



# NYCHA Development Partnership Opportunities

**RFI 515707 - Development Partnership Opportunities  
Request for Expressions of Interest<sup>1</sup>**

Event	Date	Time
Public Issue	August 19, 2025	5 PM
Proposers' Questions Due Date	September 9, 2025	5 PM
Pre-Submission Conference Date	September 9, 2025	10 AM
Applicant Interest Form Window	August 19, 2025 - November 18, 2025	Final Deadline: November 18, 2025, 5 PM
Submission Window	October 14, 2025 - November 18, 2025	Final Deadline: November 18, 2025, 5 PM

All communications and inquiries regarding this RFEI are  
to be directed in writing, via email, to

**[development@nycha.nyc.gov](mailto:development@nycha.nyc.gov)**

**Eric Adams, Mayor**  
**Adolfo Carrion, Jr., Deputy Mayor**  
**Jamie Rubin, NYCHA Chair**  
**Lisa Bova-Hiatt, NYCHA CEO**

<sup>1</sup> Additional process may be required. Successful expressions of interest could lead to award. Through this Request for Expressions of Interest, NYCHA could move forward with one proposal, multiple proposals, or no proposals.

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# I. INTRODUCTION

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The New York City Housing Authority (NYCHA) is the largest public housing authority in the nation with 335 developments across the city. Home to 1 in 17 New Yorkers, NYCHA's mission is to provide quality housing that is sustainable, inclusive, and safe, while fostering opportunities for economic mobility. NYCHA is also the city's largest landlord, and one of the city's biggest landowners. Through this Request for Expressions of Interest ("RFEI"), NYCHA is hoping to identify partners to help us expand the NYCHA portfolio, build more housing, and leverage the scale of our existing portfolio to bring critical capital investment to our aging housing stock.

Amidst decades of insufficient capital investment, NYCHA's buildings face repair needs of more than \$78 billion. Since 2019, NYCHA has preserved existing developments through comprehensive renovations, sustainable long-term funding, and delivery of discrete capital projects through the Permanent Affordability Commitment Together ("PACT") program, the NYC Public Housing Preservation Trust ("the Trust") and Comprehensive Modernization ("Comp Mod").

NYCHA has made significant progress toward preserving thousands of apartments with 27,130 units converted to Project-Based Section 8, leveraging capital investments of over \$7.9 billion for residents through PACT, which utilizes the federal Rental Assistance Demonstration ("RAD") program.

Additionally, NYCHA has completed votes for residents at over 2,700 units and, as a result, has entered over 1,770 units into the Trust pre-development pipeline to begin comprehensive renovation and Section 8 conversion. NYCHA has also begun the comprehensive renovation process for 3,696 units through Comp Mod.

Altogether, approximately 43,000 units (25%) of NYCHA's existing portfolio have already been renovated or have an identified path to improved conditions.

Through this RFEI, NYCHA seeks to advance its work as a public developer by expanding its portfolio through the development of more low-income, affordable housing for public housing residents and low-to-moderate income New Yorkers.

To achieve this goal, NYCHA will use all tools at its disposal – such as "Restore-Rebuild", Transfer of Assistance, project-based vouchers, and transfer of development rights – alongside existing programs to develop new housing for low-income residents and provide more opportunities for low-income housing in existing buildings. Specifically, NYCHA seeks to partner with developers and landowners across the city to unlock new construction and preservation opportunities on both properties adjacent to NYCHA land and other properties throughout the five boroughs. These programs will help NYCHA increase housing opportunities for existing NYCHA residents and for all New Yorkers.

By leveraging all available federal tools, NYCHA can further advance its mission to provide safe, affordable housing, create complete and supportive communities, and help solve some of the City's largest housing challenges.

## II. RFEI Goals

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NYCHA, by issuing this RFEI, seeks proposals (“Proposals”) from Development Team(s) (as defined below) to use the tools described in the prior section, as detailed more fully within Section III of this RFEI. NYCHA seeks Proposals on privately owned land that meet the agency’s goals in three key areas:

- A. Increase high-quality housing opportunities and access to neighborhood amenities for NYCHA residents;**
- B. Generate revenue for reinvestment in NYCHA communities;**
- C. Expand low-income housing opportunities for New Yorkers.**

NYCHA is looking for proposals that can achieve these goals through use of the assistance described in the following section, either standalone or in combination.

Ideal respondents to this RFEI are Development Teams who are committed to NYCHA’s mission and to working in a collaborative and iterative fashion with NYCHA and with residents, as needed. Use of the assistance described in the following section is subject to applicable federal, state, and local requirements and NYCHA’s assessment of related capital investment at NYCHA developments as part of a paired strategy.

NYCHA may select one, more than one, or none of the proposals received through this RFEI. Proposal selection through this RFEI indicates NYCHA’s willingness to engage in negotiations and a cooperative process to assist with projects, as needed. Selected projects will be prioritized in NYCHA’s pipeline to the extent that project readiness and the availability of resources permits. Submissions to the RFEI may contribute to a report on the findings of this RFEI. Selection through this RFEI is in no way an obligation on the part of NYCHA or the Applicant (as defined below) to enter into an agreement.

### III. OVERVIEW OF DEVELOPMENT OPPORTUNITIES

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#### A. Restore Rebuild

Restore Rebuild, formerly known as “Faircloth-to-RAD”, is a program that enables NYCHA to build new public housing units up to the Authority’s “Faircloth” limit under the Section 9 program and immediately convert those units to Section 8 via RAD conversion. NYCHA can use Housing Choice Voucher (HCV) funds to augment rents up to 110% of Fair Market Rent (FMR) or Small Area FMR if the project meets certain criteria, such as if the Restore Rebuild units only represent 25% of units in the project (or 40% in a low-poverty census tract).

Restore Rebuild could unlock low-income affordable units, to be developed under the Section 8 program, and boost the supply of quality and safe housing across the city while retaining strong resident protections.

#### B. Transfer of Assistance

Transfer of Assistance (“ToA”) is a mechanism whereby through RAD, NYCHA can convert public housing assistance to Project-Based Section 8 rental assistance and move such assistance to a new location, either to existing building(s) or building(s) to be constructed. ToA does not need to be used at a NYCHA development that is in the RAD program; ToA can be used at any NYCHA development. The Project-Based Section 8 vouchers created via a RAD conversion can be used at new non-NYCHA receiving sites, including new construction buildings.

NYCHA is looking for opportunities to more widely use ToA across NYCHA’s portfolio and thereby move residents into high-quality housing, while also unlocking opportunities to more strategically plan and reposition NYCHA’s existing developments.

#### C. Project-Based Vouchers

NYCHA has federally funded project-based vouchers via its HCV program and can allocate a portion of these vouchers for project-based rental assistance.

#### D. Adjacent Land

Many NYCHA properties have undeveloped areas like parking lots and/or trash or compactor sites. Leveraging a long-term ground lease or sale of undeveloped surplus land could help facilitate (or create larger, more feasible) adjacent housing development projects. These new buildings could include new apartments, amenities, and community facilities for NYCHA residents.

#### E. Transfer of Development Rights

Many properties within NYCHA’s portfolio are underbuilt and contain significant excess development rights, even more so since the passage of City of Yes and the Universal Affordability Preference program. Under the NYC Zoning Resolution, transfers are restricted to lots located on the same block as NYCHA developments, unless otherwise stated (e.g., as related to landmarked properties). Transfers can be combined with other strategies to generate revenue for NYCHA.

## IV. DEFINITIONS

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For the purpose of this document the terms not otherwise defined herein shall have the definitions given below:

### **Applicant**

An individual, partnership, limited liability company, corporation, joint venture, or other entity that submits a Proposal in response to this RFEI.

### **City Environmental Quality Review (“CEQR”)**

New York City’s process for implementing the State Environmental Quality Review Act (SEQRA), by which agencies of the City of New York review proposed discretionary actions to identify and disclose the potential effects those actions may have on the environment. The CEQR Technical Manual defines how environmental testing should be conducted in order to satisfy the legal requirements of New York State’s SEQRA.

### **City**

The City of New York

### **Developer**

Any Applicant(s) selected by NYCHA to commence negotiations regarding the project proposed in response to this RFEI.

### **Development Team**

The Developer and the professional, technical, and construction entities (e.g. general contractor, architect, engineer, legal counsel, marketing, and managing agents) that will participate in the design, development, construction, marketing, and/or management of the Proposal.

### **HUD**

United States Department of Housing and Urban Development

### **Meaningful Role**

“Meaningful Role” within the Development Team is defined to include, but is not limited to, one or more of the following: (i) at least 30% overall equity ownership in the relevant project ownership entity(ies), (ii) material decision-making authority and/or managing member status in the applicable joint venture, (iii) control and authorship of material Development work components, or (iv) fair participation (in NYCHA’s and HDC’s reasonable judgment) in the waterfall distribution returns to equity.

### **Negotiation Letter**

The letter sent to the selected Developer by NYCHA regarding the commencement of negotiations for the development of a Project.

## **National Environmental Policy Act (“NEPA”)**

Signed into law on January 1, 1970, NEPA requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. Using the NEPA process, NYCHA evaluates the environmental and related social and economic effects of any proposed actions.

## **NYCHA**

The New York City Housing Authority

### **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 Applicant, or any entity, known limited partner, or other member that has at least a 10% ownership interest in the Applicant.

### **Proposal**

A submission detailing a project that would benefit from development assistance, as described in this RFEI. NYCHA may select one, multiple, or none of the proposals to receive assistance.

### **Resident Engagement**

The process of sharing information and gathering input from residents and other community stakeholders.

### **Section 18 Disposition Approval**

Conveyance of NYCHA property, including a property interest in development rights, requires HUD approval under Section 18 of the United States Housing Act of 1937, as amended. HUD has promulgated regulations at 24 C.F.R. Part 970, detailing the administrative steps required for its approval of any demolition/disposition activity affecting covered public housing property.

### **State Environmental Quality Review (“SEQR”)**

New York State’s policy requiring state and local agencies to assess the environmental impacts of certain discretionary actions.

### **Transfer of Development Rights (“TDR”)**

Development rights generally refer to the maximum amount of floor area permissible on a zoning lot. The difference between the maximum permitted floor area and the actual built floor area is referred to as “unused development rights”. Unused development rights can be transferred to an adjacent property owner to facilitate a larger development, when in accordance with the Zoning Resolution.

### **Uniform Land Use Review Process (“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, and Special Permits within the Zoning Resolution requiring approval of the New York City Planning Commission (CPC).

## **Zoning Lot**

A zoning lot is a tract of land comprising a single tax lot or two or more adjacent tax lots within a block. An apartment building on a single zoning lot, for example, may contain separate condominium units, each occupying its own tax lot. Similarly, a building containing a row of townhouses may occupy several separate tax lots within a single zoning lot, or two or more detached homes on one zoning lot may each have its own tax lot.

The zoning lot is the basic unit for zoning regulations and may be subdivided into two or more zoning lots, and two or more adjoining zoning lots on the same block may be merged, provided that all resulting zoning lots comply with applicable regulations.



## V. RFEI SUBMISSION REQUIREMENTS

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### A. Project Site and Proposal

NYCHA invites Proposals for projects on privately owned land. The project may be proposed, under construction, or completed. Proposals are limited to residential or mixed-use residential projects. Any completed projects proposing NYCHA assistance must have vacant units that could receive the assistance. Proposed new construction or rehab projects would require compliance with the Davis-Bacon Act, i.e., prevailing-wage construction, unless proposing at or under 8 units for assistance.

Proposals are welcomed for projects located throughout the five boroughs. For projects proposing a Transfer of Development Rights, projects must be located within proximity to a transferring NYCHA development, in accordance with requirements under the New York City Zoning Resolution. For other forms of assistance, NYCHA will assess suitability based on: a) existing and planned capital investment at NYCHA developments throughout the city as part of a paired strategy; and b) any applicable federal requirements.

### B. Development Team

Qualified Applicants may be for-profit, non-profit, or joint venture entities that demonstrate the experience and capacity to implement the project.

### C. Project Scenario Examples

Examples are provided below to illustrate a few different types of proposals that could be successful in response to this RFEI. This is not an exhaustive list. All terms not otherwise defined herein shall have the meanings defined in the New York City Zoning Resolution.

*Example scenario 1:* The project is a proposed, non-prevailing wage, mixed-income residential project located on the same block as a NYCHA development. The project proposes the use of unused development rights from the NYCHA development to enable more affordable housing units in their project. In exchange for development rights, the project pays a fee to NYCHA that can go toward capital repairs, and the use of vouchers on 8 units to provide housing for NYCHA residents through Transfer of Assistance.

*Example scenario 2:* The project is a planned prevailing-wage senior affordable housing project located in the same neighborhood as a NYCHA development planned for capital investment. The project proposes the use of vouchers on a proportion of units to provide housing for NYCHA residents.

*Example scenario 3:* The project is a mixed-income residential building that has completed construction and currently has vacant units. The project proposes the use of voucher assistance for the project's vacant units in exchange for housing NYCHA residents.

## **D. Submission Contents**

Each Applicant must submit the forms and supporting documentation described below, following the instructions described in Section VII. Submissions that are incomplete or not in conformance with the requirements of this RFEI will be eliminated from further consideration.

Applicants should submit one Proposal per potential project. Applicants may submit multiple proposals.

### **1. Cover Page**

Printed on front cover: *NYCHA Development Partnership Opportunities RFEI; Applicant Name; Project Address; Submission Date*

### **2. Applicant Forms**

- a. Applicant's Letter & Questionnaire (Form 1)
- b. Proposal Checklist (Form 2)
- c. Developer and General Contractor Experience (Form 3)
- d. Residential Management Experience (Form 4)
- e. Budget Proposal (Form 5)
- f. Asset Statements (Form 6)

### **3. Proposal Overview (*no more than 2 pages*)**

- a. Provide a narrative description of the overall Proposal. The narrative should describe the various components, including:
  - i. Development program, including residential, commercial/community facility (if applicable), open space (if applicable), and other land uses.
  - ii. Proposed NYCHA resources to use on the project.
  - iii. Description of proposed or completed design, including accessibility and sustainability features.
  - iv. Pre-development, construction, and/or completion status, including any outstanding approvals needed.
  - v. Development experience that makes the team suited to developing, operating, and managing residential projects.
  - vi. Competitive offer for the proposed transaction, as applicable.
  - vii. Special considerations explaining any unique circumstances, additional requests, or other actions needed to facilitate the transaction.
- b. Explain how the Proposal achieves the goals of the RFEI.

### **4. Architectural Drawings (*optional*)**

- a. Site Plan
- b. Illustrative Renderings

### **5. Team Description (*no more than 2 pages*)**

- a. Identify each firm and describe their roles.

- b. Describe relevant qualifications and experience, including any similar projects and ongoing or completed projects in the vicinity of the Proposal (referenced in Developer and General Contractor Experience – Form 3).
- c. Indicate which principals and staff members would have primary responsibilities for project implementation and describe their roles in the day-to-day management of the Project and any relevant experience (include full resumes in Appendix).
- d. Provide an organizational chart explaining the intended form and structure of the Development Team, including principals and the structure and percentages of ownership and investment.
- e. Entities that are a Minority- and Women-owned Business Enterprise (M/WBE) Developer and/or Nonprofit Developer with a Meaningful Role should be stated clearly within the organizational chart. For those entities that have a Meaningful Role, the organizational chart should include a brief narrative description outlining how this is being determined.
- f. Any proposed third-party equity partner must be identified as a member of the Development Team and described on the organizational chart.

**6. Financial Proposal (*no more than 3 pages*)**

- a. Provide a narrative description of the proposed financing strategy, which demonstrates compliance with this RFEI and explains the proposed funding sources and overall approach. Note any City/State subsidy programs.
- b. Project budget in Excel format (Form 5).
- c. Copies of bank or other lender references should be included in the Appendix (if applicable).
- d. Asset statements (Form 6).

**7. Labor and Hiring (*no more than 2 pages*)**

- a. Describe the proposed approach to labor and hiring, including for achieving Section 3 goals if applicable, hiring of NYCHA residents, providing training opportunities, employment of M/WBEs, and Davis-Bacon prevailing wage compliance, both during construction and for ongoing operations of the property, as applicable.
- b. Describe any relevant experience, track record, and potential partnerships.

**8. Deed Copy and Owner's Consent**

- a. Provide evidence of proof of ownership for the proposed development site by submitting a copy of the deed.
- b. If the Applicant is not yet the property owner, but is in active negotiation to purchase the property, purchase and sale agreements may be included.
- c. If the Applicant is not the property owner and is not in active purchase negotiations, a notarized authorization by the property owner must be submitted. The owner's

statement should explain that they are fully aware of the actions concerning the property that are being requested by the Applicant.

## VI. APPLICANT SELECTION CRITERIA & PROCESS

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### A. Review

NYCHA will evaluate each Proposal according to the threshold requirements below (“**Threshold Requirements**”), considering the information provided in the Proposal, references, and any other information about the Applicant’s past performance available to NYCHA. Proposals that are not complete or do not conform to the requirements of this RFEI will be deemed non-responsive and eliminated from further consideration, unless NYCHA permits the Applicant to correct the omission.

Proposals that meet all Threshold Requirements will be evaluated and scored according to the competitive selection criteria below (“**Competitive Selection Criteria**”). NYCHA may request additional information, interviews, presentations, or site visits in their sole discretion. Proposals will be chosen that best conform to the criteria detailed herein. NYCHA may disapprove the inclusion of any member of an Applicant’s Development Team and/or require a Development Team to substitute other individuals or firms.

### B. Threshold Requirements

#### 1. Completeness of Proposal

The Proposal must contain all documentation required under “Submission Requirements” above. All of the required forms must be fully completed, and application requirements met at the time of submission. Upon review, however, NYCHA, at its discretion, may notify an Applicant that additional information or clarification is necessary and ask the Applicant to submit such information in a timely manner as determined by NYCHA.

#### 2. Residential Development Experience

Applicants must demonstrate experience having successfully completed at least one new construction multifamily residential project of at least 100 residential units in New York City within the past five (5) years, as demonstrated in Developer and General Contractor Experience – Form 3.

If an Applicant is given an opportunity to cure a deficiency in meeting one or more of the Threshold Requirements listed above but does not respond to NYCHA’s request for such cure, or if the Applicant’s response does not sufficiently address the deficiency(ies), the Applicant’s Proposal will not be reviewed under the Competitive Selection Criteria.

### C. Competitive Selection Criteria

Proposals that pass Threshold Requirements will be evaluated under Competitive Selection Criteria. Proposals will be evaluated according to responsiveness to the following questions on a “yes/no” basis, with proposals that sufficiently respond to both questions moving forward. Factors to be considered include, but are not limited to, the following:

**1. Does the Proposal conform to the goals of the RFEI? (yes/no)**

- a. Quality of proposed approach and benefit to NYCHA;
- b. Quality of housing provided (e.g., finishes, amenities) for NYCHA residents, as relevant; and
- c. Anticipated return to NYCHA, as relevant.

**2. Does the Development Team demonstrate sufficient experience and capacity to undertake the Proposal? (yes/no)**

- a. Applicant's financial capacity to undertake the Proposal;
- b. Quality of construction and design in projects completed or currently under construction by the Development Team and/or its Principals;
- c. Extent of the Development Team's experience, in terms of number, size, type, and complexity of similar projects within the last five (5) years; and
- d. Experience with securing affordable housing financing, as relevant.

## VII. SUBMISSION INSTRUCTIONS

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### A. Deadline & Delivery

Submissions will be accepted from October 14, 2025, to November 18, 2025

Final Deadline: November 18, 2025, 5pm

On or before the submission deadline, the Applicant must submit a Proposal in accordance with the instructions and attachments contained in this RFEI, as well as in any addenda that may be issued to the RFEI. All submissions become the property of NYCHA.

### B. Applicant Interest Form

Before the submission window, applicants must fill out and submit an Applicant Interest Form located here: [NYCHA Development Partnership Opportunities RFEI Applicant Interest Form](#). Applicants that have submitted an interest form will be sent a Sharepoint link to upload an RFEI submission. Only applicants that have submitted an interest form will be sent this link.

### C. Package Format

The Submission Contents described above should be digitally uploaded as a PDF via a Sharepoint link that will be e-mailed upon receipt of the Applicant Interest Form. Separate sections and forms must be clearly labeled.

### D. Forms

All forms associated with the Proposal must follow the format included in this RFEI. All forms will be made available for download at [nyc.gov/site/nycha/about/pact/procurement.page](https://nyc.gov/site/nycha/about/pact/procurement.page). Form 3 (Developer and General Contractor Experience) and Form 5 (Budget Proposal) must be submitted as Excel files.

### E. Pre-Submission Conference

**Date:** September 9, 2025

**Time:** 10:00am

**Location:** Zoom (online)

**RSVP:** RSVP to the Pre-Submission Conference should be done via the Applicant Interest Form indicated above and included again here: [NYCHA Development Partnership Opportunities RFEI Applicant Interest Form](#).

NYCHA recommends that interested Applicants attend this pre-submission conference, as this will be an opportunity to ask questions and receive answers in person. Responses to all inquiries will be collectively provided at the pre-submission conference and in an addendum posted on NYCHA's Website and sent to all prospective Applicants. Any updates and/or

additional communications regarding this RFEI will also be posted to: [nyc.gov/site/nycha/about/pact/procurement.page](https://nyc.gov/site/nycha/about/pact/procurement.page)

#### **F. Communications and Inquiries**

All communications and inquiries regarding this RFEI are to be directed in writing, via email, to [development@nycha.nyc.gov](mailto:development@nycha.nyc.gov)

Responses to all inquiries will be collectively provided in an addendum that will be posted on NYCHA's website and sent to all registered prospective Applicants after the pre-submission conference.

#### **G. Modifications**

An Applicant may submit a complete modified Proposal to replace all or any sections of a previously submitted Proposal up until the submission deadline. NYCHA personnel will not insert pages or otherwise modify the Applicant's Proposal. The Applicant has full responsibility for ensuring that its final Proposal has been submitted in the desired form by the submission deadline. The front cover of a modified Proposal must identify the submission as a modified proposal and include the date on which the modified Proposal is submitted.

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

#### **H. RFEI Amendments**

NYCHA reserves the right to amend or withdraw this RFEI at any time. In order to be considered, Proposals must conform to any amendments that may be issued to this RFEI. Amendments may include, without limitation, any requirements and terms or conditions contained in this RFEI. NYCHA will advise each Applicant of any clarifications or revisions. If, in NYCHA's judgment, additional time is required for Applicants to prepare their Proposals, NYCHA reserves the right to grant an extension of the deadline for submission of a Proposal, and such extension will then be granted to all Applicants.

#### **I. References and Requests for Further Information**

Submission of a Proposal shall constitute permission from the Applicant for NYCHA to make such inquiries concerning the Applicant as NYCHA deems necessary. NYCHA reserves the right to communicate with any of the Applicants, but NYCHA is not obligated to do so. NYCHA may discuss the Proposals of any Applicants concurrently or sequentially, as NYCHA may determine. No Applicant has any rights against NYCHA solely arising from any such invitation to a discussion, or from any negotiations that may arise pursuant to the discussions.



Applicants must comply with all requests for information and, if requested by NYCHA, appear for presentations or discussions. If any Applicant fails to do so within the time period given (or within any time extension that NYCHA may grant), NYCHA may deem this as a failure and act of non-compliance with the RFEI, which will permit NYCHA to select another Applicant or to solicit new Proposals. In furtherance and not in limitation of the foregoing, before a final selection is made, an Applicant may be required to produce more detailed information concerning the professional background of those persons who own and manage such Applicant, a report on the financial background of such Applicant, 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 Applicant or any of its partners, directors, officers, employees, shareholders, subsidiaries, or affiliates, as the case may be.

#### **J. Selection**

Selection of an Applicant under this RFEI means only that NYCHA will commence negotiations with such Applicant regarding the Proposal for potential inclusion in the pipeline.

#### **K. Lobbying and Advocacy**

In order to preserve and maintain the integrity of the selection process, NYCHA 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.

#### **L. Negotiation Letter**

Upon such selection, NYCHA will send written notification (“Negotiation 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.

Each Proposal must include an Applicant’s Letter (Form 1), signed on behalf of the Applicant by a Principal. NYCHA reserves the right to terminate negotiations with or without cause after the issuance of such Negotiation Letter.

#### **M. Disclosure**

The Developer who receives a Negotiation Letter from NYCHA must thereafter disclose all previous participation in NYCHA and City-assisted projects. Such entity or entities and all Principals thereof will each be required to submit completed Entity and Individual Disclosure Statements. NYCHA will provide copies of these forms upon request to any Applicant.

#### **N. No Obligation**

This RFEI does not represent any obligation or agreement whatsoever on the part of NYCHA, nor does it represent any obligation on the part of NYCHA to issue a Negotiation Letter, to enter into negotiations with a Developer, and/or to award an agreement pursuant to this RFEI.

Any obligation, commitment, or agreement on the part of NYCHA may only be incurred after NYCHA and the Developer enter into a written agreement(s) approved by the NYCHA Board and HUD for the programs listed in the RFEI at closing (the “NYCHA Documents”). NYCHA may use the Proposals submitted pursuant to this RFEI as a basis for negotiation with Applicants as they deem appropriate. NYCHA may reject at any time any or all Proposals, amend or withdraw this RFEI in whole or in part, negotiate with one or more Applicants, and/or negotiate on terms other than those set forth herein (including to parties other than those responding to this RFEI). NYCHA may also, at any time, waive compliance with, or change any of the terms and conditions of this RFEI, and allow, and consider, modifications or additions to selected Proposals. All determinations as to the completeness or compliance of any Proposals with the requirements of this RFEI, or as to the eligibility or qualification of any Applicant, will be within the discretion of NYCHA.

#### **O. FOIL**

All Proposals and other materials submitted to NYCHA in response to this RFEI may be disclosed in accordance with the standards specified in the Freedom of Information Law, Article 6 of the Public Officers Law (“FOIL”). The Applicant submitting a Proposal must designate those portions of the Proposal that it believes are exempt from FOIL. This characterization shall not be determinative but will be considered by NYCHA when evaluating the applicability of any exemptions in response to a FOIL request.

## VIII. PRE-CLOSING AND APPLICANT OBLIGATIONS

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There may be pre-closing and Applicant obligations, depending on the type of assistance requested.

### A. Appraisal

Depending on the assistance proposed, a Fair Market Value (FMV) appraisal of the value of property and/or unused development rights proposed for disposition may be required, with the cost of appraisal to be covered by the developer. Additional appraisals may be warranted if an extended amount of time (approximately 12 months) passes between the date that the appraisal was issued and the closing date, or otherwise at NYCHA's sole discretion.

### B. Title Report

The Applicant may be responsible for providing a title report for the property or properties in the Proposal.

### C. Survey

The Applicant is responsible for obtaining any required surveys of parcels as applicable, including surveys of tax lots within any proposed zoning lot which may include tax lots owned in fee by NYCHA.

### D. NYCHA Annual Plan Insertions and Amendments

NYCHA is required to submit a statement of planned disposition activities, which may include those encompassed in Proposals, in its Annual Plan. The process for developing the Annual Plan begins the year prior with meetings held with the Resident Advisory Board (RAB) that usually start in January. The Annual Plan, including any proposed disposition activities, must be made available for public review for 4 days before the public hearing. After the public hearing, the Annual Plan is submitted to the NYCHA Board for review and approval and is then submitted to the local HUD office for approval. NYCHA must include the agency's responses to the comments from the RAB and the public on proposed activities in a required attachment to the Annual Plan.

### E. Section 18 Application and RAD Application

Disposition of public housing assets, including buildings, vacant land, and development rights owned by NYCHA, is subject to Section 18 of the U.S. Housing Act of 1937, as amended, and the regulations at 24 CFR Part 970. Conversion of subsidy under RAD, including through ToA or Restore Rebuild, has a separate application process authorized by the Consolidated Appropriations Act of 2012, as amended, and the HUD Notice H-2019-09 PIH-2019-23 (September 5, 2019), as it has and will continue to be, amended.

## **F. Environmental Review**

To submit a Section 18 application, a RAD application, or to undertake a federal action, NYCHA must undertake an environmental review of the proposed project to study its effects on the residents, community, and surrounding environment and to ensure that the proposed project complies with environmental laws and regulations. Because NYCHA is both a New York State public-benefit corporation and a federally funded Public Housing Authority, it is subject to the State Environmental Quality Review Act (“SEQRA”) and the National Environmental Policy Act (“NEPA”). As mandated by SEQRA, the City Environmental Quality Review (CEQR) is the process by which New York City agencies determine what effect, if any, a discretionary action may have upon the environment. Depending on the project scope and the type of assistance proposed, NYCHA may require that the proposed project be assessed in accordance with CEQR methodologies as per the 2021 CEQR Technical Manual.

These three environmental processes — SEQRA, CEQR, and NEPA — have overlapping requirements, and NYCHA will coordinate with Applicants to ensure a timely review. The attainment of environmental clearance is typically the longest step in a Section 18 approval timeline.

NYCHA works closely with the New York City Department of Housing Preservation and Development (HPD) throughout the environmental review, in part because under 24 CFR Part 58, HPD is required to serve as the Responsible Entity for many HUD actions undertaken by NYCHA. NEPA environmental reviews conducted for HUD projects may warrant issuance to HUD via HUD's online environmental review system (“HEROS”) platform. NYCHA also works closely with HPD for many development projects on NYCHA properties where either agency can be the Lead Agency.

The Applicant will be responsible for retaining a reputable environmental consultant, preparing and submitting all environmental documents as required by permitting federal, state, and local regulatory agencies, and funding the cost of the studies and analyses required for completion of CEQR, SEQRA, and NEPA.

## **G. Resident Engagement**

NYCHA may require engagement with residents at any relevant NYCHA developments. Section 18 requires NYCHA to consult the Resident Association on any proposed disposition of land or unused development rights. Evidence of consultation, which includes meeting minutes, written questions and answers, and a Letter of Acknowledgement of Consultation, are required in the Section 18 application. NYCHA will coordinate with Applicants to schedule resident consultation meetings with the Resident Association and the Citywide Council of Presidents (CCOP). The Applicant will be responsible for creating presentation materials that summarize the project and leading any meetings, with support from NYCHA.

## **H. Resident Hiring**

The Applicant is responsible for executing a NYCHA approved hiring plan, as applicable, to provide NYCHA residents with construction job training and employment opportunities as well

as permanent jobs in construction or building/community facility operation. NYCHA's Office of Resident Economic Empowerment and Sustainability ("REES") will work with the Applicant on resident recruitment, training, and employment in accordance with applicable HUD and NYCHA resident hiring policies.

#### **I. NYCHA Board Resolution**

Section 18 or RAD conversions (including RAD conversions using ToA or Restore Rebuild) require NYCHA Board approval to permit submission of the applicable applications to HUD and, subsequent to HUD approval(s), to permit the disposition and conversion of subsidy as applicable to proceed.

#### **J. Community Outreach**

NYCHA is committed to transparent community outreach. In addition to resident engagement, the Applicant will participate in required public forums, hearings, and briefings with the Community Board, elected officials, City agencies, and other organizations, as needed.

#### **K. Public Land Use Approvals**

Where applicable, NYCHA may be a co-applicant for a Development Team's ULURP application, aiding the Developer in preparing the land use application and supporting documentation for the Proposal. ULURP is not triggered by the disposition of NYCHA development rights or land but may be required for other types of land use actions. Pre-Closing process and timeline will be adjusted to account for discretionary approval processes.

#### **L. Fair Housing Requirements**

The Applicant is required to comply with all applicable Federal, State, and local laws, orders, and regulations prohibiting housing discrimination.

## IX. RFEI CONDITIONS, TERMS, AND LIMITATIONS

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### A. Terms and Conditions

The submission is subject to the specific conditions, terms, and limitations stated below: All determinations regarding this RFEI are at the sole discretion of NYCHA.

1. Proposals submitted shall be deemed to incorporate all of the terms and conditions contained in this RFEI. Applicants will be deemed to have consented to such terms by submitting a Proposal in response to this RFEI.
2. The proposed project shall conform to, and be subject to, the provisions of the New York City Zoning Resolution, the New York City 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.
3. Valid permits and approvals, as required by City, State, and Federal agencies, shall be obtained by the Development Teams prior to commencing work.
4. The commencement of negotiations with an Applicant will depend on satisfaction of the documentation and review requirements described in this RFEI and will be subject to review by NYCHA. The continuation of negotiations with an Applicant may depend on the Applicant's provision of additional documentation as required by NYCHA.
5. An Applicant submitting a Proposal in response to this RFEI may be rejected if it or, if the Applicant is a business entity, any of its Principals is determined, in NYCHA's sole discretion, to be within a category of persons or entities with whom or which the City, HDC, or NYCHA will not generally do business. The Applicant and all officers and Principals thereof will be required to complete a background questionnaire and shall be subject to sponsor review and investigation by NYCHA, HDC, and the New York City Department of Investigation. Any designation may be revoked in NYCHA's sole discretion in the event any derogatory information is revealed by such investigation.
6. No commission for brokerage or any other fee or compensation shall be due or payable by NYCHA, and the submission of a Proposal will constitute the Applicant's undertaking to indemnify and hold NYCHA 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 Applicant, the selection of the Applicant's submission and invitation to the Applicant to respond to this RFEI, or the conditional selection of an Applicant pursuant to this RFEI.
7. The Applicant will not engage in any scheme or practice that seeks to solicit, pay, or receive as payment, or to deliver to anyone, any sum or thing of value (including, without limitation, the performance of any service) that may constitute or be construed as a bribe, kick-back, or other inducement that in any manner may prejudice NYCHA's interests or compromise the duty owed by anyone to NYCHA.
8. NYCHA is not obligated to pay, nor shall NYCHA in fact pay, any costs or losses incurred by any Applicant at any time, including any costs incurred by the Applicant in connection with the Applicant's response to this RFEI.

9. The Development Team, and in the event that the Development Team is a joint venture, each member of that joint venture, jointly and severally, shall forever defend, indemnify, and hold harmless NYCHA and its directors, members, principals, officers, agents, representatives, affiliates, and employees from and against any and all obligations, liabilities, claims, demands, penalties, fines, settlements, damages, costs, expenses, and judgments of whatever kind or nature, known or unknown, contingent or otherwise arising from the project, including, without limitation, personal or bodily injury (including death) of or to any person or persons, including, without limitation, from or related to the presence, release, storage, transportation, or disposal of hazardous materials, or any damage to property of any nature.
10. No member of, or delegate to, the Congress of the United States or the New York State or City government, or resident commissioner, shall be permitted by the Applicant to share in any part of the project or in any benefit that may arise from the project.
11. NYCHA, HUD or any other federal, state or local agency providing funds to NYCHA, the New York City Comptroller, the New York City Department of Investigation, and the Comptroller General of the United States shall have the right to perform an audit of the Development Team's finances and the books and records related to its performance under the project, including, without limitation, the financial arrangement with anyone that the Development Team may delegate to discharge any part of its obligations with respect to the project.
12. The selection of an Applicant will mean only that NYCHA may commence negotiations with that Applicant regarding its Proposal for the project.
13. NYCHA may use the Proposals submitted pursuant to this RFEI as a basis for negotiations with Applicants as NYCHA deems appropriate. NYCHA may reject at any time any or all Proposals; may amend, modify or withdraw this RFEI in whole or in part; may negotiate with one or more Applicants; and/or may negotiate on terms other than those set forth herein (including to parties other than those responding to this RFEI). NYCHA may also, at any time, waive compliance with, or change any other terms and conditions of, this RFEI; entertain modifications or additions to selected Proposal, if in NYCHA's judgment it is in the best interests of NYCHA to do so.
14. Selection of an Applicant's Proposal will not create any rights on the Applicant's part, including, without limitation, rights of enforcement, equity, or reimbursement, such rights only being created after the approvals of HUD and NYCHA, and NYCHA Documents are fully approved and executed. Until such approvals and execution of the NYCHA Documents, NYCHA may terminate negotiations with the Development Team at any time without incurring any obligations to the Development Team.
15. In the event of any variance between the terms of this RFEI and the NYCHA Documents, the terms of the NYCHA Documents will govern. All determinations as to the completeness or compliance of any Proposals, or as to the eligibility or qualifications of any Applicant, will be within the sole discretion of NYCHA.

## **B. Conflicts of Interest**

Current or former employees of the City of New York may respond to this RFEI only in accordance with the section(s) of Chapter 68 of the New York City Charter governing conflicts of interest affecting City personnel. Section 2604(b)(7) of the City Charter contains specific prohibitions that exclude enumerated groups of employees from participating in the sales process. In addition, current NYCHA employees may not respond to this RFEI.

Persons in the employment of the City considering the submission of a Proposal in response to this RFEI are advised that opinions regarding the propriety of their participation in the Project 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 consideration. It is not necessary, however, that such an opinion be obtained prior to responding to this RFEI.

Former employees of the City of New York or NYCHA are also advised that the City Charter imposes certain restrictions on post-employment business relationships with the City. Such individuals should consult the specific provisions on this issue contained in the City Charter.

If, after selection, the Developer and Development Team discovers an organizational conflict of interest with respect to the project, the selected Applicant and Development Team shall make an immediate and full disclosure in writing to NYCHA, which shall include a description of the action that the Applicant has taken or intends to take to eliminate or neutralize the conflict. NYCHA may, however, terminate negotiations with the selected Applicant and Development Team if it would be in the best interest of NYCHA to do so.