Preservation Design Guidelines Frequently Asked Questions (FAQ)

This FAQ provides questions and answers related to HPD's Preservation Design Guidelines Moderate (Mod), Substantial (Sub), and Gut Rehabs. Have more questions? Reach out to HPD Sustainability at sustainability@hpd.nyc.gov or HPD Resiliency at resiliency@hpd.nyc.gov.

General

1. What do the Design Guidelines cover?

The Design Guidelines cover sustainability, energy efficiency, resiliency, health & wellness, and broadband but are not exhaustive of every scope item that might be necessary for a Moderate, Substantial or Gut rehab project and do not address structural and life-safety issues. Non-Design Guidelines scope of work items required by the IPNA or other existing conditions report must be included in the scope of work. See page 10 of the Design Guidelines for further information about which items in the IPNA must be included in the scope of work.

2. How do I know if my project is a Mod Rehab, a Sub Rehab, a Gut Rehab, or a project that does not meet the Mod Rehab Threshold?

HPD's Rehab Classifications can be found on HPD's website. For project teams not sure which rehab classification is applicable to their project this question can be addressed in the Pre-Scoping consultation.

3. The guidelines define Mod Rehabs as having a scope that "affects 2 or more systems." What does that mean?

The guidelines note that a Mod Rehab is any project "that contains a scope that affects 2 or more systems (e.g., heating, plumbing, electric, roof, windows, façade) but not meeting the definition of Sub Rehab. This may include replacement or refurbishment of building systems, equipment, or fixtures, but must include work that is capitally eligible."
For the purposes of defining Mod Rehabs, "affecting" a system would include "replacement" or "refurbishment" of at least 50% of the components, equipment, or fixtures in a building system (e.g., heating system, envelope system, structural system). Note that for tax exemption-only projects, the threshold for Design Guidelines compliance is replacement (rather than simply refurbishment) of 2 or more systems or sub-systems.

Examples of Replacement:

1. Heating system, affecting 50% is considered any of the following:
    1.1. Replacement of boiler
    1.2. Replacement of all apartment units
    1.3. Replacement of 2 out of 3 components of piping: main, risers, branches
2. DHW, affecting 50% is considered any of the following:

2.1. Replacement of water heater
2.2. Replacement of 2 out of 3 components of piping: main, risers, branches

1. Ventilation, replacing 50% of the units
2. Fenestration: 50% of windows, exterior doors, skylight
3. Electrical System, affecting 50% is considered any of the following:
   3.1. Adequate wiring
   3.2. Replacement of 50% of electrical wiring
4. Elevators, affecting 50%is considered any of the following:
   4.1. Modernization
   4.2. New system

Examples of Refurbishment:

- Building-wide upgrades to the heating distribution system (steam traps, TRVs, master venting)

Examples of items that do not trigger the definition of Mod Rehab on their own:

- Replacement of elements which are not capitally eligible by themselves
- Work on < 50% of a building system.
- Boiler clean & tune
- Plumbing leak repairs
- Tank insulation
- Air-sealing
- Minor roof repairs
- Skylight replacement
- Work on < 50% of a building sub-system.
- Replacement of plumbing fixtures and/or installation of aerators
- Light Bulb replacements

4. Who is subject to the Design Guidelines?

The Design Guidelines requirements apply to all HPD Preservation Projects assigned to an HPD PM after March 1st 2023.

- The Design Guidelines Process is only applicable to Moderate, Substantial and Gut Rehabs, and Substantial Tax-Exemption-Only deals.
- Moderate tax exemption-only deals are not subject to the Design Guidelines Process.
- Maintenance only projects are not subject to the Design Guidelines Process and are subject to a limited set of Design Guidelines outlined in the Preservation Design Guidelines Maintenance Only Workbook.

5. If my project is a tax exemption-only deal, what do I have to comply with?

Tax exemption-only deals, including those considered Mod Rehabs and those that do not meet the threshold of a Mod Rehab, do not have to retain an architect and are not subject to the Design Guidelines Process. However, these exemption-only deals must comply with the applicable sections in the Design Guidelines or Specifications for Rehabilitation Projects and attest to complying with relevant guidelines in the Housing Repair Agreement (HRA).

In addition, if a tax exemption deal does meet the threshold of replacing two building systems, as noted above in question 3, they also need to submit the Design Guidelines Workbook with applicable sections filled out to their HPD PM. The workbook needs to be submitted after Program sends the owner a list of required items and again (with owner signatures) when it is final as part of closing. The workbook will be reviewed by the HPD PM.

All tax exemption-only deals, regardless of classification, need to submit a Solar Where Feasible analysis per HPD requirements.

6. If my project is a tax exemption-only deal and I need a Design Waiver, what should I do?

Design Waivers for tax exemption-only deals should be sent to the PM who will determine whether the waiver request should be accepted.

7. Is HPD Benchmarking Protocol required for tax exemption-only deals?

No, but owners of buildings > 25,000 SF must benchmark for Local Law 84.

8. Are Mitchell-Lamas projects required to comply with the Design Guidelines?

Mitchell-Lama projects must comply with the Design Guidelines and will follow the Design Guidelines process. The only difference is that Mitchell-Lama projects will need to bid their scope of work to at least three General Contractors (GCs). The Registered Architect/Engineer will submit to HPD Program the three bids, including the consultant's preferred selection.

9. The Design Guidelines describe pre-scoping consultations or design consultations as optional, but the process guide describes these consultations differently. Which is correct?

The Process as described in Preservation Design Guidelines Process Guide is correct. Pre-Scoping and Design Consultations are mandatory for Mod, Sub, and Gut rehab projects. Pre-Scoping Consultations are meant to provide early and holistic feedback on projects before scoping takes place. Design Consultations are meant to provide feedback on completed SOWs and design. If any project team has questions earlier in the process, they may email HPD Sustainability at sustainability@hpd.nyc.gov.

10. The Design Guidelines do not mandate the retention of a Registered Architect/ Engineer, but the process guide does. Which is accurate?

The Preservation Design Guidelines Process Guide is accurate. A Registered Architect/Engineer is required for projects that meet the threshold of a Mod, Sub, or Gut Rehab project.

11. What is the difference between the Design Guidelines and the specifications for rehab projects?

These are complimentary documents. Development teams can use the BLDS specifications to find more granular information to help develop their scope of work. Teams may also use other specs as long as they are equal to or better than BLDS specs.

12. Are BLDS site inspections required at any point in the process?

BLDS Site inspections are not required. It is the architect or engineer's responsibility to inspect and confirm that the IPNA or other existing building conditions report is accurate. The architect or engineer should inspect the site prior to the Pre-Scoping consultation.

13. What types of BLDS Design Review are there?

HPD BLDS conducts various types of reviews, depending on project scopes. For Mods, BLDS conducts a SOW review. For Subs and Guts, BLDS conducts Design Development Review (includes layout and accessibility) and/or Construction Documents Review (includes MEP, Structural & Fire Safety). Eligible projects can be exempted from these reviews and go through an Expedited Review. BLDS Accessibility review could be waived if projects obtain a third-party Accessibility Consultant.

14. What is an Expedited Review, and how can my project qualify?

A project that is Expedited will have no further BLDS review following the Design Consultation. Projects will still need to address any minor comments that came up in the Design Consultation. See the process guide to understand how your project can qualify for an Expedited Review.

15. How does the Emergency Waiver process align with the Design Guidelines?

To the extent possible, emergency repairs should follow the requirements outlined in the guidelines. However, we understand that this is not possible for certain urgent emergency repair needs. If your project has requested/received an Emergency Waiver, please discuss the waiver during the Pre-Scoping or Design Consultation.

IPNA & Scope of Work

16. How many unique IPNA reports are required for cluster (multi-building) projects?

Please see the Minimum Sampling Requirement within the IPNA Standard. HPD strongly encourages building owners to inspect the common areas of all buildings in a project to

ensure that life safety and other critical needs are identified. The sampling requirements may change in the future.

17. When should I order my IPNA? Are there requirements about how long an IPNA is valid?

Generally speaking, to be useful for project scoping, IPNAs should be produced as close as possible to the Pre-Scoping meeting. Per HPD process, IPNAs should be no more than two years older than HPD PM assignment. If teams have specific timing issues with their IPNA, they should reach out to HPD Program.

18. If my project is a gut rehab or an unoccupied sub rehab, do I have to submit an IPNA?

These projects may submit a building inspection (BIR) report instead of an IPNA.

19. Are IPNAs required for tax exemption-only deals?

Yes. HUD Multi-Family Projects conducting a Capital Needs Assessment do not need to obtain an IPNA. However, they must submit additional relevant NYC tabs, including the 'LL97 Compliance' and 'Flood & Heat Hazard Exposure' tabs. The tabs may be filled out by the Owner, Architect or Engineer in lieu of the original IPNA provider. These standalone tabs can be found on NYSERDA's IPNA webpage. Considering tax exemption only deals do not comply with the Design Guidelines process, owners should discuss with HPD program the timing of their IPNA.

20. The IPNA includes a requirement to submit the solar feasibility analysis. HPD's process webpage indicates it is required after the Pre-Scoping Consultation. Which is correct?

The IPNA requirement predates HPD's Design Guidelines. Solar screenings are still required as part of a project's IPNA if the IPNA indicates a roof replacement or significant roof work. This is a preliminary screening for budgeting purposes and will suffice if accurate. The project architect should submit an updated Solar Feasibility Analysis after Pre-Scoping meeting to ensure accuracy and reflect any changes to the scope or design. HPD's non-profit partner Solar One can help architects with the feasibility analysis, optimizing solar designs and integrating solar into their scopes. More information can be found on HPD's Solar webpage.

21. Are there examples of what is considered in-unit work that would trigger Section 504/UFAS compliance?

When the following conditions are met then the entire unit needs to comply:

- renovation of whole kitchens, or at least replacement of kitchen cabinets; and
- renovation of the bathroom, if at least bathtub or shower is replaced or added, or a toilet and flooring is replaced; and
- replacement of entrance door jambs.

When the entire unit is not being altered, 100% of the single elements being altered must be made accessible. If questions remain, project teams can discuss their Section 504/UFAS requirements during their Pre-Scoping and/or Design Consultations.
Note: When Section 504 compliance is required, it will typically trigger a BLDS review (unless an Accessibility Consultant is obtained).

22. If there is no in-unit work in the SOW, can owners comply with in-unit criteria, including Energy Efficiency and Water Conservation (EEWC) at the time of tenant turnover?

Most items in the guidelines are triggered if an item is being replaced (e.g., windows, lighting). For items not triggered by a replacement (e.g. air-sealing), and no in-unit work is being implemented in a given unit, the work in that unit can be completed at the time of tenant turnover. However, for buildings following the Prescriptive Pathway of Local Law 97, in-unit work may be required for compliance and can't wait until tenant turnover.

23. Which criteria can be waived through the Design Guidelines Waiver Process?

The Design Guidelines and the Workbook clearly denote which items may be waived. If you have questions regarding waivers, please email HPD Sustainability at sustainability@hpd.nyc.gov or HPD Resiliency at resiliency@hpd.nyc.gov. If a project cannot comply with a criterion that does not allow a Design Waiver, development team should be prepared to discuss item at the Pre-Scoping meeting and justify why criteria can't be achieved.

24. When and where should a Design Waiver request be submitted? When is approval provided?

Applicants can submit a Design Waiver Request as early as possible during schematic design once known waiver needs are identified, but waivers must be approved prior to Design Consultation. Waiver requests can be submitted directly to HPD Resiliency at Resiliency@hpd.nyc.gov or HPD Sustainability at Sustainability@hpd.nyc.gov. The Design Waiver form is included in the Preservation Design Guidelines Workbook.

25. What must be included in a Design Waiver request?

A design waiver request submission should include all the information necessary for HPD to determine if a waiver request can be accepted. This includes a completed Design Waiver Request Form, relevant building site or sectional drawings, and any related narrative or cost information that demonstrate the infeasibility of meeting one or more of the requirements.

26. When is electric resistance permitted?

Electric Resistance backup is not permitted for space heating, including when used as 'auxiliary'. Electric resistance space heating may be used with HPD pre-approval in spaces such as common stairwells, utility rooms, basements, vestibules, and other spaces where heat pumps may not be appropriate. Specific limitations on use of electric resistance are detailed in

the Design Guidelines. For additional guidance on electric resistance, see the published Clarifications on Electric Resistance.

Resiliency

27. Are resiliency requirements applicable to building features (utility systems or residential units) that are not part of a proposed scope of work?

Resiliency requirements for elevation of new residential units or critical utilities do not apply to existing mechanical system components or units that are outside of the project scope of work.

28. What does 'adjacent' mean in the context of screening for stormwater risk using the NYC Stormwater Flood Maps?

The NYC Stormwater Flood Maps were developed to model likely flooding from moderate and extreme rainfall scenarios. For HPD Preservation projects, the Extreme Stormwater Flood with 2080 Sea Level Rise scenario map is used to determined applicability of stormwater requirements.

Because the NYC Stormwater Flood Maps largely mapped flood risk along public rights-of-way, HPD has adopted an adjacency requirement for development sites. If any part of a project site touches a roadway or other public right of way shown as flooded on the Extreme Stormwater Flood scenario map, then that site is considered at risk of stormwater flooding. With projects located on campuses, or where a building may otherwise be proposed on a larger site farther from a flooded street, HPD may utilize more discretion. The ultimate determination of a project's stormwater flood risk is made by HPD Resiliency.

Section 2.2 Flooding & Stormwater

29. How is Critical Equipment defined for resiliency purposes?

Critical equipment is defined as HVAC, electrical switchgear, fire pumps and sump pumps, emergency panels and generators, emergency communications, and fire alarm equipment. HPD may use its discretion to advise resiliency measures for other building utilities based on the available project, site and climate hazard information.

30. Which elevation requirements apply to flood-prone projects?

Chapter 2, Section 2 contains requirements for all "flood-prone" preservation projects, inclusive of projects within the current and future coastal floodplain as well as those adjacent to an area shown as flooded on the NYC Stormwater Flood Map (see below).
For projects at risk of current or future coastal flooding, any new critical equipment or dwelling units must be elevated to the 2050s Sea Level Rise-adjusted Design Flood Elevation ("SLR-adjusted DFE") or higher.

For projects at risk of stormwater flooding, any new critical equipment or dwelling units must be elevated out of a cellar to grade or higher. It is encouraged that critical uses be elevated higher above grade where anticipated flash flood depths can be determined by a qualified engineer. Where both flood risks are present, the coastal flood-prone elevation standards apply.

31. What is the 2050s future projected floodplain and why was it selected for the Preservation Design Guidelines?

For the purposes of determining flood-prone preservation sites subject to future coastal flooding, HPD references the 2050s future projected coastal floodplain. The Design Guidelines utilize the same climate projections and associated useful life estimates as the NYC Climate Resiliency Design Guidelines ("CRDG") which are based on the work of the New York City Panel on Climate Change ("NPCC"). The latest CRDG (V4.1 released in May 2022) reference NPCC projections published in the New York City Panel on Climate Change 2019 Report. Consistent with the CRDG, the HPD Design Guidelines use the averaged middle-range projections for sea level rise to establish the Sea Level Rise-adjusted DFE. For the 2050s, the averaged middle-range projection, or 50th percentile, for sea level rise is 16 inches.

The 2050s return period aligns with the expected useful life of scope items within most HPD preservation projects. The corresponding 2050s return period is based on averaged projected sea level rise increase between 2040-2069.

32. How is the 2050s Sea Level Rise-adjusted Design Flood Elevation (SLR-adjusted DFE) calculated?

The SLR-adjusted DFE is determined by the NYC Climate Resiliency Design Guidelines (CRDG) (Currently V4.1, Table 5). For the 2050s, the SLR-adjusted DFE is calculated by adding 16" of Sea Level Rise Adjustment on to the 24" of freeboard required under NYC Building Code to the nearest FEMA-established Base Flood Elevation ("BFE"). Therefore, a site located within or nearest to a mapped flood zone with a BFE of 11' (NAVD88) would have a SLR-adjusted DFE of 14' 3", or 11' + 24" (NYC BC) + 16" (Sea Level Rise Adjustment).

Where BFEs have not been established because a site exists beyond the FEMA 100-year floodplain or for other reasons, the nearest BFE should be referenced for the purposes of determining the SLR-adjusted DFE.

33. Why does HPD include requirements for stormwater flooding when NYC Building Code does not?

HPD's Preservation Design Guidelines reference standards in the NYC Climate Resiliency Design Guidelines (CRDG) which go beyond building code standards in order to ensure that City-financed projects are built to withstand both current and future climate risks. With a projected increase in intensity and frequency of precipitation storm events, the CRDG provides guidance for enhanced stormwater management and resiliency. HPD regularly reviews the

Design Guidelines for compliance and consistency with other regulations, City guidance materials, and industry best practices.

34. Does 'new' equipment include 'in kind' equipment?

Yes. Any new equipment, even if in-kind, should be elevated or floodproofed in place when elevation is not feasible.

35. How is "grade" calculated for stormwater flooding purposes?

For stormwater flood-prone projects, HPD requires that any new critical equipment or residential units are elevated out of a cellar to grade or higher. For sites with significant grade variation across the site between bounding streets, project teams may be directed to site new utilities or dwelling units at the Highest Adjacent Grade ("HAG"), or the highest ground elevation reading at the site.

36. If elevation of a new critical utility is infeasible, what information must be provided for HPD to review a waiver application?

A waiver application must include sufficient information to demonstrate why elevation is infeasible and provide an alternative mitigation strategy that ensures any new critical system(s) remain resistant to flooding to the maximum extent feasible. This typically requires detail specifying the proposed waterproofing system(s) to be applied at the ground floor, cellar slabs and walls, and/or utility rooms, as applicable. It may also require information on mounting strategies to mitigate flooding, installation of any backflow prevention, sump pump devices, or alternative interior or site drainage strategies. If deployable flood panel systems are proposed, information on storage and deployment strategies around such systems and components should be provided. All waiver applications are approved at the discretion of HPD.

Section 2.4 Backup Power and Passive Survivability

37. How to determine what is adequate backup power generation?

Backup power generation should be sufficient to service critical/emergency loads and ensure that at least one elevator remains functional during an emergency.
The backup power should also be able to serve a community space (or spaces) that can serve as a "Place of Refuge" equal to 15 SF per bedroom provided with heating, cooling, lighting, outlets, WiFi, at least one refrigerator for every 50 bedrooms and at least one accessible bathroom with a potable water source.

38. What building spaces can be considered as a part of "Place of Refuge" requirements?

Potentially any common or community space, or combination of community spaces, accessible to residents can be used to satisfy the "Place of Refuge" requirement so long as it complies with the "Place of Refuge" requirements in Section 2.4.

Section 7 Broadband

39. How can project teams show compliance for broadband?

Broadband costs should be embedded in the underwriting model of the project. If applicable, projects can show broadband plans in other scoping documents.

40. What types of common spaces require broadband?

Only large lobbies, common rooms, and shared outdoor spaces designed for gathering (e.g., roof terraces) require broadband. Common spaces like vestibules, doorways, small lobbies, or other common areas where multiple people cannot easily sit or stand to access the internet service do *not* require broadband. For more information on Broadband, see this webpage.