BY THE DEVELOPER OR ITS SUBSIDIARIES, OR THE BUILDING OWNER OR ITS PRINCIPALS.

Signed: _____ Date: _____

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

[To be placed on Developer's 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

SAMPLE ELIGIBILITY LETTER

[To be placed on Developer's Letterhead]

Date

NOTICE OF ELIGIBILITY

To:

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

Re: **[PROJECT NAME]**

Log # _____

[To be placed on Developer's 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 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

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:** _____

Exhibit H: ENTERPRISE GREEN COMMUNITIES
CRITERIA CHECKLIST



M = MANDATORY
= AVAILABLE OPTIONAL POINTS

2011 Enterprise Green Communities Criteria Checklist

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

1: INTEGRATIVE DESIGN

YES NO MAYBE

M

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

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

YES NO MAYBE

M

1.1b Green Development Plan: Criteria Documentation

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

YES NO MAYBE

2

1.2a Universal Design *(New Construction only)*

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

YES NO MAYBE

2 or 3

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

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

SUBTOTAL OPTIONAL POINTS

2: LOCATION + NEIGHBORHOOD FABRIC

YES NO MAYBE

M

2.1 Sensitive Site Protection *(New Construction only)*

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

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

YES NO MAYBE

M

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

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



M = MANDATORY
= AVAILABLE OPTIONAL POINTS

LOCATION + NEIGHBORHOOD FABRIC (CONTINUED)

YES NO MAYBE

M

2.3 Compact Development *(New Construction only)*

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

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

YES NO MAYBE

5 or 6

2.4 Compact Development

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

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

YES NO MAYBE

M

2.5 Proximity to Services *(New Construction only)*

Locate the project within:

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

YES NO MAYBE

M

2.6 Preservation of and Access to Open Space: Rural/Tribal/Small Towns Only *(New Construction only)*

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

YES NO MAYBE

3
max

2.7 Preservation of and Access to Open Space

Set aside a percentage of the total project acreage as open space for use by residents: 20% [1 point]; 30% [2 points]; and 40% + written statement of preservation/conservation policy for set-aside land [3 points]

YES NO MAYBE

5

2.8 Access to Public Transportation

Locate the project within:

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

YES NO MAYBE

5

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

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



M = MANDATORY
= AVAILABLE OPTIONAL POINTS

LOCATION + NEIGHBORHOOD FABRIC (CONTINUED)

YES NO MAYBE

7
max

2.10 Smart Site Location: Passive Solar Heating/Cooling

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

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

YES NO MAYBE

2

2.11 Brownfield or Adaptive Reuse Site

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

YES NO MAYBE

6

2.12 Access to Fresh, Local Foods

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

YES NO MAYBE

4

2.13 LEED for Neighborhood Development Certification

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

SUBTOTAL OPTIONAL POINTS

3: SITE IMPROVEMENTS

YES NO MAYBE

M

3.1 Environmental Remediation

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

YES NO MAYBE

M

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

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

YES NO MAYBE

M

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

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

YES NO MAYBE

M

3.4 Landscaping

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

YES NO MAYBE

M

3.5 Efficient Irrigation and Water Reuse

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

YES NO MAYBE

2 or 6

3.6 Surface Stormwater Management

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

SUBTOTAL OPTIONAL POINTS



M = MANDATORY
= AVAILABLE OPTIONAL POINTS

4: WATER CONSERVATION

YES NO MAYBE

M

4.1 Water-Conserving Fixtures

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

YES NO MAYBE

6
max

4.2 Advanced Water-Conserving Appliances and Fixtures

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

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

YES NO MAYBE

4
max

4.3 Water Reuse

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

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

SUBTOTAL OPTIONAL POINTS

5: ENERGY EFFICIENCY

YES NO MAYBE

M

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

Certify the project under ENERGY STAR New Homes.

YES NO MAYBE

M

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

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

YES NO MAYBE

M

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

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

YES NO MAYBE

M

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

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

YES NO MAYBE

15
max

5.2 Additional Reductions in Energy Use

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

YES NO MAYBE

M

5.3 Sizing of Heating and Cooling Equipment

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

YES NO MAYBE

M

5.4 ENERGY STAR Appliances

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



M = MANDATORY
= AVAILABLE OPTIONAL POINTS

<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>ENERGY EFFICIENCY (CONTINUED)</p> <p>5.5a Efficient Lighting: Interior Units Follow the guidance appropriate for the project type: install the ENERGY STAR Advanced Lighting Package (ALP); <i>OR</i> follow the ENERGY STAR MFHR program guidelines, which require that 80% of installed lighting fixtures within units must be ENERGY STAR-qualified or have ENERGY STAR-qualified lamps installed; <i>OR</i> if replacing, new fixtures and ceiling fans must meet or exceed ENERGY STAR efficiency levels.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>5.5b Efficient Lighting: Common Areas and Emergency Lighting Follow the guidance appropriate for the project type: use ENERGY STAR-labeled fixtures or any equivalent high-performance lighting fixtures and bulbs in all common areas; <i>OR</i> if replacing, new common space and emergency lighting fixtures must meet or exceed ENERGY STAR efficiency levels. For emergency lighting, if installing new or replacing, all exit signs shall meet or exceed LED efficiency levels and conform to local building codes.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>5.5c Efficient Lighting: Exterior Follow the guidance appropriate for the project type: install ENERGY STAR-qualified fixtures or LEDs with a minimum efficacy of 45 lumens/watt; <i>OR</i> follow the ENERGY STAR MFHR program guidelines, which require that 80% of outdoor lighting fixtures must be ENERGY STAR-qualified or have ENERGY STAR-qualified lamps installed; <i>OR</i> if replacing, install ENERGY STAR compact fluorescents or LEDs with a minimum efficacy of 45 lumens/watt.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>5.6a Electricity Meter <i>(New Construction and Substantial Rehab only)</i> Install individual or sub-metered electric meters in all dwelling units.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	3	<p>5.6b Electricity Meter <i>(Moderate Rehab only)</i> Install individual or sub-metered electric meters in all dwelling units.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	12 max	<p>5.7a Renewable Energy Install photovoltaic (PV) panels, wind turbines, or other electric-generating renewable energy source to provide a specified percentage of the project's estimated energy demand.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	1 or 2	<p>5.7b Photovoltaic/Solar Hot Water Ready Site, design, engineer, and/or plumb the development to accommodate installation of photovoltaic (PV) or solar hot water system in the future.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	5	<p>5.8 Advanced Metering Infrastructure Site, design, engineer, and wire the development to accommodate installation of smart meters and/or be able to interface with smart grid systems in the future.</p>
SUBTOTAL OPTIONAL POINTS		

6: MATERIALS BENEFICIAL TO THE ENVIRONMENT

<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>6.1 Low/No VOC Paints and Primers All interior paints and primers must be less than or equal to the following VOC levels: Flats—50 g/L; Non-flats—50 g/L; Floor—100 g/L</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>6.2 Low/No VOC Adhesives and Sealants 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.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>6.3 Construction Waste Management Commit to following a waste management plan that reduces non-hazardous construction and demolition waste by at least 25% by weight through recycling, salvaging, or diversion strategies.</p>



M = MANDATORY
= AVAILABLE OPTIONAL POINTS

MATERIALS BENEFICIAL TO THE ENVIRONMENT (CONTINUED)

YES NO MAYBE

5
max

6.4 Construction Waste Management: Optional

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

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

YES NO MAYBE

5

6.5 Recycling Storage for Multifamily Project

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

YES NO MAYBE

5
max

6.6 Recycled Content Material

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

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

YES NO MAYBE

5
max

6.7 Regional Material Selection

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

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

YES NO MAYBE

5

6.8 Certified, Salvaged, and Engineered Wood Products

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

YES NO MAYBE

1 or 3

6.9a Reduced Heat-Island Effect: Roofing

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

YES NO MAYBE

2

6.9b Reduced Heat-Island Effect: Paving

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

SUBTOTAL OPTIONAL POINTS

7: HEALTHY LIVING ENVIRONMENT

YES NO MAYBE

M

7.1 Composite Wood Products that Emit Low/No Formaldehyde

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



M = MANDATORY
= AVAILABLE OPTIONAL POINTS

HEALTHY LIVING ENVIRONMENT (CONTINUED)

<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>7.2 Environmentally Preferable Flooring Do not install carpets in entryways, laundry rooms, bathrooms, kitchens / kitchenettes, utility rooms, and all rooms of ground-connected floors. Any carpet products used must meet the Carpet and Rug Institute’s Green Label or Green Label Plus certification for carpet, pad, and carpet adhesives. Any hard surface flooring products used must be either ceramic tile, unfinished hardwood floors, OR in compliance with the Scientific Certification System’s FloorScore program criteria.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	4	<p>7.3 Environmentally Preferable Flooring: Alternative Sources Use non-vinyl, non-carpet floor coverings in all rooms of building.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>7.4a Exhaust Fans: Bathroom <i>(New Construction and Substantial Rehab only)</i> Install Energy Star–labeled bathroom fans that exhaust to the outdoors, are connected to a light switch, and are equipped with a humidistat sensor, timer, or other control (e.g., occupancy sensor, delay off switch, ventilation controller).</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	6	<p>7.4b Exhaust Fans: Bathroom <i>(Moderate Rehab only)</i> Install Energy Star–labeled bathroom fans that exhaust to the outdoors, are connected to a light switch, and are equipped with a humidistat sensor, timer, or other control (e.g., occupancy sensor, delay off switch, ventilation controller).</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>7.5a Exhaust Fans: Kitchen <i>(New Construction and Substantial Rehab only)</i> Install power-vented fans or range hoods that exhaust to the exterior at the appropriate cfm rate, per ASHRAE 62.2, or install a central ventilation system with rooftop fans that meet efficiency criteria.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	6	<p>7.5b Exhaust Fans: Kitchen <i>(Moderate Rehab only)</i> Install power-vented fans or range hoods that exhaust to the exterior at the appropriate cfm rate, per ASHRAE 62.2, or install a central ventilation system with rooftop fans that meet efficiency criteria.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>7.6a Ventilation <i>(New Construction and Substantial Rehab only)</i> Install a ventilation system for the dwelling unit capable of providing adequate fresh air per ASHRAE requirements for the building type.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	5	<p>7.6b Ventilation <i>(Moderate Rehab only)</i> Install a ventilation system for the dwelling unit capable of providing adequate fresh air per ASHRAE requirements for the building type.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>7.7 Clothes Dryer Exhaust Clothes dryers must be exhausted directly to the outdoors using rigid-type duct work.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>7.8 Combustion Equipment Specify power-vented or closed-combustion equipment when installing new space and water-heating equipment in New Construction and any Substantial and Moderate Rehab projects.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>7.9a Mold Prevention: Water Heaters Provide adequate drainage for water heaters that includes drains or catch pans with drains piped to the exterior of the dwelling.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>7.9b Mold Prevention: Surfaces In bathrooms, kitchens, and laundry rooms, use materials that have durable, cleanable surfaces.</p>
<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> MAYBE	M	<p>7.9c Mold Prevention: Tub and Shower Enclosures Use non–paper-faced backing materials such as cement board, fiber cement board, or equivalent in bathrooms.</p>



M = MANDATORY
= AVAILABLE OPTIONAL POINTS

HEALTHY LIVING ENVIRONMENT (CONTINUED)

YES NO MAYBE

M

7.10 Vapor Barrier Strategies *(New Construction and Rehab Projects with foundation work only)*
Install vapor barriers that meet specified criteria appropriate for the foundation type.

YES NO MAYBE

M

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

YES NO MAYBE

M

7.12 Water Drainage *(New Construction and Rehab projects replacing assemblies called out in Criterion only)*
Provide drainage of water away from windows, walls, and foundations by implementing list of techniques.

YES NO MAYBE

M

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

YES NO MAYBE

M

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

YES NO MAYBE

M

7.15 Lead-Safe Work Practices *(Substantial and Moderate Rehab only)*
For properties built before 1978, use lead-safe work practices consistent with the EPA's Renovation, Repair, and Painting Regulation and applicable HUD requirements.

YES NO MAYBE

9

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

SUBTOTAL OPTIONAL POINTS

8: OPERATIONS + MAINTENANCE

YES NO MAYBE

M

8.1 Building Maintenance Manual *(All Multifamily Projects)*
Provide a building maintenance manual that addresses maintenance schedules and other specific instructions related to the building's green features.

YES NO MAYBE

M

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

YES NO MAYBE

M

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

YES NO MAYBE

12

8.4 Project Data Collection and Monitoring System
Collect and monitor project performance data on energy, water, and, if possible, healthy living environments for a minimum of five years.

SUBTOTAL OPTIONAL POINTS

TOTAL OPTIONAL POINTS

Exhibit I: PROPOSAL FORMS

Exhibit I: Proposal Forms

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

Form A-1: Completeness Checklist

Form A-2: Applicant's Letter

Form B: Project Summary

Form C-1: Development Team Information

Form C-2: Not-For-Profit Organization Description

Form D-1: Residential Development Experience and Current Workload

Form D-2: Residential Management Experience

Form D-3: Management Questionnaire

Form E: Assets Statement

Form F: Rental Pro Forma

Form J: Green Communities Intended Methods Workbook

Form A: Completeness Checklist and Applicant's Letter

A1 – Completeness Checklist (Tab A)

Before completing the following forms, please see instructions in **Section VII (Proposal Form and Content Requirements)**.

Tab	Form	✓
A	Completeness Checklist and Applicant's Letter	
	1. Completeness Checklist (Form A-1)	
	2. Applicant's Letter (Form A-2)	
B	Proposal Summary	
	1. Proposal Narrative (<i>provided by Applicant</i>)	
	2. Proposal Summary (Form B)	
C	Development Team Information and Applicant Questionnaire	
	1. Development Team Information (Form C-1)	
	2. Not-For-Profit Organization Description (Form C-2)	
	3. Additional Evidence of Experience and Qualifications (<i>provided by Applicant</i>)	
D	Experience and Current Workload	
	1. Residential Development Experience and Current Workload (Form D-1)	
	2. Residential Management Experience (Form D-2)	
	3. Management Questionnaire (Form D-3)	
E	Assets Statement	
	1. Assets Statement (Form E or alternate statements)	
F	Financing Proposal	
	1. Rental Pro Forma (Form F)	
	2. Financing Narrative (<i>provided by Applicant</i>)	
G	Letters of Interest for Private and Public Funds (<i>provided by Applicant</i>)	
H	Design Narrative (<i>provided by Applicant</i>)	
I	Architectural Submission (<i>provided by Applicant</i>)	
J	Sustainability Elements	
	1. Sustainability Narrative (<i>provided by Applicant</i>)	
	2. Green Communities Intended Methods Workbook (Form J)	
K	Design Team Experience (<i>provided by Applicant</i>)	
L	Development Schedule (<i>provided by Applicant</i>)	
M	NYCHA Resident Hiring Plan - (<i>provided by Applicant</i>)	
N	Subcontracting and Local Employment Plan and Experience (<i>provided by Applicant</i>)	
O	Resident Services Plan - (<i>provided by Applicant</i>)	

**Randolph Houses
Form A2 – Applicant’s Letter**

New York City Department of
Housing Preservation and Development
100 Gold Street
New York, NY 10038
Attn: Beatriz De La Torre, Assistant Commissioner

New York City Housing Authority
250 Broadway, 24th Floor
New York, NY 10007
Attn: Amy Chester, Deputy Director

Re: Randolph Houses RFP

Dear Ms. De La Torre and Ms. Chester:

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

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

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

- 1)
 - a. 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 (the “**Negotiation Letter**”) will only indicate HPD’s intention to commence negotiations that may ultimately lead to the execution of such an agreement.
 - b. The commencement of negotiations will not represent any obligation or agreement on the part of NYCHA, which may only be incurred or entered into by a written agreement which has been approved by NYCHA and the United States Department of Housing and Urban Development (“**HUD**”), and duly executed by the Applicant or an Applicant-affiliated entity and NYCHA. The Negotiation Letter will only indicate NYCHA’s intention to commence negotiations which may ultimately lead to the execution of such and agreement.
- 2) The Applicant will not have permission to enter upon the Site, which permission will only be granted, if at all, in the form of a license agreement duly executed by the Applicant or an Applicant-affiliated entity and NYCHA. The execution of any such license agreement, if it occurs, will only indicate that NYCHA has granted permission for the Applicant to enter onto the Site for the limited purposes stated in the scope of work set forth therein, and will not

indicate that NYCHA has reached any other agreement with the Applicant regarding the Site, the Development, or the program.

- 3) The following requirements will have to be satisfied prior to disposition of the Site:
 - a. The disposition of the Site and tax exemptions to be granted, if any, must be reviewed and approved in accordance with all applicable HPD, NYCHA and City policies, which include, but are not limited to, the following:
 - i) The Applicant, any other potential grantee of the Site, and the Applicant's respective principals must successfully undergo background checks concerning their suitability to do business with the City and NYCHA.
 - ii) The 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 Site; (iv) has lost real property to the City in tax or lien enforcement proceedings; or (v) has filed for bankruptcy.
 - b. The price and other terms of the disposition of the Site will be in accordance with the provisions of all applicable federal, State and City laws and regulations, NYCHA policies, and any requirements of HUD.
 - c. The tax exemptions to be granted, if any, must be reviewed and approved in accordance with the provisions of all applicable local, State, and Federal laws, which may require, among other things, review and/or approval by the local Community Board, the Borough President, the City Planning Commission, the City Council, and/or the Mayor.
 - d. The grantee must execute legal documents in form and substance acceptable to HPD and NYCHA and in form approved by the City's and NYCHA's Law Departments.
- 4) During negotiations, the Applicant must diligently, competently, and expeditiously comply with all requirements communicated to the Applicant by HPD or NYCHA.
- 5) The design of the Development must comply with any applicable Urban Renewal Plan and HPD and NYCHA design requirements.
- 6) The Negotiation Letter will not constitute a representation or certification by HPD or NYCHA that the Site and the Development comply with the Criteria For Location Of City Facilities ("Fair Share Criteria") established pursuant to Section 203 of the City Charter. The Applicant will be responsible for ensuring compliance with all Fair Share Criteria and for preparing all materials and obtaining all approvals related to such compliance.
- 7) Either HPD, NYCHA or the Applicant may terminate negotiations at any time with or without cause. Negotiations will terminate automatically if Applicant does not comply with the milestones to be set out in a development schedule, including but not limited to providing within 120 days from the date of the Negotiation Letter evidence of financing sufficient for acquiring, developing, or rehabilitating the Site in accordance with the Program requirements.
- 8) If negotiations are terminated by HPD, NYCHA or the Applicant, whether with or without cause, or if negotiations terminate automatically, then neither the City, NYCHA, nor the Applicant will have any rights against or liabilities to the other.

- 9) Neither the City nor NYCHA is obligated to pay, nor will either in fact pay, any costs or losses incurred by the Applicant at any time, including, but not limited to, the cost of: (i) any prior actions by the Applicant in order to respond to any selection process; or (ii) any future actions by the Applicant in connection with the negotiations, including, but not limited to, actions to comply with requirements of HPD, NYCHA, the City, or any applicable laws.

Very truly yours,

Signature

Title

Applicant

Form B: Proposal Summary - Randolph RFP

Developer:

Unit Summary

Phase	Rental Units	Super Units	Total Units	Gross Square Feet
South Side				
North Side				
Total		0		0
% of Total Project				-

Affordability Summary

Phase	Public Hsg Units	___% AMI	___% AMI	___% AMI
South Side				
North Side				
Total Units	0	0	0	0
% of Total Project				

Unit Count by Type

Phase	Studio	1BR	2BR	3BR	4BR
South Side					
North Side					
Total Units					
% of Total Project					

Summary of other uses

Phase	Community Space (SF)	Outdoor Open Space (SF)
South Side		
North Side		

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 part of the Development Team shall also complete pages 4 -6.

Name of Applicant: _____

Name of Contact Person: _____ E-mail: _____

Mailing Address: _____

Telephone No: _____ Alternate Phone: _____

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(s) 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

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

PRINCIPALS: Name/Position/Title	Home Address	Role*	% Interest in Entity

* 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, and telephone of members of the development team to the extent that these have been decided; if unknown, enter "N/A".

DEVELOPMENT TEAM:

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

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

If yes, please explain.

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

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

CERTIFICATION

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

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

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

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

Name of Organization

Signature

Date

Print or Type Name and Title

Name of Organization

Signature

Date

Print or Type Name and Title

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

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

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

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:

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

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

* 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: _____

Rental Pro Forma

Instructions

Please complete this pro forma for the rental component(s) of your project. Fill in the cells shaded blue. Keep cells linked and maintain calculations. If you modify given assumptions, please clearly note the changes.

Applicants must provide these forms in Excel file format by e-mail or on CD.

Rental Pro Forma

Project Name:

Units:

-

SOURCES AND USES

Construction Sources			per DU	% of total
First Mortgage (Lender:)		\$0	#DIV/0!	#DIV/0!
Second Mortgage (Lender:)		\$0	#DIV/0!	#DIV/0!
Third Mortgage (Lender:)		\$0	#DIV/0!	#DIV/0!
Fourth Mortgage (Lender:)		\$0	#DIV/0!	#DIV/0!
	HUD Grant	-	#DIV/0!	#DIV/0!
	Tax Credit Equity	\$0	#DIV/0!	#DIV/0!
	Deferred Developer's Fee	\$0	#DIV/0!	#DIV/0!
Other source (Specify:)		\$0	#DIV/0!	#DIV/0!
TOTAL SOURCES		\$0	#DIV/0!	#DIV/0!

Permanent Sources				
First Mortgage (Lender:)		#DIV/0!	#DIV/0!	#DIV/0!
Second Mortgage (Lender:)		\$0	#DIV/0!	#DIV/0!
Third Mortgage (Lender:)		\$0	#DIV/0!	#DIV/0!
Fourth Mortgage (Lender:)		\$0	#DIV/0!	#DIV/0!
	HUD Grant	-	#DIV/0!	#DIV/0!
	Tax Credit Equity	\$0	#DIV/0!	#DIV/0!
	Deferred Developer's Fee	\$0	#DIV/0!	#DIV/0!
Other source (Specify:)		\$0	#DIV/0!	#DIV/0!
TOTAL SOURCES		#DIV/0!	#DIV/0!	#DIV/0!

Uses				
Acquisition Cost		\$0	#DIV/0!	#DIV/0!
Construction Cost		\$0	#DIV/0!	#DIV/0!
Soft Cost		#DIV/0!	#DIV/0!	#DIV/0!
Developer's Fee		\$0	#DIV/0!	#DIV/0!
TOTAL USES		#DIV/0!	#DIV/0!	#DIV/0!

Rental Pro Forma

Project Name:

Units: 0

DEVELOPMENT BUDGET

		Developer Costs	
Acquisition Cost			
Construction Cost			
Contractor Price			
Residential	#DIV/0! /du		#DIV/0! psf
Commercial Space		-	#DIV/0! psf
Community Space		-	#DIV/0! psf
Parking		-	#DIV/0! psf
Contingency		-	
Total Hard Cost	#DIV/0! /du	-	#DIV/0! average per sf
Soft Cost			
Borrower's Legal			
Borrower's Engineer/Architect Fees			
Accounting & Cost Certification			
Housing/Development Consultant			
Bank's Engineer			
Bank Legal			
Permits and expediting			
Environmental Phase I & II Investig & Reports			
SEQRA Submissions			
Borings / Geotechnical			
Survey			
Title Insurance			
Appraisal			
Other (Specify:_____)			
Subtotal		\$0	
Financing Fees (Please maintain links to original calculations and note any changes)			
Upfront L/C Fee	of LOC amt	-	
Annual L/C Fee	of LOC amt	-	
HDC Fee (if applicable)	of HDC cons 1st	-	
Costs of Issuance			
Interest Rate Cap (estimate)			
Property Tax Incentive Fees & Consultant			
LHTC Application Fee	of credit amt	-	
Other (Specify:_____)			
Subtotal		-	
Carrying Costs			
Construction Interest		#DIV/0!	(change link if assuming variable rate)
Negative Arbitrage		#DIV/0!	
Mortgage Recording Tax			
Water/Sewer & Real Estate Taxes			
Utilities			
Insurance			
Marketing			
Security			
Other (Specify:_____)			
Subtotal		#DIV/0!	
Reserves and Contingency			
Social Service Reserve			
Capitalized Operating Reserve	/unit	-	
Additional Operating Reserve (if applicable)			
Soft Cost Contingency			#DIV/0! of soft costs
Subtotal		-	
Total Soft Costs			
		#DIV/0!	
Developer's Fee			
			#DIV/0! of TDC less Dev Fee
			#DIV/0! of Hard + Soft
Total Development Cost:		#DIV/0!	#DIV/0! /unit

Construction Sources

First Mortgage (Lender:)		#DIV/0!
Second Mortgage (Lender:)		#DIV/0!
Third Mortgage (Lender:)		#DIV/0!
Fourth Mortgage (Lender:)		#DIV/0!
HUD Grant		#DIV/0!
Tax Credit Equity		#DIV/0!
Deferred Developer's Fee		#DIV/0!
Other source (Specify:)		#DIV/0!
Total		\$0 #DIV/0!

Permanent Sources

First Mortgage (Lender:)	#DIV/0!	#DIV/0!
Second Mortgage (Lender:)	-	#DIV/0!
Third Mortgage (Lender:)	-	#DIV/0!
Fourth Mortgage (Lender:)	-	#DIV/0!
HUD Grant	-	#DIV/0!
Tax Credit Equity	-	#DIV/0!
Deferred Developer's Fee		#DIV/0!
Other source (Specify:)		#DIV/0!
Total	#DIV/0!	#DIV/0!

Rental Pro Forma
Project Name:

Units: 0

CONSTRUCTION INTEREST

Bond Amount		% of bond
Long Term Amount	#DIV/0!	#DIV/0!
Short Term Amount	#DIV/0!	#DIV/0!
Total Bond Amount	\$0	

Term	Months	Years
Construction term	<input type="text"/>	0.00
Rent-up & conversion term	<input type="text"/>	0.00
Total term	0	0.00

Fixed Rates

Long Term	<input type="text"/>
Short Term	<input type="text"/>
2nd Construction	<input type="text"/>
3rd Construction	<input type="text"/>
4th Construction	<input type="text"/>

Variable Rate

SIFMA	<input type="text"/>	0.00%
+ ___ bps cushion	<input type="text"/>	0.00%
Variable Rate		0.00%

Interest Calculations

Fixed Rate	Amount	% Outstanding	Term (years)	Interest Rate	Interest
1st - Short Term	#DIV/0!	50%	0.0	0.00%	#DIV/0!
	#DIV/0!	100%	0.0	0.00%	#DIV/0!
1st - Long Term	#DIV/0!	50%	0.0	0.00%	#DIV/0!
	#DIV/0!	100%	0.0	0.00%	#DIV/0!
2nd Construction	\$0	100%	0.0	0.00%	\$0.00
3rd Construction	\$0	100%	0.0	0.00%	\$0.00
4th Construction	\$0	100%	0.0	0.00%	\$0.00
Total Fixed Rate Cons. Interest					#DIV/0!

Variable Rate	Amount	% Outstanding	Term (years)	Interest Rate	Interest
HDC 1st	\$0	50%	0.0	0.00%	\$0.00
	\$0	100%	0.0	0.00%	\$0.00
HDC 2nd	\$0	100%	0.0	0.00%	\$0.00
LIRP	\$0	100%	0.0	0.00%	\$0.00
Total Variable Rate Cons. Interest					\$0.00

NEGATIVE ARBITRAGE

(for fixed-rate deals only)

Investment Rate

	Short Term	Long Term
Rate	0.00%	0.00%
Short Term Amount	#DIV/0!	#DIV/0!
% Outstanding	50%	50%
Investment Spread	0.00%	0.00%
Construction Term (years)	1.5	1.5
	#DIV/0!	#DIV/0!

Negative Arbitrage #DIV/0!

LETTER OF CREDIT AMOUNT

Bond Amount		-
Days Interest	<input type="text"/>	-
LC Amount		-

SF DISTRIBUTION	GSF	Efficiency	NSF
#DIV/0!	Residential GSF		0
#DIV/0!	Commercial GSF		0
#DIV/0!	Community GSF		0
#DIV/0!	Parking GSF		0
	0 Total Project GSF		0 Total Project NSF

UNIT DISTRIBUTION	# of Units	# of Rms/ DU	# Rooms	Average Net SF per Unit
Studio	0	2	0	
1 Bedroom	0	3	0	
2 Bedroom	0	4	0	
3 Bedroom	0	5	0	
4 Bedroom	0	6	0	
Subtotal	0	0	0	
Super's Unit				
Total	0	0	0	0 Net Residential Square Feet

#DIV/0! Average Net SF per DU

COMMERCIAL AND ANCILLARY INCOME	# of Spaces	Monthly Rent	Annual Income
Parking - at grade	0		\$0
Commercial	Total s.f. 0	Annual Rent/s.f.	\$0
Community	Total s.f. 0	Annual Rent/s.f.	\$0
Laundry	# units 0	Annual per unit	\$0
Total Commercial & Ancillary Income			\$0 #DIV/0!

RESIDENTIAL INCOME	2011 HUD Area Median Income	81,800	Family of Four	1,543	2 BR FMR
Rent Less Electricity = 1, Rent Less Electricity/Gas = 0					

	Electricity Allowance	Gas Allowance
2 rooms studio	52	15
3 rooms 1 BR	54	17
4 rooms 2 BR	56	17
5 rooms 3 BR	70	18
6 rooms 4 BR	72	20

HUD IL	0	PUBLIC HOUSING UNITS						
Unit size	HH size	HH factor	HH income	max gross monthly rent	utility allowance	max net monthly rent	Number of units	Annual Rent
studio	1	0.60	-	0	-67	-67		-
1 BR	1.5	0.75	-	0	-71	-71		-
2 BR	3	0.90	-	0	-73	-73		-
3 BR	4.5	1.04	-	0	-88	-88		-
4 BR	6	1.16	-	0	-92	-92		-
							0	-

HUD IL	0							
Unit size	HH size	HH factor	HH income	max gross monthly rent	rent less electricity	max net monthly rent	Number of units	Annual Rent
studio	1	0.60	-	0	-67	-67		-
1 BR	1.5	0.75	-	0	-71	-71		-
2 BR	3	0.90	-	0	-73	-73		-
3 BR	4.5	1.04	-	0	-88	-88		-
4 BR	6	1.16	-	0	0	0		-
							0	-

HUD IL	0							
Unit size	HH size	HH factor	HH income	max gross monthly rent	rent less electricity	max net monthly rent	Number of units	Annual Rent
studio	1	0.60	-	0	-67	-67		-
1 BR	1.5	0.75	-	0	-71	-71		-
2 BR	3	0.90	-	0	-73	-73		-
3 BR	4.5	1.04	-	0	-88	-88		-
4 BR	6	1.16	-	0	0	0		-

HUD IL	0							
Unit size	HH size	HH factor	HH income	max gross monthly rent	rent less electricity	max net monthly rent	Number of units	Annual Rent
studio	1	0.60	-	0	-67	-67		-
1 BR	1.5	0.75	-	0	-71	-71		-
2 BR	3	0.90	-	0	-73	-73		-
3 BR	4.5	1.04	-	0	-88	-88		-
4 BR	6	1.16	-	0	0	0		-

Market Rate Note: For market rate units, please hard code rents

Unit size	Monthly Rent	Number of units	Annual Rent
studio			-
1 BR			-
2 BR			-
3 BR			-
4 BR			-
Total units		0	

Total Annual Residential Income upon occupancy -

TOTAL ANNUAL PROJECT INCOME -

Rental Pro Forma

Project Name:

PH Units: -

HUD Operating Subsidy & Fees			
		<u>Total</u>	<u>per Unit</u>
Rental Income for PH Units		\$0	#DIV/0!
Vacancy & Rent Loss	0%	\$0	#DIV/0!
Net PH Income		\$0	#DIV/0!
M & O for PH Units		#DIV/0!	#DIV/0!
<i>HUD Operating Subsidy (1st year)</i>		#DIV/0!	#DIV/0! may not exceed \$375 per PH unit
<i>HUD Administrative Fees for PH Units</i>			
		<u>Total</u>	<u>per Unit</u>
Bookkeeping	\$7.50		
Asset Mgmt	\$10.00		
Propty Mgmt	<u>\$55.98</u>		
	\$73.48	\$0	#DIV/0!

HUD Capital Subsidy Calculator - Rehab - Elevator - NYC							
# BR	Total Rent Paying Units	Size Distr.	Non PH	PH Units	Max HUD TDC/du	Total HUD \$	PH Distrib
0		#DIV/0!	0		\$ 150,354	\$ -	#DIV/0!
1		#DIV/0!	0		\$ 210,495	\$ -	#DIV/0!
2		#DIV/0!	0		\$ 270,637	\$ -	#DIV/0!
3		#DIV/0!	0		\$ 360,849	\$ -	#DIV/0!
4		#DIV/0!	0		\$ 451,061	\$ -	#DIV/0!
	0	#DIV/0!	0	-		\$ -	#DIV/0!

Rental Pro Forma

Project Name:

Units: 0

MAINTENANCE & OPERATING EXPENSES

-	PH Units
0	Non PH Units
0	Rooms

Expenses		per rm/du	
Supplies/Cleaning/Exterminating	\$ -		per room
Heating (oil)	\$ -		per room
Gas & Electricity	\$ -		per room
Cooking Gas	\$ -		unit
Repairs/Replacement	\$ -		per unit
Legal	\$ -		per unit
Accounting	\$ -		per project
Painting	\$ -		per room
Superintendent & Maintenance Staff Salaries	\$0	#DIV/0!	per unit
Number of:			
F/T super(s)	<input type="text"/>	\$0	annual + fringe
porters	<input type="text"/>	\$0	annual + fringe
Elevator Maintenance & Repairs	<input type="text"/> \$ -		per elevator
Management Fee	\$ -		% of ERI (Non-PH units)
Water & Sewer	\$ -		per room
Fire and Liability Insurance	\$ -		per unit
Other Expenses(Specify:_____)	\$ -		per unit
Other Expenses(Specify:_____)	\$ -		per unit
Replacement Reserve	\$ -		per unit
M & O Before Taxes and Debt Service	\$ -		Total
		#DIV/0!	per room
		#DIV/0!	per unit
Real estate taxes	<input type="text"/>		
TOTAL ANNUAL PROJECT EXPENSES		\$0	
		#DIV/0!	per unit
		#DIV/0!	per room

Rental Pro Forma

Project Name:

Units: 0

MORTGAGE SIZING

Income			
Residential Income (non PH units)			\$0
Less Residential Vacancies			\$0
<i>Net Residential Income</i>			\$0
Parking Income			\$0
Commercial Income			\$0
Community Space Income			\$0
Ancillary/Laundry			\$0
Less Parking Vacancies			\$0
Less Commercial Vac			\$0
Less Community Space Income			\$0
Less Ancillary/Laundry Vac			\$0
<i>Net Comm & Ancillary Income</i>			\$0
Net Income			\$0
Expenses (Non PH units)			
Maintenance/Operating	#DIV/0!	per unit	#DIV/0!
Real estate taxes	#DIV/0!	per unit	\$0
Replacement Reserve	#DIV/0!	per unit	\$0
Total Expenses	#DIV/0!	per unit	#DIV/0!
NET OPERATING INCOME #DIV/0!			
Net Available @ 1.05 Income to Expense			#DIV/0!
Combined DSCR			
Net Available for Debt Service @			#DIV/0!
Income to Expense			#DIV/0!
1st Mort DSCR			
Net Available for Debt Service @			#DIV/0!
Income to Expense			#DIV/0!

Determination of Maximum Insurable Mortgage based on net available for debt service and land taxes

Variable Interest Rates		Fixed Interest Rates	
Base Rate		Base Underwriting Rate	TAX EXEMPT
Underwriting Cushion		Servicing Fee	
LC Fees		MIP	
Trustee		Sum of above rates	0.00%
Remarketing			
Servicing	0.00%		

Total Supportable First Mortgage		Enter 1st Mortgage Amount from Cell H30 here
Second Mortgage	\$	-
Third Mortgage	\$	-
Fourth Mortgage	\$	-
Total Combined Debt	\$	-

	1st Loan Reduction	2nd Loan Constant	3rd Loan Constant	4th Loan Constant	Total
1st Loan			1.0%		
2nd Loan					
3rd Loan					
4th Loan					
Rate	0.00%				
Term					
Yrs 1 - 30 Amt Amortized	#DIV/0!	\$0	\$0	\$0	
Balance	\$0	\$0	\$0	\$0	
Balloon %	#DIV/0!	100%	#DIV/0!	0%	
Debt Service	#DIV/0!	-	-	-	#DIV/0!
Debt Coverage	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Assumed Subsidies	
2nd Loan Source:	/non PH du
3rd Loan Source:	/du #DIV/0!
4th Loan Source:	

Rental Pro Forma
Project Name:

Units: 0

increases	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12
EFFECTIVE INCOMES												
Residential Income	0	0	0	0	0	0	0	0	0	0	0	0
Parking Income	0	0	0	0	0	0	0	0	0	0	0	0
Commercial Income	0	0	0	0	0	0	0	0	0	0	0	0
Community Space Income	0	0	0	0	0	0	0	0	0	0	0	0
Ancillary Income	0	0	0	0	0	0	0	0	0	0	0	0
Total Income	0	0	0	0	0	0	0	0	0	0	0	0
EXPENSES												
M&O Expenses	#DIV/0!											
Building Reserve	0	0	0	0	0	0	0	0	0	0	0	0
Total Expenses	#DIV/0!											
NOI	#DIV/0!											
Debt Service	#DIV/0!											
Net Cash Flow	#DIV/0!											
Net Cash Flow in 12 years	#DIV/0!											

Rental Pro Forma

Project Name:

Units: -

TAX CREDIT ANALYSIS*

*This is an estimate; for actual raise and calculation, defer to LIHTC Investor

	Eligible Cost (Y/N)	Total Cost	Eligible Amount
Acquisition Cost	N	-	
Construction Cost			
Contractor Price			
Residential	Y	-	
Commercial Space	Y	-	
Community Space	Y	-	
Parking	Y	-	
Contingency	Y	-	
Total Hard Cost		-	-
Soft Cost			
Borrower's Legal	Y	-	
Borrower's Engineer/Architect Fees	Y	-	
Accounting & Cost Certification	Y	-	
Housing/Development Consultant	Y	-	
Bank's Engineer	Y	-	
Bank Legal	Y	-	
Permits and expediting	Y	-	
Environmental Phase I & II Investig & Report	Y	-	
SEQRA Submissions	Y	-	
Borings / Geotechnical	Y	-	
Survey	Y	-	
#REF!	Y	#REF!	
Title Insurance	Y	-	
Appraisal	Y	-	
Subtotal		-	-
Financing Fees (Please maintain links to original calculations and note any changes)			
Upfront L/C Fee	Y	-	
Annual L/C Fee	Y	-	
HDC Fee (if applicable)	N	-	
Costs of Issuance	Y	-	
#REF!	N	#REF!	
Interest Rate Cap (estimate)	N	-	
Property Tax Incentive Fees & Consultant	N	-	
LIHTC Application Fee	N	-	
#REF!	N	#REF!	
Subtotal		-	-
Carrying Costs			
Construction Interest	Y	#DIV/0!	
Negative Arbitrage	Y	#DIV/0!	
Mortgage Recording Tax	N	-	
Water/Sewer & Real Estate Taxes	Y	-	
Utilities	Y	-	
Insurance	Y	-	
#REF!	Y	#REF!	
Marketing	N	-	
Security	Y	-	
Subtotal		#DIV/0!	-
Reserves and Contingency			
Social Service Reserve	N	-	
Capitalized Operating Reserve	N	-	
Additional Operating Reserve (if applicable)	N	-	
Soft Cost Contingency	Y	-	
Subtotal		-	-
Total Soft Costs		#DIV/0!	-
Developer's Fee	Y	-	
Total Development Cost:		#DIV/0!	-

Number of TC Units	0
% TC Units	#DIV/0!
% Non Residential Costs	#DIV/0!
Aplicable Fraction	#DIV/0!
Construction Bonds	#DIV/0!

Eligible Basis with Boost		-
Annual Credit @		-
Amount Raised per Credit @		-
Amount Raised Total		-

Rental Pro Forma
Project Name:

Units: **0**

TRADE ITEM	\$ AMOUNT
1 Demolition	_____
2 Environmental Remediation	_____
4 Landscaping / Site Work	_____
5 Concrete	_____
6a Masonry, pointing, waterproofing, steam cleaning	_____
6b Carpentry, rough	_____
7 Carpentry, finished	_____
8 Metals, structural steel	_____
9 Roofing	_____
10 Insulation	_____
11 Doors, frames, hardware	_____
12 Windows and glazing	_____
13 Entrance doors	_____
14 Drywall and plastering	_____
15 Ceramic tile	_____
16 Finish flooring	_____
17a Painting	_____
17b Kitchen cabinets	_____
18 Appliances, medicine cabinet	_____
19 Heating and ventilation	_____
20 Plumbing	_____
21 Electrical	_____
22 Other: _____	_____
23 Other: _____	_____
24 Other: _____	_____
25 SUBTOTAL	\$0
26 General Conditions	_____
27 Overhead	_____
28 Profit	_____
29 GRAND TOTAL	\$0

Must equal total Contractor price in Develop

Rental Pro Forma

Units: 0

Project Name:

These calculations must match the architectural plans included in the proposal.

TOTAL BUILT FLOOR AREA (Gross Square Feet):

1. Residential Space	0
2. Unfinished Basement	
3. Cellar	
4. Attics	
5. Mechanical / Utility Areas	
6. Garages	
7. Commercial Space	0
8. Community Space	0
9. Parking	
10. Other _____	
11. Subtotal Gross Square Feet	0



GENERAL 2011 GREEN COMMUNITIES CERTIFICATION WORKBOOK INSTRUCTIONS

This document lays out the information required for Green Communities certification throughout the design and construction process. This Excel workbook contains 4 spreadsheet forms (identified by tabs in bottom left corner) that Enterprise requires you to complete to demonstrate your compliance with the Mandatory Criteria and the appropriate number of Optional Criteria. Please note that this is an integrated worksheeted and the completion of some cells will automatically populate cells in later, related tabs. The cells that will be automatically populated have been locked for your ease of use.

Step 1:

The "Project Overview" and "Intended Methods" are required to be completed and submitted for certification before the construction start date of the project.

For additional information and instructions on how to submit for Green Communities Certification please see the certification website at www.greencommunitiesonline.org/tools/certification/

GREEN COMMUNITIES PROJECT OVERVIEW WORKSHEET

Project Name	<blank>	Organization Name	<blank>
Project Address	<blank>	Organization Contact	<blank>
Project Status	<blank>	Date	<blank>

PROJECT OVERVIEW WORKSHEET: This document provides a brief overview of the building, including major systems. It is considered a quick way to assess the context in which the Green Communities criteria will be implemented. Please provide the basic building information as requested below.

This worksheet must be filled out and submitted before the construction start date. For additional information on how to submit go to www.greencommunitiesonline.org/tools/certification/

****Gray text within the spreadsheet indicates the type of information that could occupy that cell. It is not intended to be left in your final submission documents.**

Building Overview				
BUILDING ENVELOPE	Primary Envelope Material	Describe primary building cladding system		
	Foundation	Please identify the assembly type for this component and its associated minimum R-value as required by your building code		
	Wall(s)	Please identify the assembly type for this component and its associated minimum R-value as required by your building code		
	Roof	Please identify the assembly type for this component and its associated minimum R-value as required by your building code		
	Windows	Please indicate U-Value, Air Infiltration rate of window system(s), and the SHGC (solar heat gain coefficient)		
	Doors	Please indicate U-Value and Air Infiltration Rate of exterior doors and entry systems		
MECHANICAL SYSTEMS		System Type	Fuel Type	Additional Explanation (i.e. multiple systems, alternative fuel source)
	Heating System			
	Cooling System			
	Hot Water			

Alternative Water Sources	If applicable, please identify any systems for alternative water sources and the expected volume to subsidize municipal supply
Ventilation	Please identify systems and measures as required by your building code to ensure proper indoor air quality

Building Data		
BUILDING DATA	Tenancy	
	Current occupancy percentage	
	Year of Most Recent Substantial Rehabilitation or Adaptive Reuse	
	Does the building contain the following?	
	Hallways/lobbies/stairwells	
	Elevator	
	Community room(s)	
	Basement	
	Laundry room(s)	
	Office(s)	
	Commercial kitchen	
	Exercise room	
	Swimming pool	
	Parking garage (indoor)	
	Parking lot (outdoor)	
	Irrigated Lawn/Landscaping	
	Retail Space(s)	
	Who pays tenant electricity, cooling, heating and hot water?	
	Electric Meter Type	
	Natural Gas Meter Type	
	Water Meter Type	
	Fuel for Clothes Dryers	
	Number of units w/ in-unit laundry	
Total number of common laundry rooms		
Total number of elevators		

Building Code(s) and applicable Green Building/Public Incentive Programs	
Enter the Building Code(s), Energy Code, Green Building Standard(s), and/or Public Incentive program you are required to build in compliance with.	
Building Code	
Energy Code	
Green Building standard	
Public Incentive program	

GREEN COMMUNITIES INTENDED METHODS WORKSHEET

Project Name	<blank>	Organization Name	<blank>
Project Address	<blank>	Organization Contact	<blank>
Project Status	<blank>	Date	<blank>

INTENDED METHODS WORKSHEET: This worksheet identifies how the project team intends to incorporate all the Mandatory and adequate number of Optional Criteria into the development.

This worksheet must be filled out and submitted before the construction start date. For additional information on how to submit go to www.greencommunitiesonline.org/tools/certification/

INSTRUCTIONS:

- 1) Select an answer provided in the drop-down menu under Column D ("How Criterion will be implemented") for each criterion
- 2) Explain special circumstances or request a waiver using Column E ("If necessary, describe deviations from intended approach"). This may include information on an approach proposed by the project team that does not appear as an option in the drop-down menu.
- 3) Indicate where the Criterion references can be found within the project documents in Column F and G ("Criteria Documentation"). This is required for Criterion 1.1k
- 4) Indicate the project team member who is responsible for documenting and ensuring the completion of the Criterion under Column 'H' (Champion)
- 5) Indicate the number of optional points being pursued by completing Column H ("Intended Points").

****Gray text within the spreadsheet (under "Green Development Agreement" section at bottom) indicates the type of information that could occupy that cell. It is not intended to be left in your final submission documents.**

Complete this document by signing the Green Development Agreement at the bottom of this worksheet. Without the mandatory signatures, this document remains incomplete and the project will not receive Step 1 Certification.

1: INTEGRATIVE DESIGN

Criteria Item	How Criterion will be implemented	If necessary, provide additional information or explanation of alternative approach to meeting this measure	Criteria Documentation		Champion	Intended Points
			Location of Measure in Project Documents	Spec page number / plan type for locating measure		
1.1a Green Development Plan: Integrative Design Meeting(s)						M
1.1b Green Development Plan: Criteria Documentation						M
1.2a Universal Design (New Construction only)						0
1.2b Universal Design (Substantial & Moderate Rehab only)						0
						0
						Intended Points

2: LOCATION + NEIGHBORHOOD FABRIC

Criteria Item	How Criterion will be implemented	If necessary, provide additional information or explanation of alternative approach to meeting this measure	Criteria Documentation		Champion	Intended Points
			Location of Measure in Project Documents	Spec page number / plan type for locating measure		
2.1 Site Sensitive Selection (New Construction Only)						M
2.2 Connections to Existing Development and Infrastructure (New Construction only, except for projects located on rural tribal lands, in colonias communities, or in communities of population less than 10,000)						M
2.3 Compact Development (New Construction Only)	Provide the net density and net density calculation for the project.					M
2.4 Compact Development	Provide the net density and net density calculation for the project.					0
2.5 Proximity to Services (New Construction only)						M
2.6 Preservation of and Access to Open Space						M
2.7 Preservation of and Access to Open Space						0
2.8 Access to Public Transportation	Provide a brief narrative that summarizes the location, quantity and type of public transportation choices around project site					0
2.9 Walkable Neighborhoods: Connections to Surrounding Neighborhood	Provide summary of the project's sidewalk and pathway connections to public spaces, open spaces or adjacent development					0
2.10 Smart Site Location: Passive Solar Heating / Cooling	Provide a brief narrative that describe passive solar heating/cooling tactics					0
2.11 Brownfield or Adaptive Reuse Site						0
2.12 Access to Fresh, Local Foods						0
2.13 LEED for Neighborhood Development certification						0
						0
						Intended Points

3: SITE IMPROVEMENTS

Criteria Item	How Criterion will be implemented	If necessary, provide additional information or explanation of alternative approach to meeting this measure	Criteria Documentation		Champion	Intended Points
			Location of Measure in Project Documents	Spec page number / plan type for locating measure		
3.1	Environmental Remediation					M
3.2	Erosion and Sedimentation Control (Except for infill sites with buildable area smaller than one acre)					M
3.3	Low Impact Development (New Construction only)					M
3.4	Landscaping					M
3.5	Efficient Irrigation and Water Reuse	Provide a brief narrative describing type of irrigation systems to be implemented				M
3.6	Surface Stormwater Management	Provide a brief narrative of the design strategies and systems that will be implemented, and indicate the calculated volume of water being retained, infiltrated, or harvested on site				0
						0
						Intended Points

4: WATER CONSERVATION

Criteria Item	How Criterion will be implemented	If necessary, provide additional information or explanation of alternative approach to meeting this measure	Criteria Documentation		Champion	Intended Points
			Location of Measure in Project Documents	Spec page number / plan type for locating measure		
4.1	Water-Conserving Fixtures					M
4.2	Advanced Water-Conserving Appliances and Fixtures					0
4.3	Water Reuse					0
						0
						Intended Points

5: ENERGY EFFICIENCY

Criteria Item	How Criterion will be implemented	If necessary, provide additional information or explanation of alternative approach to meeting this measure	Criteria Documentation		Champion	Intended Points
			Location of Measure in Project Documents	Spec page number / plan type for locating measure		
5.1a	Building Performance Standard: Single family & Multifamily, 3 stories or fewer (New Construction only)					M
5.1b	Building Performance Standard: Multifamily, 4 stories or more (New Construction Only)					M
5.1c	Building Performance Standard: Single family & Multifamily, 3 stories or fewer (Substantial and Moderate Rehab)					M
5.1d	Building Performance Standard: Multifamily, 4 stories or more (Substantial and Moderate Rehab)					M
5.2	Additional Reductions in Energy Use					0
5.3	Sizing of Heating and Cooling Equipment and Ducts					M
5.4	ENERGY STAR Appliances					M
5.5a	Efficient Lighting: Interior Units					M
5.5b	Efficient Lighting: Common Areas and Emergency Lighting (all multifamily projects)					M
5.5c	Efficient Lighting: Exterior					M
5.6a	Electricity Meter (New Construction and Substantial Rehab only)					M
5.6b	Electricity Meter (Moderate Rehab only)					0
5.7a	Renewable Energy	Provide brief narrative describing the types of renewable energy system installed and the estimated percentage of energy it will provide for the overall energy demand of the project				0
5.7b	Photovoltaic / Solar Hot Water Ready					0
5.8	Advanced Metering Infrastructure					0

0 Intended Points

6: MATERIALS BENEFICIAL TO THE ENVIRONMENT

Criteria Item	How Criterion will be implemented	If necessary, provide additional information or explanation of alternative approach to meeting this measure	Criteria Documentation		Champion	Intended Points
			Location of Measure in Project Documents	Spec page number / plan type for locating measure		
6.1 Low / No VOC Paints and Primers						M
6.2 Low / No VOC Adhesives and Sealants						M
6.3 Construction Waste Management	Provide a brief narrative that lists the materials in the Construction Waste Management Plan, the % recycled, salvaged, or diverted and the strategies to do so					M
6.4 Construction Waste Management: Optional	Provide a brief narrative that lists the materials in the Construction Waste Management Plan, the % recycled, salvaged, or diverted and the strategies to do so					0
6.5 Recycling Storage for Multifamily Project						0
6.6 Recycled Content Material	Provide a brief narrative that summarizes the building materials made of recycled content material					0
6.7 Regional Material Selection						0
6.8 Certified, Salvaged and Engineered Wood Products						0
6.9a Reducing Heat-Island Effect: Roofing						0
6.9b Reducing Heat-Island Effect: Paving						0
						0 Intended Points

7: HEALTHY LIVING ENVIRONMENT

Criteria Item	How Criterion will be implemented	If necessary, provide additional information or explanation of alternative approach to meeting this measure	Criteria Documentation		Champion	Intended Points
			Location of Measure in Project Documents	Spec page number / plan type for locating measure		
7.1 Composite Wood Products that Emit Low / No Formaldehyde						M
7.2 Environmentally Preferable Flooring						M
7.3 Environmentally Preferable Flooring: Alternative Sources						0
7.4a Exhaust Fans: Bathroom (New Construction and Substantial Rehab only)						M
7.4b Exhaust Fans: Bathroom (Moderate Rehab only)						0
7.5a Exhaust Fans: Kitchen (New Construction and Substantial Rehab only)						M
7.5b Exhaust Fans: Kitchen (Moderate Rehab only)						0
7.6a Ventilation (New Construction and Substantial Rehab only)						M
7.6b Ventilation (Moderate Rehab only)						0
7.7 Clothes Dryer Exhaust						M
7.8 Combustion Equipment						M
7.9a Mold Prevention: Water Heaters						M
7.9b Mold Prevention: Surfaces						M
7.9c Mold Prevention: Tub and Shower Enclosures						M
7.10 Vapor Barrier Strategies (New Construction and Rehab projects with foundation work only)						M
7.11 Radon Mitigation (New Construction and Substantial Rehab only)						M
7.12 Water Drainage (New Construction and Rehab projects replacing assemblies called out in Criterion only)						M
7.13 Garage Isolation						M
7.14 Integrated Pest Management	Provide a brief narrative that describes specific tactics and strategies used for the Integrated Pest Management Plan					M
7.15 Lead-Safe Work Practices (Substantial and Moderate Rehab only)						M
7.16 Smoke-Free Building						0
						0 Intended Points

8: OPERATIONS + MAINTENANCE

Criteria Item	How Criterion will be implemented	If necessary, provide additional information or explanation of alternative approach to meeting this measure	Criteria Documentation		Champion	Intended Points
			Location of Measure in Project Documents	Spec page number / plan type for locating measure		
8.1 Building Maintenance Manual (all multifamily projects)	Provide a brief narrative of how this project specifically creates or fulfills the intentions of this criteria item					M

8.2	Resident's Manual	Provide a brief narrative of how this project specifically creates or fulfills the intentions of this criteria item					M
8.3	Resident and Property Manager Orientation	Provide a brief narrative of how this project specifically creates or fulfills the intentions of this criteria item					M
8.4	Project Data Collection and Monitoring System						0
							0
							Intended Points
ENTERPRISE GREEN COMMUNITIES CRITERIA							
TOTAL INTENDED POINTS							0

Green Development Agreement:	The following signatures provides a written commitment demonstrating that all parties involved in the execution and delivery of this project agree to be accountable to measures and strategies as outlined in application documents.
-------------------------------------	---

INSTRUCTIONS:
This signature portion is most easily satisfied by either: a) printing the Intended Methods tab and having the various team members fill out and sign their portion or b) using digital signatures. Both forms of submission will be accepted.

To proceed with Enterprise Green Communities Certification, signatures must be provided by at the project manager, architect, and general contractor. If these 3 signatures are not present, your building will not proceed through Step 1 of Certification.

MANDATORY SIGNATURES

<Provide Signature of Green Development Team Member>	<Insert Date>
--	---------------

Project Manager: _____ <PRINT Green Development Team Member's Name>

<Provide Signature of Green Development Team Member>	<Insert Date>
--	---------------

Architect: _____ <PRINT Green Development Team Member's Name>

<Provide Signature(s) of Green Development Team Member(s)>	<Insert Date>
--	---------------

General Contractor: _____ <PRINT Green Development Team Member's Name(s)>

OPTIONAL SIGNATURES

<Provide Signature of Green Development Team Member>	<Insert Date>
--	---------------

Green Building Specialist: _____ <PRINT Green Development Team Member's Name>

<Provide Signature(s) of Green Development Team Member(s)>	<Insert Date>
--	---------------

Engineer (MEP): _____ <PRINT Green Development Team Member's Name(s)>

<Provide Signature(s) of Green Development Team Member(s)>	<Insert Date>
--	---------------

Energy and/or System Specialist: _____ <PRINT Green Development Team Member's Name(s)>

Exhibit J: HUD MIXED FINANCE PROGRAM COST
CONTROL AND SAFE HARBOR STANDARDS

J. HUD Mixed Finance Program Cost Control and Safe Harbor Standards

Cost Control and Safe Harbor Standards for Rental Mixed-Finance Development Revised: April 9, 2003

In order to expedite the mixed-finance review process and control costs, HUD is instituting safe harbor and maximum fee ranges for a number of costs. In addition, HUD has provided guidance on several development issues. Unless otherwise noted, the cost controls and safe harbors apply to those phases for which a mixed-finance proposal is submitted after January 1, 2000. Any terms previously approved by HUD through approval of a pre-development agreement, development agreement, or program manager contract will not be reviewed again. This guidance is specific to rental developments, and does not apply to homeownership phases.

These policies were developed in consultation with housing authorities, HUD staff, and industry representatives, over the course of more than a year. Once drafted, they were circulated for public review, and the final cost controls included here reflect the many valuable comments received. HUD will continue to review the policies; based on experiences reported by housing authorities and other program participants, and may make alterations to the standards in the future.

Changes from the revised Cost Control and Safe Harbor Standards (January 2, 2002) are italicized in

This alert and include the following:

- HOPE VI or other public housing funds may be used, on a case-by-case basis, to pay for up to 15% of the total developer fee/overhead amount to the developer prior to closing. A loan is not required.
- Operating subsidy and tenant rents used to fund a reserve must be used for eligible operating subsidy expenses.
- The property management fee for the public housing units may be calculated as 6% of imputed tax credit rents.

HUD's cost controls and safe harbors are contained in the following chart. The chart provides a brief definition of each term, lists the safe harbor and maximum allowable fees, and briefly describes the risk factors or circumstances that may result in a fee above the safe harbor standards. These guidelines should be used by housing authorities, developers, and consultants when negotiating terms and drafting documents for HUD review.

HUD will review the project terms when receiving Predevelopment and Development Agreements, Program Manager Contracts, mixed-finance proposals, and/or other documents

that contain negotiated terms. If a project is at or below a safe harbor standard, no further review will be required by HUD. If a project is above a safe harbor standard, additional review by HUD will be necessary. In order to approve terms above the safe harbor, the housing authority must demonstrate to HUD in writing that the negotiated terms are appropriate for the level of risk involved in the project, the scope of work, any specific circumstances of the development, and the local or national market for the services provided.

Item	Defining Criteria	Safe Harbor	Maximum
<p>Net Developer Fee for Rental Mixed-Finance Developments</p> <p>(Developer Fee and Overhead)</p>	<p>The safe harbor and maximum standards apply to the net developer fee, i.e., the portion of the developer fee received by the developer to cover overhead and profit.*</p> <p>Net developer fee is expressed as a percentage of the project costs. Project costs are defined as all hard and soft costs of constructing a particular component with the exclusion of the following:</p> <ul style="list-style-type: none"> • Third-party costs paid by the PHA under contracts entered into directly by PHA and third parties, which will not be reimbursed to PHA at a mixed-finance closing (e.g., where the PHA contracts separately for demolition services); The developer fee itself; • All costs related to family self-sufficiency and resident relocation activities; and, • All reserve accounts regardless of how characterized, including start-up reserves, operating deficit reserves, capital improvement reserves, initial operating period reserve, etc. <p>Payments to developers such as “deferred developer fee” are considered part of the fee/overhead amount.</p> <p>Developers may receive up to a 1% additional fee (with a cap of 12% developer fee) if cost savings are realized. This 1% incentive fee must be paid from non-public housing funds.</p>	<p>9% or less of the project costs (profit and overhead); projects that do not have both LIHTC and public housing financing should have fees well below 9%</p>	<p>12% of the project costs (profit and overhead).</p> <p>Fees above 12% will be considered only if allowed by the State Housing Finance Agency and with significant justification from the PHA and developer demonstrating the increased risk.</p>

* The safe harbor and maximum guidelines assume the net developer fee excludes any portion of the fee received by the developer or co-developer (including a PHA) that is returned to the project to fund operating reserves or to cover project costs

Item	Defining Criteria	Safe Harbor	Maximum
<p>Net Developer Fee for Rental Mixed-Finance Developments</p> <p>(Developer Fee and Overhead)</p>	<p>Developers with fees above the safe harbor standard should meet most or all of the following risk factors:</p> <ul style="list-style-type: none"> • Developer guarantees are for large dollar amounts in proportion to project size and/or long terms; • Developer independently obtains financing, including tax credits (fee increases with both amount of financing and number of sources); • Developer obtains site control from an entity other than a PHA or PHA affiliate (fee increases with number of sites); • Project is small (i.e., 50 units or less); • Project is complex (e.g., in financial, legal, environmental, and/or political terms); • Project contains units without operating subsidy (i.e., market-rate or LIHTC-only units); • Developer bears more than 25% of the predevelopment costs (until reimbursement at closing); and/or • The Developer Fee is deferred (paid out of positive cash flow from market-rate units). <p>All criteria apply to both for-profit and non-profit developers.</p> <p>PHAs or PHA affiliates that act as developer can only receive fees if they are first returned to the project and, to the extent that funds are remaining, subsequently classified as program income and used for low-income housing purposes.</p>		

Item	Defining Criteria	Safe Harbor	Maximum
Pay-Out Schedule for Developer Fee/Overhead	<p>Public housing funds may not be used for payment of developer fee/overhead. HUD recommends the following limit on the pay-out schedule, to the extent that non-public housing funds are available, by phase:</p> <ul style="list-style-type: none"> • Closing: Not to exceed 50% of the fee/overhead amount. • Construction Completion: 25% of the fee/overhead amount. • Stabilized Occupancy: 25% of the fee/overhead amount. <p>A portion of the fee can be further deferred.</p> <p><i>On a case-by-case basis, HUD will consider advancing the developer funds where there is an extended predevelopment period caused by such external factors as environmental remediation, consent orders, etc. If HUD determines such an advance is warranted, HUD will advance up to 15% of the total developer fee/overhead amount to the developer prior to closing using HOPE VI or other public housing funds.</i></p>	Within recommended pay-out schedule.	Payments of greater than 50% at closing or less than 25% at stabilized occupancy will be closely scrutinized.
Contractor Fee	<ul style="list-style-type: none"> • Percentages are based on hard construction cost. • General Conditions include the bond premium. 	Overhead: 2% Profit: 6% General Conditions: 6%	14% is the maximum for these combined costs provided that the PHA justifies why the 2/6/6 percentages for the individual costs cannot be met.

Item	Defining Criteria	Safe Harbor	Maximum
PHA Administrative/ Consultant Costs	<ul style="list-style-type: none"> • Costs should reflect only actual documented expenditure of time and overhead cost (supplies, equipment, telephone, etc.) · • Such costs include both in-house staff time and outside consultants (program manager, development advisors, relocation specialists, etc.), but exclude outside legal and community and supportive services costs. On the HUD budgets, these costs may be captured under multiple BLIs.· • This cap applies to HOPE VI grantees awarded funds in 1998 or later, as well as to any non HOPE VI mixed-finance projects with proposals submitted after January 1, 2000; HUD will evaluate earlier grants on a case-by-case basis. HUD will continue to evaluate whether this cap provides helpful guidance and controls costs without hampering the PHA’s ability to implement the grant. 	3% of the total project budget (basis includes all hard and soft development costs excluding CSS expenses).	6% of the total project budget
Sharing of Third-party Predevelopment Cost	<p>HUD recommends the following cost-sharing schedule:</p> <ul style="list-style-type: none"> • PHA and Developer split third-party costs 75/25. • Developer’s share of third-party costs (25%) will be reimbursed at closing out of available sources. <p>Costs to be shared are all third-party costs under the developer’s scope of work (e.g., A/E, market study, financing fees, etc.) incurred during the predevelopment period. Public housing funds may not be used to reimburse developer legal counsel prior to closing and developer legal costs do not contribute to the developer’s share of third-party costs.</p> <p>Exceptions to the schedule may be made for small, local, non-profit, and/or minority/disadvantaged firms on a case-by-case basis.</p>	Costs are shared up to 75% by the PHA and at least 25% by the Developer.	N/A
Equity Raise and Pay-In Schedule	HUD will not adopt a safe harbor equity raise or standard pay-in schedule, as these are highly Competitive, market-driven numbers.	Current market standard	N/A

Item	Defining Criteria	Safe Harbor	Maximum
Identity of Interest Parties	<ul style="list-style-type: none"> • Identity of interest parties is those that share an ownership interest. Identity of interest relationships are most common between a developer/owner and construction management, general contractor (GC), private Management firm, and/or investor. • PHAs are required to ensure cost competitiveness to the extent possible. • Where a developer and GC have an identity of interest, the PHA needs to show the GC was the lowest bidder in response to a public request for bids or request a waiver from HUD Under 24 C.F.R. 941.606(n) (1) (ii)(B). • While the use of related or preferred entities as investors is permitted, HUD encourages PHAs to have their procured developer “shop around” to ensure they are getting a competitive yield. 	N/A	N/A

Item	Defining Criteria	Safe Harbor	Maximum
Property Management Fees	<ul style="list-style-type: none"> • Can be defined on a percentage of gross income or per-unit per month (PUM) basis. • If using the PUM basis for fee, fees should drop for vacant units. • PHAs and PHA Affiliates cannot earn a fee for property management of public housing units, but can cover their associated administrative expenses. • Fees may increase with higher-risk projects. • Different types of risk are associated both with mixed-income and solely public housing projects. 	<p>a) 6% effective gross income or,</p> <p>b) a flat PUM fee for occupied units that is supported by the local project-based Section 8 program in the area (use Field Office guidelines) or,</p> <p>c) 6% of imputed tax credit rent for the public housing units (assume public housing units are tax credit units, charge up to maximum tax credit rent, and take 6% of that amount).</p>	Proposals above the safe harbor will be closely scrutinized; higher fees will require significant justification and market support.
Price for Program Management Service	<ul style="list-style-type: none"> • Typically a fixed-price contract. • Contracts must be performance-based with payments fixed to milestones (or monthly if tied to milestones). • Size of fee should be related to the specific scope and role PM is expected to play. • Costs for program management (either a full team or independently procured consultants) must be included in the PHA's Administrative Cost Cap. • PHAs must comply with the provision of the procurement regulations that requires a PHA to prepare a cost estimate for procured services prior to receipt of bids. 	N/A; the fee must be contained within the PHA's overall Administrative Cost Cap. Use checklist of responsibilities and clearly defined scope to limit costs.	N/A

Item	Defining Criteria	Safe Harbor	Maximum
Legal Fees	<ul style="list-style-type: none"> • Largely independent of the size of the phase. • Attorneys should be used for legal functions. • Legal fees should be tied to a scope of work, which should be monitored. HUD will review PHA legal costs when reviewing HOPE VI development budgets. • In order to reduce costs and provide an incentive to reach closing, public housing funds may not be used to pay developer legal costs prior to closing. • HUD intends to produce further guidance on how PHAs should utilize their attorneys. • The procurement regulations state that for any RFP, the PHA must undertake a cost or price analysis prior to receipt of proposals. 	No express limit; public housing funds may not be used to reimburse developer legal counsel prior to closing. All legal costs will be reviewed by HUD.	N/A
Operating Deficit Reserve and Operating Subsidy Reserve	<ul style="list-style-type: none"> • HUD is not establishing maximum or minimum levels of reserves to be maintained, as appropriate reserve levels depend upon the specific project and investor requirements. • Both reserves must be established with nonpublic housing funds, but may be replenished with public housing funds (i.e., operating subsidy or tenant rents from PHA-assisted units). • <i>If public housing funds are contributed to a reserve at any time, those funds in the reserve must be dedicated to the project or returned to the PHA to be used for eligible purposes.</i> • <i>The portion of the reserve funded with public housing funds may not be used to pay for partnership exit taxes, debt repayment, or any other expense that is not an eligible use of public housing funds.</i> 	N/A	N/A

Exhibit K: HUD MIXED FINANCE PROJECT REVIEW
PROTOCOL

K. HUD Mixed Finance Project Review Protocol

Overview

As mentioned in the Request for Proposals, a mixed finance rental term sheet shall be submitted by NYCHA on behalf of the selected developer. In furthering its cost control and streamlining efforts, HUD's Office of Public Housing Investments (OPHI) has established a Project Review Panel with the purpose of reviewing Term Sheets submitted by PHAs for each mixed-finance transaction. The Project Review Panel, similar to a bank loan committee, is a sitting body that meets regularly to perform timely review of mixed-finance projects. To facilitate the review and approval process, HUD has developed a Term Sheet*1 for PHAs to complete and submit to HUD for each mixed-finance transaction. The Term Sheet includes a description of the program and specific business terms and is the basis of the Mixed-Finance Proposal. **The Term Sheet plus additional submissions covering the areas specified by the regulations at 24 CFR 941.606 (the Expanded Rental Term Sheet) constitutes the Mixed-Finance Proposal.**

Any PHA that has not submitted a Mixed-Finance Proposal prior to September 26, 2001 must submit a Term Sheet to HUD for review and approval by the Project Review Panel. The PHA shall submit the Term Sheet as soon as the basis for the mixed-finance deal is established. The goal in creating the Term Sheet and Review Panel is to:

- Streamline the proposal approval process by enabling PHAs to get quick and final approval of negotiated terms as early in the development process as possible;
- Give all parties - PHAs, developers, and HUD - an increased sense of certainty as they prepare for closing;
- Provide consistency in the mixed-finance development program; and
- Provide an outline for preparing portions of a mixed-finance proposal.

This document provides a basic overview of the protocol for the Project Review Panel and the Panel's process for reviewing the Term Sheet.

Form of Submission

- The Term Sheet format consists of a narrative plus required attachments.
- All information to be considered by the Panel must be on the Term Sheet template developed by HUD. This template is available to PHAs electronically at <http://www.hud.gov/hopevi>

Panel Staffing and Scheduling

- Project Review Panel core membership consists of four OPHI senior management staff.
- Team leaders will also sit on the Panel when a member of their team is presenting.

- For those transactions that impact programs administered by other HUD offices (e.g., FHA, Fair Housing, etc.), the Project Review Panel may request a member of that office attend the Project Review Panel meeting to participate in the discussion of that transaction.
- In order for the Panel to meet, two of the core members must be present, and one of those present must be the Deputy Assistant Secretary for OPHI or the Director of the Office of Urban Revitalization.
- The Panel meets as needed. The Panel will meet within two weeks of receipt of an acceptable Term Sheet.
- Panel meetings are closed to the public. Only HUD staff will sit on the Panel.

Roles and Responsibilities

- The Grant Manager is responsible for receiving the Term Sheet from the PHA, reviewing all information to ensure completeness and consistency, and placing the discussion of the Term Sheet on the Panel's calendar.
- After reviewing the materials, the Grant Manager will discuss with the PHA any issues that the Grant Manager has with the Term Sheet. Where the Grant Manager and the PHA differ on deal points in the Term Sheet, the PHA shall discuss its rationale with the Grant Manager so that the Grant Manager can explain the PHA's position to the Panel.
- During the Panel meeting, the Grant Manager is responsible for outlining the transaction, presenting the Term Sheet, and articulating the PHA's position and his/her own position where there is a difference. Panel members may question the Grant Manager on the reasoning behind the PHA's Term Sheet and ask for his/her opinion on various points. The Grant Manager, while not a Panel member, will be present for the entire meeting and may participate in the discussion.
- The Project Review Panel will approve, with or without modifications, the Term Sheet. A decision will be made on each Term Sheet at the meeting in which it is first presented.
- For those points on which the Panel has insufficient information to make a decision, the Panel may request additional information of the PHA and defer the decision on that point until the information is submitted. The decision to defer the decision on a single point will not prevent the Panel from deciding on the remaining points.
- If the terms change subsequent to Panel review and approval, the PHA must submit a revised Term Sheet to the Panel for approval prior to closing.

Timeline for Term Sheet Submission, Review, and Approval

- PHAs should submit the Term Sheet to the Grant Manager as early in the process as is possible. Ideally, the Term Sheet should be submitted soon after the PHA executes its Pre-Development or Development Agreement

- For non-HOPE VI mixed-finance projects, the PHA must submit the Term Sheet as early as possible, but not later than 4 months prior to closing.
- The Grant Manager will have **14 calendar days** from receipt of the Term Sheet to review it for completeness and to provide comments to the PHA.
- Within **14 calendar days** of determination by the Grant Manager that the Term Sheet is complete, the Project Review Panel will meet to discuss the Term Sheet.
- Within **2 working days** of the Panel's meeting, the Grant Manager will call the PHA to inform it of the Panel's decisions. Subsequently, an email from the Grant Manager will be sent to the PHA within **7 calendar days** of the Panel's meeting to document the decision formally. If additional information is requested, the PHA must provide it in a timely fashion.
- PHAs who subsequently choose to appeal the Panel decision must do so within **14 calendar days** of the date of the letter from the Deputy Assistant Secretary of OPHI. Appeals must be submitted in writing to the Deputy Assistant Secretary of OPHI with a copy to the Grant Manager. Copies of the written appeal will be presented by the Grant Manager and shared in full with the Panel for discussion. Appeals will not take precedence over other Panel business.

Timeline for Mixed-Finance Proposal

- The Term Sheet plus additional submissions covering the areas specified by the regulations at 24 CFR 941.606 (the Expanded Rental Term Sheet) constitutes the Mixed-Finance Proposal. *2
- The Term Sheet and the additional submissions must be submitted **at least 90 days** prior to closing.
- Final evidentiary materials must be submitted at least 45 days prior to closing.
- The following chart summarizes the mixed-finance proposal requirements and indicates where the requirement should be addressed:

Mixed-Finance Proposal Section/Subsection	Where to Address	Regulatory Citation
1. Activities		
a) Identification of Participating Parties	Term Sheet	24 CFR 941.606(a)
b) Description of Activities	Term Sheet	24 CFR 941.606(a)
c) Legal and Business Relationships	Term Sheet	24 CFR 941.606(a)
2. Financing		
a) Sources and Uses	Term Sheet	24 CFR 941.606(b)

b) Ten Year Operating Pro Forma	Additional Submissions	24 CFR 941.606(b)
c) Documents Relating to Financing	Additional Submissions	24 CFR 941.606(b)
d) Draw Schedule	Additional Submissions	24 CFR 941.606(b)

3. Operating Subsidy Methodology Term Sheet 24 CFR 941.606(c)

4. Development Description

a) Number and Type of Public Housing Units w/ Bedroom Count	Term Sheet	24 CFR 941.606(d)
b) Number and Type of Non-Public Housing Units w/ Bedroom Count	Term Sheet	24 CFR 941.606(d)
c) Schematic Drawings	Additional Submissions	24 CFR 941.606(d)
d) Building Designs	Additional Submissions	24 CFR 941.606(d)
e) Outline Specifications	Additional Submissions	24 CFR 941.606(d)
f) Plans for Non-Dwelling Space	Additional Submissions	24 CFR 941.606(d)

5. Site Information Additional Submissions 24 CFR 941.606(e)

6. Market Study Additional Submissions 24 CFR 941.606(f)

7. Development Construction Cost Estimate and Development Schedule Additional Submissions 24 CFR 941.606(g)

8. Adequate Facilities

a) Statement Addressing Adequacy of Existing Facilities and Services Additional Submissions 24 CFR 941.606(h)

9. Relocation Plan (or copy of HUD Approval letter)

a) List of Those to be Displaced Additional Submissions 24 CFR 941.606(i)

b) Plan for Distribution of Notices Additional Submissions 24 CFR 941.606(i)

c) Sources and Uses of Relocation Benefits Additional Submissions 24 CFR 941.606(i)

10. Operating Feasibility Ten-Year Operating Pro 24 CFR 941.606(j)
Forma

11. Cost Comparison of New Construction Additional Submissions 24 CFR 941.606(m)

12. Certifications and Assurances

a) PHA has Legal Authority to Develop Public Housing Additional Submissions 24 CFR 941.606(n)(1)(i)

b) Procurement Done in Open/Competitive Process w/ No Conflict of Interest Additional Submissions 24 CFR 941.606(n)(1)(ii)

c) Contractors will Comply with Procurement and Conflict of Interest Requirements Additional Submissions 24 CFR 941.606(n)(1)(ii)(A)

d) Identity of Interest and Public Request for Bids Additional Submissions 24 CFR 941.606(n)(1)(ii)(B)

e) Public Housing Units will be Operated in Accordance with Public Housing Requirements Additional Submissions 24 CFR 941.606(n)(1)(iii)

f) Public Housing Units will Remain Available for Use by Low-Income Families Additional Submissions 24 CFR 941.606(n)(1)(iii)

*¹ The Term Sheet that has been developed is limited to rental transactions. A separate term sheet will be developed for homeownership transactions.

*² For further information on preparing a mixed-finance proposal, refer to the Mixed-Finance Guidebook (December 1998), Chapter 6, and see OPHI's mixed-finance web page at <http://www.hud.gov/offices/pih/programs/ph/hope6/mfph/>.

Exhibit L: NYCHA SECURITY GOALS

Exhibit L: NYCHA Safety and Security Goals

Layered Access control

NYCHA recommends a “layered” access control system to improve security at our Developments. The concept of layered access control is that the item, or area, that is to be protected has multiple devices (“layers”) in place to protect it. These layers force unauthorized persons to defeat more than one device to get to the protected item or area. These layers also provide redundancy in the event that one device fails, the other devices continue to provide security. NYCHA’s recommended layered access control system consists of:

- **Electronic access control:** Residents will be issued electronic key tags or Fobs instead of keys to the building entrance. The electronic key tags are easily modified to remove key holders from the system and to remove keys that have been lost or stolen. Also, electronic key tags cannot be duplicated or copied.
- **Direct call intercoms:** The recommended new intercom system does not rely on telephone company infrastructure. Residents can freely change their telephone service provider, even if they chose to use only a cellular phone, and maintain their ability to utilize the building intercom system.
- **Mechanical door locking hardware:** The addition of a mechanical component to the doors, which currently does not exist, will allow the doors to remain secure if the electronic component fails or is compromised.
- **Enhanced, Modular Design:** All of the access control components will be designed to withstand the traffic and reduce the vandalism building entrances encounter. This design also allows for the quick repair or replacement of a failed component, reducing the time spent on repair.
- **Intelligent Systems:** All components of the layered access control system will have sensors that are able to transmit an electronic notification, or alarm, to a central monitoring point indicating that the device has been vandalized or has failed. Upon receipt of the alarm, personnel will be dispatched to investigate the cause of the alarm and repair as needed, resulting in a reduction in “down time” experienced by the security system leading to more secure buildings.

CCTV Systems

Our recently modified CCTV design specifications incorporate the recommendations of NYCHA’s Security Task Force. The new standard includes the following specifications:

- **Establish a Fiber Optic Infrastructure** to connect all buildings at a Development (i.e. Fiber Backbone) when installing CCTV; the fiber backbone has an added benefit of supporting other smart building technologies (e.g. layered access control)
- **Establish a network operating or security operating center (NOC or SOC)** for each CCTV installation; reduces hardware and operational costs; places equipment in an office environment; ease of access promotes use; reduces energy costs; enables remote access
- **One Video Management System (VMS) standard:** NYPD’s choice for VMS is Genetec; it can use most servers (cost savings); variable speed recording: increase storage from 14 to 21 days while reducing video storage requirements
- **Use IP Cameras** wherever possible; intelligent systems (automatic notification for malfunctions); enables remote access for use and upgrades; reduces operating costs (less hardware & infrastructure)

- Fail-Over Redundancy; 3 Servers for the first 300 cameras: Primary Directory, Archiver and Fail-Over Directory/Archiver; best practices for ensuring and protecting video recordings; reduces operating costs
- Mandatory Section 3 requirements for all installation contracts regardless of funding source; increase resident participation; mandatory pre-design walkthrough with tenant association, NYCHA and NYPD to determine camera locations
- Strategically use CCTV to complement/supplement layered access control

Exhibit M: 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
E.C. 94*

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

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

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

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

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

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

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

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

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

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

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

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

§ 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.

EQUAL EMPLOYMENT OPPORTUNITY

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

(1) will not engage in any unlawful discrimination against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability, marital status or sexual orientation with respect to all employment decisions including, but not limited to, recruitment, hiring, upgrading, demotion, downgrading, transfer, training, rates of pay or other forms of compensation, layoff, termination, and all other terms and conditions of employment;

(2) the contractor agrees that when it subcontracts it will not engage in any unlawful discrimination in the selection of subcontractors on the basis of the owner's race, color, creed, national origin, sex, age, disability, marital status or sexual orientation;

(3) will state in all solicitations or advertisements for employees placed by or on behalf of the contractor that all qualified applicants will receive consideration for employment without unlawful discrimination based on race, creed, color, national origin, sex, age, disability, marital status or sexual orientation, or that it is an equal employment opportunity employer;

(4) will send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or memorandum of understanding, written notification of its equal employment opportunity commitments under E. O. 50 and the rules and regulations promulgated thereunder; and

(5) will furnish all information and reports including an Employment Report before the award of the contract which are required by E. O. 50, the rules and regulations promulgated thereunder, and orders of the Director of the Bureau of Labor Services ("Bureau"), and will permit access to its books, records and accounts by the Bureau for the purposes of investigation to ascertain compliance with such rules, regulations, and orders.

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

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

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

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

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



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

Executive Order No. 108
December 29, 1986

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

BUREAU OF LABOR SERVICES

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

Section 1. Prior Order Amended.

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

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

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

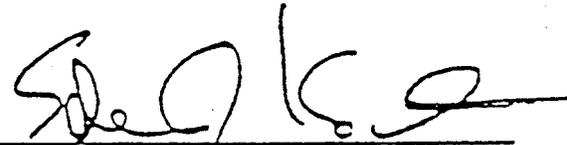
(ii) an emergency contract or other
exempt contract, except as the Bureau may
direct by regulation; and

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

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

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

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



Edward I. Koch
M A Y O R



JUN 23 1986

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

Executive Order No. 94
June 20, 1986

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

BUREAU OF LABOR SERVICES

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

Section 1. Prior Order Amended.

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

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

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

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

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

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

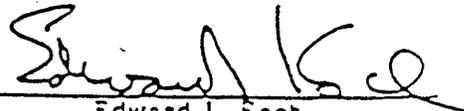
contract to which it becomes a party such provisions requiring the contractor to ensure equal employment opportunity as the Bureau may direct, consistent with this Order."

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

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

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

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



Edward I. Koch
M A Y O R

§ 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
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