

Mixed Income Market Initiative Request for Expressions of Interest

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I. INTRODUCTION

A. Overview

Mayor Eric Adams released *Housing Our Neighbors*, which outlines the administration’s comprehensive blueprint to tackle the City of New York’s (the “City’s”) affordable housing crisis and get New Yorkers into the safe, high-quality, affordable homes they deserve. The multi-faceted plan proposes a variety of tools – financing, regulatory, and design – to increase the production of affordable housing.

In furtherance of the vision set forth in *Housing Our Neighbors*, the City, acting through its Department of Housing Preservation and Development (“HPD”), is pleased to release this Request for Expressions of Interest (“RFEI”) to develop mixed income housing projects within the five boroughs.

Submissions to the RFEI may inform changes to existing financing term sheets or the creation of new financing programs. HPD may select one, more than one, or none of the proposals received through this RFEI. Proposal selection through this RFEI indicates HPD’s willingness to engage in an iterative process to provide financing or other assistance. Selected projects will be prioritized in HPD’s pipeline to the extent that project readiness and resources permit.

B. RFEI Goals

HPD’s goal is to support innovative financing models that efficiently use public resources and do not require Low Income Housing Tax Credits (“LIHTC”), thereby limiting the use of constrained resources, to create new affordable housing. It is HPD’s hope that this RFEI will help advance the City’s Fair Housing goals by generating proposals in Limited Affordability Areas (LAAs).

II. Request for Expressions of Interest (RFEI)

RFEI

HPD invites expressions of interest for mixed income projects on private sites within New York City.

Development Teams

Qualified respondents may be for-profit, non-profit, or joint venture entities that demonstrate the experience and capacity to implement the project. In furtherance of HPD’s commitment to community development, HPD encourages responses from Minority and/or Women Business Enterprises (“M/WBEs”), as well as Community Housing Development Organizations (“CHDOs”) and Community Development Corporations (“CDCs”) that bring enhanced and tangible community development benefits to the proposed project.

Development Teams should submit:

TAB	CONTENTS	FORMS (if applicable)
Development Introduction		
A	Proposed Organizational Structure	Submit Draft Org. Chart
B	Project Narrative / Development Summary including location (Borough/Block/Lot and address of site), description of site and proposed development. Include breakdown of proposed commercial, community, parking and residential square footage.	B-1
C	Developer Respondent Description	C-1, C-2
D	Developer Experience and Capacity	D-1
Financing Proposal		
E	Financial pro-forma and narrative including development and operating budgets, acquisition price per developable floor area. Note: Financial proposals must conform to MIMI Program Summary attached as Appendix A.	E-1
E	Appraisal/Market Study	
Design and Performance		
G	Zoning Analysis & Design	

Forms are available for download from the [HPD website](#).

Development Introduction

TAB A – Org Structure

- **Organizational Structure.** Chart or diagram of structure of partnership or joint venture, including percentages of ownership and investment, with a brief description of the type of entity or joint-venture and the roles and responsibilities of each party in the Development Team.
 - Non-Profit or M/WBE Ownership Interest – If applicable, respondents must submit a certificate from a principal or other authorized officer of the non-profit or M/WBE that is to participate in the ownership of the Project. This certificate must confirm the Non-Profit or M/WBE’s managing ownership interest in the Project. The Non-Profit or M/WBE will be entitled to receive a commensurate interest in the totality of the economic benefits of the project (net of Low-Income Housing Tax Credit (“LIHTC”) limited partner interests, if any), including, but not limited to, all available cash flows, paid and deferred developer fees, and sale and refinancing proceeds. The certificate must also include a detailed explanation of

the proposed ownership interest of the participating Non-Profit or M/WBE in the project, including, but not limited to, its commensurate interest in the economic benefits of the project.

- Minority and/or Women-Owned Business Enterprise certificate issued by a governmental or quasi-governmental entity acceptable to HPD as defined in Definitions.

TAB B – Project Narrative / Development Summary

- **Form B-1: The Project Summary** must be fully completed.

TAB C – Developer Respondent Description

- **A brief narrative that describes:**
 - The roles of each entity of the Development Team throughout all phases of the project.
 - Capacity to manage complex development projects within a public/private partnership.
- **Form C-1: Development Team Information and Respondent Questionnaire**, signed by Principal (if joint venture, principal of each entity must sign).
- **Form C-2: Not-for-Profit Corporation Form** (Applicable only to Non-profit corporations with ownership interest).

TAB D – Development Team Experience and Capacity

- **A brief narrative that describes the Respondent's:**
 - Experience developing and managing mixed-use projects in urban areas.
 - Experience managing commercial and/or community facility spaces in mixed-use projects in urban areas.
 - Experience with community economic development, such as investments in community programs or services.
- **Form D-1: Residential Development Experience and Current Workload** (include as individual Excel file per entity in respondent team)
- **Form D-1: Residential Management Experience and Current Workload** (include as individual Excel file)
 - A separate form must be provided for each Principal with residential management experience. Provide complete and accurate information about references.
 - A separate form must be provided for a Principal or managing agent proposed to manage the Development.

Financing Proposal

TAB E – Financing Submission

- **The Financing Narrative** must clearly explain the financing structure of the project, and explicitly identify proposed subsidy/financing programs.
- **Form E-1: Financing Scenario**. (Submit as Excel file). The Financing Scenario must adhere to underwriting standards and guidelines included in the MIMI Program Summary.
- **Rents and AMIs**. Submissions must reflect the rent price affordability calculations (based on AMIs), and utility allowances described in the Form E-1. In addition to the affordability requirements

described throughout this Submission, any subsidy programs that are utilized will determine any additional affordability requirements, as applicable.

- Superintendent's Unit.** Specific information about the superintendent's unit(s) shall be included, as applicable. If the superintendent unit is not located onsite, a letter explaining alternative provisions for onsite janitorial services that satisfy the Housing Maintenance Code must be included.
- Project Budgets.** Provide hard cost calculations (including, but not limited to estimated construction costs, overhead, profit, insurance, contingency) with cost/sf estimates for both gross and net square footage. Please identify the entity that provided hard cost estimations and provide qualifications of this entity, if not already included in other parts of this Proposal. Provide soft cost calculations, including assumptions for all fees for professional services, financing, and other industry standard and HPD allowable costs. Provide a percentage of Total Development Cost (TDC) for each line item. Please breakout all costs by market and affordable condos.
- Maintenance and Operating Expenses.** Submissions should use the latest versions of HDC's standards. Any deviation from such standards should be briefly noted and explained in the Financing Narrative.
- Tax Exemption Programs.** Submissions must indicate which tax exemption program(s) the project plans to utilize, if any.
- Competitive Funding Sources (if applicable).** Submissions that include competitive sources (including rental assistance for homeless, supportive, and/or senior housing components) and incentives may include these sources and incentives in their Primary Financing Scenarios. Any Proposal that includes funding or financing that is awarded on a separate competitive basis should submit historical letters of interest or award letters for similar projects financed within the past 7 years, if applicable. In addition, the Financing Narrative should explain the feasibility of obtaining the proposed sources and/or describe the respondents' history of successfully applying for the proposed sources.
- Regulatory Term.** Units must remain under a regulatory agreement for the duration of the project, but in no case less than thirty (30) years.
- Appraisal/Market study.** An appraisal or market study must be provided for residential rents and acquisition value. Market comparables must also be provided for any proposed non-residential sources of income (other than in-building laundry).

Design and Performance

TAB G – Zoning Analysis & Design

- Describe building systems and provide architect's zoning analysis.

III. SUBMISSION INSTRUCTIONS

RFEI Title

Mixed Income Market Initiative: Request For Expressions of Interest

Package

Respondents must submit individual PDF files for each tab and individual files in the forms requested per Section II: RFEI. All PDFs must be searchable.

The following information must be clearly printed on the front page of each Submission:

- Project Title
- Respondent Name
- Project Site
- Submission Date

Submission

Submissions must be submitted online. Submission instructions will be provided in an addendum that will be issued prior to the Submission due date.

Due Date

February 15, 2024

4:00 p.m.

Communications

All communications and inquiries regarding this RFEI are to be directed to: MIMI@hpd.nyc.gov.

Lobbying and Advocacy

In order to preserve and maintain the integrity of the selection process, HPD will not consider or accept any advocacy or letters of support from any person or organization, including elected officials, attempting to influence the RFEI selection process.

IV. RFEI REVIEW CRITERIA AND SELECTION

Review

HPD will review each Submission according to the requirements listed below. **The Submission must contain each Tab with all requested forms and supporting documents.** Submissions that are not complete or do not conform to the requirements of this RFEI will be eliminated from further consideration, unless HPD permits the Respondent to correct the omission or provide further information.

Requirements & Review Criteria		TAB
Development Team Experience and Capacity		
No Adverse Findings	Submission may be rejected at any time during or after the evaluation process if there are any adverse findings regarding the Respondent, any entity or individual associated with the Respondent, or any property owned and/or managed by them.	C
Developer	<p>Respondents will be evaluated on their:</p> <p><i>Successful Experience</i></p> <ul style="list-style-type: none"> Developing multi-family urban projects using public and private financing sources. Developing mixed-use urban projects. <p><i>Strong Capacity:</i></p> <ul style="list-style-type: none"> Current capacity to undertake, effectively project manage, and complete all necessary activities and obligations associated with the proposed project within the proposed schedule. Capacity will be determined by analysis of Respondent's current public and private development workload, other pending development obligations. Strength of organizational, project management and governance structure for the project. 	C, D
Financing and Affordability		
Financing Submission	<p>The proposed project must be in compliance with the MIMI Program Summary. Market comparables must be provided for residential unit rents, and any additional income from commercial space, or other sources.</p> <ul style="list-style-type: none"> Project Summary Form Financial Proforma and Narrative Organizational Chart Appraisal/Market Study Zoning Analysis 	A, B, E, F, G
Affordability	Projects must be 70% affordable.	E
Financing Proposal	Submissions shall include Financial Scenarios with sources and uses that support the proposed project and affordability levels. Costs must be broken out by market and affordable condos. The Financial Scenarios shall be in accordance with current industry underwriting standards. Proposed total development costs and operating budgets must be within current industry parameters.	E ,F

	<p>Financial Scenarios will be evaluated based on the feasibility of the underwriting, including, but not limited to, the reasonableness of estimated development and operating costs, proposed rents and other income, the feasibility and terms of the financing sources, and the ability to support operating expenses, capital costs, and debt service to complete and operate the housing portion of the proposed project.</p> <p>Rents for residential units or other income sources must be deemed realistic and substantiated by market comparables.</p> <p>Preference will be given to proposals that maximize depth of affordability, efficiently use public resources including subsidy, and have cross subsidization between market and affordable units.</p>	
Development Program		
Unit Types and Sizes	Submissions must have a distribution of unit types and sizes and must comply with the terms of the Program Summary attached as Appendix A.	E
Term of Restriction	Submissions must ensure that the affordable units remain in the rent stabilization system for the duration of the project regulatory period, or as required by law, but in no case less than thirty (30) years.	A, E
Residential	The proposed residential development program will be evaluated within the demographic context of the neighborhood and its ability to further fair housing goals that facilitate integrated living patterns, promote fair housing choice and affordability, and foster inclusive communities that are free from discrimination. The development program will also be evaluated for its ability to serve formerly homeless, and households in need of supportive services, if applicable.	H
Development Site	<p>The Development Team must identify a Site for the proposed project. If a component or subsidiary of the Development Team does not already possess Site control, the Development Team must demonstrate how it will acquire the Site within a proposed development schedule and budget.</p> <p>Preference will be given to Development Teams with site control and sites located in Limited Affordability Areas (LAAs). A list of LAA Public Use Microdata Areas (PUMAS) is included in Appendix B.</p>	A, B
Design		
Zoning Compliance/ Variance	Zoning: The project must comply with the current Zoning Resolution or propose a viable rezoning scenario that conforms to bulk and use requirements.	G
Building Design	The project must comply will all HPD New Construction design standards	A, B, G
Development Schedule		
Project Readiness	Preference will be given to projects that demonstrate their ability to close on financing and comply with all HPD and affiliated requirements within 12 months of submission.	

Selection

Selection of one or more Developers under this RFEI means only that HPD will commence negotiations with such Respondent(s) regarding the Submission for the private site(s). HPD may select one or more respondents, on the basis of the Submission, without further process or notice.

No Obligation

This RFEI does not represent any obligation or agreement whatsoever on the part of HPD. Any obligation or agreement on the part of HPD may only be incurred after HPD and the Developer enter into a written agreement approved as to form by the Corporation Counsel. HPD may use the Submissions pursuant to this RFEI as a basis for negotiation with respondents as it deems appropriate. HPD may reject at any time any or all Submissions, amend or withdraw this RFEI in whole or in part, and negotiate with one or more respondents. HPD may also, at any time, waive compliance with, or change any of the terms and conditions of this RFEI, and entertain modifications or additions to selected Submissions.

V. RFEI DEVELOPER OBLIGATIONS

A. Development Team and Project Management

The Developer will be responsible for assembling a Development Team with the necessary expertise, experience, and capacity to develop and manage the proposed project, such as expertise in affordable housing development and finance, marketing and property management (residential and commercial, if applicable), design and construction, social service provision, and community development.

The Developer is responsible for arranging timely commencement and completion of the project and will be held accountable for the schedules outlined in the Submission and agreed upon with HPD. The Developer will be required to submit ongoing status reports regarding project development, financing, budget, schedule, marketing, leasing, and management.

The Development Team is responsible for activities typically associated with development, including, but not limited to, the design, finance, construction, marketing and leasing (and/or selling), and management of the completed residential units and commercial spaces, if applicable.

B. Community Outreach

The Developer will participate in required public forums, hearings, and briefings with the community board, elected officials, City agencies, and other organizations, as determined necessary by HPD, and will provide the necessary documentation and presentations for said meetings and forums.

C. Design and Construction

The Developer is responsible for obtaining all necessary governmental permits for the construction of the project. The Developer must submit to HPD a full set of schematic design documents that include any modifications to the original concept/preliminary drawings and plans included in this Submission, as agreed upon by HPD and the selected Respondent, for HPD review and approval. The Developer is responsible for submitting final construction documents to HPD, which must conform to previous review comments and approvals made by HPD.

At a minimum, the Developer is responsible for consulting the most current applicable design and construction regulations and guidelines listed below:

- [HPD Design Guidelines for Multifamily New Construction](#)
- [CRDG](#)
- [Passive House Design](#)
- [LEED](#)
- [NYC DDC Resources](#)
- [Designing New York: Quality Affordable Housing](#)
- [Universal Design](#)
- [Active Design](#)
- [Designing for Health](#)
- [AIANY Aging in Place Guide for Building Owners](#)

Submissions must comply with all current regulations, codes, and ordinances, including, but not limited to:

- [Zoning Resolution](#), including requirements for AIRS, the SHPD, and LDGMA.
- [New York City Construction Codes](#)
- [Multiple Dwelling Law](#)
- [Fair Housing Act](#)

- [Section 504 of the Rehabilitation Act of 1973 and Accessibility Requirements](#) (applies even if project does not receive federal funds, and includes architectural, as well as marketing standards)
- [Americans with Disabilities Act](#) (as applicable)

D. Environmental Review

The Developer will be responsible for preparing and submitting any required environmental assessment documents in accordance with the guidelines contained in the latest edition of City Environmental Quality Review (“CEQR”) Technical Manual, including an Environmental Assessment Statement (“EAS”) form, graphics and technical assessments and appendices, as necessary. The CEQR assessment will consider the discretionary approvals described below. The Developer will be solely responsible for any mitigation measures identified as a result of the CEQR review.

In addition, the Developer will be responsible for preparing an Environmental Impact Statement (“EIS”), if necessary, and associated environmental studies which could include, but are not limited to Phase I and Phase II Environmental Site Assessment (“ESA”), Phase IA archaeological assessments and noise/acoustical studies. The Developer will be responsible for implementing any remedial measures identified in connection with the redevelopment of the Site.

The Developer will be responsible for procuring a Phase I ESA for the property to be reviewed by HPD’s Environmental Planning Unit. If applicable, the Developer will be responsible for preparing and implementing a Phase II Subsurface Investigation work plan and, in the event contamination is present, a remediation plan. The Phase II work plan, Phase II results, and any required remediation plan would be subject to review and approval by HPD’s Environmental Planning Unit as well as either the Department of Environmental Protection (“DEP”) or the Mayor’s Office of Environmental Remediation (“OER”). No such investigation or remediation plan development may proceed without the oversight of these City agencies.

E. Financing and Tax Exemptions

Real Property Taxes and Exemptions

The Developer is responsible for applying to, and meeting the requirements of, specific tax benefit program(s). HPD makes no representations or warranties as to the continued availability of these benefits or as to the project’s eligibility to receive these benefits. 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, the Developer is responsible for researching the relevant statute and rules.

- The [Article XI tax exemption](#) provides a complete or partial tax exemption from New York City real property taxes for up to 40 years for the new construction or rehabilitation of affordable housing carried out by a Housing Development Fund Company (HDFC). An HDFC is a corporation formed under Article XI of the Private Housing Finance Law to develop and operate low-income housing. The formation of each HDFC which is a sponsor of an HPD project is individually approved by HPD and is subject to City Council approval.

HPD Term Sheets

Developer Submissions must comply with all terms outlined in the attached MIMI Program Summary.

Project-Based Rental Assistance

Development Teams that propose the use of project-based rental assistance in accordance with HPD term sheets will be expected to apply to HPD’s Project-Based Voucher (PBV) Request for Proposals, the NYC 15/15 Rental Assistance Program, or other project-based rental assistance competitions. HPD Will accept applications to its PBV RFP on a rolling basis and awards will be mad four times per year at intervals that will be announced at a later date.

Incentive Programs

The Developer is responsible for pursuing and securing other subsidies related to the Development Program that may be available:

Sustainability

- [NYSERDA programs](#) where available
- [NYSERDA's NY-Sun program](#)
- [Solar tax credits](#)
- Clean energy and Energy Efficiency Tax Credits, including but not limited to 45-L, 179-D, etc.
- Con Ed's Clean Heat program where applicable

Brownfield Redevelopment

- [New York City Office of Environmental Remediation](#) provides subsidy and technical assistance for City-supported affordable and supportive housing developments.

Commercial and Retail Incentives

- EDC's [guide to financing and incentives](#)
- [Food Retail Expansion to Support Health \(FRESH\) Program](#): promotes the establishment and retention of neighborhood grocery stores in underserved communities by providing zoning and financial incentives to eligible grocery store operators and developers.
- [EDC Capital Access Loan Guaranty Program](#): Provides up to a 40 percent guarantee on loans for qualified micro (fewer than 20 employees) and small (21-100) businesses experiencing difficulty in accessing loans.
- [NY Healthy Food & Healthy Communities Fund](#): A \$30 million statewide program created to provide grants and loans for food markets in underserved communities.

F. Construction

The Developer is responsible for overseeing the design, bidding, and construction process generally described below:

Bidding and Contracting. The Developer is responsible for managing all phases of the design process to ensure the implementation of integrated design strategies to achieve high performing buildings and sites. The Developer is responsible for ensuring competitive construction pricing and delivery to make certain that the building is deliverable according to the project budget and schedule, which must be consistent with HPD term sheets.

The Developer is responsible for procuring and managing the construction of the project, and ensuring smooth negotiations and contracting with any sub-contractors for the construction and operations of the completed project.

Completion and Close-out. The Developer is responsible for implementing all professional industry standard practices in construction monitoring, construction completion, compiling all warranties and guarantees, any applicable commissioning, and transferring the completed building to property management and maintenance personnel, and coordination with HPD marketing departments as units are completed and ready for leasing or sales.

G. Marketing, Leasing/ Sales (if applicable)

The Developer is solely responsible for marketing, leasing, or sale (as applicable), of the residential units. In carrying out these functions, the Developer must comply with HPD and HDC's marketing requirements, which are designed to ensure that the availability of the units is disseminated as widely and fairly as possible. The Developer must ensure compliance with tenant/household preferences included in HPD and HDC's marketing requirements. The rent and/or sales prices of the units projected in the Submissions are to be determined by the Developer in accordance with HPD requirements, as stated in applicable term sheets or otherwise. The [HPD-HDC Marketing Handbook](#) will be part of the regulatory agreement and/or any other applicable HPD document that the Developer will execute.

The Developer is responsible for ensuring that all respondents, regardless of preference, must meet the income, employment, and other eligibility criteria set for each property for which it is applying.

H. Operating Rents – Rent Stabilization

The Developer is responsible for ensuring that initial rents will be established in accordance with the regulatory agreement consistent with any income requirements outlined in this RFEI and/or the subsequent Submission or other financing conditions and terms. Prior to initial occupancy, all affordable units must be registered with HCR under rent stabilization system at rents specified in the regulatory agreement. Units must remain in the system for the duration of the project or as required by law, but in no case less than thirty (30) years. The Developer may submit a plan to extend the affordability period for an additional number of years.

I. Property Management and Maintenance

The Developer is responsible for providing professional property management services and having all standard asset management systems in-place to qualify income levels pursuant to funding requirements, as well as to submit property management data and operating budgets to HPD.

The Developer is responsible for professional maintenance services, as well as supporting or facilitating resident programming and community rules that promote health, safety, and quality of life at the project.

J. HireNYC

The Developer, General Contractor, and certain Subcontractors will be required to participate in *HireNYC*, a workforce development program which connects the City’s real estate development projects to the City’s workforce development services. Development partners will be required to enroll with Workforce1 through an on-line system hosted by the Department of Small Business Services, to share job openings in entry-and mid-level construction positions with Workforce 1, and to interview the qualified candidates that Workforce 1 refers for those openings. Respondents will be required to regularly report on their outreach activities per HireNYC Program requirements. For more information about *HireNYC*, see [HPD](#) and [SBS](#) websites.

K. High Road Retail

The Developer is responsible for ensuring compliance with the NYC High Road Retail ([Executive Order No. 19](#)) for mixed-use projects receiving more than \$1M in “Financial Assistance” from the City that: (1) are larger than 100K square feet or, in the case of a residential project, contain more than 100 residential units and (2) contain a retail or food service establishment occupying over 15K square feet. (See Executive Order 19 for the requirements that will apply to recipients of “Financial Assistance” and “Covered Employers” as defined therein.) The requirements shall apply for the longer of the term of the “Financial Assistance” or ten years from the later of the date of the commencement of the project or the date the project commences operations.

L. Minority and Women-Owned Business Enterprise (M/WBE) Build-Up Program

The Developer is responsible for complying with the [M/WBE Build Up Program](#), which is a component of HPD’s Building Opportunity Initiative. Currently, the program requires developers/borrowers to spend at least [a quarter of HPD-supported](#) costs on certified M/WBEs over the course of design and construction of an HPD-subsidized project. A minimum of 25% will be required for each project subject to the program. Developers may adopt a goal higher than the minimum.

M. Job Outreach Plan

The Developer will be required to submit a Job Outreach Plan. Prior to HPD's construction loan closing, the Developer and or borrower requesting city subsidies must use HPD's approved form to submit information on their job outreach plans related to employment opportunities generated on the proposed project. The Job Outreach Plan should at a minimum engage and inform communities, within a three-mile radius of the project, about job opportunities on or related to the project. A quarterly report must be submitted identifying the number and types of positions filled, and outreach strategies employed.

N. Fair Housing Requirements

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

O. Warranty Coverage

If applicable, the Developer is responsible for ensuring that units are sold with a warranty that is the same as the housing merchant implied warranty described in Section 777(a) of the New York State General Business Law. The warranty must be applied to all units, regardless of the number of stories of the building in which they are located, and may not be limited, modified, or excluded by the methods provided for in Section 777(b).

P. Section 3 Clause

The Developer is responsible for complying with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135, if applicable, which includes, but not limited to, providing: (i) to the greatest extent feasible, opportunities for training and employment arising in connection with the planning and carrying out of the project must be given to "Section 3 Residents" as such term is defined in 24 CFR 135.5; and (ii) to the greatest extent feasible, contracts for work to be performed in connection with any such project must be awarded to "Section 3 Business Concerns" as such term is defined in 24 CFR part 135.5.

Q. Davis-Bacon

The Developer must comply with Davis-Bacon and the Contract Work Hours and Safety Standards Acts, if applicable, which, currently includes projects that contain twelve (12) or more units assisted with Federal HOME funds or projects that contain nine (9) or more units funded with project Based Vouchers.

R. Equal Opportunity

The Developer will be required, along with partners, or authorized representatives of the Developer, to attend a class administered by HPD outlining the requirements of Executive Order No. 50, and to submit Equal Opportunity forms provided by HPD verifying their compliance with the provisions of the Executive Order.

S. Prevailing Wage Law

The Developer must comply with Section 6-130 of the New York City Administrative Code and all other applicable federal, state and local prevailing wage laws for building service employees employed at affordable housing residential projects receiving City financial assistance.

VI. CONDITIONS, TERMS, AND LIMITATIONS

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

All determinations regarding this Request are at the sole discretion of HPD.

The Site shall be subject to New York City real property taxes and charges. Tax benefits may be available under Article XI or other tax exemption programs.

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

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

The commencement of negotiations with a Developer will depend on satisfaction of the additional documentation and review requirements described in this Request, and will be subject to the subsequent approval of the Mayor.

No transaction will be consummated if any Principal of any selected Developer is in arrears, or in default upon any debt, lease, contract, or obligation to the City, including without limitation, real estate taxes and any other municipal liens or charges. The City may refuse to review any Submission by any such Respondent.

The Developer and any contractor it retains must pass a City background check before closing.

The City is not obligated to pay, nor shall in fact pay, any costs or losses incurred by any Respondent at any time, including the cost of responding to the Request. All determinations as to the completeness or compliance of any Submissions, or as to the eligibility or qualification of any Respondent, will be within the sole discretion of the City.

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

VII. CONFLICTS OF INTEREST

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

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

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

VIII. DEFINITIONS

Area Median Income (AMI)

The median income levels, as modified by household size, for the New York Metropolitan Statistical Area as determined from time to time by the United States Department of Housing and Urban Development (“HUD”). For 2023 100% of the AMI is \$141,200 for a family of four and \$98,900 for an individual.

CDC

Community Development Corporation

CEQR

City Environmental Quality Review

CHDO

Community Housing Development Organization

City

The City of New York

CRDG

The [Climate Resiliency Design Guidelines \(CRDG\)](#) utilize future-looking climate change projections to inform the design of buildings and public infrastructure. This ensures that projects constructed today will be prepared for worsening extreme weather decades into the future and can continue to provide critical services to New Yorkers. Per [Local Law 41\(LL41\) \(2021\)](#) compliance with the NYC CRDG will become mandated on December 31, 2026 for the design of NYC capital projects, including City-financed projects, that are exposed to climate impacts from increasing heat, precipitation, and sea level rise.

DCP

The New York City Department of City Planning

DDC

The New York City Department of Design and Construction

DEP

The New York City Department of Environmental Protection

DHS

NYC Department of Homeless Services

DOHMH

The New York City Department of Health and Mental Hygiene

DSNY

The New York City Department of Sanitation

Developer

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

Development Team

The Developer and other entities that bring the necessary expertise and experience to develop and manage the project, such as experts in affordable housing development and finance, marketing and property management (residential and commercial, if applicable), design and construction (including modular construction), and community development.

EAS

Environmental Assessment Statement

EDDE

The [Equitable Development Data Explorer](#) is an interactive web tool that equips New Yorkers with data to navigate conversations about housing affordability, displacement, and racial equity.

EIS

Environmental Impact Statement

ESA

Environmental Site Assessment

Eligible Non-Profit

A corporation formed under the New York Not-for-Profit Corporation Law that is not controlled by or under common control with one or more for-profit entities on the Development Team (or any owner, principal, employee, or affiliate of any such entity).

FAR

Floor Area Ratio

FMR

Fair Market Rent

FRESH Zone

Food Retail Expansion to Support Health Program

HCR

The New York State Division of Housing and Community Renewal

HDC

The New York City Housing Development Corporation

HPD

The City of New York Department of Housing Preservation and Development

HPD New Construction Design Guidelines

The HPD Design Guidelines for New Construction establish the design criteria by which HPD will evaluate proposed developments upon application for financial assistance. The Guidelines represent an effort to meet housing demand, respond to market changes, and contain costs, and are intended to apply to HPD-assisted housing developments across a variety of conditions.

HUD

The United States Department of Housing and Urban Development

Heat Vulnerability Index (HVI)

The NYC HVI is a measure of how the risk of heat-related illness or death differs across neighborhoods.

LIHTC

Low-Income Housing Tax Credit

Limited Affordability Area (LAA)

A neighborhood that falls below the 30th percentile citywide on the total existing stock of affordable housing units and the number of affordable housing units whose current residents moved in within the last five years.

MIH

Mandatory Inclusionary Housing

M/WBE

Minority and/or Women Business Enterprise

OER

The Mayor's Office of Environmental Remediation

Principal

An individual, partnership, limited liability company, corporation, or other not-for-profit or for-profit entity that will act as the general partner, officer, or managing member of the Respondent, or any entity, known limited partner, or other member that has at least a 10% ownership interest in the Respondent.

Proposal

Used to describe the project, or elements of the project, proposed for the site.

RFEI

Request for Expressions of Interest

SBS

The New York City Department of Small Business Services

Site

The property to be developed by a Developer selected under this Request.

Submission

The proposed project from the Development Team in response to this Request.

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.

ZFA

Zoning Floor Area

IX. APPENDIX

- A. MIMI Program Summary
- B. Limited Affordability Areas
- C. Submission Forms - Forms are available for download on the [HPD website](#) in Word and Excel formats as part of this Submission. The lettering of Forms corresponds to the Submission Tabs. Please note that not all Tabs require a form.

Form B-1: Proposal Summary Form
Form C-1: Development Team Information and Respondent Questionnaire
Form C-2: Not-for-Profit Organization Form
Form D-1: Residential Development Experience and Current Workload
Form E-1: Financing Template