



# 1388-1400 Stebbins Avenue Request for Proposals

**Issue Date:** February 5, 2024

**Pre-Submission Conference:** March 4, 2024

**Submission Deadline:** May 3, 2024

Mayor, Eric Adams

Deputy Mayor, Maria Torres-Springer

Commissioner, Department of Housing Preservation and Development, Adolfo Carrión Jr.

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# I. INTRODUCTION

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The Department of Housing Preservation and Development (“HPD”) is pleased to release this Request for Proposals (“RFP”) to develop a high quality, resilient, and sustainable 100% affordable housing development (“Project”) in the Crotona Park East neighborhood of the Bronx. The Project will be constructed on a site owned by the City and located at 1388-1400 Stebbins Avenue (Block 2965, Lots 6, 7, 8, and 13), Bronx, New York in Community District 3 (the “Site”).



HPD is inviting all qualified developers (“Respondents”) to submit complete responses (“Submissions”) to this RFP for the development of the Project. The City will convey the Site subject to an extended affordability reverter, such that title to the Site will revert to the City upon expiration of the regulatory period unless the parties mutually agree to an additional term of affordability.

## 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 accordance with community development objectives and long-term equitable investments in neighborhoods. In furtherance of HPD’s commitment to community development, HPD encourages responses from Minority and/or Women Owned 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. Respondents may include Community Land Trusts (“CLTs”).

The development team (“Development Team”) must meet HPD’s Equitable Ownership Requirement and include an M/WBE or Eligible Non-Profit that in either case will hold at least 25% of the managing ownership interest in the Project. HPD encourages potential Respondents to assemble an experienced, complete, and competitive Development Team.

## II. DEFINITIONS

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### **AIRS**

Affordable independent residences for seniors as defined in the NYC Zoning Resolution.

### **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

### **CLT**

Community Land Trust

### **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

### **DOHMH**

The New York City Department of Health and Mental Hygiene

### **Developer**

The entity or entities selected by the City to commence negotiations regarding the development of the Site(s). 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, and community development.

**EAS**

Environmental Assessment Statement

**NYCEDC**

The New York City Economic Development Corporation

**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

**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).

**ESA**

Environmental Site Assessment

**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 New York City 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.

**LDA**

Land Disposition Agreement

**LIHTC**

Low-Income Housing Tax Credit

**M/WBE**

An entity that has been certified as a Minority and/or Women-Owned Business Enterprise by a governmental or quasi-governmental entity acceptable to HPD. Approved certifying entities include SBS, Empire State Development, the State of New Jersey Department of the Treasury, the Port Authority of New York & New Jersey, or any other verifiable governmental or quasi-governmental certifying body.

**Negotiation Letter**

The written notification sent by HPD to the Developer selected under this Submission regarding the commencement of negotiations.

**NTA**

Neighborhood Tabulation Area

**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.

**Project**

The development proposed for the Site(s), as further described in this Request.

**Proposal**

Used to describe the Project, or elements of the Project, proposed for the Site(s).

**RFP or Request**

Request for Proposals

**Respondent**

An individual, partnership, limited liability company, corporation, joint venture, CLT, or other entity that offers a Submission in response to this Request.

**SARA**

HPD's Senior Affordable Rental Apartments program

**SBS**

The New York City Department of Small Business Services

**Site**

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

**Transit Zone**

An area where special lower accessory parking requirements apply for various types of affordable housing including income-restricted housing units. These are generally areas of the city beyond the Manhattan Core within one-half mile of a subway station where auto ownership rates are among the lowest in the city.

**Submission**

The proposed Project from the Development Team in response to this Request

**Universal Affordability Preference (UAP)**

The City of Yes for Housing Opportunity is the plan to modernize and update our city's zoning regulations to help create a little more housing in every neighborhood. The Universal Affordability Preference (UAP) proposal would increase FAR for all forms of affordable and supportive housing by allowing buildings to

add additional floor area, if such additional floor area is used for permanently affordable housing. UAP and the rest of the City of Yes for Housing Opportunity zoning text amendments are slated for public review referral in spring 2024.

**Urban Development Action Area Project (UDAAP)**

Article 16 of the General Municipal Law, a State statute authorizing the City to convey City-owned property, make loans, and grant tax exemptions.

**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



### III. PROJECT OVERVIEW

The Site presents an opportunity to achieve the City’s broader development goals and provide much-needed affordable housing and other improvements for the local community through high-quality development.

#### A. PROJECT SNAPSHOT

<b>Site Location</b>	The Site is located at 1388-1400 Stebbins Avenue (Block 2965, Lots 6, 7, 8, and 13) between East 170th Street and Jennings Street. The Site is in Community District 3 in the Bronx.
<b>Site Description</b>	The Site is an irregularly shaped corner lot comprised of four contiguous City-owned lots. It has 208.7 feet of frontage on Stebbins Avenue and 90.13 feet of frontage on East 170th Street. The Site is currently vacant.
<b>Lot Size</b>	The Site is approximately 23,016 square feet.
<b>Land Use/Zoning</b>	<p>The Site is located in an R7-1 residential district within a Transit Zone. No rezoning is anticipated. Additionally, the Site is within a Food Retail Expansion to Support Health (“FRESH”) zoning incentives area.</p> <p>For purposes of this Request, Development Teams should assume the use of the Universal Affordability Preference (“UAP”). This proposal would increase the permitted floor area ratio (“FAR”) above the base market-rate FAR for all forms of affordable and supportive housing in R6-R10 zoning districts. Under the UAP, a building could be built with additional residential floor area so long as it uses that extra floor area for affordable housing. To accommodate the additional FAR, UAP will also adjust building envelopes with higher base and maximum heights.</p> <p>For this R7-1 district, the proposed UAP FAR is 5.0 (3.44 base FAR + 1.56 affordable FAR). The base height is 85 ft, with a maximum height of 115 ft.</p> <p>Note: The specifics of the UAP proposal may change during the public review process.</p>
<b>Site Climate Hazards</b>	The Site is at high risk from heat and per Climate Resiliency Design Guidelines (“CRDG”) Climate Exposure Screening.
<b>Type of Development</b>	High quality development with 100% affordable housing. Target unit count can range from 120-140 units. This unit range is a target and Proposals are welcome to propose fewer or more units. Additionally, Development Teams may propose community facility space.
<b>Disposition</b>	The City will convey the Site subject to an extended affordability reverter, so that title to the Site will revert to the City upon the expiration of the regulatory period unless the parties mutually agree to an additional term of affordability. These terms will be set forth in an LDA, deed, and regulatory agreement.
<b>Acquisition Price</b>	Nominal

<b>Project Funding</b>	Financial proposals can assume subsidy available through HPD-HDC (NYC “Housing Development Corporation”) Term Sheets.
<b>Government Approvals: ULURP and UDAAP</b>	The selected Project will require ULURP and City Council and Mayoral approvals. Anticipated land use actions requiring approval for development of the Site include disposition of City-owned property. In addition, the City Council must approve the Project as an Urban Development Action Area “UDAA” project and must designate the Site as a UDAA pursuant to Article XVI of the General Municipal Law.

## B. PROJECT GOALS

### Development Team Experience and Capacity

- Procure a Development Team that brings the resources, understanding, and local knowledge and experience to implement the proposed Project.
- Procure a Development Team that has a track record of engaging communities and making investments in community and economic development.

### Financing Proposal

- Ensure that 100% of the residential units are affordable to a mix of household incomes and comply with the HPD-HDC Term Sheet most appropriate to meet the needs outlined in the Community Visioning Report.
- Establish a sound capital and operating budget that addresses the various elements of the development program.
- Maximize long-term affordability.

### Development Program and Community Development

- Create a development program with 100% affordable housing. The development program may include community facility space.
- Implement a development program that clearly addresses the Site and neighborhood context.
- Implement a development program that responds to the goals and priorities identified in the Stebbins Avenue Community Visioning Report (Appendix B).

### Design and Performance

- Design and develop a high-quality affordable building that is financially feasible.
- Design and develop a building that considers community goals and priorities outlined in the Stebbins Avenue Community Visioning Report (Appendix B).
- Design and develop a building that uses NYC's CRDG to respond to the site-specific climate stressors of heat and other site-specific opportunities.

## C. NEIGHBORHOOD CONTEXT

### Area History and Context

Bronx Community District 3 experienced significant population loss and disinvestment during the 1970s, seeing its population decrease from 150,636 in 1970 to 53,635 in 1980<sup>1</sup>. This was particularly acute in the Crotona Park East area in which the blocks surrounding Charlotte Street (including block 2965) became a national symbol of urban blight.

Since then, extensive redevelopment has taken place, mostly with new housing financed through HPD and HDC programs, producing blocks of two- and three-family homes and several new multi-family rental buildings. Upcoming projects include a 23-unit cooperative building located on Chisholm Street. Although many of those blocks of small homes had previously been occupied by multi-family buildings, the population of Community District 3<sup>2</sup> grew to 93,755 in 2020 from 53,635 in 1970. The Charlotte Gardens complex, adjacent to the Site, consists of 89 single-family homes.

### Neighborhood Land Uses

The Site is located in the Crotona Park East neighborhood in the Bronx's Community District 3. It is surrounded by a mix of low and medium density residential uses, community facilities, commercial uses and Crotona Park.

The Site is in an R7-1 zoning district with 4-7 story residential buildings. To the east of the Site is Charlotte Gardens, a multi-block area of single-family detached homes within an R1-2 zoning district. The Site is also in proximity to three major commercial corridors: Southern Boulevard to the east, Boston Road to the west

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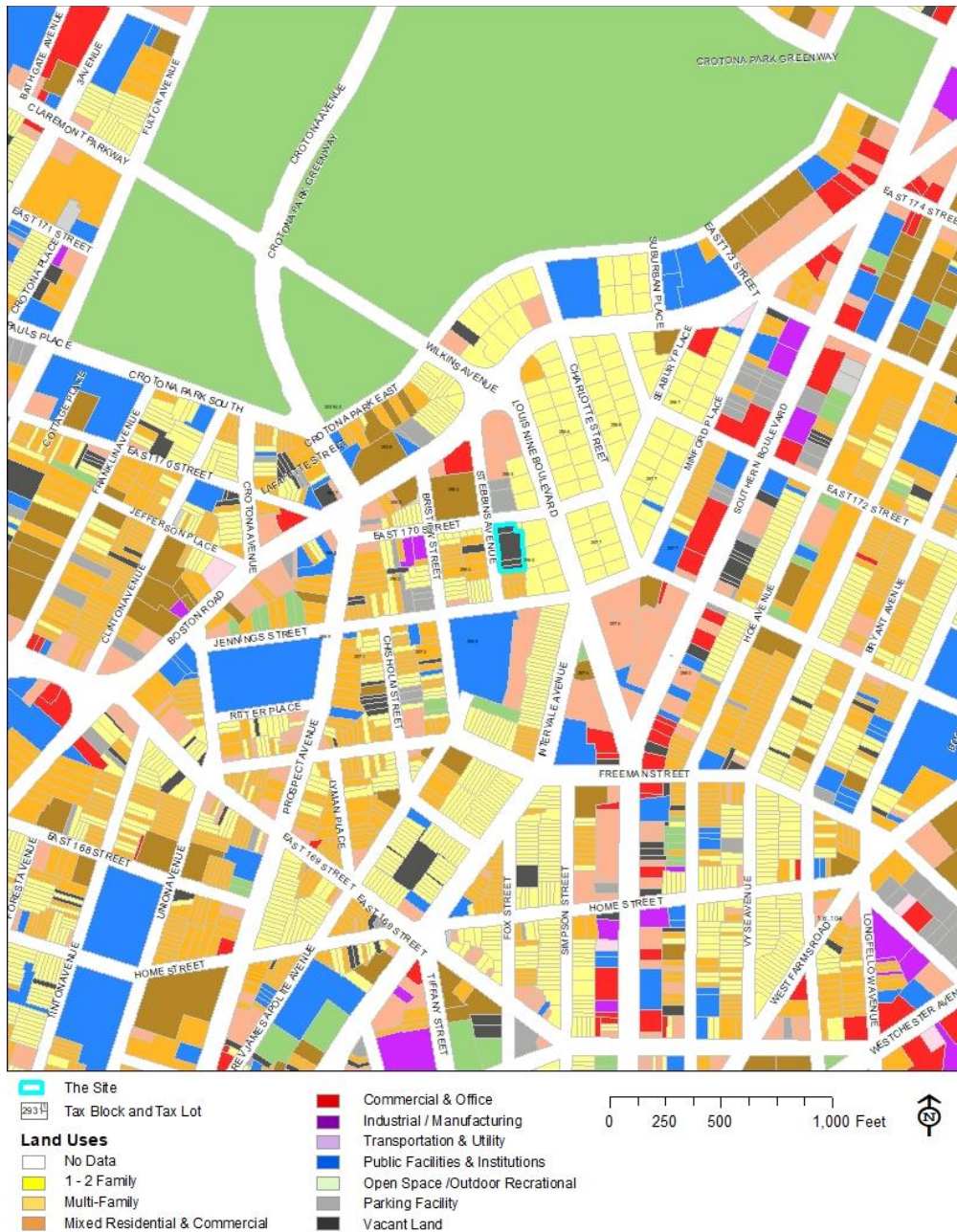
<sup>1</sup> [NYC Open Data](#)

<sup>2</sup> [NYC Planning Population FactFinder](#)

and north, and East 169<sup>th</sup> Street to the south. These corridors host a mix of community and cultural facilities, restaurants, grocery stores, retail, industrial & manufacturing uses, and a hotel.

Public facilities and institutional uses in the surrounding area include the schools P186X Walter J. Damrosch School, CS 134 George F. Bristow, X271 East Bronx Academy for the Future, and X511 Bronx Envision Academy. The Community Board 3 office is two blocks from the site. The nearest public library is Morrisania Library located less than a mile from the site. There are also several places of worship including Iglesia Alianza Cristiana y Misionera Vida on Jennings Street and Masjid Sidiki on Boston Road.

### Land Use Map

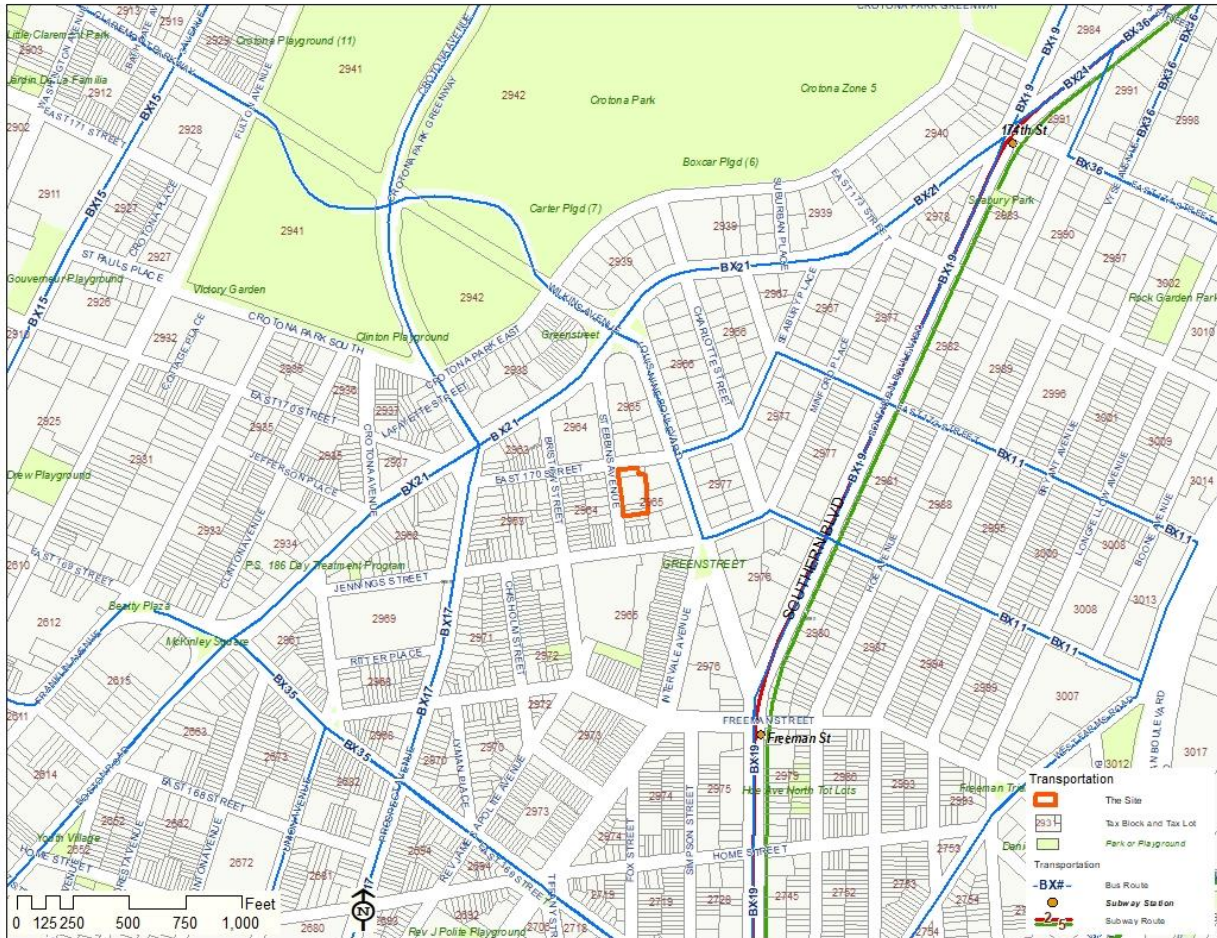


### Neighborhood Access

The Site is in close proximity to the 2 and 5 train lines at Freeman Street Station providing access to both

Manhattan and Brooklyn. It is also in proximity to several bus routes including the Bx11 which runs east-west from Parkchester to Washington Heights in uptown Manhattan, the Bx17 which runs north-south from Fordham to Mott Haven, and the Bx21 which runs north-south from Westchester Square to Mott Haven.

### Transit Map



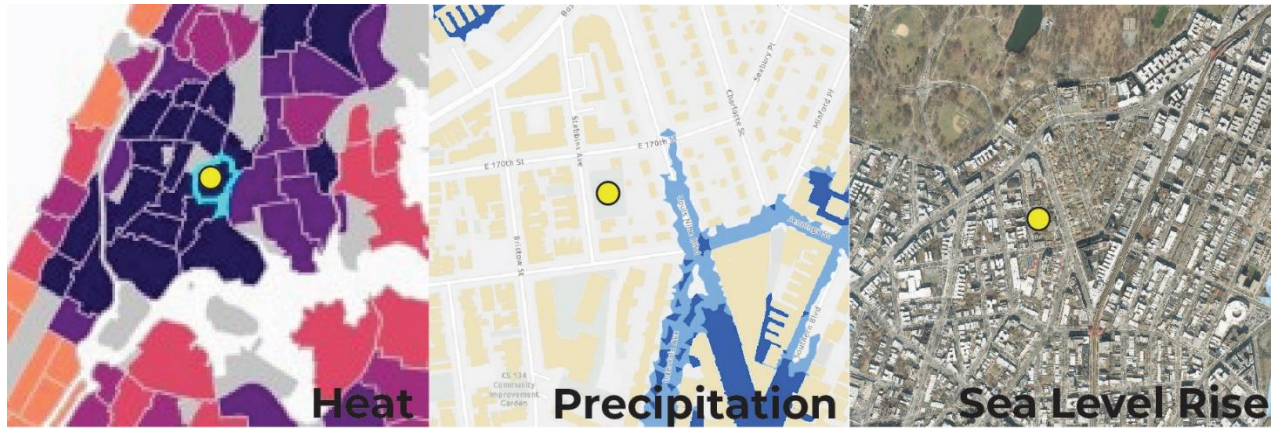
### Neighborhood Climate Risk

A preliminary CRDG Exposure Screening indicated that the Site has a high exposure to heat climate hazards.

The Site is located in the Crotona Park East neighborhood, which has a Heat Vulnerability Index (“HVI”) score of 5 and will experience an increased number of annual heat waves over time.

The Site is not located immediately adjacent to or along a primary access road or primary road frontage at risk of flooding during an extreme stormwater flood with 2080s Sea Level Rise. However, it is anticipated that the Project will require a new DEP site connection, and will result in a net increase in impervious area on the Site.

This Site is not exposed to risk of coastal or tidal flooding as a result of sea level rise.

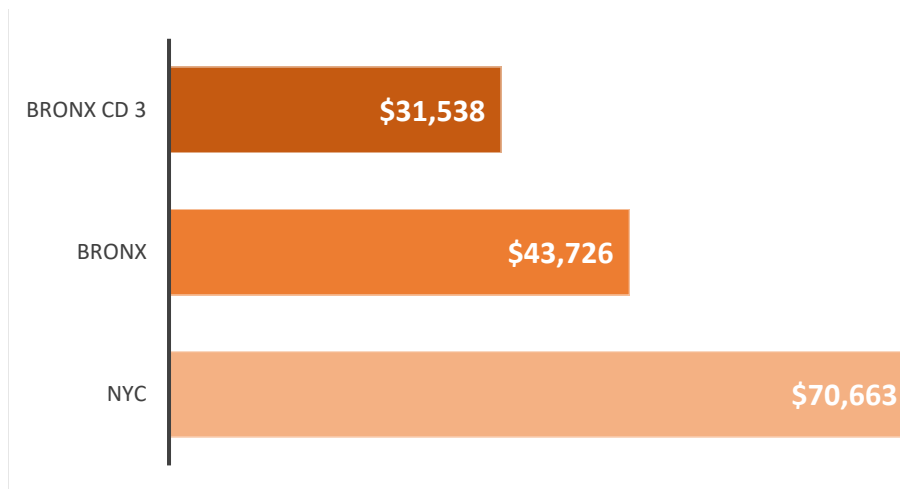


The Heat map above uses NYC Department of Health and Mental Hygiene (“DOHMH”) Heat Vulnerability by NTA dataset accessed using [Interactive Heat Vulnerability Index](#). The Sea Level Rise map uses Future Floodplain 2080s map and High Tide 2080s map accessed using [NYC Flood Hazard Mapper](#). Legend and key map data are available on these online mapping tools.

**Neighborhood Demographics**

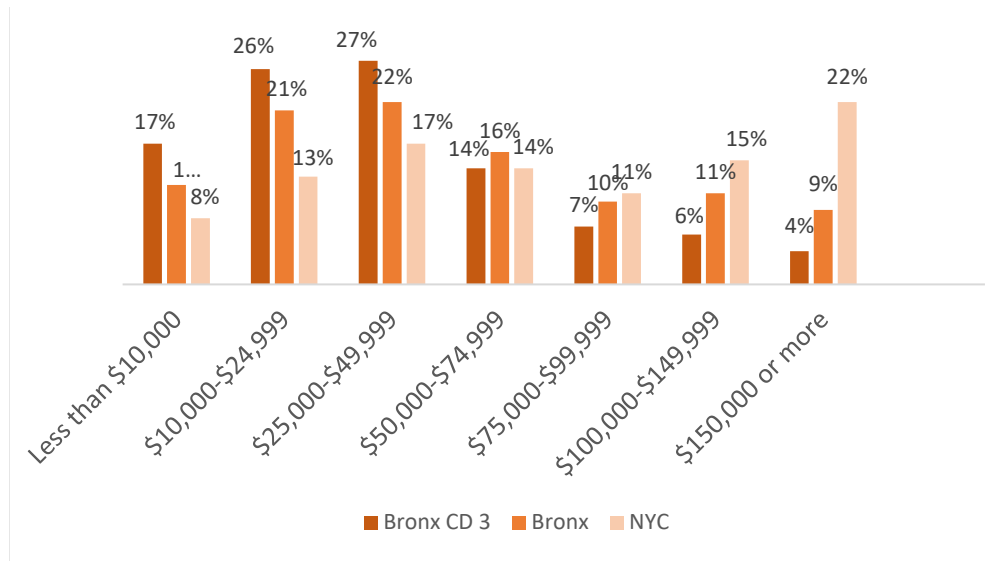
The information below highlights demographic, economic, social, and housing characteristics of the neighborhood in which the Site is located. More detailed data can be found through the [DOHMH](#) and [DCP](#) websites, and the Equitable Development Data Explorer (“EDDE”).EDDE.

*a. Median Household Income*



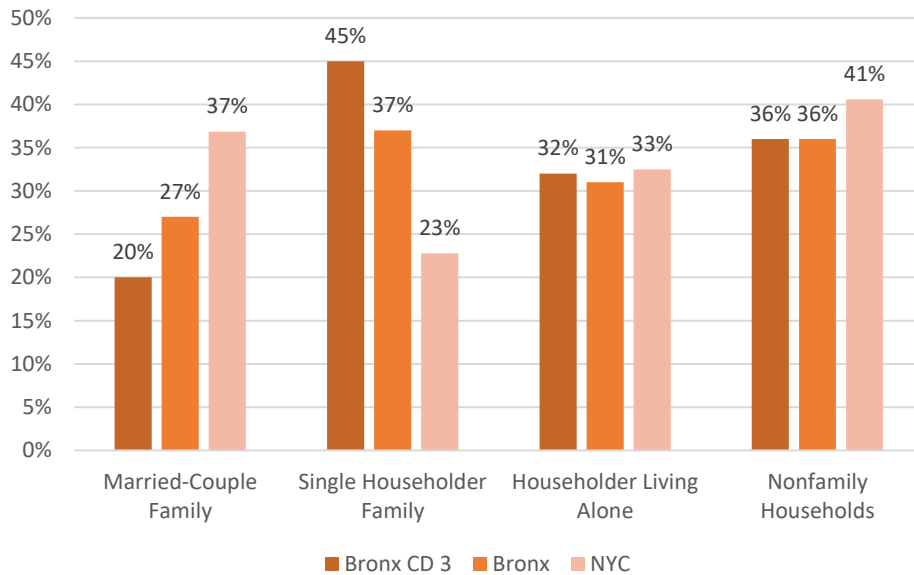
*Data Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates. Table number B19013 (Median Household Income in the Past 12 Months). Income in 2021 inflation-adjusted dollars.*

b. *Distribution of Households by Income Ranges*



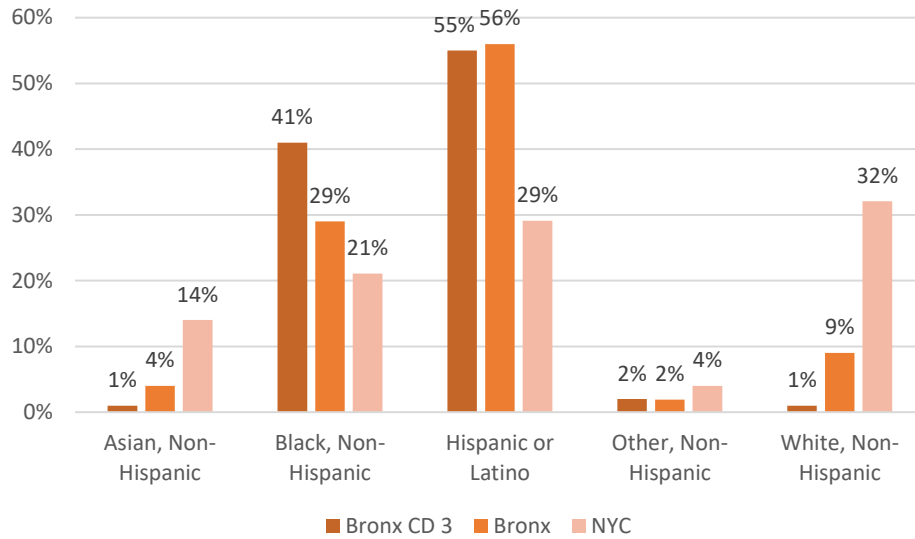
Data Source: ACS 2017-2021 5yr PUMS Data. These estimates are based on survey data and are therefore subject to sampling and non-sampling error. Income in 2021 inflation-adjusted dollars

c. *Household Types*



Data Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates.

d. *Racial/Ethnic Composition*



*Data Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates. Table number DP05 (ACS Demographic and Housing Estimates)*



# IV. SELECTION PROCESS

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## A. SUBMISSION INSTRUCTIONS

All Submissions must include the contents in Section VI. SUBMISSION CONTENT AND COMPLETENESS to fully describe the Respondent's proposed Project.

### RFP Title

1388-1400 Stebbins Avenue

### Package

Respondents must submit one (1) PDF file with the entire Submission and individual PDF files for each tab and individual files in the forms requested per Section VI: Submission Content and Completeness. 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

**May 3, 2024**

4:00 p.m. (Late submissions will not be accepted)

### Pre-Submission Conference

Date: **March 4, 2024**

Time: 1:00 p.m.

Location: Virtual

HPD strongly recommends that interested Respondents attend this virtual pre-submission conference, as this will be the only opportunity to ask questions and receive answers in real time. To ensure attendance at the pre-submission conference, RSVP [here](#) by February 28, 2024 at 4:00 p.m. HPD will send a link to the online conference the day of the event.

Responses to all inquiries will be collectively provided at the pre-submission conference and in an addendum, posted on HPD's website and sent to all prospective Respondents. Any updates and/or additional communications regarding this RFP will also be posted here.

*Conference Access for People with Disabilities.* Please send requests for accommodation to: [stebbinsRFP@hpd.nyc.gov](mailto:stebbinsRFP@hpd.nyc.gov)

### Communications

All communications and inquiries regarding this RFP are to be directed in writing to HPD, and specifically to Ulises Linares, Planner of Planning and Predevelopment at: [stebbinsRFP@hpd.nyc.gov](mailto:stebbinsRFP@hpd.nyc.gov). All written questions must be submitted by April 5, 2024 to be included in the RFP addendum.

### 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 selection process.

### **Addenda and Extensions**

HPD may amend or withdraw this Request at any time. In order to be considered, Submissions must conform to any amendments that may be issued to this Request. Amendments may include, without limitation, any requirements and terms or conditions contained in this Request. HPD will advise each Respondent of any clarifications or revisions.

If, in HPD's judgment, additional time is required for Respondents to prepare their Submissions, HPD may grant an extension of the deadline for submission, and such extension will then be granted to all Respondents.

### **Submission Modifications**

Modifications received after the submission deadline will not be considered. If HPD determines, upon review of a Submission, that any items are missing and/or incomplete, HPD, by written notification given to the Respondent, may permit the Respondent to provide or clarify such items. Failure to provide complete information in a timely fashion could result in rejection of the Submission.

### **References and Requests for Further Clarification**

A Submission constitutes permission from the Respondent for HPD to make such inquiries concerning the Respondent as HPD deems necessary. HPD may communicate with any of the Respondents but is not obligated to do so. HPD may discuss the Submissions of any Respondent concurrently or sequentially, as HPD may determine. No Respondent has any rights against HPD arising from any such invitation to a discussion, or from any negotiations that may arise pursuant to the discussions.

Respondents must comply with all requests for further clarification and, if requested by HPD, appear for presentations or discussions. If any Respondent fails to do so within the time period given (or within any time extension that HPD may grant), HPD may deem this as a failure and act of non-compliance with the Request, which will permit HPD to select another Respondent or to solicit new Submissions. In furtherance and not in limitation of the foregoing, before a final selection is made, a Respondent may be required to produce more detailed information concerning the professional background of those persons who own and manage such Respondent, a report on the financial background of such Respondent, and information concerning the nature and status of any past or pending threatened charges or actions (including lawsuits, criminal or disciplinary actions, administrative proceedings by any governmental or regulatory agency or bankruptcy action) against such Respondent or any of its partners, directors, officers, employees, shareholders, subsidiaries, or affiliates, as the case may be.

## **B. REVIEW CRITERIA**

The Development Team(s) will be selected through an open, competitive, and transparent juried selection process consisting of two stages: 1) Threshold Review and 2) Competitive Review.

### **Threshold Review**

HPD will review each Submission according to the threshold requirements ("Threshold Requirements"), listed in Section V: SUBMISSION REQUIREMENTS AND COMPETITIVE PREFERENCES. **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 Request will be eliminated from further consideration, unless HPD permits the Respondent to correct the omission or provide further information through a request for clarification.

### **Competitive Review**

Submissions that meet all Threshold Requirements will be comprehensively evaluated and rated according to the competitive selection criteria ("Competitive Criteria") provided in Section V: SUBMISSION

REQUIREMENTS AND COMPETITIVE PREFERENCES. In addition to these Competitive Criteria there are preferences. A Proposal will be scored on how strongly it meets the Competitive Criteria but will also receive extra points for meeting preferences.

<b>Competitive Criteria</b>	<b>Weight</b>
Development Team Experience and Capacity	20%
Financing Proposal	20%
Development Program and Community Development	30%
Design and Performance	30%

HPD may request additional information, interviews, presentations, or site visits. The selected Respondent(s) will be chosen from among the highest rated Submissions. HPD may disapprove the inclusion of any member of a Respondent's Development Team and/or require the selected Respondent to substitute other individuals or firms.

### **C. SELECTION**

Selection of one or more Developers under this Request means only that HPD will commence negotiations with such Respondent(s) regarding the Submission for the Site.

#### **Negotiation Letter**

Upon such selection, HPD will send written notification ("Negotiation Letter" or "Letter") to the Developer regarding the commencement of negotiations. This Negotiation Letter will set forth certain information regarding the Project and procedures that will form the basis for such negotiation. Form A-2 is a Respondent's Letter that describes this process. Each Submission must include this letter signed on behalf of the Respondent by a Principal. HPD may terminate negotiations with or without cause after the issuance of such Negotiation Letter.

#### **Disclosure**

Each Developer who receives a Negotiation Letter from HPD must thereafter disclose all previous participation with City-assisted projects. Such Developer(s) and each of its Principals, and officers and related entities will be required to submit completed Disclosure Statements. HPD will provide copies of these forms upon request to any Respondent.

#### **No Obligation**

This Request 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 Request 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 Request in whole or in part, negotiate with one or more Respondents, and/or negotiate and dispose of the Site(s) on terms other than those set forth herein (including to parties other than those responding to this Request). HPD may also, at any time, waive compliance with, or change any of the terms and conditions of this Request, entertain modifications or additions to selected Submissions, or withdraw or add property from or to this Request.

# V. SUBMISSION REQUIREMENTS AND COMPETITIVE PREFERENCES

Submissions will be evaluated and scored based on a) responsiveness to all Threshold Requirements, b) the competitive quality, soundness, and strength of project characteristics that address all the requirements, and c) whether the Submission exceeds requirements by demonstrating a capacity to deliver on stated preferences that achieve broader public policy and community development objectives.

## A. DEVELOPMENT TEAM EXPERIENCE AND CAPACITY

Threshold Requirements		TAB
No Adverse Findings	Submission may be rejected at any time during or after the evaluation process if there are any adverse findings in HPD's sole discretion, regarding the Respondent, any entity or individual associated with the Respondent, or any property owned and/or managed by them. (HPD may ask for a request for clarification.)	D
Comparable Development Experience	Respondent must include at least one Principal who has successfully completed new construction or substantial rehabilitation of at least one development of at least one hundred (100) residential units within the past seven (7) years.	E
Comparable Management Experience	Respondent must include at least one Principal (of Respondent or the Respondent's Property Manager) who has experience managing a development of at least one hundred (100) residential units in New York City within the past seven (7) years. The Principal must have been the owner and manager, or the owner acting through a management entity, to fulfill this qualification.	E
Development Team	Submissions must include: architect, construction manager, real estate and land-use attorney, environmental planner, and engineer.  If Respondents propose a building with on-site social services, Submissions must include a social service provider.	D, E
Participation of M/WBE or Eligible Non-Profit	Respondents must include an M/WBE or Eligible Non-Profit that in either case will hold at least 25% of the managing ownership interest in the Project. The M/WBE or Eligible Non-Profit must receive a commensurate interest in the totality of the economic benefits of the Project (net of 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. A fee-only arrangement for the M/WBE or Eligible Non-Profit will not satisfy this requirement.	D
Development Schedule/ Phasing Plan	Submissions must include a detailed schedule including any necessary public approvals with construction commencing at least 24-48 months from the issuance of the Negotiation Letter <sup>3</sup> , and other Project specific key benchmarks.	F
Competitive Criteria		TAB
Developer	Respondents will be evaluated on their: <i>Successful Experience</i>	E

<sup>3</sup> In light of the volume of HPD projects awaiting construction closing, the Developer should expect that construction will likely start after the date specified in its Development schedule, which must be at least 24-48 months from HPD's issuance of a Negotiation Letter to the Developer.

	<ul style="list-style-type: none"> <li>Developing multi-family urban projects using public and private financing sources.</li> <li>Developing mixed-use urban projects, if proposing mixed-use building.</li> </ul> <p><i>Strong Capacity</i></p> <ul style="list-style-type: none"> <li>Current capacity to undertake, effectively project manage, and complete all necessary activities and obligations associated with the proposed Project within the proposed schedule.</li> <li>Capacity will be determined by analysis of Respondent's current public and private development workload, other pending development obligations and financial guarantees.</li> <li>Strength of organizational, project management and governance structure for the Project.</li> </ul>	
Social Service Provider	<p><i>Applicable if proposing rental housing.</i> Respondents will be evaluated on their social service provider's:</p> <ul style="list-style-type: none"> <li>Experience operating low-income senior, formerly homeless, and/or supportive housing.</li> <li>Experience providing tenant social services and securing social service funding.</li> </ul>	
Property Manager	<p>Respondents will be evaluated on their Property Manager's:</p> <ul style="list-style-type: none"> <li>Experience managing multi-family projects in urban areas.</li> <li>Experience managing mixed-use residential buildings with commercial and/or community facility uses in comparable markets.</li> </ul>	E
Consultant Team	<p>Respondents will be evaluated on the following qualifications of their team's:</p> <p><i>Design Consultant</i></p> <ul style="list-style-type: none"> <li>Experience designing and providing construction oversight on multi-family and mixed-use, high-performance, residential projects that were successfully completed within budget and on schedule.</li> </ul> <p><i>Planning and Zoning Consultant</i></p> <ul style="list-style-type: none"> <li>Experience in NYC zoning and environmental review and approval processes on comparable development projects.</li> </ul> <p><i>Environmental Consultant</i></p> <ul style="list-style-type: none"> <li>Experience in environmental engineering; and experience in sustainable design and development.</li> <li>Experience in environmental review processes in New York City.</li> </ul> <p><i>Construction Management</i></p> <ul style="list-style-type: none"> <li>Experience in construction and construction management of multi-family and mixed-use developments that were successfully completed within budget and on schedule.</li> <li>Experience complying with labor and safety requirements for similar projects in New York City.</li> </ul> <p><i>Marketing, Leasing/Sales</i></p> <ul style="list-style-type: none"> <li>Experience developing and implementing affirmative fair housing marketing plans.</li> <li>Experience in leasing and/or sales with a comparable development program and market.</li> </ul> <p><i>Legal Consultant</i></p>	E

	<ul style="list-style-type: none"> <li>• Experience in affordable housing development and public/private development.</li> <li>• Experience in NYC land use and zoning.</li> </ul>	
<b>Preferences</b>		<b>TAB</b>
Community Development	Respondents will be evaluated based on their successful track record of tangible investments in community and economic development.	B, E
Minorities and Women in Development Team	Respondents with certified M/WBEs as part of the Development Team including 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, and community development.	E

## B. FINANCING PROPOSAL

<b>Threshold Requirements</b>		<b>TAB</b>
Affordability	100% of the units must be affordable.	G
Financing Proposal	Submissions must comply with HPD-HDC Term Sheets, including requirements described in the Project Snapshot, and should follow the underwriting assumptions included in the Financial Assumptions (Appendix D).	G
Financing Capacity	Asset statements and Submissions must include letters of interest that demonstrate capacity to secure pre-development, construction and permanent financing, for the proposed Project.	H, I
<b>Competitive Criteria</b>		<b>TAB</b>
Financing Proposal	<p>Submissions shall include Financial Scenarios with sources and uses that support the proposed Project and affordability levels. 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.</p> <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>Proposals that include community facilities should generate rental income, and the Development Team should identify sources to support all associated development costs, inclusive of hard and soft costs.</p>	G
Financing Capacity	Financing capacity will be evaluated based on the strength of the Respondent's assets, bank, investor, or other lender references, and current and historical commitments that demonstrate the Respondent's ability to secure financing, meet lender's equity and other lending requirements, provide necessary guarantees, absorb cost overruns,	G

	and commence and complete construction of the proposed Project according to the proposed Development Schedule.	
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## C. DEVELOPMENT PROGRAM AND COMMUNITY ECONOMIC DEVELOPMENT

<b>Threshold Requirements</b>		<b>TAB</b>
Development Program	<p><i>Residential Programming</i></p> <p>Submissions must propose a 100% affordable development of approximately 120-140 total units to achieve a development in adherence to the Project Snapshot and Project Goals.</p> <p>Submissions must have a distribution of unit types and sizes that complies with HPD term sheets and guidelines.</p>	B, J
Plan for Internet Access	<p>Submissions must include a plan outlining how Respondent will ensure that all common areas and individual dwelling units are provided with access to the internet via open access infrastructure that is available to any interested internet service provider (ISP). Additionally, Respondents shall ensure fiber cable internet technology is installed to provide better internet access to individual units and common areas, regardless of whether the building can access a fiber network at the time of construction.</p>	B, J
Jobs Outreach Plan	<p>Submissions must include a plan outlining the number and type of positions to be filled, the outreach strategy and recruitment approach, and information on workforce development strategic partners, if proposed. Please refer to Appendix C for full guidance.</p>	K
<b>Competitive Criteria</b>		<b>TAB</b>
Development Program	<p><i>Residential Programming</i></p> <p>Submissions will be evaluated on their ability to provide affordable housing for a variety of qualifying households targeted under the proposed financing programs and their responsiveness to the needs and preferences expressed in the Stebbins Avenue Community Visioning Report (Appendix B). Additionally, proposed residential services, building amenities and non-residential uses should complement livability for prospective tenants and strengthen community amongst building residents.</p>	B, J
	<p><i>Non-Residential Programming</i></p> <p>Submissions will be evaluated on their responsiveness to the needs and preferences related to non-residential programs in the Stebbins Avenue Community Visioning Report (Appendix B).</p> <p>Additionally, Submissions must demonstrate that the uses contribute to the economic and social health of the neighborhood, address a neighborhood need, and enhance the current inventory of community uses in the neighborhood. They will be evaluated based on the soundness of tenancy, tenant mix, marketing, management, and lease terms to secure tenancy.</p>	B, J

Jobs Outreach Plan	Submissions will be evaluated on the quality of the Job Outreach Plan, including but not limited to Development Team’s track record in hiring, strategic partnerships, range of outreach activities, and timeline and plan for implementation.	K
Community Engagement	Submissions that have a community engagement plan that provides outreach strategies during applicable public approval processes and opportunities for meaningful community engagement in certain elements of the Project, including design and/or programming elements.	K
<b>Preferences</b>		<b>TAB</b>
Community Development	Submissions that include a plan for neighborhood investments and/or community programs or services that are responsive to documented community needs.	J, K
Plan for Internet Access	Submissions that actively lower barriers to internet access for the building’s residents. Respondents should refer to the NYC Principles for Internet Service and Infrastructure outlined in the <a href="#">City’s Internet Master Plan</a> (see figure 4, page 3).	B, J

**D. DESIGN AND PERFORMANCE**

<b>Threshold Requirements</b>		<b>TAB</b>
Resiliency & Sustainability	<p>Proposals should include a completed Resilient &amp; Sustainable RFP: Checklist &amp; Narrative (Form L) which outlines how this project supports HPD’s goals for low-carbon, climate resilient, healthy and equitable housing.</p> <p><i>Resiliency</i></p> <ul style="list-style-type: none"> <li>Form L must include climate hazard screenings in accordance with the NYC CRDG.</li> <li>Submissions must satisfy all baseline resiliency requirements within HPD’s New Construction Design Guidelines, including ensuring all flood-prone properties meet 2080s future projected climate risk design standards.</li> </ul> <p><i>Sustainability</i></p> <ul style="list-style-type: none"> <li>Submissions must satisfy all baseline requirements within HPD’s New Construction Guidelines, including certification with Enterprise Green Communities or LEED Gold or above, and building electrification.</li> </ul>	L
<b>Competitive Criteria</b>		<b>TAB</b>
Building Design	<p>Submissions will be evaluated based on the following factors described further in Zoning, Site Plan, and Building Design Guidelines and Site-Specific Design Guidelines (Appendix A).</p> <ul style="list-style-type: none"> <li>Site Capacity and Program Evaluation: how well the Submission integrates the development program, building parameters, and how well the proposed plan overcomes the challenges posed by site conditions.</li> <li>Building Design:</li> </ul>	L, M



	<ul style="list-style-type: none"> <li>○ Building Envelope/Exterior: how well the Submission contributes to the built environment and serves the pedestrian experience.</li> <li>○ Building Systems: how well the system provides environmental comfort, ease of management and operations, and high level of durability.</li> <li>● Design and Construction: building design is consistent with the Submission’s proposed construction budget, schedule, and development program.</li> <li>● Design Value: exemplary design and construction methods that reduce or contain costs, create high-quality site and building designs, and achieve high development performance standards.</li> <li>● Design Excellence: Designs that propose exceptional elements or amenities in public spaces or residential areas, especially responses that include architectural/urban context.</li> </ul>	
Site Planning and Urban Design	Submissions will be evaluated based on designs, site planning, massings, building configuration, parking configuration, open space configuration, streetscape treatment, and relationship to surroundings.	L, M
Sustainability	<p>While all projects must, at minimum, certify with Enterprise Green Communities or LEED Gold, competitive criteria will consider how well designs respond to the “reach” criteria outlined in HPD’s Design Guidelines and other long term NYC climate goals.</p> <p>Attention will be paid to how Proposals maximize low-cost passive strategies that address both sustainability and resiliency goals. Proposals should specify building systems that reduce consumption and operating costs; and utilize renewable and low carbon sources of energy and materials where viable. In addition, respondents are encouraged to address the health, wellness and social resiliency of residents through best practices in material and system specification, planning and design. Innovative strategies to address these goals are encouraged.</p> <p>Respondents are further encouraged to explore ways that the benefits of such measures can be captured in the development underwriting process to reduce subsidy ask and be of benefit to residents by lowering their utility costs. Respondents will be asked to address operational costs and to demonstrate that all available incentives will be pursued for this project.</p> <p>Projects that demonstrate a cost-effective design that will achieve significantly reduced energy use and carbon emissions while improving occupant health, safety, and resiliency (e.g. Passive House) will be prioritized.</p>	L
Resiliency	<p>Competitive criteria will consider how well submissions mitigate risks associated with climate hazards during the Project’s useful life while minimizing climate impact. This includes how well a Proposal responds to sea level rise, (and/or) precipitation, (and/or) heat as required in HPD’s New Construction Design Guidelines, the <a href="#">Climate Resiliency Design Guidelines</a>, and informed by other climate adaptation best practices.</p> <p>Proposals that fully address the Site’s current and future climate hazards, while maximizing the efficacy and efficiency of resiliency</p>	L

	investment will be rated higher. Successful projects respond to site conditions and resident populations with an appropriate integration of both design interventions and operational resiliency strategies over the planned useful life of the proposed building and systems, while aligning with sustainability goals of energy efficiency and reduction in greenhouse gas emissions.	
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## VI. SUBMISSION CONTENT AND COMPLETENESS

Each Respondent must submit the forms and supporting documentation described below. Respondents must submit a PDF file with the entire Submission and individual PDF files for each tab as named below. Submissions that are incomplete or not in conformance with the requirements of this Request will be eliminated from further consideration.

### Submission Content and Completeness Outline

TAB	CONTENTS	FORMS
<b>Development Introduction</b>		
A	Completeness Checklist and Respondent's Letter	A-1, A-2
B	Executive Summary	B
C	Trade Secrets (optional)	
<b>Development Team Experience and Capacity</b>		
D	Developer Respondent Description	D-1, D-2
E	Development Team Experience and Capacity	E-1, E-2, E-3
F	Development Schedule/ Phasing Plan	
<b>Financing Proposal</b>		
G	Financing Submission	G-1, G-2
H	Financing Letters of Interest and Historical Financing Letters of Interest/Award Letters for competitive sources	
I	Assets Statements	I
<b>Development Program and Community Development</b>		
J	Development Program	
K	Community and Economic Development	
<b>Design and Performance</b>		
L	Design Narrative	L
M	Architectural and Urban Design Plans	M

- PDF files must be in the order specified above.
- Forms are available for download from the HPD website.
- Forms E-1, E-2, E-3, G-1, and G-2 must also be submitted as individual files; additionally, Forms E1, E2, G-1 and G-2 must be in Excel format.
- All forms must comply with the format associated with said form.
- All architectural plans must be formatted no larger than 11" x 17," and must be legible. Plans and documents must be in formats and paper size that are simple to copy/reproduce.

### Development Introduction

#### **TAB A – Completeness Checklist and Respondent's Letter**

- **Form A-1: Completeness Checklist**
- **Form A-2: Respondent's Letter**, printed on Respondent's letterhead and signed by an authorized representative.

## **TAB B – Executive Summary**

- **The Executive Summary** must introduce and provide a concise overview of all aspects of the Submission, and can include elements that distinguish the proposed Project, the qualifications of the Respondent and the Development Team.
- **Form B: The Project Summary** must be fully completed.

## **Tab C – Trade Secrets**

If Respondent does not have trade secrets to disclose, include a document saying, "Not Applicable."

Submissions and other materials submitted to HPD in response to this Request may be disclosed in accordance with the standards specified in the Freedom of Information Law, Article 6 of the Public Officers Law (FOIL). The entity submitting a Submission may provide in writing, at the time of submission, a detailed description of the specific information contained in its Submission which it has determined is a trade secret and which, if disclosed, would substantially harm such entity's competitive position. This characterization shall not be determinative but will be considered by HPD when evaluating the applicability of any exemptions in response to a FOIL request.

## **Development Team Experience and Capacity**

### **TAB D – Developer Respondent Description**

- **A brief narrative that describes:**
  - The roles of each entity of the Development Team throughout all phases of the Project. Any Submissions from a CLT must provide an organizational model that meets the requirements of the RFP.
  - Capacity to manage complex development projects within a public/private partnership.
- **Form D-1: Development Team Information and Respondent Questionnaire**, signed by Principal (if joint venture, principal of each entity must sign).
- **Form D-2: Not-for-Profit Corporation Form** (Applicable only to Non-profit corporations with ownership interest).
- **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.
  - Non-Profit or M/WBE Ownership Interest – 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 that the Non-Profit or M/WBE will hold at least 25% of the managing ownership interest in the Project and 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.

*Optional:*

- Project Staffing and Governance Plan**, with a brief narrative of any project management methods or tools that will be used to ensure an effective and collaborative public/private partnership.
- Organizational charts, schedules, and project budgets** demonstrating project management approach and capacity to manage complex development projects within a public/private partnership.

## **TAB E – Development Team Experience and Capacity**

- A brief narrative that describes the Respondent's:**
  - Experience developing and managing high-quality 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 E-1: Residential Development Experience and Current Workload** (include as individual Excel file per entity in Respondent team)
- Form E-2: 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.
- Form E-3: Management Questionnaire** (include as individual file with all applicable attachments)
- Other Members of Development Team.** Provide marketing materials, narrative statements, and/or portfolio list in graphic format that clearly describes relevant experience and work on similar projects completed within the last ten (10) years. Also, provide resumes highlighting experience of key principals and staff that will be working on the proposed Project. Submit all marketing materials as a separate PDF.
  - Architect and Engineer, other members of the design team, if applicable (e.g. artist, landscape architect, urban designer, etc.)
  - Construction Manager
  - Real Estate Attorney and Land-Use Attorney
  - Environmental Planner and Environmental Engineer, if applicable
  - Marketing and Leasing/Sales Agent, if known
  - Community Service or Program Provider, if applicable
- Affirmative Capacity Statement.** Submit a statement regarding the Development Team's ability to develop, finance, construct, manage, and complete the Project within the proposed Schedule, including, but not limited to, the Developer Obligations, as well as the Terms, Conditions, and Limitations and Conflicts of Interest, included in this Request.

## TAB F – Development Schedule / Phasing Plan

- **Schedule** listing and scheduling industry standard activities, including, at a minimum:
  - Community engagement and outreach
  - Site due diligence and preparation
  - Concept, Schematic, Design Development, Bidding and Construction documents
  - Governmental planning approvals and construction/building permits
  - Bidding
  - Financing and financial closing/Site disposition
  - Construction commencement, completion, and close-out
  - Marketing and lease-up
  - Occupancy
  - Development Phasing Plan if applicable

**Note:** Schedules are to assume the following key benchmarks:

- Predevelopment commencement within 30 days of the date of HPD issuance of the Negotiation Letter.
- Schematic Design phase and HPD approval of plans and drawings within 6 months of the Negotiation Letter.
- Construction commencement at least 24-48 months from the date of the Negotiation Letter.<sup>4</sup>

## Financing Proposal

### TAB G – Financing Submission

- **The Financing narrative** must clearly explain the financing structure of the Project, and explicitly identify proposed subsidy/financing programs.
- **Form G: Financing Scenario.** (Submit as Excel file). The Financing Scenario must adhere to underwriting standards and guidelines included in the RFP, as well as in the Financial Assumptions (Appendix D). If elements of the Project are separately financed, the Submission must provide separate financial scenarios for each portion. If Project elements are financially interrelated, a comprehensive Financing Scenario showing the financing for the whole Project, with each element delineated, may also be submitted.
- **Rents and AMIs.** Submissions must reflect the rent price affordability calculations (based on AMIs), and utility allowances described in the Form G. 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.

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<sup>4</sup> In light of the volume of HPD projects awaiting construction closing, as well as the financial impacts of COVID-19, the Developer should expect that construction will likely start after the date specified in its Development schedule, which must be at least 24-48 months from HPD's issuance of a Negotiation Letter to the Developer.

- **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 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.
- **Social Services for Tenants (as applicable).** Submissions proposing social services for tenants should identify their proposed funding source, service provider and describe the services that will be offered to tenants. Service funding options include the SARA Tenant Services RFP, the Provision of Congregate Supportive Housing RFP (also known as NYC 15/15) administered by the NYC Human Resources Administration and other service funding opportunities for which the Project would be eligible. A social services budget should not be included in submissions.
- **Regulatory Term.** Units must remain under a regulatory agreement for the duration of the Project, but in no case less than sixty (60) years.
- **Rental Comparables.** Market comparables must be provided for residential rents and/or sales prices as applicable. Market comparables must also be provided for any proposed non-residential sources of income (other than in-building laundry).

## **TAB H – Financing Letters of Interest and Historical Financing Letters of Interest/Award Letters**

- **Financing Letters of Interest**
  - **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. Applicants may use different private lenders for construction and permanent financing. 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. 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, operating income/expenses, and associated residential rent levels; and
      - The interest rate (fixed or variable), the equity requirement, applicable fees, 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, operating income/expenses, and associated residential rent levels; and

- The interest rate (fixed or variable), the equity requirement, applicable fees, and other terms under which the lender would provide permanent financing; 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.
- **LIHTC Syndication**
  - If LIHTC financing is proposed, a syndication letter of interest is required. If LIHTC financing is proposed, the experience of the Development Team with tax credits must be described in the financing narrative.
- **Public Financing**
  - If HDC bond financing is proposed, a letter of interest from HDC is NOT required.
- **Historical Financing Letters of Interest/Award Letters** (for similar projects financed within the past 7 years, if applicable)
  - **Competitive Sources**
    - 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.

## **TAB I – Assets Statements**

- **Assets Statement and References**
  - Each Principal of the Respondent must submit audited or reviewed financial statements detailing the Principal's financial status in the two most recent years preceding the Submission Due Date for this Request. Publicly owned companies must submit the latest annual report and Form 10K, as well as any Form 10Q submitted after such Form 10K. As an alternative, the Assets Statement in Form K may be used. Provide sufficient information necessary to evaluate the Respondent's current financial commitments and track record to meet the financial obligations of the proposed Project.
  - Provide references only of banks, investors, or other lenders that have financed previous and similar development projects.

## **Development Program and Community Development**

### **TAB J – Development Program**

- **The Development Program narrative** must describe a comprehensive perspective of the various components of the development program, including residential, parking (if applicable), commercial/community facility, open space, and other land uses for the Site. Additionally, the narrative must describe how the development program responds to the Community Visioning Report including the responses summarized around local housing issues, residential program, ground floor uses (non-residential program), and public space.
- **Plan for Internet Access.** Brief narrative describing the plan for internet infrastructure and resident connectivity in the new building. Respondents should outline upfront and/or ongoing costs associated with the proposed strategy. Please refer to the NYC Principles for Internet Service and Infrastructure outlined in the [New York City Internet Master Plan](#) (see Figure 4 on page 3) for guidance.

### **TAB K– Community and Economic Development**

- **The Community Engagement narrative** must describe:
  - Outreach strategies during applicable public approval process and construction period

- Meaningful opportunities for input, feedback, or participation in certain elements (design and programming) of the Project after Developer selection.
- **Job Outreach Plan.** Discuss strategy and recruitment approach and provide an outreach timeline to identify candidates for open positions prior to and during construction. If the team includes a workforce development strategic partner, describe the tasks they are expected to perform. The plan should also discuss the team’s previous experience working with community partners on prior projects. Please refer to Appendix C for guidance.

*Optional:*

- Include a plan for neighborhood investments and/or community programs or services that are responsive to documented community needs.

## **Design and Performance**

### **TAB L – Design Narrative**

- **The Design narrative** must provide a clear and comprehensive description of the preliminary design and succinctly articulate the design approach to achieving the Project vision and goals. Narrative must cite all elements submitted in Tab M: Architectural and Urban Design Plans, as described below:
  - **Area Plan and Photos:** Discuss how the design concept was informed by neighborhood physical, cultural, historical and/or socio-economic characteristics, as well as the Site conditions.
  - **Zoning Strategy:** If proposing land use actions explain and justify why such actions are necessary to achieve the goals of the Project.
  - **Zoning Analysis and Building Code:** Discuss how the proposed Project complies with zoning or building code requirements (including proposed UAP zoning amendment).
  - **Environmental Planning:** Describe any known environmental concerns and how the Respondent intends to address them.
  - **Site Capacity and Program Evaluation:** Describe how the planning and design approach addresses the surrounding context and any significant Site features, and the capacity (opportunities and challenges) of the Site to incorporate the various components of the development program.
  - **Site Plan and Urban Design:** Describe how the site plan and urban design approach creates safe and active urban residential environments, connects the Site to the surrounding neighborhood, enhances the public and pedestrian realm, and fosters sustainable development.
  - **Building Design and Performance:** Highlight major and/or unique design approaches to the building envelope and façade, floor plans and unit layouts, building systems, construction type, and sustainable development. Sustainability strategies should take into account the capital and operating cost of implementing such measures versus their relative benefit both qualitatively and financially.
  - **Design and Construction:** Identify proposed construction type and any cost containment concepts to achieve quality design within proposed budget and schedule parameters, and consistent with the development program.
  - **Design Excellence:** Describe other design features proposed for the Project, such as Active Design, Universal Design, and/or arts to be incorporated in the Project.
- **Form L: Resilient & Sustainable RFP Checklist & Narrative.** Describe features supporting HPD and NYC’s low carbon, climate resiliency, healthy and equitable design goals. Responses



should address climate change and climate resilience, specifically in response to current and future heat risks and identify how the Proposal integrates sustainable design.

## **TAB M – Architectural and Urban Design Plans**

### **□ Area Plan and Photos**

- **Photos:** Images of the Site and its relation to surrounding buildings, streets, sidewalks, and open spaces, at least 3" x 5" in size. Photos must be keyed on the area plan outlined below. The photos must be clear enough to be reproducible. Submissions must include photos of other neighborhood and community characteristics and conditions that informed the designs.
- **Neighborhood Area Plan:** A neighborhood context plan(s) indicating circulation patterns, significant land uses, transportation networks, landmarks, and other neighborhood infrastructure and community amenities.

### **□ Zoning Analysis and Building Code**

- **Zoning Analysis** that includes a zoning map for the Site, and a detailed zoning computation with an analysis that demonstrates compliance with the existing or proposed applicable zoning regulations. The analysis must cite pertinent sections of the Zoning Resolution and must be prepared and signed by a licensed architect or engineer. The analysis must include, at a minimum, the assumed zoning and uses; and the proposed and allowable/required (1) unit density; (2) FAR and zoning floor area ("ZFA") (total and by use, including AIRS units if applicable); (3) lot coverage; (4) height and setbacks; (5) street wall requirements; (6) yard requirements; and (7) vehicle and bicycle parking, etc. If proposing any necessary zoning modifications, indicate them in the analysis.
- **Square Footage Analysis Chart(s)** with detailed breakdown of residential, community facility, parking, open space, and other components of the development program such as any accessory and social welfare facilities associated with senior and/or supportive housing. The chart must include gross square footage, deductions and zoning square footage (floor area) by building and floor.

### **□ Site Plan and Urban Design**

- **Site Plan(s)** indicating the: context of the development within nearest street intersection(s); tax lots and zoning lot boundaries and restrictions; buildings with setbacks and height elevations; site access points; adjacent structures and any encroachments; street widths as well as roads and sidewalks; exterior parking; driveways; elevation grades; basic landscaping; easements and encroachments as well as other relevant zoning and site conditions and features.
- **Circulation and Open Space Plan** with walkways, sidewalks, garage and parking areas, curb cuts, fencing and gates, building entrance/egress points, streetscape improvements, site landscaping including planting locations and hard/soft surfaces, and lighting

### **□ Building Design**

- **Floor Plans** representing all floors of the proposed development (cellar/basement, ground floor, typical floor, upper floors, as applicable, and roof plan, etc.) with clear labeling of all community and common spaces, and resiliency and sustainability strategies, including dimensions and area.
- **Typical Dwelling Unit Plans:** Typical unit floor plans that provide residential unit uses and separation of spaces, circulation and entrance/exit, key dimensions and square footage, access to light and air, and any unique features and amenities.
- **Elevation Drawings:** Elevations of all four buildings faces clearly indicating proposed fenestration and materials, ceiling heights, floor elevations, and total building height. Respondent must use the Urban Design Drawing Template (Form M) for all applicable drawings.

- **Building Section Drawings:** Building section indicating building to grade relationship and floor-to-floor and floor-to-ceiling height; and, key wall, floor, and roof section indicating envelope materials, fenestration, and approach to sustainable development.
- **Illustrative Drawings:** Conceptual diagram and/or sketch illustrating the intent and approach to the design and development of the Site. Simple visualization to communicate design aesthetic, scale and relationship of the Project components, and a general sense of space from the pedestrian perspective/experience. (Physical models will not be accepted. Photo-realistic renderings or other expensive drawings are not required or encouraged.)
- Details or sketches of any unique features that are described in the Sustainability narrative (e.g. solar shading devices).

***Submission completeness requirements:***

- All plans must be prepared by a Registered Architect or Professional Engineer.
- Plans and drawings are to be at a concept design level typically included as part of the preliminary Schematic Design phase for architectural services.
- Preliminary plans and drawings must provide a clear understanding and comprehensive illustration of the design approach.
- **Form M: Drawing Templates.** The respondent must use this form for at least one site plan and the street elevations in the scale and formatting detailed in the form.
- All plans must be dimensioned and with a north arrow.
- Elevation Drawings, Section Drawings, and Floor Plans must be dimensioned at the same scale.
- All plans and drawings must include the name of the Project, Respondent, Architect and/or Engineer, and date.
- All materials must be on paper size of 11" by 17", or smaller, and must be easily reproducible.

## **VII. DEVELOPER OBLIGATIONS**

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### **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 community facility, if applicable), design and construction, social service provision, and community development.

At or prior to closing, HPD will require satisfactory evidence that the appropriate organizational documents of the owners of the Project evidence the ownership interest of the M/WBE consistent with the requirements of this RFP and the Respondent's Proposal. Such evidence will include, but not be limited to, representations by the Project's owners and an opinion of counsel or other knowledgeable professional. The HPD regulatory agreement for the Project will require the owner to maintain the required ownership interest of the M/WBE during the term of Project financing provided by HPD, except as may be approved in writing by HPD in the case of foreclosure, misconduct, certain voluntary sales, or other circumstances.

The Developer is responsible for a professional and disciplined project management approach to the public/private partnership in connection with this Submission with the objective of ensuring transparent information, project governance, smooth negotiations and communications, as well as risk management and quality control.

Interim use(s) proposed by the selected Respondent may be permitted prior to commencing construction. Such uses would be further discussed and considered by HPD after selection. Interim use(s) will not be evaluated or considered in the selection of a Project as described under this RFP (see Section V Selection Process). HPD anticipates that a Developer will be the signatory on any legal agreements for any such proposed interim use(s).

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. In addition, the Developer will be responsible for working with the City to coordinate planning and construction schedule.

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 community facility, if applicable.

### **B. Community Outreach**

The Developer will lead all community outreach activities in partnership with HPD and 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, within six (6) months of selection. Prior to disposition, the Developer must submit a complete set of Design Development documents and specifications to HPD for 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. In light of the volume of HPD projects awaiting construction closing, as well as the financial impacts of COVID-19, the Developer should expect that construction will likely start after the date specified in its Development schedule, which must be at least 24-48 months from HPD's issuance of a Negotiation Letter to the Developer.

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](#)
- [Climate Resiliency Design Guidelines](#)
- Zoning, Site Plan, and Building Design Guidelines (Appendix A)
- [Passive House Design](#)
- [LEED](#)
- [Enterprise Green Communities NYC Overlay](#)
- [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](#)
- [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 an Environmental Assessment Statement ("EAS") in accordance with the guidelines contained in the latest edition of City Environmental Quality Review ("CEQR") Technical Manual, including an EAS form, graphics and technical assessments and appendices, as necessary. It is anticipated that HPD will serve as the lead agency for the CEQR review and will oversee the preparation of all CEQR documentation; however, the Developer will be responsible for retaining a reputable environmental consultant, preparing and submitting all CEQR documents, and funding the cost of the studies and analysis required for completion of CEQR. 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 as determined by HPD. HPD does not make any representation or warranty whatsoever regarding the condition of the property or the suitability of the property for the uses contemplated by this Request. The Developer will be solely responsible for providing engineering and institutional controls to allow for the reuse 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. Public Land Use, Zoning and Approvals**

HPD will be the applicant for the land use applications for the Site, with assistance from the Developer in preparing the supporting documentation for the application, if needed. The Project will also require City Council and Mayoral approvals. Anticipated land use actions requiring approval for development of the Site include disposition of City-owned property and UDAAP area designation and project approval. The Developer may be required to alter the designs or program before and during the ULURP process to comply with any request for modifications.

## **F. Financing and Tax Exemptions**

The Developer is responsible for applying to, and meeting the requirements of, any applicable tax benefit program. 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 Site will be 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, 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 on non-commercial space 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 this tax exemption is subject to City Council approval.
- The [420-c tax exemption](#) provides an exemption from New York City real property taxes on non-commercial space 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 Internal Revenue Code 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 (PILOT).
- The [Urban Development Action Area Project \("UDAAP"\)](#) tax exemption is subject to approval by the City Council. The City Council may grant an exemption from the New York City real property taxes on the buildings/improvements for up to twenty (20) years. If the Council grants the full 20-year exemption, the improvements on the Site(s) would be fully exempt from the New York City real property taxes on the buildings/improvements for the first ten (10) years with a gradual phase-in of full taxes over the remaining ten (10) years (10% per year). The full

amount of the New York City real property taxes on the land must be paid each year. Other governmental approvals are required before the City is able to use the UDAAP.

### **Transfer Taxes and Disposition Price**

The Developer is responsible for paying all transfer taxes associated with the conveyance of the Site(s) to the Developer, including any transfer taxes associated with the conveyance of the condominium units and all transfer and recording taxes associated with financing of the construction and the Project, generally.

The Developer will pay, upon conveyance, a nominal disposition price, anticipated to be \$1.00 per lot at HPD's sole discretion, and will deliver an enforcement note and mortgage for the difference between the purchase price and the appraised value of the Site, which may accrue interest at the AFR and may be payable at maturity.

### **HPD – HDC Term Sheets**

Submissions must comply with all terms of the selected HPD term sheet.

Submissions that assume HDC bond financing (and subsidy financing, if applicable) must comply with all terms of the selected HDC Term Sheet.

### **Project-Based Rental Assistance**

Development Teams that propose the use of project-based rental assistance in accordance with HPD-HDC 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 periodically solicit applications to this PBV RFP, and awards will be made at intervals that will be announced at a later date.

### **Subordinated Debt**

Submissions should calculate subordinated debt at the amount equal to the sum of:

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

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

- The HPD enforcement mortgage is subject to repayment from refinancing and resale profits and may be non-evaporating.

### **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*

- New York City Economic Development Corporation (“NYCEDC”)’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.
- [NYCEDC Capital Access Loan Guaranty Program](#): Provides up to a 40 percent guarantee on loans for qualified NYC micro (fewer than 20 employees) and small (21-100) businesses experiencing difficulty in accessing loans.

## **G. Disposition and Disposition Price**

The Developer will be responsible for executing and complying with all Site Disposition requirements. Disposition of the Site to the Developer will be subject to the following:

- Receipt of all public approvals required for disposition of the Site and development of the proposed Project on such Site, including without limitation, approval by the Mayor.
- Execution and delivery of the documents necessary to complete the disposition process within a time period specified by HPD. These documents include, but are not limited to, an LDA and regulatory agreement, as required.
- The Site will be conveyed in accordance with the terms of the LDA to be entered into between the Developer and HPD and will be conveyed in “as-is” condition, including without limitation, all environmental conditions and hazards. The LDA will contain covenants running with the land that require the Developer to develop the Site in accordance with plans and specifications determined and approved by HPD.
- The City will convey the Site subject to an extended affordability reverter, so that title to the Site will revert to the City upon the expiration of the regulatory period unless the parties mutually agree to an additional term of affordability.
- The simultaneous closing of a bona fide construction loan required to finance the full development of the Site(s).

## **H. 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-HDC 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.

*Demolition and Remediation.* The Developer is responsible for the demolition of all existing structures on the Site, as well as the development and implementation of a remediation plan for any contamination present on the Site.

*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.

## **I. Marketing and Leasing**

The Developer is solely responsible for marketing and leasing 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 rents of the units projected in the Submissions are to be determined by the Developer in accordance with HPD, as stated in applicable term sheets or otherwise. The marketing of the units will be monitored by HPD staff to ensure compliance with these requirements. The [HPD-HDC Marketing Handbook](#) will be incorporated by reference into the regulatory agreement 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.

## **J. 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 Request and/or the subsequent Submission or other financing conditions and terms. Prior to initial occupancy, all residential apartment units must be registered with the New York State Division of Housing and Community Renewal ("HCR") under rent stabilization at rents specified in the regulatory agreement. Residential apartments must remain in the system in perpetuity.

## **K. 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.

## **L. 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 ("SBS"), 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.

## **M. 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.

#### **N. 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.

#### **O. 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.

#### **P. Fair Housing Requirements**

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

#### **Q. Warranty Coverage**

If the residential apartments in the Project are sold by the Developer as cooperative apartments or individual residential condominium units, Developer will be responsible for ensuring that these residential apartments 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 residential apartments, 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).

#### **R. 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.

#### **S. 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.

#### **T. 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.

## VIII. CONDITIONS, TERMS, AND LIMITATIONS

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

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

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

The Site(s) shall be subject to New York City real property taxes and charges. Tax benefits may be available under Article XI, 420-c, UDAAP, or other tax exemption programs.

The proposed Project(s) 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.

The City will convey the Site(s) pursuant and subject to the provisions of the LDA, deed, and regulatory agreement, including the extended affordability reverter described in this Request. HPD will recommend to the Mayor the disposition price as stated. Where required, all documentation, including but not limited to the deed and LDA, must be in form and substance satisfactory to the Mayor and Corporation Counsel. The conveyance will be subject to satisfaction of the applicable provisions of the City Charter and Article 16 of the General Municipal Law.

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.

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

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.

This Request and subsequent Submission do not represent any obligation or agreement whatsoever on the part of the City. Any obligation or agreement on the part of the City may only be incurred after the City executes a written agreement approved as to form by the Corporation Counsel. The City is under no legal obligation to convey the Site(s) through a competitive process. The City may use the Submissions pursuant to this Request as a basis for negotiation with Respondents as the City deems appropriate. HPD may reject at any time any or all Submissions, amend or withdraw this Request in whole or in part, negotiate with one or more Respondents, and/or negotiate and dispose of the Site(s) on terms other than those set forth herein (including to parties other than those responding to this Request). HPD may also, at any time, waive

compliance with or change any of the terms and conditions of this Request, entertain modifications or additions to selected Submissions, or withdraw the Site(s) or portions of the Site(s) from or add individual parcels to this Request.

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

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.

## **IX. CONFLICTS OF INTEREST**

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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.

## X. APPENDIX

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- A. Zoning, Site Plan, and Building Design Guidelines
- B. Community Visioning Report
- C. Job Outreach Plan
- D. Financial Assumptions
- E. Submission Forms - Forms are available for download on the 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 A-1:	Completeness Checklist
Form A-2:	Respondent's Letter
Form B:	Proposal Summary
Form D-1:	Development Team Information and Respondent Questionnaire
Form D-2:	Not-for-Profit Organization Form
Form E-1:	Residential Development Experience and Current Workload
Form E-2:	Residential Management Experience and Current Workload
Form E-3:	Management Questionnaire
Form G-1:	Rental Financing Scenario Template
Form G-2:	Homeownership Financing Scenario Template
Form I:	Asset Statements
Form L:	Resilient & Sustainable RFP: Checklist & Narrative
Form M:	Drawing Templates