

MULTIFAMILY WATER ASSISTANCE PROGRAM FOR AFFORDABLE HOUSING

Frequently Asked Questions

(updated December 6, 2023)

PROGRAM ELIGIBILITY

1. WHICH PROJECTS ARE ELIGIBLE FOR THIS CREDIT?

Any rental or cooperative project located in New York City that meets the following criteria is eligible to apply:

- a) **Average actual project rents affordable to households earning up to 60% of Area Median Income (AMI).** The HPD/HDC Rent Roll Template automatically calculates the average AMI for the project once the rents are inputted.

NOTE: While the AMI threshold for the program is 60% of AMI, the program prioritizes projects from lowest to highest AMI. Given the limited number of credits DEP can offer each year, the program is typically oversubscribed and the AMI cutoff since the establishment of the program has been less than 50% of AMI. Last year's AMI cutoff was 37% of AMI.

- b) **Regulatory Agreement, Mitchell Lama non-dissolution rider or equivalent regulatory document with HPD and/or HDC with at least 15 years remaining in its restriction period:**

- The regulatory document submitted must be the one recorded on ACRIS and include the recording and endorsement cover page.
- A minimum of 15 years from December 6, 2023 or the date of the contract execution, whichever is later, of the regulatory period must be remaining.
- Regulatory period end dates tied solely to the repayment of an HPD and/or HDC loan will not be eligible, as the regulatory agreement will end once it is repaid and there is no guarantee that it will not be repaid in at least 15 years.
- 100% of the residential units must be restricted by the HPD and/or HDC regulatory document.
- Projects that only have a regulatory document from an agency that is not HPD or HDC (i.e. HUD or HCR) are not eligible for the credit.
- Neighborhood Restore projects are not eligible to receive the credit.
- Projects where 100% of the units are permanently affordable and, as a result, the regulatory period does not indicate an end date, there is no need to provide an end date on the application. The application will ask you to check a box stating that the regulatory agreement will be in effect in perpetuity.

- c) **Compliant with all applicable DEP and Water Board regulations:**

- Buildings charged on the Multifamily Conservation Program (MCP) rate must meet the program's conservation requirements:
 - i. Have meters equipped with Automated Meter Reading (AMR) devices;

- ii. Have low-flow toilets, showerheads, and faucet aerators installed in at least 70% of units);
- iii. Have separately metered commercial units, if required;
- iv. All buildings billed on a metered basis are eligible.

d) **In good standing with the City (current on DEP and DOF bills).** Buildings cannot be more than 1 quarter behind on their DEP and DOF bills or they must demonstrate that they are working with HPD or HDC Asset Management to bring the building into good standing with the City. See Q.16 under the “Application Submission” section on how to demonstrate good standing.

e) **Projects containing buildings with 4 or more units.** Multiple building projects with buildings that are greater than AND less than 4 units are still eligible to apply, but only the buildings with at least 4 units will be eligible to receive the credit.

2. WHAT IS A PROJECT?

A project is defined as one or more buildings regulated under one executed and ACRIS-recorded regulatory agreement, Mitchell Lama non-dissolution rider or equivalent document with HPD or HDC.

3. WHAT CRITERIA ARE EVALUATED ON A BUILDING LEVEL VS A PROJECT LEVEL?

Criteria	Level of Evaluation	Additional Info
Affordability	Project Level	Affordability is assessed on a project level, so all buildings covered under one regulatory agreement, regardless of size (including any buildings under 4 units), must be included in the HPD/HDC Rent Roll Template.
Good Standing with DEP and DOF	Building Level	If an individual building in the project is not in good standing, then only that building will be ineligible to receive the credit; the other buildings that are in good standing will be eligible to receive the credit as long as the project meets the other eligibility criteria.
Compliance w/ MCP	Building Level	Conservation criteria for the MCP program are evaluated on a building basis. For example, if there are 3 buildings within a project, 2 are metered and 1 is on MCP, if the one building on MCP is not in compliance with the program, then only that building is ineligible to receive the credit. The other 2 buildings that are metered will be eligible to receive the credit if the project meets the other MWAP criteria.

4. ARE THERE ANY BUILDING SIZE RESTRICTIONS FOR THE PROGRAM OR PROJECT UNIT CAPS?

Yes, only buildings with 4 or more units are eligible for the credit. A project which contains buildings with more than 4 units AND less than 4 units is still eligible to apply, but only the

buildings with at least 4 units will be eligible to receive the credit. All projects over 4 units are eligible to participate in the Program; however, if a private-site project consists of more than 2,000 units, only 2,000 units in a project will receive credits.

5. ARE THERE LIMITED SPOTS IN THE PROGRAM?

There are a limited number of units that can benefit from the credit. Projects will be prioritized by lowest to highest collectable rent affordable to households earning up to 60% of AMI. In addition, only up to 2,000 units of an eligible project will receive the credit. The agency reserves the right to prioritize high need projects if the demand exceeds the enrollment cap. Only complete applications will be reviewed.

NOTE: Given the limited number of credits DEP can offer each year, the program is typically oversubscribed and the AMI cutoff since the establishment of the program has been less than 50% of AMI. Last year's AMI cut off was 37% of AMI.

6. CAN A PROJECT EXTEND ITS REGULATORY AGREEMENT TO TAKEN ADVANTAGE OF THE CREDIT?

No, a project cannot extend its regulatory agreement during the 2023-2024 program cycle to take advantage of the credit.

7. WHERE CAN I FIND MY RECORDED REGULATORY AGREEMENT?

A digital copy of the project's regulatory agreement with the recording and endorsement page included must be uploaded to the application. All documents can be downloaded from the [Automated City Register Information System \(ACRIS\)](#). Buildings can search for their regulatory agreement by borough, block and lot (BBL) number. A regulatory document must clearly state the date that it became effective and the period of the restriction. All buildings in each application should be covered by a single regulatory agreement. Buildings covered by a separate regulatory agreement should submit a separate application for that project.

8. WHY DO BUILDINGS NEED TO HAVE 15 YEARS REMAINING ON A REGULATORY AGREEMENT IN ORDER TO PARTICIPATE IN THE PROGRAM?

As there are limited resources for this credit, priority is given to support the financial sustainability of buildings committed to the long-term affordability of the City's housing stock.

9. IS A PROJECT PARTICIPATING IN ONE OF HPD'S DIVISION OF PROPERTY DISPOSITION AND FINANCE LOAN PROGRAMS ELIGIBLE TO APPLY FOR THE CREDIT?

Not until the project's ownership is transferred from Neighborhood Restore to the HDFC and an HPD and/or HDC regulatory agreement with the HDFC is executed and recorded, will the project be eligible to receive financing from the Program.

10. HOW DO I KNOW WHETHER A BUILDING IS BILLED ON THE MCP RATE OR METERED BILLING?

Your DEP bill will show this information. On the bottom of your bill next to "Rate" it will either say "Units billed on Multi-family conservation program fixed rate" which is the MCP rate or "Basic Water and Sewer" which is metered billing.

Buildings billed on the MCP rate must meet all conservation requirements to continue to receive the flat-water rate and not be charged penalties. Projects billed on a metered rate are not required to meet these conservation criteria before receiving the credit.

11. HOW CAN I VERIFY IF A BUILDING HAS MET THE MCP REQUIREMENTS?

Buildings should check the “MCP Building Compliance” list on the Compliant Multifamily Conservation Program (MCP) Properties [webpage](#). Buildings can look up their accounts by borough, block and lot or service address to see whether they are compliant with the conservation requirements. Properties that meet all MCP conservation requirements will be able to print an MCP conservation compliance letter. If you believe your building was erroneously listed as noncompliant, contact DEP’s customer service at (718) 595-7000.

12. WHO CAN I CONTACT WITH ADDITIONAL QUESTIONS ABOUT PROGRAM ELIGIBILITY?

- **Multi-Family Conservation Program:** To see whether your building meets the Multi-Family Conservation Program criteria, visit the Compliant Multi-Family Conservation Program (MCP) Properties [webpage](#), or for questions about how to comply with the MCP conservation criteria, please contact DEP directly at (718) 595-7000, customerservice@dep.nyc.gov, or use the MCP Compliance Tool found [here](#).
- **HPD-Assisted Projects:** For existing buildings with an HPD Regulatory Agreement, Mitchell Lama non-dissolution rider or equivalent regulatory document, contact dyaskil@dep.nyc.gov.
- **HDC-Assisted Projects:** For existing buildings with an HDC Regulatory Agreement, a joint HPD-HDC regulatory agreement or equivalent regulatory document, contact AMwater@nychdc.com.

APPLICATION SUBMISSION

13. HOW DO I APPLY?

Complete an online application available on either the [HPD website](#) or the [HDC website](#).

14. ARE THERE SEPARATE APPLICATIONS FOR HPD AND HDC PROJECTS?

The same application applies for both HPD- and HDC-funded projects. Upon receipt, applications will be sorted either to HPD or HDC, depending on whether you have an HPD, HDC or Joint HPD/HDC Regulatory Agreement on the project.

In the “Rents and Regulatory Agreement” section, the first question asks you to select the “Type of Regulatory Document”. Here is how to determine if your project has an HPD, HDC, or Joint HPD/HDC Regulatory Document:

- **HPD Regulatory Document:** Your project has an executed and ACRIS-recorded

Regulatory Agreement, Mitchell Lama Non-Dissolution Rider (appended to your mortgage) or equivalent regulatory document with HPD.

- **HDC Regulatory Document:** Your project has an executed and ACRIS-recorded Regulatory Agreement or equivalent regulatory document with HDC.
- **Joint HPD and HDC Regulatory Document:** Your project has an executed and ACRIS-recorded Regulatory Agreement or equivalent regulatory document with both HPD and HDC.

15. WHO CAN COMPLETE THE APPLICATION?

For rentals and Mitchell Lamas (both coops and rentals), an owner, property manager, owner's representative or a staff member of the ownership entity can digitally sign the application. For HDFC Coops, either a board member, property manager, or owner's representative can digitally sign.

16. HOW DO I COMPLETE THE APPLICATION?

The following instructions should be followed when completing the form and submitting the supplemental documents:

Completing the Form:

- a. **Single-Building Projects:** Only one (1) application needs to be submitted for the single building covered under the regulatory agreement.
- b. **Multiple-Building Projects:** Separate applications must be completed for each building covered under the regulatory agreement that is 4 units or greater. **However,** you only need to upload the HPD and/or HDC Regulatory Agreement, HPD/HDC Rent Roll Template and DOF bills with the first building application for the project. Once the initial application is submitted, you will be prompted to complete the form again.


Multiple building projects that contain buildings with less than 4 units must be included in the rent roll, as affordability is assessed on a project level, but a separate application for them should not be created.

- c. **All Projects:** Ensure the number of units in the application match the number of units in the rent roll and HPD/HDC regulatory agreement. If the number of units in the project differs from what is reflected in the HPD/HDC regulatory agreement, please draft a letter and attach it to the application explaining the reason why it differs and any necessary back-up documentation.

Supplemental Documents:

Supplemental Documents	Checklist to Ensure Document Completeness
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<p>Rent Roll</p>	<p><input type="checkbox"/> Completed HPD/HDC Rent Roll Template (Proprietary rent rolls will not be accepted)</p> <p>Note a completed HPD/HDC Rent Roll Template includes the following:</p> <ul style="list-style-type: none"> • Rent roll reflects the most up-to-date rents as of December 6, 2023 or the date of application submission, whichever is later • Actual project rents include any rental subsidies for that unit • The tenant share of the rent is included for units with rental subsidies • If a tenant pays \$0 in rent, confirm in the HPD/HDC Rent Roll Template that this is true in column “K” • Vacant units in the rent roll template are included, but the actual rent should not be included • Projects with buildings under 4 units are included in the rent roll, as affordability is assessed on a project level
<p>Regulatory Agreement</p>	<p><input type="checkbox"/> Regulatory agreement with the ACRIS recording and endorsement page. The regulatory or restriction period end dates within the document must be highlighted or underlined.</p> <ul style="list-style-type: none"> • A minimum of 15 years from December 6, 2023 or the date of the contract execution, whichever is later, of the regulatory period must be remaining. <ul style="list-style-type: none"> ○ Regulatory Agreements with end dates tied solely to the repayment of an HPD and/or HDC loan will not be eligible, as the regulatory agreement will end once it is repaid. <p><input type="checkbox"/> <u>If Applicable</u>: Certificate of Eligibility (only applicable for projects where the regulatory period end date is tied to the end date of the tax benefit)</p> <p><input type="checkbox"/> <u>Tax Credit Projects Only</u>: If a project’s restriction end date is tied to the placed-in-service date as indicated on the 8609 form, only submit the form if there is less than 15 years left on the regulatory agreement from the date of execution or date of commencement and it would help a project meet the regulatory criteria for MWAP.</p> <p><input type="checkbox"/> <u>Mitchell Lama Projects Only</u>: Mortgage Note must be included in the submission if the Mitchell Lama has a Non-Dissolution Rider attached to the mortgage to confirm the end date of the regulatory term.</p>

DOF Bill	<p><input type="checkbox"/> DOF bill with a balance of “\$0.00” in the “Outstanding Charges” section on the first page of the bill:</p> <div style="text-align: center;">  <div style="display: inline-block; vertical-align: middle; margin-left: 20px;"> <p>Property Tax Bill Quarterly Statement Activity through November 20, 2021</p> </div> </div> <p>Owner name: [REDACTED] Mailing address: [REDACTED]</p> <p>Property address: [REDACTED]</p> <p>Borough, block & lot: [REDACTED]</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Outstanding Charges</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>New Charges</td> <td style="text-align: right;">\$798.00</td> </tr> <tr> <td>Amount Due</td> <td style="text-align: right;">\$798.00</td> </tr> </table> <p style="text-align: center; font-style: italic;">Please pay by January 3, 2022</p> <p><input type="checkbox"/> Projects with arrears should submit either:</p> <ul style="list-style-type: none"> Proof of payment equaling the amount shown in the “Outstanding Charges” section of the DOF bill Copy of the payment plan A letter from HPD or HDC Asset Management explaining the circumstances and confirming that the building is working with the City to actively address the arrears. 	Outstanding Charges	\$0.00	New Charges	\$798.00	Amount Due	\$798.00
Outstanding Charges	\$0.00						
New Charges	\$798.00						
Amount Due	\$798.00						

DEP Bills: Do not submit your DEP bills. DEP will run a point-in-time check of the project’s payment status to determine good standing with DEP.

17. WHAT IS THE DEADLINE TO APPLY?

The deadline to apply is 11:59 pm on January 18, 2023. Qualifying buildings will be informed about their application status by June 30, 2024.

18. WILL THERE BE A GRACE PERIOD AFTER THE APPLICATION DEADLINE TO CORRECT ANY INCOMPLETE OR INCORRECT APPLICATIONS?

DEP reserves the right to implement a grace period at its discretion. However, if during the application period you notice an error with an application, you can re-submit the application. There is a question at the end of the application that asks if this is an application re-submission.