



# 351 Powers Avenue Request for Proposals

**Issue Date:** August 18, 2022

**Pre-Submission Conference:** September 13, 2022

**Submission Deadline:** November 18, 2022



Mayor, Eric Adams  
Chief Housing Officer, Jessica Katz  
Commissioner, Department of Housing Preservation and Development, Adolfo Carrión Jr.

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# I. INTRODUCTION

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*Request for Proposals (RFP).* The Department of Housing Preservation and Development (“HPD”) is pleased to release this Request for Proposals (“RFP”) to develop a high quality and sustainable 100% affordable housing development (“Project”) in the Mott Haven neighborhood of the Bronx. This Development Site is owned by the City and located on a portion of 351 Powers Avenue, Bronx, New York (Community District 1).



“The Site” is a vacant mid-block lot located on a portion of 351 Powers Avenue (Block 2571, Lot 1) between East 141st Street and East 143rd Street in the Bronx, Community District 1.

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 (“EAR”), in which upon expiration of the regulatory period, if the City has not issued a certificate of extension pursuant to the regulatory agreement, then the City may, subject to the laws of the State of New York, re-enter and take possession of the Site and terminate and re-vest in the City the estate conveyed to the project sponsor, in which event, all right, title and interest of project sponsor in and to the Site shall revert to the City.

## Development Teams

Qualified Respondents may be for-profit, non-profit, or joint venture entities that demonstrate the experience and capacity to implement the Project in 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 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 is committed to increasing opportunities for, and strengthening the capacity of, for- and non- profit developers, in order to expand the pool of affordable housing development firms available to participate in the Request for Proposals. HPD encourages potential Respondents to assemble an experienced, complete, and competitive development team (“Development Team”).



## **NYC Climate Resiliency Design Guidelines pilot program**

This Project has been selected to be part of Mayor's Office of Climate and Environmental Justice's (MOCEJ) cohort of [Local Law 41\(LL41\) \(2021\) pilot projects](#) which will be applying and testing the [NYC Climate Resiliency Design Guidelines](#) (CRDG) to comply with LL41(2021). These guidelines aim to ensure new City infrastructure and public facilities are prepared for the worsening impacts of climate change due to its exposure and vulnerabilities to current and projected climate hazards.

The design must comply with the latest version of the NYC CRDG as issued by MOCEJ available on [the website](#).

In order to assist in complying with LL41, MOCEJ will review the Project at specific milestones. As such, the Development Team shall engage with MOCEJ to:

- 1) Incorporate resilient design standards as per the CRDG
- 2) Provide information on resilient design implementation at 3 project milestones (10% Design, 30% Design, and 90% Design – or appropriate agency milestones)
- 3) Provide information to support the MOCEJ's execution of an LL41(2021) Benefit Cost Analysis
- 4) Participate in 2-3 workshops led by MOCEJ
- 5) Provide one round of feedback on a draft resiliency metric, based on the resilient design standards in Task 1 above.

## II. DEFINITIONS

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### **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 federal Department of Housing and Urban Development (HUD). For 2021 100% of the AMI is \$119,300 for a family of four and \$83,600 for an individual.

### **AIRS**

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

### **CEQR**

City Environmental Quality Review

### **CDC**

Community Development Corporation

### **CHDO**

Community Housing Development Organization

### **City**

The City of New York

### **CRDG**

Climate Resiliency Design Guidelines

### **DCP**

The New York City Department of City Planning

### **DEP**

The New York City Department of Environmental Protection

### **DOE**

The New York City Department of Education

### **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.

### **NYCEDC**

The New York City Economic Development Corporation

### **EDDE**

The [Equitable Development Data Explorer](#) is a new interactive web tool that equips New Yorkers with data to navigate challenging conversations about housing affordability, displacement, and racial equity. The explorer provides easy access to a wide range of demographic, housing and quality of life data.

Whenever possible, the data are broken down by neighborhood and race/ethnicity, so users can compare across neighborhoods and demographic groups. The explorer also includes a Displacement Risk Map or a map of the city that illustrates the level of risk residents may face of being unable to stay in their home or neighborhood. The data explorer was required by [Local Law 78 of 2021](#), which developed out of advocacy by the [Racial Impact Study Coalition \(RISC\)](#) and Public Advocate Jumaane Williams, to center major planning decisions in racial equity.

**ESA**

Environmental Site Assessment

**EIS**

Environmental Impact Statement

**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

**HUD**

The United States Department of Housing and Urban Development

**LDA**

Land Disposition Agreement

**LL41**

Local Law 41 (2021)

**MIH**

Mandatory Inclusionary Housing

**MOCEJ**

Mayor's Office of Climate and Environmental Justice

**M/WBE**

Minority and/or Women Business Enterprise

**Negotiation Letter**

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

**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).

**Request**

Request for Proposals (RFP)

**Respondent**

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

**RFP**

Request for Proposals

**SBS**

The New York City Department of Small Business Services

**SCA**

The New York City School Construction Authority

**Site(s)**

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

**Submission**

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

**Transit Zone**

An area where special lower accessory parking requirements apply for various types of affordable housing including income-restricted housing units as defined by the New York City Zoning Resolution. 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.

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

A State statute authorizing the City to convey City-owned property, make loans, and grant tax exemptions. Before the City can take such actions, the City Council must approve or waive designation of an Urban Development Action Area and approve an Urban Development Action Area Project. For a disposition of City-owned property or the grant of a tax exemption, additional approvals are required.

**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.



### III.SUBMISSION INSTRUCTIONS

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#### **RFP Title**

*351 Powers 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 vii 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**

**November 18, 2022**

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

#### **Pre-Submission Conference**

Date: September 13, 2022

Time: 1:30 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 September 9, 2022 at 4:00 p.m., and you will receive 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: [351powersrfp@hpd.nyc.gov](mailto:351powersrfp@hpd.nyc.gov)

#### **Communications**

All communications and inquiries regarding this RFP are to be directed in writing to HPD, and specifically to Lyna Saad, Senior Planner of Planning and Predevelopment at: [351powersrfp@hpd.nyc.gov](mailto:351powersrfp@hpd.nyc.gov). All written questions must be submitted by October 21st, 2022 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.

## IV. PROJECT OVERVIEW

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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 housing development.

351 Powers is an undeveloped mid-block lot in the Mott Haven neighborhood of the Bronx. The City has committed to develop 100% affordable housing on this lot.

### 1. PROJECT SNAPSHOT

<b>Site Location</b>	The Site is located on a portion of 351 Powers Avenue between East 141 <sup>st</sup> Street and East 143 <sup>rd</sup> Street in the Bronx, Community Board 1. It is located on a portion of Block 2571, Lot 1.
<b>Site Description</b>	The Site is comprised of a portion of one City-owned lot in Mott Haven, The Bronx. The Site is currently undeveloped and is used by the faculty of the adjacent DOE schools as parking.
<b>Lot Size</b>	Approximately 17,445 SF square feet.
<b>Land Use / Zoning</b>	The Site is located in an R6 residential district. No rezoning is anticipated but respondents may propose designs that would necessitate mechanisms to utilize this site's available FAR. Only floor area from the site itself is available and not from the remaining developed part of the tax lot. The target number of units is expected to range from 50-80. Affordable independent residences for seniors (AIRS) units may be considered.
<b>Type of Development</b>	High quality development with 100% affordable housing and parking space for the neighboring DOE staff vehicles. 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 a Land Disposition Agreement (LDA), deed, and regulatory agreement.
<b>Acquisition Price</b>	Nominal
<b>Project Funding</b>	Financial Proposals can assume subsidy dollars available through HPD-HDC Term Sheets.
<b>Governmental Approvals: ULURP and UDAAP</b>	<p>The selected Project will require ULURP and City Council and Mayoral approvals.</p> <p>Anticipated land use actions requiring approval for development of the Site include disposition of City-owned property.</p> <p>In addition, the City Council must approve the project as a UDAAP project and must designate the land in the Project as a UDAAP area pursuant to Article XVI of the General Municipal Law.</p>

## 2. PROJECT GOALS

### **Development Team Experience and Capacity**

- Procure a Development Team that brings the resources, understanding, and experience to implement the proposed Project.
- Procure a Development Team that incorporates a community development approach.

### **Financing and Affordability**

- Ensure that 100% of the residential units are affordable to a mix of household incomes and comply with HPD-HDC Term Sheets.
- 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 affordable housing, and with parking for DOE school faculty and staff. 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 is responsive to the goals and priorities identified in the 351 Powers Community Visioning Report (Appendix B).

### **Design and Performance**

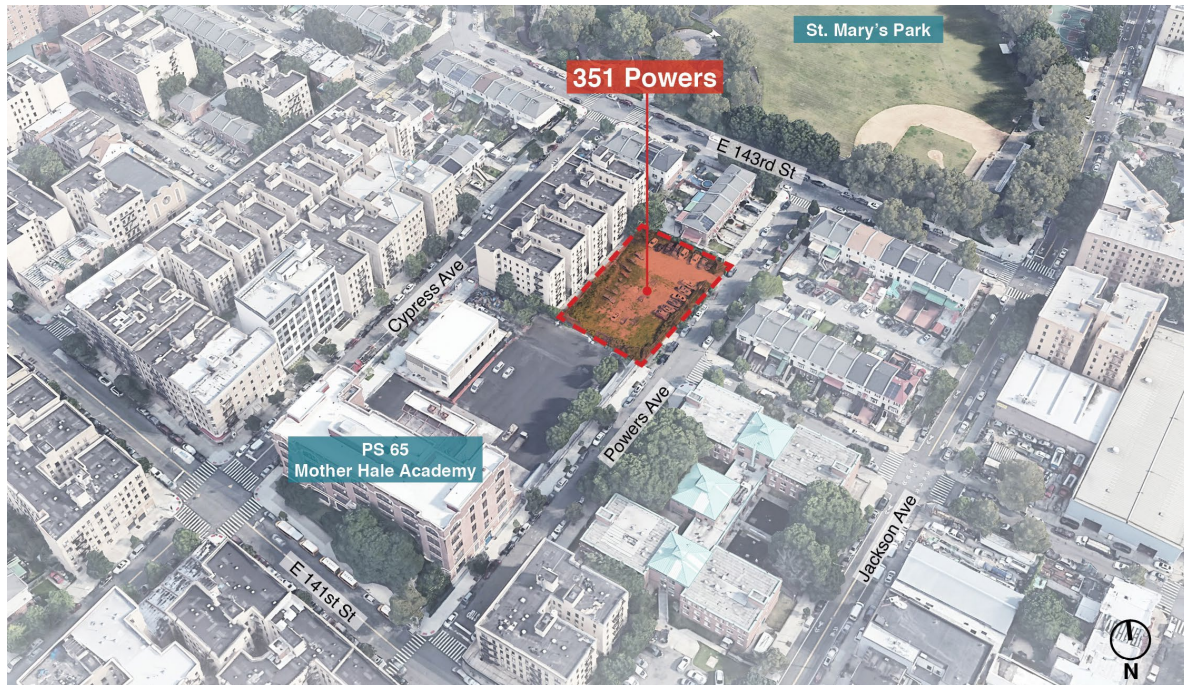
- Design and develop a high-quality affordable building including parking that is financially feasible.
- Design and develop a building that considers community goals and priorities outlined in the 351 Powers Community Visioning Report (Appendix B).
- Use the latest [NYC Climate Resiliency Design Guidelines \(CRDG\)](#) to identify climate risks and incorporate design features to respond to this site specific climate stressor of extreme heat events.

## A. SITE CONTEXT

### **Site Location and Description**

The Site is a City-owned undeveloped lot currently being used for parking by the adjacent school faculty and staff. It is located on Powers Avenue between East 141<sup>st</sup> street and East 143<sup>rd</sup> street. The Site is a rectangular mid-block lot comprised of a portion of Block 2571, Lot 1 – the remainder of lot 1 is the P.S. 65 and Academic Leadership Charter School DOE school building and playground. The portion to be developed has approximately 175 feet of frontage on Powers Avenue and is approximately 99 feet deep. The Site is bounded by two-story family homes to the north, an elevated school playground to the south, and 5-story multi-family buildings behind it to the west.

## Zoning



The Site is located in an R6 residential district, and within a Transit Zone and FRESH Zone. No rezoning is anticipated but respondents may propose designs that would necessitate mechanisms to utilize this site's available FAR. Only floor area from the site itself is available and not from the remaining developed part of the tax lot. The target number of units is expected to range from 50-80. Affordable independent residences for seniors (AIRS) units may be considered.

## B. NEIGHBORHOOD CONTEXT

### Neighborhood Land Uses and Plans

The Site is located in the Mott Haven neighborhood in the Bronx Community Board 1. It is surrounded by a mix of low and medium density residential buildings, and community facilities and park amenities, with commercial uses close by. The Site is adjacent to two-story family homes to the north, a DOE school building and playground to the south, and 5-story multifamily buildings behind the site to the west. Close to the Site is St. Mary's Park, a 34-acre neighborhood park, to the north. Directly across the street is an existing family shelter with an adjoining undeveloped lot. A planned project, "WIN Powers", will be developed which will replace the existing three-story family shelter with an 8-story 95 unit family shelter building and an 11-story building containing a total of 221 supportive housing units for families with children, and community facility space.

Public facilities and institutional uses in the surrounding area include P.S. 65 (K-8), and Academic Leadership Charter School (K-5) adjacent to the Site, Neighborhood Charter School (K-3), J. M. Rapport School Career Development (9-12), University Prep Charter Middle School (5-8). The nearest public library is Mott Haven Library located less than a mile from the Site. There are several places of worship the nearest being Templo Emanuel on Cypress Avenue. The nearest post office is located within half a mile from the site on East 139<sup>th</sup> Street and St. Ann's Avenue.

The Site is located near the intersection of Powers Avenue and East 141<sup>st</sup> Street surrounded by primarily residential uses. The closest major commercial corridor is a few blocks south at East 138<sup>th</sup> Street, and St.



Ann's Avenue to the west, and includes a mix of restaurants, grocery stores and retail. The Site is in close proximity to the Bruckner Expressway, a heavily travelled highway.

The Site was also included in a neighborhood plan developed by Diego Beekman Mutual Housing Association after resident engagement in 2016. The plan identified uses for a few vacant lots in this section of Mott Haven, including this RFP Site.

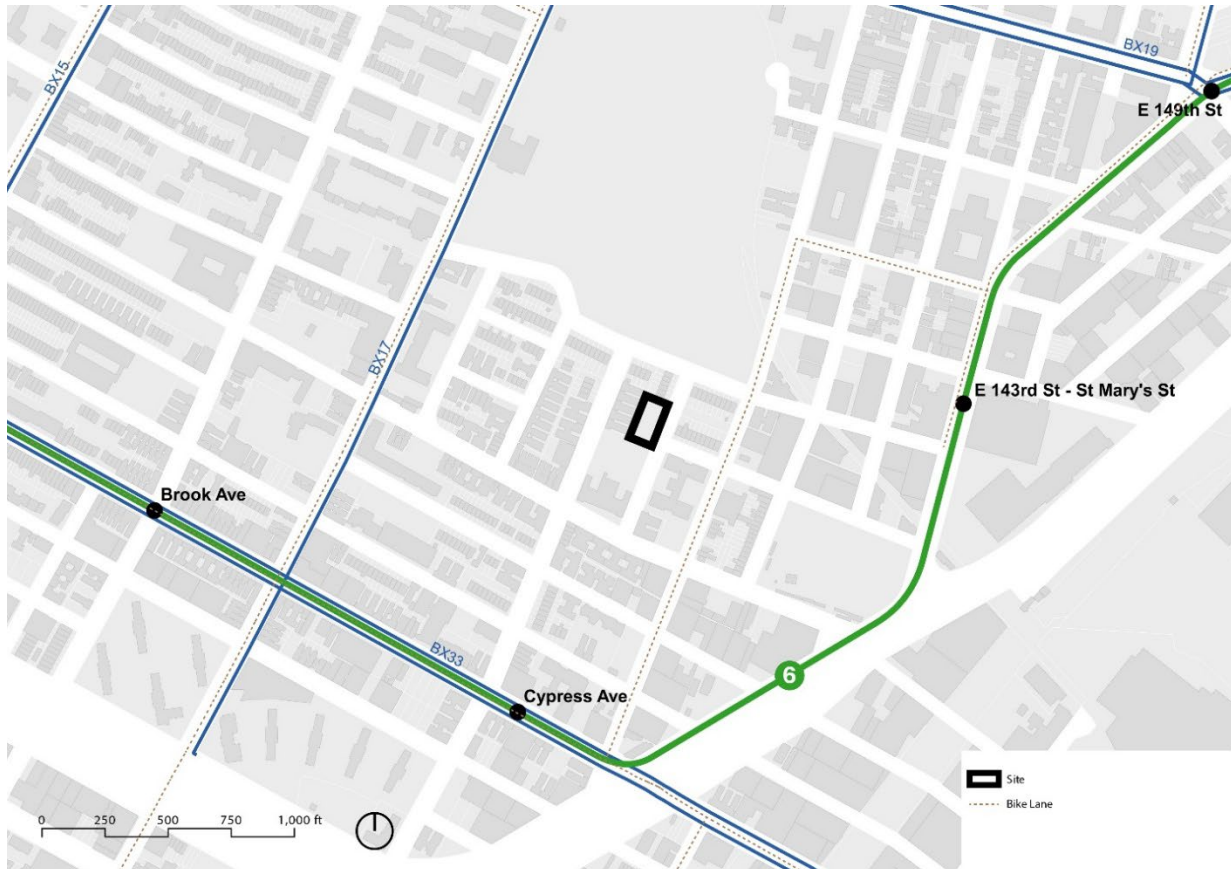
**Land Use Map**



## Neighborhood Access

The area is well served by public transit. Subway access include the Cypress Avenue 6 train station on East 138<sup>th</sup>. Bus service includes Bx17 which runs north south along St. Ann's Avenue, and which runs east-west along East 138<sup>th</sup>.

Transit Access Map

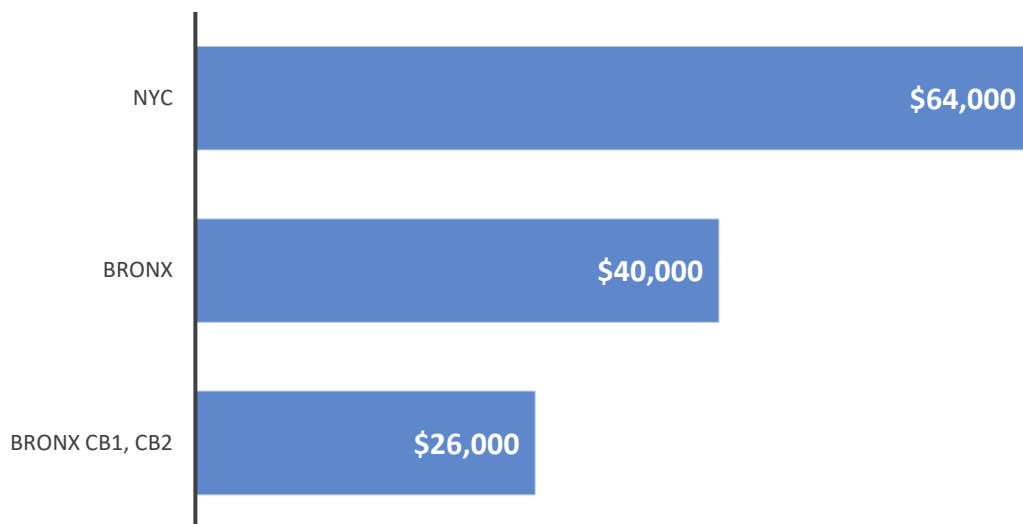




## Neighborhood Demographics

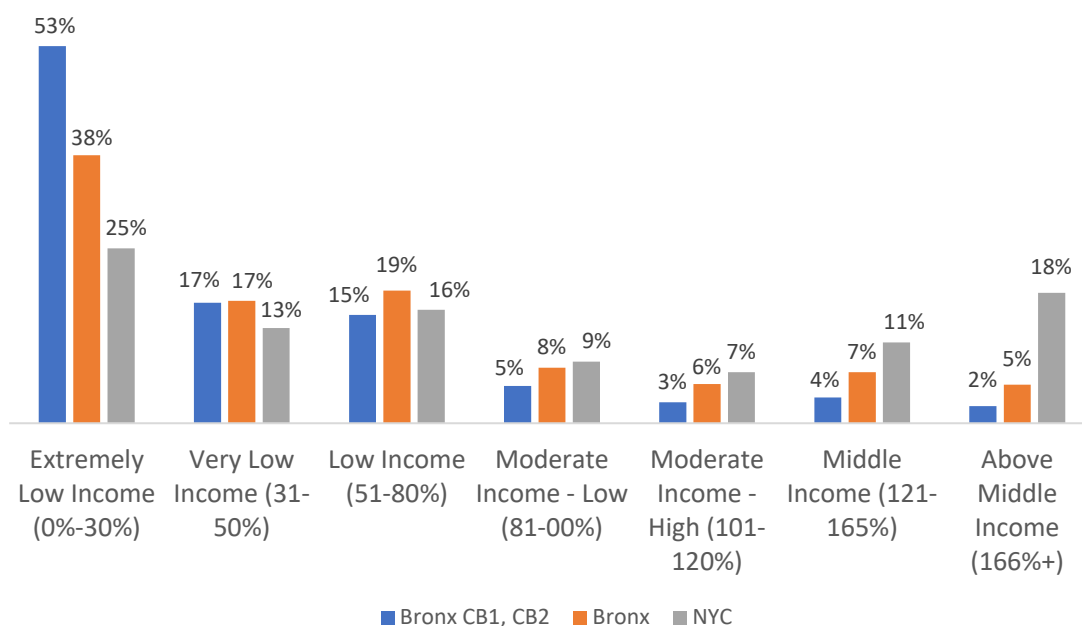
HPD is committed to furthering fair housing throughout New York City neighborhoods, which requires a consideration of the socioeconomic dynamics at the neighborhood level. The information below highlights demographic, economic, social, and housing characteristics of the neighborhood in which the Site is located. More detailed data can be found through the [DOHMH](#) and [DCP](#) websites, and the [EDDE](#).

### a. Median Household Income



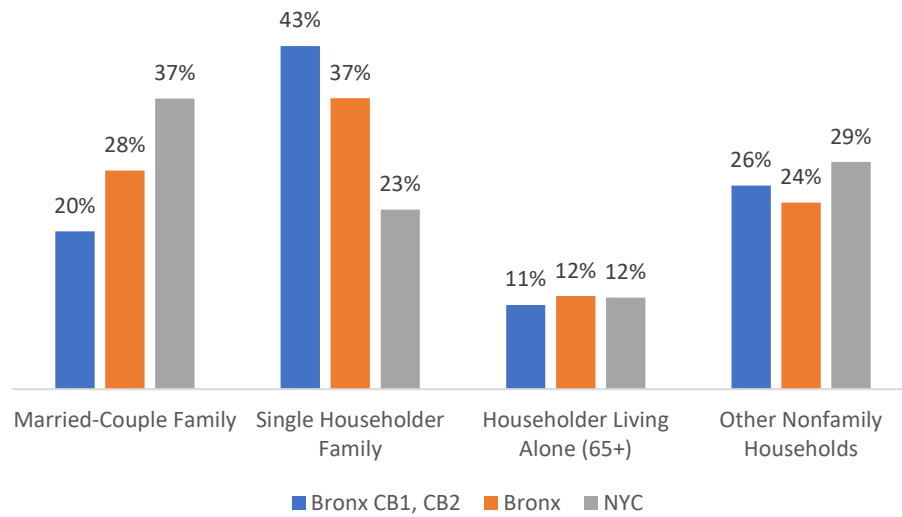
Data Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates. Table number B19013 (Median Household Income in the Past 12 Months). Income in 2019 inflation-adjusted dollars.

### b. Distribution of Households by Income Group



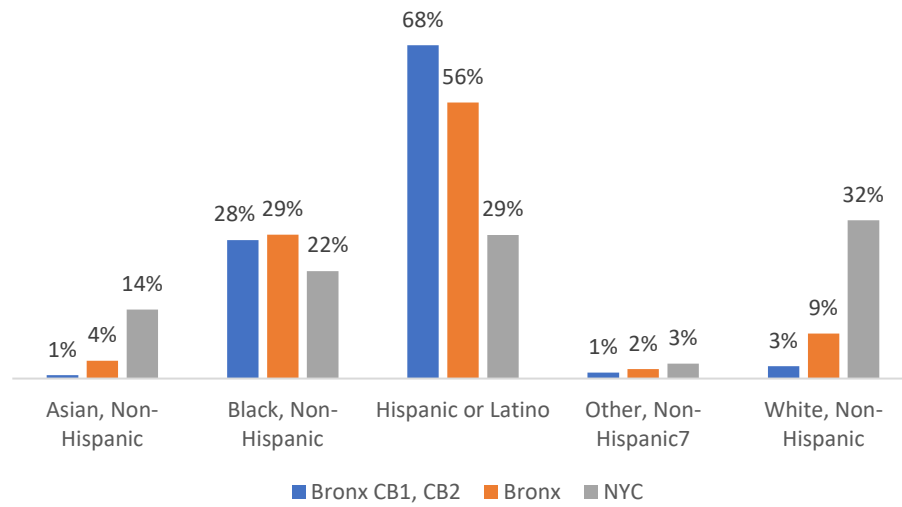
Data Source: ACS 2015-2019 5yr PUMS Data. These estimates are based on survey data and are therefore subject to sampling and non-sampling error.

c. *Household Types*



Data Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates. Table number B1101 (Household Type, Including Living Alone)

d. *Racial/Ethnic Composition*



Data Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates. Table number DP05 (ACS Demographic and Housing Estimates)

## V. SELECTION PROCESS

### A. SUBMISSION

All Submissions must include the following contents to fully describe the Respondent's proposed Project(s). (See: Section VII. SUBMISSION CONTENT AND COMPLETENESS for more information).

TAB	CONTENTS	FORMS
<b>Development Introduction</b>		
A	Completeness Checklist and Respondent's Letter	A-1, A-2
B	Project Narrative / Development 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 and Affordability</b>		
G	Financing Submission	G
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	

- PDF files must be in the order specified above.
- Forms are available for download from the [HPD website](#).
- Forms E1, E2, E3 and G must also be submitted as individual files; additionally, Forms E1, E2 and G 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.

### Submission Modifications

Modifications received after the submission deadline due date 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.

### 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.

## 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"), which are listed below. **The Submission must contain each Tab with all requested Forms and supporting documents.** Submissions that are not complete or do not conform to the requirements of this 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.

#### Threshold Requirements

Completeness of Submission and Conformance with Requirements

Development Team Experience and Capacity

- No Adverse Findings
- Comparable Development Experience
- Comparable Management Experience
- Development Team
- Participation of M/WBE or Eligible Non-profit
- Development Schedule / Phasing Plan

Financing and Affordability

- Affordability
- Feasibility of Submission
- Ability to Finance

Development Program and Community Development

- Development Program
- Plan for Internet Access
- Community and Economic Development

Design and Performance

- Licensure
- Completion of the Resilient & Sustainable RFP: Checklist & Narrative

## Competitive Review

Submissions that meet all Threshold Requirements will be comprehensively evaluated and rated according to the competitive selection criteria (“Competitive Criteria”) below. These criteria include both requirements and preferences. For example, a proposal will be scored on how strongly it meets the Submission requirements but will also receive extra points for meeting preferences.

Respondents may refer to Section VI. SUBMISSION REQUIREMENTS AND COMPETITIVE PREFERENCES and Section VII. SUBMISSION CONTENT AND COMPLETENESS, for specific guidance.

Competitive Criteria	Weight	
Development Team Experience and Capacity	25%	50%
Financing and Affordability	25%	
Development Program and Community Development	20%	50%
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 Sites.

### 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.

## VI. SUBMISSION REQUIREMENTS AND COMPETITIVE PREFERENCES

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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, including the Threshold 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	At least one Principal must have, as Principal, successfully completed new construction or substantial rehabilitation of at least one project of at least fifty (50) residential units within the past seven (7) years.	E
Comparable Management Experience	At least one Principal (of Respondent or the Respondent's Property Manager) must have experience managing at least fifty (50) 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	<p>The Development Team must submit an Affirmative Capacity Statement attesting to their ability to undertake this Project within the timeframes delineated.</p> <p>At a minimum, the Development Team responding to this Request must include: architect; construction manager; real estate and land-use attorney, environmental planner; and engineer.</p>	D, E
Participation of M/WBE or Eligible Non-Profit	The Development Team must include an M/WBE or Eligible Non-Profit (each as defined below) 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	<p>A detailed schedule with construction commencing at least 24-48 months from the issuance of the Negotiation Letter<sup>1</sup>, and other Project specific key benchmarks.</p> <p>A phasing plan, if applicable.</p>	F
<b>Competitive Criteria</b>		<b>TAB</b>
Developer	<p><i>Successful Experience</i></p> <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 Submission includes community facility.</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>	E
Property Manager	<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, if Submission includes non-residential uses.</li> </ul>	E
Special Needs Housing Operator	<ul style="list-style-type: none"> <li>Experience operating low income senior, formerly homeless, and/or supportive housing, if applicable.</li> <li>Experience providing tenant social services and securing social service funding, if applicable.</li> </ul>	E
Consultant Team	<p><i>Design</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</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</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>	E

<sup>1</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>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</i></p> <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 that have a successful track record of tangible investments in community and economic development.	B, E

## B. FINANCING AND AFFORDABILITY

<b>Threshold Requirements</b>		<b>TAB</b>
Affordability	100% of the units must be affordable.	G
Feasibility of Submission	The proposed Project must comply with HPD-HDC Term Sheets, including requirements for units that serve very low and extremely low-income households. Market comparables must be provided for residential unit rents, and any additional income from other sources, as applicable.	G
Parking	Financial Scenarios must include construction of the parking facility required as part of the development program.	G
Ability to Finance	Asset statements and letters of credit must 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	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.	G

	<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>Nonresidential income and equity assumptions must be described in detail and include information about funding sources and/or rental comparables.</p> <p>If proposing SARA term sheet, and community facility spaces are included, they must generate enough rental income or the Development Team must provide equity to support all associated development costs, inclusive of hard and soft costs.</p>	
Rents and Market Comparables	Rents for residential units or other income sources must be deemed realistic and substantiated by market comparables.	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, and commence and complete construction of the proposed Project according to the proposed Development Schedule.	G

## C. DEVELOPMENT PROGRAM AND COMMUNITY ECONOMIC DEVELOPMENT

Threshold Requirements		TAB
Development Program	<p><i>Residential Programming</i></p> <p>Affordability: 100% of the total units must be affordable.</p> <p>Unit Types and Sizes: Submissions must have a distribution of unit types and sizes that complies with an HPD term sheet and guidelines.</p>	B, J
	<p><i>Parking</i></p> <p>The project must provide parking for the adjacent DOE schools. The faculty and staff to receive parking shall be determined by DOE. The parking should be provided at a cost not to exceed current market rates in the immediate area.</p>	B, J

Plan for Internet Access	Developers shall 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, developers 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.	B, J
Community Economic Development	<p><i>Job Outreach Plan</i></p> <p>Proposals will be evaluated on the Development Team's track record, including local strategic partners identified for this project, on creating and implementing specific community job outreach efforts (job placement, retention and training) or they have identified a local strategic partner(s) and clearly state their specific past community job outreach efforts. Proposals will also be evaluated based on the narrative of the outreach strategies that will be employed and a well-defined timeline. Please reference Appendix C for guidance.</p>	K
<b>Competitive Criteria</b>		<b>TAB</b>
Development Program	<p><i>Residential Programming</i></p> <p>Submissions must demonstrate that the proposed submission will provide affordable housing for a variety of qualifying households targeted under the proposed financing program. Proposals will also be evaluated based on the submission's responsiveness to the needs and preferences expressed in the 351 Powers Avenue Community Visioning Report (Appendix B). Additionally, proposed residential services and building amenities should complement livability for prospective tenants and, if applicable, strengthen community amongst building residents.</p>	B, J
	<p><i>Parking</i></p> <p>Competitive proposals will provide parking to replace the existing number parking spaces utilized without compromising the residential program.</p>	B, J
Community and Economic Development	<p><i>Job Outreach Plan</i></p> <p>Proposals 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 plan for implementation.</p>	K
Community Visioning Report	In addition to Site-specific requirements and criteria, submissions which include or build upon elements outlined in the 351 Powers Avenue Community Visioning Report (Appendix B).	B, J
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

Preferences		TAB
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.	K
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. Such proposals should explain how residents of the building will be able to access internet through technologies and/or service contracts offered by the building to residents, and the expected speed and quality of service. 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

Threshold Requirements		TAB
Licensure	Architectural and Urban Design Plans prepared by a registered architect or engineer that meet all submission requirements.	M
Completion of the Resilient & Sustainable RFP: Checklist & Narrative	Proposals should include a completed Resilient & Sustainable RFP: Checklist & Narrative (Form L) which outlines how this project support HPD and NYC's Carbon Free, Climate Resilient, Healthy and Equitable Design Goals. This includes the mandatory incorporation of the Climate Resilient Design Guidelines required as part of the pilot project.	L
Competitive Criteria		TAB
Building Design	<p>Designs 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: <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> </ul> </li> </ul>	L, M

	<ul style="list-style-type: none"> <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> <li>• Submissions are advised to consult: <ul style="list-style-type: none"> <li>○ <a href="#">NYC Department of Design and Construction Resources</a></li> <li>○ <a href="#">Designing New York: Quality Affordable Housing</a></li> <li>○ <a href="#">Universal Design</a></li> <li>○ <a href="#">Active Design</a></li> <li>○ <a href="#">Designing for Health</a></li> <li>○ <a href="#">Aging in Place</a></li> </ul> </li> </ul>	
Site Planning and Urban Design	Project's contribution to the neighborhood will be evaluated based on designs, site planning, massings, building configuration, open space configuration, streetscape treatment, sustainability and resiliency measures, and relationship to surroundings.	L, M
Sustainability and Resiliency	<p>Competitive criteria will consider how well submissions address reducing climate-related risk while minimizing climate impact. This will include how well designs respond to extreme heat threats as guided in the NYC Climate Resiliency Design Guidelines, how well designs respond to Enterprise Green Communities, and other NYC climate legislation, including but not limited to Local Law 97 and Local Law 154.</p> <p>Attention will be paid to how proposals are maximizing low-cost passive strategies for heating, cooling, ventilation and stormwater management; achieving energy and water efficiencies by specifying building systems that reduce consumption and operating costs; utilizing renewable and low carbon sources of energy and materials where viable. Projects that demonstrate a design that will achieve significantly reduced energy use and carbon emissions (e.g. Passive House) will be prioritized. As this site is located in close proximity to a heavily travelled highway, special consideration should be given toward ventilation and air quality.</p> <p>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.</p> <p>Respondents are 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. Applicants will be asked to list the incentives that will be pursued for this project.</p> <p>Submissions seeking competitive preferences are advised to consult:</p>	L



	<ul style="list-style-type: none"> <li>○ <a href="#">NYC Department of Design and Construction Resources Sustainable Urban Site Design</a></li> <li>○ Green Building: <ul style="list-style-type: none"> <li>○ <a href="#">Passive House Design</a></li> <li>○ <a href="#">LEED</a></li> </ul> </li> <li>○ <a href="#">Climate Resiliency Design Guidelines</a></li> <li>○ <a href="#">Enterprise Green Communities NYC Overlay</a></li> </ul>	
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## VII. SUBMISSION CONTENT AND COMPLETENESS

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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.

### **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 – Project Narrative / Development Summary**

- ☐ **The Project Narrative** must introduce and provide an overview of the Submission, including the elements that distinguish the proposed Project, the qualifications of the Respondent and the Development Team.
- ☐ **Form B: The Project Summary** must provide a synopsis of the Submission’s major elements, including the development program, financing program, and architecture and urban design.

The Project Narrative and Project Summary must be concise and introduce all aspects of the Submission.

#### **Tab C – Trade Secrets (optional)**

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**

- ☐ **Form D-1: Development Team Information and Respondent Questionnaire**, signed by Principal (if joint venture, principal of each entity must sign).
  - Minority and/or Women-Owned Business Enterprise certificate issued by a governmental or quasi-governmental entity acceptable to HPD as defined in Definitions.
- ☐ **Form D-2: Not-for-Profit Organization Form** (Non-profit corporation team members only).
- ☐ **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.
  - M/WBE Ownership Interest – Respondents must submit a certificate from a principal or other authorized officer of the M/WBE that is to participate in the ownership of the Project. This certificate must confirm that the M/WBE will hold at least 51% 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 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 M/WBE in the Project, including, but not limited to, its commensurate interest in the economic benefits of the Project.

- ☐ **Brief narrative** describing the roles of each entity of the Development Team during construction and throughout the life of the Project. Any Submissions from a CLT must provide an organizational model that meets the requirements of the RFP.

*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**

- ☐ **Form E-1. Residential Development Experience and Current Workload** (include as individual file)
- ☐ **Form E-2. Residential Management Experience and Current Workload** (include as individual file)
- ☐ **Form E-3. Management Questionnaire** (include as individual file)
- ☐ **Brief narrative describing:**
  - 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

### **Notes:**

- 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.

### ☐ **Other Members of Development Team**

Submit 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.

- 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
- Community Service or Program Provider, if applicable
- Marketing and Leasing/Sales Agent, if known

### ☐ **Capacity**

Affirmative Capacity 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**

- ☐ **Development schedule and phasing plan** listing and scheduling industry standard activities, including, at a minimum:
- Community engagement and outreach
  - Concept, Schematic, Design Development, Bidding and Construction documents
  - Governmental planning approvals and construction/building permits
  - Site due diligence and preparation
  - 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>2</sup>

## **Financing and Affordability**

### **TAB G – Financing Submission**

- ☐ **Form G: Financing Scenario.** (Submit in in Excel format). If elements of the Project are separately financed, the Submission must provide separate financial scenarios for each portion. If Project elements are financially inter-related, a comprehensive Financing Scenario showing the financing for the whole Project, with each element delineated, may also be submitted.
- For projects using the SARA term sheet, if the financing proposal includes tax exempt bonds and 4% LIHTC financing, up to \$75,000 per dwelling unit in subsidy will be available from the HPD SARA term sheet. If Financial Scenarios include 9% tax credit financing, up to \$125,000 per dwelling unit in subsidy will be available from the HPD SARA term sheet.
- ☐ **Rents and AMIs.** Submissions must reflect the rent price affordability calculations (based on AMIs), and utility allowances described in the Form. In addition to the affordability requirements described throughout this Submission, any subsidy programs that are utilized will determine any additional affordability requirements, as applicable. For units supported by Project-Based Section 8 Vouchers (PBV), assume rental assistance at 100% of the 2022 FMR.

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<sup>2</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.

- ❑ **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.
- ❑ **Maintenance and Operating Expenses.** Submissions should use the latest version of [HDC's Maintenance and Operating Expenses Standards](#). Any deviation from such standards should be briefly noted and explained in the Financing Narrative. Respondents should assume prevailing wages for building service workers in the project budget.
- ❑ **Tax Exemption Programs.** Submissions must indicate which tax exemption program(s) the Project plans to utilize, if any.
- ❑ **Financing Narrative.** The Financial Scenario must clearly explain the financing structure of the Project, and explicitly identify proposed subsidy/financing programs. If the financing scenario proposes competitive financing sources, 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.
- ❑ **Competitive Funding Sources (if applicable).** Submissions that include competitive sources (including rental assistance for homeless, supportive, and/or senior housing components) and incentives may include these sources and incentives in their Primary Financing Scenarios. Any Proposal that includes funding or financing that is awarded on a separate competitive basis should submit historical letters of interest or award letters for similar projects financed within the past 7 years, if applicable.
- ❑ **Social Services for Tenants (as applicable).** Projects 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 Senior Affordable Rental Apartment 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 thirty (30) years.

## **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**



- **Development Program** Narrative describing a comprehensive perspective of the various components of the development program, including residential, parking, commercial/community facility, open space, and other land uses for the Site.
- **Plan for Internet Access** Brief narrative describing the plan for internet infrastructure and resident connectivity in the new building. The strategy should focus on the NYC Principles for Internet Service and Infrastructure outlined in the [City's Internet Master Plan](#) (see Figure 4 on page 3). Respondents should outline upfront and/or ongoing costs associated with the proposed strategy.
- **Community Visioning Report** Narrative describing in which ways the development program responds to the community visioning report including the responses summarized around residential program, non-residential program and design, and climate resilience.

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

- **Brief narrative** describing community engagement and outreach plan.
  - 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** discussing strategy and recruitment approach and providing 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.

## **Design and Performance**

### **TAB L – Design Narrative**

- **Design narrative** that provides a clear and comprehensive description of the preliminary design and succinctly articulates 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:** 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 applicable:** Development Teams proposing height or setback modifications must explain and justify why such modifications are necessary to achieve the goals of the project.
  - **Zoning Analysis and Building Code:** How the proposed Project complies with or requires a variance from the current or proposed zoning district, if applicable, and other legal requirements.
  - **Environmental Planning:** Describe any known environmental concerns and how the Respondent intends to address them.
  - **Site Capacity and Program Evaluation:** How the planning and design approach address the existing buildings 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:** 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:** Narrative describes 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:** Narrative describes features addressing climate change and climate resilience specifically as it responds to future extreme heat risks. Form L must be completed and accompany this section.

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

### **□ Area Plan and Photos**

- **Photos:** Images of the Development 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 Development Site(s), 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 ZFA (total and by use); (3) lot coverage; (4) height and setbacks; (5) street wall requirements; (6) yard requirements; and (7) vehicle and bicycle parking, etc. Any zoning modifications must be indicated.
- **Square Footage Analysis Chart(s)** with detailed breakdown of residential, community facility, parking, open space, and other components of the development program. 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 clearly indicating proposed fenestration and materials, ceiling heights, floor elevations, and total building height.
- **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 Development 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:***

- 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.
- All plans must be prepared by a Registered Architect or Professional Engineer.
- 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.

## **VIII. 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 commercial, 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 commercial spaces, if applicable.

### **B. Community Outreach**

The Developer will lead all community outreach activities 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 meeting the most current applicable design and construction regulations and guidelines listed below:

- [HPD Design Guidelines for Multifamily New Construction](#)
- [HPD Building and Site Performance Guidelines](#): Enterprise Green Communities Criteria Certification Overlay for NYC HPD Projects.
- [Climate Resiliency Design Guidelines](#)

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

- [Zoning Resolution](#), including requirements for Affordable Independent Residences for Seniors (AIRS)
- [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 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 DEP or 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 ULURP applications for the Sites, 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 actions requiring approval under ULURP or UDAAP for development of the Site include approval of the disposition and a zoning amendment(s), as applicable. 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 Development 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**

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

Developer 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 accept applications to its PBV RFP on a rolling basis and awards will be made four times per year at intervals that will be announced at a later date.

### **Subordinated Debt**

Developer 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's New Construction programs for Residential and Multifamily](#):
- [NYSERDA's NY-Sun program](#)
- [Solar tax credits](#)
- Con Ed's Clean Heat program (program temporarily suspended)

#### *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 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.

*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 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, 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, a 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 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.

## IX. 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 421-a, 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.

## **X. 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.

## XI. APPENDIX

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- A. Zoning, Site Plan, and Building Design Guidelines
- B. Community Visioning Report
- C. Job Outreach Plan
- D. 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:	Financing Scenario Template
Form I:	Asset Statements
Form L:	Resilient & Sustainable RFP: Checklist & Narrative