GLOSSARY OF TERMS

Accounting Directive 10 (**A.D.10**) – The City of New York Comptroller's Internal Control and Accountability Directive 10 which sets forth the definition of a Capital Asset and the baseline criteria for projects to be eligible capital projects. It may be found at: https://comptroller.nyc.gov/wp-content/uploads/documents/Directive_10-Charges-to-the-Capital-Projects-Fund-Final.pdf.

ACS – New York City Administration for Children's Services.

Affiliate and Related Organization- An entity that (i) directly or indirectly through another entity, controls, is controlled by, or is under the common control with the submitting organization, and/or (ii) is listed in the submitting organization's audited financial statements or Form 990. For the purpose of this Capital Request Form, control is defined as the direct or indirect ability to determine or significantly influence the direction of management and policies of another entity by contract or through control or ownership of a majority voting interest in the governing board.

Capital Asset - Tangible property or other kind of asset that meets the minimum cost, minimum useful life, and other criteria for capital funding as set forth in Accounting Directive 10.

CEQR – The City Environmental Quality Review is a process by which agencies of the City review proposed discretionary actions to identify the effects those actions may have on the environment. (See the Mayor's Office of Environmental Coordination website).

City - The City of New York.

City Fiscal Year 2022 or City FY 2022 - The City's fiscal year beginning July 1, 2021 and ending June 30, 2022.

City Fiscal Year 2023 or City FY 2023 - The City's fiscal year beginning July 1, 2022 and ending June 30, 2023.

City Fiscal Year 2024 or City FY 2024 - The City's fiscal year beginning July 1, 2023 and ending June 30, 2024.

City Fiscal Year 2025 or City FY 2025 - The City's fiscal year beginning July 1, 2024 and ending June 30, 2025.

City Operating Contracts - Any contract for the provision of programs and/or services with a City agency funded by City expense dollars (including discretionary grants from elected officials).

City Purpose – Specific purpose to be served by the Project for the benefit of the City.

City Purpose Covenant – The covenant entered into with the City requiring the property be used for a City Purpose (see "City Purpose" above).

Clinic or Hospital - An organization engaged principally in providing health services to the general public (via an ambulatory care site or an emergency room) by or under the supervision of a physician or dentist, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition. In addition, such institution must be (1) organized and operated for exempt purposes under section 501(c)(3) of the Internal Revenue Code of 1986, (2) fully accredited and meet all applicable Federal, State and local licensing requirements for the provision of such health services, and (3) eligible to participate in Medicare and the New York State Medicaid programs. The terms "Hospital" and "Clinic" shall NOT include (a) a nursing home or other residential health care facility that provides care only to occupants of such nursing home or other facility, and any other long-term care facility.

Construction or Renovation Project – (i) the construction of a new building or other Capital Asset or (ii) improvements, expansions, upgrades, rehabilitations, and betterments to an existing Capital Asset; expanding or adding to the size of a building, structure, or other Capital Asset; and/or retrofitting a building, structure, facility or other Capital Asset for a wholly new or significantly changed use. The total City funding for such Construction or Renovation Project must be at least $500,000.

DCAS – New York City Department of Citywide Administrative Services.

DDC – New York City Department of Design and Construction.

DFTA – New York City Department for the Aging.

DMV Lien - New York State Department of Motor Vehicles Notices of Lien. See also "Security Agreement" below.

DOHMH - New York City Department of Health and Mental Hygiene.

DPR - New York City Department of Parks and Recreation.

DYCD – New York City Department of Youth and Community Development.

EDC – New York City Economic Development Corporation.

Equipment System or Moveable Property System - A group of related elements of moveable property that are mutually dependent upon each other and physically connected or connected through a wireless network. Note that some elements of moveable property systems may not be eligible if integrated into the Real Property (e.g., certain cabling and wiring run through the walls). For additional restrictions, see also the definition of "Moveable Property" below and in the Guidelines (Exhibit 1). Examples of moveable property systems include, but are not limited to:

(1) Communications systems, such as telephones; and
(2) Networked computer systems.

Fixtures – Items attached to the Real Property (e.g., built-in cabinets, dishwashers, etc.) and subject to the requirements with respect to Real Property. See also "Moveable Property" below.

Form UCC-1 - Uniform Commercial Code Financing Statement Form 1, which serves as public notice that a lien has been created, or an interest in another's property, often as collateral for a debt. The name and address of the debtor and secured party are specified, in addition to a description of the collateral. Such notice is usually filed in the office of the Secretary of State in the state where the debtor/borrower is located. See also the definition of "Security Agreement" below.

Form UCC-3 - Uniform Commercial Code Financing Statement Form 3, which serves as public notice of an amendment or termination of a lien (i.e., changing or adding to information that was previously filed on the Form UCC-1). See also the definition of "Form UCC-1" above.

Front Line Services – Services that are rendered directly to the public through physical public access (such as a community center) or through telephonic communication (such as a hotline). Such services do not include lobbying, advocacy, capacity-building, general administration, and/or development work.

Funding Agreement – The contract between an Organization and the City pursuant to which capital funds are disbursed.

Guidelines for Capital Funding for Not-for-Profit Organizations, or, Guidelines – Guidelines setting forth certain of the baseline criteria for Non-City entities to receive capital funding (attached hereto as Exhibit 1).

H+H or HHC– New York City Health and Hospitals Corporation.

Hard Costs - Costs and expenses in connection with a Construction Project that result in tangible assets, including (a) payments to contractors, subcontractors, suppliers and material men for labor performed and materials supplied, and (b) costs and expenses for labor, services, facilities or equipment necessary for the construction of the asset and that meet all legal requirements for City funding.

HDC - New York City Housing Development Corporation.

Hospital - See the definition of "Clinic or Hospital" above.

Housing Projects - Projects to be funded through HPD.

HPD – New York City Department of Housing Preservation and Development.

HUD - U.S. Department of Housing and Urban Development.

Initial Outfitting Moveable Property – Moveable Property (furniture and/or equipment) for outfitting a newly acquired, newly leased, newly constructed or comprehensively reconstructed facility ordered within six months of the date of first use (move-in date) following the (i) completion of the acquisition, (ii) initial lease commencement date, or (iii) construction or comprehensive reconstruction of such facility. The initial outfitting is eligible if it is necessary to bring the new facility to use.

Initial Outfitting Moveable Property can include individual pieces of moveable equipment or furniture, or moveable equipment or furniture units with a cost of at least $165. A *unit* consists of a functional group with constituent elements that may cost less than $165. Examples include a desk and chair or a conference table and chairs.

Minimally Attached Moveable Property – Moveable Property that is attached to the Real Property in any manner. Such forms of attachment include but are not limited to attachment through the application of bolts, plaster, cement, nuts, screws or nails. Please note that many large items of medical Moveable Property, such as MRI machines, are often bolted in some manner to the Real Property.

If a Moveable Property Project involves Minimally Attached Moveable Property, the City capital funding for the Moveable Property must be at least $250,000 at each location.

Such Moveable Property must be easily removable, transportable and reusable at minimal cost in another location if the City is forced to take possession of such Moveable Property.

Moveable Property –Personal property, such as equipment or vehicles, which is either not attached in any way or is very minimally attached to Real Property.

The City will not provide funding for Moveable Property if its value would not justify the cost of relocating and reusing such Moveable Property if necessary.

Any equipment, including fixtures, that does not meet the definition of Moveable Property will be considered part of the Real Property and subject to the limitations on funding of Real Property described herein.

Each item of Moveable Property that does not serve the same logical purpose and is not physically connected to another item must cost at least $50,000 unless subject to the Initial Outfitting Moveable Property requirements described above.

NYCHA – New York City Housing Authority.

OMB – New York City Mayor's Office of Management and Budget.

Organization - A not-for-profit organization operating within the five (5) boroughs of the City that is requesting funds from the City to acquire, construct or reconstruct a Capital Asset that such organization will use to provide services to the people of the City.

Organization Form - The portion of the Capital Grant Application that must be completed in its entirety with information relating to the Organization.

Performance Term – The period of time during which the Project funded by the City must be used for the established City Purpose. This term may be no less than the useful life of the Project (see definition below).

Pledged Non-City Funds - Signed and dated commitments by lenders and/or donors other than the City, including New York State and the U.S. Federal Government, to make a gift or grant during a specified period according to specified terms for the Project specified in the Application applicable to the Organization's funding request. The Organization must have signed commitment letters from donors or pre-approval letters from lenders.

Project - The capital funding proposal specific to each completed Application.

Project Address – Address, borough, block and lot designation specifying the location of each Project to be funded by the City. Every parcel of land in the City has a borough, block, and lot designation. This designation is used to identify property by City agencies for tax purposes, zoning and other tracking purposes. To find the block and lot numbers for a property, enter the borough, house number and street name at the City's Department of Finance website (http://webapps.nyc.gov:8084/CICS/fin1/find001i).

Real Property – Real estate including land, buildings, and fixtures thereto.

Real Property Acquisition Project – The purchase of Real Property. The total City funding for such Project must by at least $500,000.

Received Non-City Funds – Amount(s) of money paid to the Organization, or cash available, from non-City sources, for the Project specified in the Application applicable to the Organization's funding request.

Requested Non-City Funds – Amount(s) of money for a Project sought from sources other than the City, either through application or appeal, and for which, as of the date of submission of this Request Form, the Organization **is awaiting an award decision** (i.e., pending approval or denial). These sources include, but are not limited to, individuals, government entities, and foundations.

Restrictive Covenant – In the case of acquisition, construction or reconstruction of Real Property (including fixtures and all personal property that is not Moveable Property), a declaration of restrictive covenant constituting the City Purpose Covenant will be recorded as a senior lien against the recipient's property and will run with the land for the useful life as determined by the City. The City Purpose Covenant does not secure repayment of the City funds. Rather, it requires that the Project be used for the required purpose even if another party were to take control of the Project. See also "City Purpose" above and the Form of Declaration of Restrictive Covenant, attached hereto as Exhibit 2.

Security Agreement – For Projects involving the purchase of Moveable Property, a Security Agreement will be entered into requiring that the property be used in compliance with the City Purpose Covenant. A Form UCC1 will be filed reflecting this Security Agreement with respect to non-vehicular Moveable Property. A DMV Lien will be filed reflecting this Security Agreement for vehicles. See also "City Purpose" above.

Senior Center – An Organization that has a City Operating Contract with DFTA to provide services to seniors.

SEQR - State Environmental Quality Review required in New York State for most Projects or activities proposed by a state agency or unit of local government, and all discretionary approvals (permits) from a New York State agency or unit of local government, entailing an environmental impact assessment.

Soft Costs - Costs and expenses in connection with a Project that do not directly result in tangible assets but are essential to the creation of the tangible Capital Asset, including, e.g., (a) design and architectural services and (b) project management services.

Standalone Equipment – A single item of Moveable Property that is not a fixture and alone meets or exceeds the baseline minimum cost and useful life criteria under A.D. 10.

Subordination Agreement – For Real Property Projects, an arrangement whereby a creditor such as a mortgage holder or other lienholder agrees to make subject to the City's Declaration of Restrictive Covenant, any loan, mortgage or lien held by such creditor. Subordination is accomplished by a legal agreement in which the lienholder agrees to be bound by the terms of the City's Covenant and grants to the City a priority.

Except in the case of a lien held by HUD, for Moveable Property Projects, a creditor such as a mortgage holder or other lienholder must execute a legal agreement in which such lienholder agrees to exclude the Moveable Property from any loan, mortgage or lien held by such creditor.

A form of a Subordination Agreement is attached hereto as Exhibit 3A and a form of an Exclusion Agreement is attached hereto as Exhibit 3B.

Title Insurance - A policy issued by an insurance company guaranteeing that the title to a parcel of Real Property is clear and properly in the name of the title owner, and that the owner has the right to deed the property (convey or sell) to another. Should a problem later arise with the title (such as an incomplete recordation of an existing senior lien), the insurance company will pay the damages to the new title holder or secured lender, or take steps to correct the problem. The City requires Title Insurance for Projects involving the recordation of Declaration of Restrictive Covenant against Real Property to insure the Restrictive Covenant has first priority and to provide the City with rights to make a claim under the policy should any defects in the title exist. The property owner can purchase either a fee owner's or mortgagee's title policy that includes within the policy (1) a form of endorsement recognizing the existence of the Covenant; and (2) an assignment to the City of rights under the policy to sue for any breach of the endorsement.

UDAAP - Urban Development Action Area Projects include a designation to property developed on formerly City-owned land. The program encourages the construction of residential housing in these designated areas, in conformance with land-use standards and the law.

ULURP – Uniform Land Use Review Procedure is a standardized procedure created by the New York City Charter which provides for public review of the use, development, or improvement of Real Property subject to City regulation.

Useful Life – The expected life of the capital Project is based on engineering estimates of actual useful life and Section 11(a) of the New York State Local Finance Law which sets forth the maximum bonding terms, known as periods of probable usefulness ("PPU") for different categories of capital work and assets. Under A.D.10, the City may not fund any assets with a useful life that is less than five (5) years, except that the City may fund a Project consisting of computer hardware, software, networks, and information technology systems with a useful life of three (3) or more years.