

## New Construction Design Guidelines Process

In September 2023, HPD's Office of Development's Division of Building and Land Development Services (BLDS) issued updates to the [HPD Design Guidelines for New Construction](#) (the "Guidelines"), which establish the criteria by which BLDS evaluates proposed developments for multifamily new construction, supportive, and senior housing projects. The Guidelines may also be used to guide the design of 1-3 family homes.

### General Overview

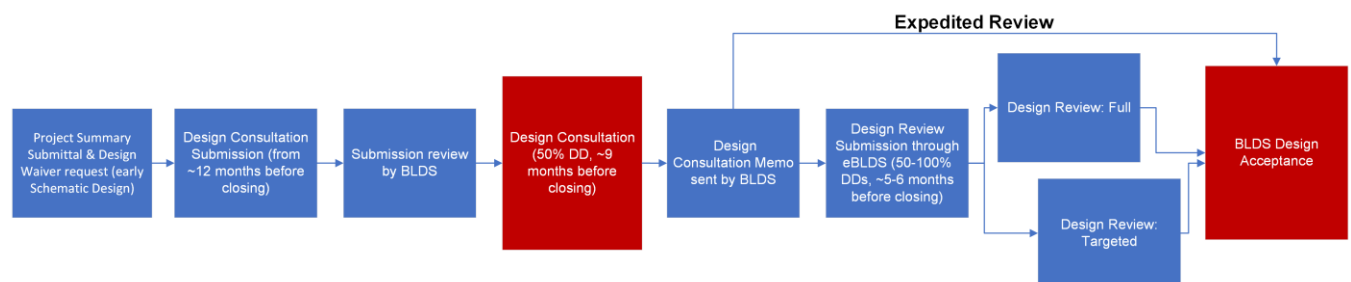
All new construction projects subject to the Guidelines are also required to certify with 2020 [Enterprise Green Communities](#) with NYC Overlay or LEED v4 Multifamily Midrise (Gold or Platinum).

The 2023 release of the Guidelines for New Construction is effective as of September 2023 and applies to all projects that (1) have not yet begun BLDS Design Review at the time of release; and (2) are anticipated to close after June 30, 2024.

*Note: Projects that have already scheduled or held Design Consultations at the time of release but are slated to close after June 30, 2024; or projects whose closings are targeted for before June 30, 2024 but postponed until after June 30, 2024, may also be subject to version 2.0 of the Guidelines, at the discretion of HPD Program.*

If a project team has questions about Design Guidelines Version 2.0 applicability, please reach out to the program Project Manager (PM).

Along with the release of the Guidelines 2.0, HPD streamlined the design review process to offer a two-track process of either Expedited or Design Review pathways, to be determined following the Design Consultation. The diagram below shows the primary steps of these updates:



## **Step 1: Workbook Submittal and Sustainability & Resiliency Design Waiver Request**

### *Early Schematic Design*

- Review guidelines and identify applicable requirements for the project.
- Submit the [New Construction Design Guidelines Workbook](#) (“Workbook”) per guidance below and in Workbook.
- To request a Design Waiver, project teams must also fill out the Design Waiver tab. For Resiliency waivers, all fields must be filled out to identify a project’s unique climate risks and required materials in support of the waiver must be submitted.
- To submit: email the Workbook to the Sustainability and Resiliency teams at [greencommunities@hpd.nyc.gov](mailto:greencommunities@hpd.nyc.gov) and [resiliency@hpd.nyc.gov](mailto:resiliency@hpd.nyc.gov), with subject line Address (HPD ID)-Workbook and Waiver(s), and cc the assigned PM.
- If Design Waiver was requested, the applicant will be notified of its approval, rejection, or if additional information is required.
- If there are any critical questions or flags identified through the Waiver request an optional meeting could be scheduled.

For questions about the applicability of the Guidelines, reach out to HPD Sustainability by emailing [greencommunities@hpd.nyc.gov](mailto:greencommunities@hpd.nyc.gov), please include in the subject: Design Guidelines Question(s).

## **Step 2: Design Consultation & Determination of Review Track**

*50% DDs, ~8-10 months before closing*

In preparation for the Design Consultation (DC), Project teams will need to create or obtain all the required documents outlined in the [HPD BLDS Design Consultation Submission Checklist](#), and then notify their program PM, who will initiate the process through [eBLDS](#) (BLDS’ design review platform). Project teams will be notified when they can submit items electronically via Box.com.

BLDS will evaluate submissions for completeness and conduct a thorough review, prior to the DC. The PM will schedule the consultation, which will include staff from HPD Program, BLDS, Sustainability, and (when applicable) HPD’s Resiliency team. During the DC, BLDS will guide the project teams through their comments and discuss any outstanding issues or concerns. Project teams will have the opportunity to ask questions or clarify HPD requirements.

Following the DC, project teams will receive a Design Consultation Memo from HPD staff summarizing the meeting and describing the remaining issues teams should address in their subsequent design submission. At this point, teams will also be notified of their review pathway, which now follows a two-track process:

1. Expedited Review: no Design Review

2. Design Review, either:

- ☐ Targeted Design Review, excluding Accessibility, if project has Accessibility Consultant
- ☐ Full Design Review, including Accessibility, if project does not have Accessibility Consultant

To be considered for the Expedited pathway, projects must meet *both* criteria below, at minimum:

- The architect must have worked on at least one HPD-financed New Construction project that received BLDS Design Acceptance within the last three years.
- The site must be privately owned (i.e., publicly owned sites do not qualify).

Additional criteria that may further increase the likelihood of qualifying for the Expedited pathway include:

- Conforming to term sheet requirements for unit mix
- Having an Accessibility Consultant as part of the design team (as indicated on the Pre-Construction Accessibility Statement)
- Having a developer that has closed on an HPD New Construction project within the past five years
- Complying with the Design Guidelines

*Note:* that meeting both sets of standards above does not immediately guarantee that a project will be qualified for the Expedited pathway.

For projects that have been selected for the **Expedited Review** pathway, the project will receive BLDS Design Acceptance either: 1) immediately following the consultation, or 2) upon resubmitting updated documents and satisfactorily addressing HPD comments within a specified timeframe. In such cases, the project team will be expected to comply with any outstanding comments outlined in the Design Consultation Memo, and it will remain the project team's responsibility to ensure that the buildings' design and construction comply with all laws, rules, regulations, and codes mandated by city, state, and federal authorities having jurisdiction, including the HPD Design Guidelines for New Construction.

As long as the deadline is met and all HPD concerns have been addressed, no further design submission will be necessary prior to project loan closing. However, projects that fail to meet the resubmission deadline and/or do not satisfactorily address all HPD comments may be disqualified from an Expedited Review, and may be subject to a Design Review.

### Step 3: Design Review

50-100% DDs, ~6 months prior to closing

As outlined above, projects will have been notified of their review pathway following the DC.

- Projects selected for **Expedited Review** will not need to submit any additional design documents, as noted above.
- If a project is selected for **Full Design Review**, BLDS will review the design submission in a manner similar in scope and form to the review of the Design Consultation. Once BLDS completes the review, it will be returned to the project team, who must then resubmit an updated version for additional BLDS review; this process repeats until the project receives a Design Acceptance. Projects selected for Full Design Review are expected to achieve 'Design Acceptance' by the third review. See the required documents in the [HPD BLDS NC Design Review Submission Checklist](#).
- At the discretion of HPD Program/BLDS, a **Targeted Design Review** track may be available for projects whose design teams include a specialized accessibility consultant (as indicated on the Pre-Construction Accessibility Statement). In a Targeted Review, BLDS will continue to provide comments relating to compliance with the HPD Design Guidelines for New Construction, but will not provide additional feedback related to accessibility after the Design Consultation. This further limits the scope of a BLDS review.  
In such cases, the project team will be expected to comply with the comments outlined in the Design Consultation Memo, and the project team will be responsible for ensuring that the buildings' design and construction comply with all laws, rules, regulations, and codes mandated by city, state, and federal authorities having jurisdiction. See the required documents in the [HPD BLDS NC Design Review Submission Checklist](#).

*Note:* HPD will periodically audit Expedited Review projects to track compliance and quality of project.

During the Design Review phase, regardless of which BLDS track a project may fall under, project teams should develop and submit their [EGC application](#). Project teams will need to participate in, and receive a certificate of participation for, the [Climate Ready Buildings Training](#) as part of EGC Prebuild. These certificates are valid for two years upon receipt.

**During the Design Review Process, project teams should submit for design review at the NYC Department of Buildings (DOB).** While it is recommended that initial DOB filing take place after the HPD Design Consultation, the two processes are

independent. When filing at DOB, Project Teams are strongly encouraged to file their jobs at the [Development Hub](#), rather than at borough offices. This helps streamline the job filing and tracking process and ensures that affordable housing projects in HPD loan programs can receive the additional assistance they may need. See the [DOB Development Hub: Step-by-Step Filing Process](#).

Teams should request a [Hub Consultation Request](#) to determine the best filing strategy for their project, and if applicable, request DOB guidance on filing for fee deferrals or exemptions.

## **Step 4: Closing**

To reach closing, project teams must work closely with their PM to obtain and finalize all needed financial, architectural, and legal documents. Examples of typical requirements for closing include (note: this is a partial list for reference):

- DOB plan approval & permits
- Signed contract between developer and GC
- Finalized costs and budget of project
- Enterprise Green Communities Prebuild Letter
- Any required license or access agreements
- Signed Incentive Award letter from NYSERDA, if receiving funding from NYSERDA

### *Post Acceptance Amendment (BLDS PAA)*

In certain cases, project teams may need to submit a request for a design change after receiving BLDS Design Acceptance and before closing. In such cases, Project teams must alert their PM to submit a Post Acceptance Amendment (PAA) request to BLDS. BLDS will review the request design changes and will notify the Project team of their decision. BLDS has the discretion to accept or reject such requests.

*Note:* Projects that receive Expedited Review design acceptance may also have to submit a PAA if the project is substantially altered from the design acceptance.

## **Step 5: Construction & Completion**

### *Construction Monitoring*

- To initiate construction, the project team must submit all documents required in the [BLDS Construction Monitoring Checklist](#) to their assigned PM.
- The PM will schedule a construction monitoring kickoff meeting with the project team, Lender, BLDS' Construction Monitoring team, and the HPD Conversions team, which will set the parameters for construction monitoring and provide insight into the Conversions requirements for each project.

- There will be two monitoring entities during construction: the Lender for primary monitoring, including administering all requisitions requests, and BLDS for secondary monitoring.

*Note:* that additional documents, per the Construction Monitoring Checklist and assigned BLDS construction monitor (CPM), will be required throughout the construction term.

If issues arise during construction, Project teams should communicate with the Lender and the assigned BLDS CPM (cc'ing their HPD PM and/or HPD Conversions team, as applicable). To prevent significant construction delays, communication should be directed to all stakeholders in a timely manner.

For general questions about the construction monitoring process, contact BLDS: [BLDS.Contact@hpd.nyc.gov](mailto:BLDS.Contact@hpd.nyc.gov)

### *Marketing*

HPD's Marketing process refers to the leasing and tenant selection process that HPD-assisted New Construction and Preservation projects must comply with. Typically, the Marketing process begins seven to nine months prior to anticipated occupancy.

To contact HPD Marketing: [NYC\\_MKTG\\_NOI@hpd.nyc.gov](mailto:NYC_MKTG_NOI@hpd.nyc.gov)

See more information about the [HPD Marketing process here](#).