

## **Unified Funding 2016 Multi-Family Programs Online Application Instructions**

These instructions should be used for applications seeking multi-family programs funding under the Unified Funding (UF) 2016 Request for Proposals (RFP).

**WARNING: APPLICATIONS, IN THEIR ENTIRETY, MAY BE MADE AVAILABLE FOR PUBLIC REVIEW ON THE HCR WEB SITE. APPLICATIONS SHOULD NOT INCLUDE PERSONAL OR PROPRIETARY INFORMATION.**

This document consists of the following sections:

- A. General Instructions for submitting a Multi-Family Programs application using the Community Development Online (CDOL) System;
- B. Instructions for beginning a CDOL Multi-Family Programs application;
- C. Multi-Family Programs CDOL Application Exhibit Instructions; and,
- D. Multi-Family Programs CDOL Attachment Instructions.

### **A. General Instructions for Submitting a UF 2016 Multi-Family Programs Application using the Community Development Online (CDOL) System**

#### **1. Online Application Submission**

UF 2016 will have three Multi-Family Programs application deadlines. The first deadline will be for Early Award Projects, which meet criteria set forth in the UF 2016 Request for Proposals (RFP). The second deadline is for Early Round Empire State Supportive Housing Initiative Projects (ESSHI). The third deadline is for all other capital projects. Applications for Early Award Projects must be completed (all required exhibits and attachments submitted and certified) by 5:00 PM, EST, Thursday, October 6, 2016. Applications for Early Round Empire State Supportive Housing Initiative Projects (ESSHI) must be completed by 5:00 PM, EST, Tuesday, November 8, 2016. All other UF 2016 Multi-Family Programs applications must be completed by 5:00 PM, EST, on Wednesday, December 7, 2016.

Please note: Applicants are wholly responsible for the submission of their applications by the appropriate deadlines established in the above paragraph. The CDOL system will NOT automatically prevent submission of a particular type of application after the respective deadline. The precise submission date and time will be recorded by the system, and any application submitted past the respective deadline will not be considered in that category. However, Early Award Project or Early Round ESHHI project applications received after their respective deadlines will still be considered as a standard capital project application if received prior to the standard round deadline. No applications of any kind submitted after the standard round deadline will be reviewed or considered for award in the Unified Funding 2016 round.

The submission of an application via CDOL consists of three steps:

- 1) Completing the online application exhibits;
- 2) Certifying and submitting the application exhibits; and,
- 3) Uploading, certifying, and submitting all required application attachments.

When your application exhibits are complete and validated by the CDOL, the person who is authorized to

electronically certify the application must log in to the CDOL and certify and submit the application exhibits. Once submitted, the CDOL will assign your application a SHARS ID number. **The application is not complete until all required attachments are certified and submitted. The required attachments are listed in Section 8 below.**

Please carefully review the following steps which are necessary to complete and submit your application via the CDOL.

## **2. Registering Your Organization's Security Manager**

Please review the following to make sure that your organization is prepared to use the CDOL, and that you have someone with the authority to certify the application set up as a registered CDOL user for your organization. In order to use the CDOL, applicants must be registered in HCR's Statewide Housing Activity Reporting System (SHARS), and have designated a Security Manager for their organization. The Security Manager will serve as the individual who authorizes and monitors access to the CDOL for the applicant's organization, including which people have the ability to update the organization's applications. Security Managers may go into the CDOL system, and add or remove users for their organization.

If you are a registered SHARS applicant, but you have not registered to use the CDOL, you may submit a **Security Manager Registration Form** to HCR at [http://www.nyshcr.org/Apps/CDOnline/security\\_manager.pdf](http://www.nyshcr.org/Apps/CDOnline/security_manager.pdf). This will allow you access to the CDOL. Complete and return the Security Manager Registration Form with an original authorized signature to the address specified on the form and you will be e-mailed a User ID and temporary password with which to access the CDOL.

If your organization has not previously applied to HCR for funding, you must complete and submit an **Applicant Registration Form** to HCR at <http://www.nyshcr.org/Apps/CDOnline/appreg.pdf> so that you may be registered as a SHARS Applicant. The form contains a section where you may designate a Security Manager for your organization. HCR staff will register your organization and Security Manager and you will be e-mailed a USER ID and password to access the CDOL.

Applicants who used the CDOL in the past will still be registered, and may use the CDOL with the user ID and password previously assigned to them. If you have forgotten your password, you may go the CDOL and enter your USER ID and e-mail address and you will be e-mailed a new password. If you have changed your e-mail address since you first registered as a CDOL user, and you cannot remember your password, or if you have forgotten your USER ID, please either call the MSR Unit at (518) 473-2525, or e-mail us at: [msr@nyshcr.org](mailto:msr@nyshcr.org) for assistance.

## **3. Registering your Organization's Electronic Signatory**

All application exhibits and attachments submitted through the CDOL must be electronically certified by an authorized representative of the applicant's organization. The person who will certify the application must be set up in the CDOL as a user for your organization. The Security Manager may add the certifier by following these steps:

- a. Log into the CDOL and click on the User Administration link at the top of the page. The organization name will be displayed with a list of CDOL users.
- b. To add your organization's authorized signatory, click 'add new user', and enter their first and last name, and e-mail address.
- c. Select their access level from the drop-down box. Applicant inquiry allows the user to view but not change the application. Applicant update allows the user to make changes to the application.

- d. Click the box that reads 'Authorized to Sign Certification'.
- e. Click the box next to the organization name. Then click 'Submit'.

f. The CDOL will generate an e-mail providing the user with their User ID and temporary password. When the application exhibits are complete, validated and ready to be submitted, the certifier must log-in to the CDOL, complete the certification, and submit the application exhibits. Required application attachments must also be certified prior to submission.

#### **4. Completing and Validating the Application Exhibits**

The UF 2016 Multi-Family Programs application consists of ten exhibits (and 41 attachments), which are listed in Section 8 below. After completing the exhibits, you must validate the application. Validation is essentially an editing process performed by the CDOL that notifies the user of incomplete, missing, or inconsistent data in the application. The application may not be submitted until all problems found during validation are corrected. There are three steps to validation:

- Step 1 – all required exhibits must be entered. Please note: the application can be validated at any point in the process in order to determine what exhibits are still incomplete.
- Step 2 – all required exhibits are complete.
- Step 3 – information across exhibits is consistent.

To validate, return to the main menu, and click the 'Validate' link to the right of the Application name. Click 'Validate' again and the CDOL will check to ensure all required data is complete and consistent. If errors or inconsistencies are found, the CDOL will provide a list of the items that need to be completed or corrected before the Exhibits can be submitted. Once your application is successfully validated, it is recommended that you print and review the entire application before taking the next step, certifying and submitting the application exhibits. Once the application exhibits have been certified, they can no longer be changed.

#### **5. Certifying and Submitting the Application Exhibits**

When your application exhibits are complete and validated, and you are ready to submit them, your organization's authorized signatory must log into the CDOL to certify and submit the application Exhibits. The 'certify' button will only appear to those security managers authorized to certify and submit the application. To certify, click the 'Validate' link to the right of the application name. Click 'Certify'. The certifier should read the certification, enter their CDOL password and title, and then click 'Submit'. The CDOL will display a message acknowledging successful submission of the exhibits, and provide you with the application's SHARS ID number, which will be used to identify your application. An e-mail message will also be delivered to you confirming successful submission of the application exhibits.

After the application exhibits have been successfully submitted, the security manager will have access to the Omnibus Certification Completion. The Omnibus Certification Completion works in tandem with Attachment F13 – Omnibus Certification (Applicant and Applicant Principal Omnibus Certification and Pre-Selected General Contractor Omnibus Certification). Please become familiar with the definitions of Principals in order to allow enough time for all of the necessary individuals/entities to complete and sign Attachment F13 – Omnibus Certification. The list of Principals and/or Entities in the Omnibus Certification Completion must match the submissions in Attachment F13 - Omnibus Certification. See the instructions for Attachment F13 – Omnibus Certification for more information.

## **6. Uploading Required Attachments**

When you are ready to upload attachments, click on the 'Attachments' link to the right of the application name. The page will be redisplayed with a list of Multi-Family Programs application attachments. If you have completed the exhibits for multiple applications, be sure to select the correct application for which you want to upload attachments.

Click on the 'add' link to the right of the attachment that you want to upload. The page will be redisplayed with the option to 'select a file'. Click the 'browse' button to locate up to three files on your computer. To add the files, double click on them. When you have selected the file(s), click 'Upload'. The CDOL will return a message informing you as to the successful upload of the files. You may add additional files, by clicking the 'add' link to the right of the attachment name. You may upload multiple files for each attachment, and each file name uploaded will be listed below the attachment. Please limit the uploaded files to contain documents specifically requested in the Attachment Instructions. Whenever possible, combine multiple files into one.

Once uploaded, the Attachment Upload page will display two new buttons to the right of the attachment file name – 'view' and 'delete'. The view function allows you to view and print the file so that you can verify that it is complete and satisfactory. The delete function allows you to delete the file prior to submission.

You must select the 'omit' button for all attachments which you will not be submitting. This is required as an acknowledgement that you are intentionally omitting the attachment(s). Only after the Application Exhibits have been successfully certified and submitted will the 'omit' and 'submit' buttons for attachments be active.

All required attachments must be uploaded before the group can be submitted.

## **7. Certifying and Submitting Application Attachments**

When all required application attachments have been uploaded, the organization's authorized signatory should log-in and click 'Submit' on the Attachment Upload page. The CDOL will display a Certification which must be completed in order to complete the submission. Once the attachments have been submitted, the application is complete and may not be changed. The validation and submission process is time consuming. **DO NOT** wait until the day the application is due to begin the validation and submission process for the CDOL.

## **8. Required Exhibits and Attachments**

| UF 2016 Multi-Family Programs Application Exhibits & Application Certification                                |
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| The Multi-Family Programs Application consists of the following ten Exhibits and an electronic certification: |
| Exhibit 1 – Application Summary (Required)  |
| Exhibit 2 – Community Impact/Revitalization (Required)  |
| Exhibit 3 – Development Budget/Funding Sources (Required)   |
| Exhibit 4 – Rents/Maintenance Fees & Affordability (Required)   |
| Exhibit 5 – Operating Budget (Required)   |
| Exhibit 6 – Development Timetable (Required)  |
| Exhibit 7 – Development Team's Relevant Experience (Required)   |
| Exhibit 8 – Site and Building Information (Required)  |
| Exhibit 9 – 9% LIHC/SLIHC Qualified Building Information (Required if requesting 9% LIHC and/or SLIHC)        |
| Exhibit 10 – 9% LIHC/SLIHC Project Summary (Required if requesting 9% LIHC and/or SLIHC)                      |
| Omnibus Certification Completion Form (Required)  |

After completing, certifying and submitting your application, you must upload all required application attachments, as set forth below.

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| <b>Multi-Family Programs Application Attachments</b>   |
| Please refer to the application attachment instructions in Section D of this document to determine which attachments you may be required to submit. 9% LIHC or SLIHC standalone refers to an application where funds are only requested from the 9% LIHC or the SLIHC Program.   |
| <b>A. Project Readiness Attachments</b>  |
| Attachment A1 – Evidence of Site Control (Required)  |
| Attachment A2 – Zoning Compliance (Required)   |
| Attachment A3 – Public Approvals (Required if any referenced public approvals are necessary)   |
| Attachment A4 – State Historic Preservation Office (SHPO) Submissions (Although this is not a required submission for LIHC/SLIHC standalones, it is strongly recommended that Early Award applicants seeking LIHC/SLIHC on a standalone basis consider submission of this Attachment should the Agency use its discretionary authority to provide alternate HTFC funding programs for the project, under which SHPO review is required.) |
| Attachment A5 – State Environmental Quality Review (SEQR) Submissions (Although this is not a required submission for LIHC/SLIHC standalones, it is strongly recommended that Early Award applicants seeking LIHC/SLIHC on a standalone basis consider submission of this Attachment should the Agency use its discretionary authority to provide alternate HTFC funding programs for the project, under which SHPO review is required.) |
| Attachment A6 – Environmental Approvals (Required if any referenced environmental approvals are necessary)   |
| <b>B. Project Design/Construction &amp; Site Suitability Attachments</b>   |
| Attachment B1 – Outline Specifications (Required)  |
| Attachment B2 – Construction Cost Estimates (Required)   |
| Attachment B3 – Preliminary Plans (Required)   |
| Attachment B4 – Site Photographs (Required)  |
| Attachment B5 – Map of Primary Service Area (Required)   |
| Attachment B6 – Physical Needs Assessment (Required for 9% LIHC/SLIHC standalone applications involving rehabilitation of an existing structure)   |
| Attachment B7 – Energy Efficiency Strategy Documentation (Required)  |
| Attachment B8 – Energy Efficiency & Green Building Program Construction Cost Documentation (Required)  |
| Attachment B9 – Green Building Program Documentation (Required for applications selecting Optional Green Building Program Participation)   |
| Attachment B10 – Visitable, Accessible and Fully Adapted Units (Required)  |
| Attachment B13 – Physical Needs Assessment/Life Cycle Analysis Form/Replacement Reserve Cash Flow Analysis (Required for HTFC-funded preservation projects)  |
| <b>C. Community Need/Market Demand Attachments</b>   |
| C1 – Community Needs Support Documentation (Required)  |
| C2 – Market Demand (Required)  |
| C3 – Public Housing/Section 8 Waiting List/Referral Documentation (Optional and advisable for applications seeking potential 9% LIHC scoring points under Section 2040.3(f) of the QAP, or SLIHC scoring points under Section (d) of the SLIHC Regulation)   |
| <b>D. Project Underwriting Attachments</b>   |
| D1 – Appraisal (Required only if the project includes an individual site with acquisition costs of \$100,000 or more, or where there is an identity of interest between project participants and the seller, or if HOME funds are being used for acquisition)  |
| D2 – Operating Budget Documentation (Required)   |

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| D3 – Funding Commitments (Required for any application that requires funding from non-HCR sources)  |
| D5 – Occupied Project Information (Required for <b>all</b> occupied projects)   |
| D7 – Fixed Income Worksheet   |
| D8 – Historic and Brownfields Tax Credit Worksheets (Required for all projects using Historic Tax Credits or Brownfield Tax Credits)  |
| <b>E. Special Needs/ Elderly/Supportive Housing</b>   |
| E1 – Supportive Housing, Special Needs, and Aging in Place (Required for applications proposing to serve an elderly population, tenants who are persons with special needs, or tenants of supportive housing. Also required when a portion of the project will be used for a program of health or social services).                         |
| E2 – If the project is serving Medicaid Redesign Team (MRT) eligible populations, complete the MRT Project Questionnaire.   |
| <b>F. Miscellaneous Attachments</b>   |
| F1 – Chief Executive Officer Notification Letter for 9% LIHC/SLIHC Applicants (Required for applications requesting 9% LIHC or SLIHC)   |
| F2 – Credit Fee Transmittal/Deferral Request (Required for applications requesting 9% LIHC or SLIHC)  |
| F3 – Non-Profit Participation as Applicant or Owner (Required for all applications submitted by a non-profit applicant)   |
| F4 – HOME Program CHDO Determination Letter (Required only if the application is requesting HOME funds and seeks review as a CHDO application)  |
| F5 – Request for Waiver from HTFC Standards (Required for any application seeking a waiver from HTFC standards)   |
| F7 – Tenant Buy-Out Plan (Required for any application which proposes a project which will be purchased by tenants at the end of the program compliance period)   |
| F8 – 9% LIHC/SLIHC Right of First Refusal (Required for 9% LIHC/SLIHC applications proposing that a non-profit entity will acquire the project at the end of the compliance period).  |
| F9 – Proposal Summary (Required)  |
| F13 – Omnibus Certification (Required if the response to any of the statements in either the Applicant and Applicant Principals Omnibus Certification or the pre-selected General Contractor/Builder Omnibus Certification was ‘Yes’ for any of the required individuals/entities identified in the Omnibus Certification Completion Form). |
| F14 – Consent to Perform Credit & Lexis/Nexis Reports (Required for all applications)   |
| F15 – CIF Project & Market Information (Required for any application requesting CIF funds)  |
| F16 – CIF Affordability Plan & Operating Budget (Not Applicable for any Unified Funding Round Application)  |
| F19 – HUD Section 3   |

**Remember that your application is not complete until all required application exhibits and attachments have been submitted. Any portion of the required application exhibits or attachments which have not been submitted by the deadline specified above will not be accepted.**

**B. Instructions for Beginning a New Multi-Family Programs Application**

**1. Verifying your Organization Information Before Beginning a New Application**

Before you begin a new application using the CDOL system, you should verify and edit or update your

organization information if necessary. To do so, log-in, and from the CDOL Main Menu, select the 'view' button to the right of the organization's name under the heading 'Organization'. A pop-up window will appear with the organization information HCR has on file. If any of the information displayed is incorrect or needs updating, close the pop-up window, and select the 'edit' button to the right of the organization name.

You may update your organization information in CDOL at any time, but you may not change the organization information on your application once it has been submitted.

Verify and if necessary, edit the following fields in this section:

A. General Applicant Information

- if applicable, the applicant's Department of State (DOS) Charities Registration Number.
- the month and day of the applicant's fiscal year end date (for example: 12/31).
- any aliases or acronyms the organization is known as.

B. Type of Applicant

Verify and edit this section as necessary:

- select **each** applicable applicant type.
- if applicable, add or correct the date of the non- profit applicant's legal incorporation.

C. Phone and Internet Data

If necessary, edit the applicant's telephone and fax numbers, e-mail address and URL.

D. Mailing Address(es)

If necessary, edit the applicant's primary mailing address in D1. If the mailing address for correspondence related to this application is other than your primary address, add the address in Section D2. You will be able to select the address to which you would like correspondence mailed once you begin the application.

E. Primary Contact

If necessary, edit the name, title, phone number, extension, and e-mail address of the person who is the primary contact for the organization. This person must have the authority to legally represent the applicant.

F. Other Principals

If necessary, edit or add principal organizations or employees of the applicant organization; for example, the Executive Director, CEO, Board President, or general partner.

**2. Beginning a New Application**

After verifying and editing your organization information, you are ready to begin a new application. Return to the menu and under the 'Applications' heading, to the right of the text 'Start a New Application', enter a unique name for the project, next select 'Capital Project' from the 'Application Type' drop-down menu, then select either 'Capital Application – Unified Funding' or 'Capital Application – Early Award' from the 'Capital

Application Type' menu and click 'Submit'. A table of contents will be displayed with a list of all Application Exhibits broken down by individual screens within CDOL.

**C. Multi-Family Programs CDOL Application Exhibit Instructions**

**Exhibit 1 – Application Summary**

**A. Applicant Information**

If you have already verified your organization information as suggested above, you need only complete a few fields on this screen.

5b. If the applicant is a charitable or non-profit organization, select the applicant's IRS tax-exempt category. If you select 'other', specify the type in the space provided.

5c. If the applicant is a charitable or non-profit organization, indicate whether or not all required periodic or annual written reports have been filed in a timely manner.

5e. If the applicant is a Minority- and/or Women-Owned Business Enterprise (M/WBE) which has been certified by the NYS Department of Economic Development's Division of Minority and Women's Business Development, select the applicable type of M/WBE. Select Not Applicable if not a M/WBE.

5f. If applicable, enter the applicant's DUNS number (a nine-digit number issued by Dun & Bradstreet and assigned to businesses for the purpose of identifying them). This is not required unless you are seeking HOME funds.

5g. If the applicant is a limited liability corporation (LLC) or a limited partnership (LP), provide the names of each member or general partner. For any managing member or general partner that is another LLC or LP, provide the names of its members or general partners. Continue to add the names of all managing member or general partner LLCs or LPs until all members or general partners have been identified.

6. If you have multiple mailing addresses on file, select the address to which correspondence related to this application should be mailed.

8. Complete this section for the individual who will be the primary contact person for correspondence related to this application. If this person is not authorized to sign documents on behalf of the applicant, complete Section 9.

9. If the person named in Section 8 is not an authorized signatory of the applicant, complete this section for an employee or officer of the applicant who is authorized to sign documents on behalf of the applicant.

**B. Owner Information**

1. Indicate whether or not the applicant will transfer title to another entity upon completion. If you select 'yes', complete the rest of Section B. If you select 'no', click 'Submit' and go on to the next screen.

2. If known, enter the legal name of the eventual project owner, or check 'Unknown'. Indicate whether the entity is proposed or existing (incorporated).

3. If the owner is an existing entity, enter the owner's federal employer identification number.

4. If the owner is an existing entity, enter the month and day (mm/dd) of the owner's fiscal year end date.

5a. Select each applicable organization type.

5b. Indicate whether or not the owner is a 501 (c) (3) corporation (non-profit IRS tax-exempt category).

5c. If the owner is a limited liability corporation (LLC) or a limited partnership (LP), provide the names of each member or general partner. For any managing member or general partner that is another LLC or LP, provide the names of its members or general partners. Continue to add the names of all managing member or general partner LLCs or LPs until all members or general partners have been identified.

6. Enter the owner's mailing address, phone and fax numbers, and primary contact person's name and title. At a minimum, you must enter the owner's city, state, zip code and phone number.

### **C. General Project Information**

1a. Indicate whether or not **this project** has previously received any capital funding from HCR, including seed money.

1b. If you answer yes to Question 1a, enter the HCR-issued SHARS ID number(s) assigned to the project.

1c. Indicate whether or not the proposed project is or has previously been under supervision by HCR Housing Operations.

1d. If you answered 'yes' to question 1c, provide additional information on the project's original name, the address, dates under supervision, HCR representative contact information and project sponsor contact information.

2a. The project name that was entered on the main menu when you began the new application will be displayed. You may change it here if you wish.

2b. Select the appropriate NYS Regional Economic Development Council(s) in which the project is located.

3. Select the name of the county in which the project is to be located from the drop-down list.

4. Select the municipality in which the project is to be located from the drop-down list. Be sure to select the correct municipality when there are both a town and village with the same name.

5. Enter the requested information for the chief elected official of the municipality in which the project is to be located.

### **D. Program Funding**

1a. **Please answer 'No'. Seed money may not be requested through the UF process. IMPORTANT:** Once you select 'yes' or 'no' to this question, you cannot change it. If you select the wrong choice, you will have to begin a new application. Please verify that your selection is correct before clicking the 'submit' button.

2a. Not applicable. Seed money may not be requested through the UF process.

3a. Capital Project Funding Requests:

For each program from which you are requesting funds, enter the total amount of funds requested in the corresponding space provided.

1. If applicable, enter the amount of Housing Trust Fund (HTF) Program funds requested.
  2. If applicable, enter the amount of HOME Program funds requested.
  3. If applicable, enter the amount of State Low Income Housing Tax Credit (SLIHC) requested. Enter the **annual amount** of credit requested. **Do not enter the ten-year amount of credit or anticipated equity proceeds.**
  4. If applicable, enter the **annual amount** of 9% Low Income Housing Credit (9% LIHC) requested. **Do not enter the ten-year amount of credit or anticipated equity proceeds.**
  5. If applicable, enter the amount of Rural Area Revitalization Program (RARP) funds requested. **You may not apply for RARP funds only under UF 2016. You may not apply for RARP in conjunction with House NY Mitchell-Lama or CIF funds.**
  6. If applicable, enter the amount of Housing Development Fund (HDF) Program funds requested. **Please note that you must also request NYS HOME and/or HTF Program funds to request HDF Program funds.** HDF Program funds may only be used for construction financing.
  8. If applicable, enter the amount of Community Investment Fund (CIF) funds requested. **With the exception of the Early Award project type 'Rural Preservation Projects', CIF funds must be requested in conjunction with one of the UF 2016 Programs.** CIF funds may be requested as a standalone funding source ONLY for the Rural Preservation Project Early Award Initiative. A project which meets the requirements of the Rural Preservation Project Early Award Initiative may submit a standalone CIF application during the Standard Round. RARP funds may not be requested in conjunction with CIF. CIF funding request for Early Award Rural Preservation Projects may not exceed \$2,000,000 per project and \$40,000 per unit. For all other CIF project types, the maximum amount of CIF funds that may be requested is \$750,000 per project/\$30,000 per unit.
  9. If applicable, enter the amount of House NY Mitchell-Lama funds requested. **These funds may only be requested alone, or in conjunction with 9% LIHC and/or CIF only.**
  10. If applicable, enter the amount of Supportive Housing Opportunity Program (SHOP) funds requested. **These funds may not be requested with HTF or HOME.**
  11. If applicable, enter the amount of Middle Income Housing Program (MIHP) funds requested. **These funds must be requested in conjunction with 9% LIHC and/or SLIHC.**
- 3b. If you have entered funding requests from both the HTF and HOME Program, indicate whether the request is for **EITHER** HTF or HOME, or if you are requesting funds from **BOTH** Programs.
- 3c. If you are requesting CIF funds, select either 'Urban' or 'Rural' to describe the municipality in which the project site is located. If CIF funds are not requested, select 'Not Applicable'.

**E. Project Initiatives and Program-Specific Application Designations**

For detailed information on all funding initiatives, 9% LIHC Program set-aside designations, Not for Profit

Application Designations, and other items please refer to the Unified Funding 2016 Request For Proposals (RFP), the Capital Programs Manual (CPM), and the DHCR 9% LIHC Qualified Allocation Plan (QAP).

### 1. Funding Initiatives

Select each type of initiative that you are requesting that this application be reviewed as. If you are not choosing any of the Initiatives, select 'Not Applicable'.

- The HCR Project Based Voucher Program Initiative may only be selected if you have requested funds from the HTF, 9% LIHC, SLIHC and/or HOME Programs.

- The 9% LIHC Mixed-Income Initiative may only be selected if you have requested 9% LIHC funds in Section 1D, 4 above, and the project is located within the City of New York or in Nassau, Suffolk or Westchester Counties.

- The Neighborhood Revitalization Cross Subsidy Pilot may only be selected if you have requested 9% LIHC and/or SLIHC funds in Section 1D, 3 and/or 4 above.

### 2. Policy Priorities (Early Award Project Types)

Please refer to the UF 2016 RFP for descriptions of and more information on Early Award Policy Priorities. Select each type of policy priority that you are requesting this application be reviewed as. If you are not choosing any of the Early Award Policy Priorities, select 'Not Applicable'.

**Please note, Early Award applicants will need to demonstrate both readiness to proceed to construction within 120 days from award (180 days from award for project located in the City of New York) AND provide documentation that the application advances one or more of the ten State housing goals outlined below. All Early Award applicants are required to schedule a technical assistance meeting with the appropriate regional office prior to submitting an application.**

### 3. Occupied Rehabilitation

All projects requesting HTFC funding which will engage in the rehabilitation of an occupied project should answer this question. If the project involves the rehabilitation of a vacant building into affordable housing please select "no". If your project is a new construction project, please select as "Not Applicable". Projects which are occupied and will be preserved as affordable housing should select "Yes" and complete Attachment D5 – Occupied Project Information.

### 4. New York/New York Supportive Housing

The NY/NY Agreement between the State and City of New York is a commitment to increase the City's supportive housing capacity for homeless persons. The Agreement defines supportive housing as the pairing of rental assistance and supportive services in buildings constructed or renovated for this purpose (congregate housing) or in scattered-site apartments acquired for the purpose of housing.

If your project is not within one of the boroughs of New York City, select 'Not Applicable' from the drop-down list. If your project is located in one of the five boroughs of New York City, indicate whether or not the project will include units which will serve one or more NY/NY special populations.

## 5. 9% LIHC Program Set-Aside Designations

If applicable, select the type(s) of 9% LIHC set-aside designation that you are requesting that the application be reviewed as. **These designations are applicable to 9% LIHC only. Please see the UF 2016 RFP for more information on 9% LIHC Program Set-Aside designations.**

- Supportive housing projects ,including ESSHI projects, will be reviewed, scored, ranked and considered for funding on a Statewide basis separate from the general pool of 9% LIHC applications pursuant to a LIHC set-aside as set forth in the 9% LIHC Notice of Credit Availability and the UF 2016 RFP. (See the QAP and the UF 2016 RFP for more information on Supportive Housing projects). High acquisition projects which meet the definition at Section 2040.2(i) of the 9% LIHC QAP will be reviewed, scored, ranked and considered for funding on a statewide basis as part of the general application pool.

## 6. 9% LIHC/SLIHC Project Amenities

If applicable, indicate whether the project will provide any or all of the amenities listed.

## 7. Non-Profit Application Designations

If applicable, select each non-profit designation that you are requesting that this application be reviewed as. If you are not seeking a non-profit application designation, select 'Not Applicable'. Carefully review the information below before selecting any of the designations. If a designation is not selected, the application will not be considered in the competition for the non-profit set aside of funds.

### *CHDO Applicant*

Check this box **only** if the applicant is requesting HCR financing for this application as a CHDO which will act as an owner, developer or sponsor as set forth below AND the CHDO documentation presented in this application meets the revised HUD HOME CHDO requirements as listed in the new HOME Final Rule. You can download the new HOME Final Rule at <http://www.gpo.gov/fdsys/pkg/FR-2013-07-24/pdf/2013-17348.pdf>. NOTE: Section 92.300 of the new HOME Final Rule has expanded definitions of a CHDO owner, developer and sponsor. Each time HCR commits HOME funds, it must recertify a non-profit's qualifications to be a CHDO, and its ability to own, develop, or sponsor housing.

### *9% LIHC Non-Profit Set-Aside Application Review*

Select this set-aside if the non-profit 501 (c) (3), 501 (c) (4) or its wholly-owned subsidiary will own an interest in the project and materially participate in the development and operation of the project throughout the compliance period, meeting the State ceiling set-aside for 'projects involving qualified nonprofit organizations' pursuant to Section 42(h) (5) (B) of the Internal Revenue Code (IRC).

### *HTF Non-Profit Application Review*

To be considered a non-profit project under the HTF Program requirements, a non-profit or its wholly owned subsidiary must have an ownership interest in the project ownership entity and have a defined role in project management, evidenced by an equal say in the selection, hiring and firing of the management agent for the project, and in other decisions regarding the management of the project. The non-profit must also have an equal say in the management of the partnership as demonstrated by the partnership agreement. The ownership interest of the not-for-profit entity or its wholly-owned subsidiary must be at least 50% of the controlling interest in the ownership entity as directed by Article XVIII of the NYS Private Housing Finance law. Applicants who do not check non-profit set-aside designation will not be given the scoring preference.

## 8. Empire State Supportive Housing Service & Operating Funds

Indicate whether the proposed project has received an award of Empire State Supportive Housing Initiative Service and Operating Funds and if so, indicate how many units will be assisted.

### F. Project Political Districts

Locate and click on the name(s) of the Assembly member who represents the locality in which the project will be located. Click on the top arrow to move the name into the box on the right. (You may remove a name by clicking on the bottom arrow). Repeat this as necessary for each Assembly, Senate and Congressional Representative who serves the project municipality.

### G. Tenure & Construction Type

1a. Residential Tenure Type of Project: Select the applicable residential tenure type for this project. If the project is non-residential only, select 'not applicable'.

1b. Indicate whether or not the project will include a community room or separate community building which is for the exclusive use of the tenants, and is therefore, considered to be residential space.

2a. Indicate whether or not the project involves residential construction only. If no, complete 2b.

#### 2b. Non-Residential Construction Types

Check **each** type of non-residential construction included in the project.

1. Commercial: If the project includes commercial space, select box 1.

2. Civic: If the project includes civic space, select box 2. Civic space includes non-residential, non-commercial space used for activities engaged in by the local community for conducting municipal affairs or for general public use. **A community room or separate community building that is for the exclusive use of the tenants should be included as part of the residential budget.** Construction of civic space is not an eligible cost under the HTF, HOME or 9% LIHC Programs. The operating costs of civic space must be paid from sources other than residential rental income or tenant fees.

3a. Community Service Facility (CSF) or Community Facility (CF): The term Community Service Facility (CSF) applies only to projects requesting HTF funds or 9% LIHC and/or SLIHC from DHCR. A CSF is a facility that is intended for use by members of the community-at-large with incomes at or below 60% of area median for civic gatherings such as Head Start Programs, child care, job training, or senior centers. It is **NOT** for the exclusive use of the project tenants.

The term Community Facility (CF) applies to CIF- funded projects only, and is defined as a non-residential facility being developed as part of an affordable housing project which will serve individuals who live in the community in which the project is located.

**A community room or separate community building that is for the exclusive use of the tenants should be included as a community room unit in question 1G - 1b. above.**

HTF CSF: HTF funds for a CSF are limited to an amount no greater than 10% of the total HTF request. If the

project includes a HTF-funded CSF, select box 3a; do not complete questions 3b, 3c and 3d, as these questions are applicable only to CSF units funded with 9% LIHC.

9% LIHC/SLIHC CSF: The CSF portion of the project is eligible for Credit up to an amount not greater than 25% of the total eligible basis in the project. In addition, to be eligible as a 9% LIHC/SLIHC CSF, the subject project must be located in a QCT.

3a. If the project meets all of the conditions specified above for a 9% LIHC/SLIHC CSF or a CIF CF, select box 3a;

3b. Enter the QCT (county and tract number) in which the project is located. (You may use the link to HUD's QCT Table Generator to locate the QCT);

3c. Indicate whether or not you will include a portion of the expenses associated with the CSF as eligible basis for the purpose of calculating the proposed tax credit allocation.

## H. Units Assisted

### 1. Total Units in Project - All Sources

Complete this section by entering the total units of each type which will exist upon completion of the project, **including those units which will not be financed by HCR programs**. See the definitions for community service facility (CSF) and civic units in Section 1G, 2b above, before completing this Table.

After you complete and save this information, the data will be redisplayed with two grids at the bottom:

1. Total Units in Project – All Sources, and the following grid:

### 2. Units in Project - by Permanent Funding Source

Grid 2 will show each HCR program from which you have requested funding in Exhibit 1. To add a non-HCR permanent funding source to the grid, click the 'add' button, return to the top of the page, enter the funding source name, regulatory term, if applicable, and the number of units of each type which will be assisted by that source, and save the page. **Repeat this for each HCR funding source that you will list as a permanent funding source in the Development Budget (Exhibit 3)**. After adding all non-HCR permanent funding sources, you will add HCR program units as follows:

Click the 'edit' button to the right of the HCR program name in Grid 2. When you click 'edit', the program name will be displayed in the 'HCR Source Name' box. Complete the regulatory term information, if applicable, and unit information for that source and save. Repeat for each HCR funding source in the project.

## I. Income Targets

**Please Note:** If this project is funded by DHCR/HTFC, the income target groups that you enter in this section will be used as the basis for the project's Regulatory Agreement and will establish the maximum income levels for occupants of the completed project.

1. Indicate whether or not the proposed project will include a **non-rent bearing** unit for a resident manager/superintendent. **Please note** that this unit will not be counted as an HTF/HOME-assisted unit unless it will remain affordable to income-eligible households. Projects receiving 9% LIHC and/or SLIHC may elect to have the resident manager's unit be considered as common space for the project.

## 2. Income Target Groups

In the 'Units – All Sources' column, list the total number of units in the project, including those not being funded by DHCR/HTFC, which are targeted to each income-range category. In the 'Units - DHCR/HTFC' column, list only those units that are to be funded by DHCR/HTFC. If the project will include a **rent-bearing** unit for a resident manager/superintendent, include that unit in the appropriate income-category range. If the project contains a non-rent-bearing unit for an employee, enter the unit on the line: 'non- rent-bearing unit for resident manager/super. See the following example:

**Example:** A 20-unit project is proposed. Only 15 of the units are to be funded by DHCR/HTFC programs. Ten units will be occupied by those at 50% of median income, five units will be occupied by those at 60% of median income, four units will be occupied by those with incomes more than 90% of median – and one unit will be occupied rent-free by a building superintendent.

| Income Target Group                          | Units – All Sources | Units – DHCR/HTFC |
|--|---------------------|-------------------|
| Public Assistance Households (<=30% Median)  |                     |                   |
| >30% through 50% of Median Income            | 10                  | 10                |
| >50% through 60% of Median Income            | 5                   | 5                 |
| >60% through 80% of Median Income            |                     |                   |
| >80% through 90% of Median Income            |                     |                   |
| Greater than 90% of Median Income            | 4                   |                   |
| Non Rent-Bearing Unit for Resident Mgr/Super | 1                   |                   |
| <b>Total Income Target Group Units:</b>      | <b>20</b>           | <b>15</b>         |

## J. Project Occupants

Section J.1 is used to record the project units that will be occupied by any of the special needs population household categories listed below, including NY/NY Supportive Housing Special Populations. Section J.2 is used to record those project units which will be occupied by households that are not included in any of the special population categories listed in J1, including non-frail elderly households.

The total units entered for J.1 and J.2 in the column entitled 'Units – All Sources' must equal the total number of residential units entered in section H1 of this exhibit. The total units entered for J.1 and J.2 in the column entitled 'Units – DHCR/HTFC' must equal the greatest number of DHCR/HTFC Program units entered in section H.2 of this exhibit. See the example below for guidance in completing this section.

### 1. Special Population Households

Projects which commit to set aside at least 15% of the project units for occupancy by any of the following special populations AND which will be served by supportive services as evidenced by a comprehensive service plan and an agreement or commitment in writing with an experienced service provider will be considered a Persons with Special Needs Project. In addition, proposed projects applying under the 9% LIHC Supportive Housing Project Set-Aside must give preference in tenant selection to persons with special needs for at least 25% of the 9% LIHC-assisted units, and meet the additional standards set forth in the RFP. **(NOTE:** If you want to include multiple categories of special needs populations in a "pool", for example, families who are homeless, persons who are homeless and persons who are victims of domestic violence, without a target number for each category, complete section J1 as instructed, and then clearly describe how you will meet the 15% set-aside in Attachment E1).

### Special Population Categories

Persons/Families in Long-Term Recovery from Alcohol Abuse  
Persons who are Frail Elderly\*  
Families who are Homeless  
Persons who are Homeless  
Persons with Intellectual/Developmental Disabilities  
Persons with AIDS/HIV-Related Illness  
Persons w/ Physical Disabilities/Traumatic Brain Injury  
Persons w/ Psychiatric Disabilities  
Persons/Families in Long-Term Recovery from Substance Abuse  
Persons who are Victims of Domestic Violence  
Veterans who are Homeless  
Veterans in Long-Term Recovery from Alcohol Abuse  
Veterans in Long-Term Recovery from Substance Abuse  
Veterans with Intellectual/Developmental Disabilities  
Veterans who are Victims of Domestic Violence  
Veterans with AIDS/HIV-Related Illness  
Veterans with Physical Disabilities/Traumatic Brain Injury  
Veterans with Psychiatric Disabilities  
Veterans who are Frail Elderly\*

(\* HCR encourages the targeting of units for occupancy by persons who are frail elderly only in those projects where all occupants are elderly).

### NY/NY Special Population Categories

These categories apply only to projects located in the following counties: Bronx, Kings, New York, Queens and Richmond. See the instructions for Attachment E1 for more information on the NY/NY Supportive Housing.

- Persons who are chronically homeless or at serious risk of becoming chronically homeless and who suffer from serious and persistent mental illness (Population A)
- Single adults with substance abuse disorder who are chronically homeless or at serious risk of becoming chronically homeless (Population F)
- Persons who are chronically homeless or at serious risk of becoming chronically homeless and who are living with HIV/AIDS (Population H)
- Families in which the head of household suffers from substance abuse disorder, a disabling medical condition or HIV/AIDS and who are chronically homeless or at serious risk of becoming chronically homeless (Population G)
- Single adults who are presently living in New York State-operated psychiatric centers or State-operated transitional residences and who could live independently in the community if provided with supportive housing and who would be at risk of street or sheltered homelessness if discharged without supportive housing (Population B)
- Young adults, ages 18-24 who have a serious mental illness being treated in New York State-licensed residential treatment facilities, State psychiatric facilities, or leaving or having recently left foster care and who could live independently in the community if provided with supportive housing and who could be at risk of street or sheltered homelessness if discharged without supportive housing (Population C)

- Chronically homeless families, or families at serious risk of becoming chronically homeless, in which the head of the household suffers from a serious and persistent mental illness or MICA disorder (Population D)
- Chronically homeless single adults who have a substance abuse disorder that is a primary barrier to independent living and who also have a disabling clinical condition (i.e., a medical or mental health condition that further impairs their ability to live independently) (Population E)
- Young adults (aged 25 years or younger) leaving or having recently left foster care or who have been in foster care for more than a year after their 16<sup>th</sup> birthday and who are at risk of street homelessness or sheltered homelessness (Population I)

For each special population category that you are proposing to target for project occupancy, including special populations as defined by the NY/NY Supportive Housing, enter the total number of units in the project that are being targeted for occupancy by that population in the column entitled ‘Units- All Sources’. Under the column entitled ‘Units DHCR/HTFC’, enter the total number of **DHCR/HTFC-assisted** units that are targeted to each special population. **Please Note: Households to be occupied by non-frail elderly persons should be recorded in section J2 (Other Households). Only frail elderly households can be recorded in section J.1 (Special Population Households).**

See the example below.

J2 - Other Households

In the column entitled ‘Units – All Sources’, enter the total number of units in the project that will be occupied by non-f rail elderly households and/or by households without special needs. In the column entitled ‘Units – DHCR/HTFC’, enter the total number of **DHCR/HTFC-assisted** units for each applicable category.

**Example:**

**Your 20-unit project will be targeted for occupancy as follows: six (6) units will be occupied by families who are homeless; four (4) units will be occupied by persons who are non-frail elderly; ten (10) units, including a unit to be occupied by a resident manager, will be occupied by non-elderly households without special needs. DHCR/HTFC programs will fund only 15 of the units; the other five will be funded by other sources. Record the units as follows:**

| 1. Households with Special Needs       | Units – All Sources | Units - DHCR/HTFC |
|--|---------------------|-------------------|
| Families who are Homeless              | 6                   | 6                 |
| 2. Other Households                    | Units – All Sources | Units - DHCR/HTFC |
| Non-Frail Elderly Households           | 4                   | 4                 |
| Households without Special Needs       | 10                  | 5                 |
| <b>Total Households (J1 &amp; J2):</b> | <b>20</b>           | <b>15</b>         |

All units must be identified. If all or any of the units in the project will not be targeted for occupancy by a special population or non-f rail elderly household, you must identify these units in Section J.2 as households without special needs.

### 3. Elderly Population Targeted

If applicable, select the age structure of the targeted elderly project occupants. If no elderly tenants are targeted, select 'Not Applicable'.

- Aged 55 or older (At least 80% of the units will be occupied by at least one person aged 55 or older).
- Aged 62 or older (All units will be occupied by persons aged 62 or older).
- Aged 62 or older and/or physically or mentally handicapped persons or any age and the project is to be jointly financed by the US Department of Agriculture Rural Housing Services and HTFC.

If an elderly population is targeted, an Aging in Place Plan must be submitted as part of Attachment E1. See the Attachment Instructions of this document for the requirements of the Aging in Place Plan.

### **K. Development Team Members**

This Section **must** be completed for all of the project's development team members including the owner, project developer, general contractor, architect, and management agent. Additionally, if you have identified a housing consultant or syndicator, complete this Section for them as well. If there are team members who will perform duties not listed (e.g. Green Design Expert) click 'other' and provide a short description of their activities.

1. Enter the name of the development team member's employer.
2. Enter the team member's first name, last name, title, e-mail address, federal Employer Identification Number (EIN), and phone and fax numbers.
3. Next, click each applicable role that the team member will assume in the project's development. Click 'submit' and the page will be redisplayed as a grid. Click the 'add' button to add another team member.
4. If the team member has no experience in the proposed role, please select "no".

### **L. Disclosure of Identities of Interest/Project Principals**

In this section, you must identify all project development team members participating in the project, both the corporate entities and their principals, as identified in Exhibit 1.K, and disclose any identity of interest (familial or financial) between the applicant and any of these entities and or their principals and any identity of interest related to the acquisition, syndication, financing, development, construction and/or operation of the project. For the purposes of this disclosure of identity of interest, a "project development team corporate entity" will be considered any development team corporate entity and their principals identified in Exhibit 1.K, including the proposed project architect, attorney, builder/general contractor, management agent, housing consultant or others.

All general partners in a limited partnership or managing members in a limited liability company are considered principals. Principals of for-profit and not-for-profit corporations include the president, vice president, secretary, treasurer, and all executive officers who are directly responsible to the board of directors or equivalent governing body, as well as each director or stockholder having a ten percent or more interest in the corporation.

If any of the project development team corporate entities and their principals have an identity of interest (i.e., an ownership or financial interest in the project) other than an "arms-length" fee arrangement for

professional services provided, it must be disclosed in this section. This includes any identities of interest between the members of the development team and the seller of the property on which the project will be developed. This disclosure must include the nature of their fiduciary and financial relationships, past present and future, to the project and to each other. It must include any financial, familial or business ownership relationship between the applicant or any general partner/managing member and any participant in the project's acquisition, syndication, financing, development, construction and/or operation. This includes, but is not limited to, existence of a reimbursement arrangement or exchange of funds; common financial interests; common officers, directors or stockholders; or family relationship between officers, directors, or stockholders.

**Please note: HCR will not accept applications for LIHC and/or SLIHC financing that include tax credit investment firms, tax credit syndication firms, or any lending institutions, or any of their related or affiliated entities, as general partner of the limited partnership or as the managing member of the limited liability corporation which will own or otherwise participate in the development and/or management of a proposed project if those entities also intend to participate in the financing of the project. The general partner of the limited partnership or managing member of the limited liability corporation may have no identity of interest with the limited partner participating in the project. Projects which propose this financing and/or ownership structure will be deemed ineligible for 9% LIHC funding.**

To complete this section: each team member entered in Exhibit 1.K of this application will be displayed. Click on the 'include' option to the right of a team member's name. The screen will redisplay. If the team member does not have an identity of interest, select 'Project Principal' from the 'Type' drop-down menu and click 'Submit.' If a team member has an identity of interest, select 'Identity of Interest' from the 'Type' drop-down menu, disclose the identity of interest in the space provided, and then click 'Submit'.

To add a principal not listed in Exhibit 1.K, click the 'add' button and follow the above instructions.

## **Exhibit 2 - Community Impact/Revitalization**

### **A. Documentation of Community/Housing Needs**

In this section, you will reference all existing planning documents that identify community renewal and/or housing needs for the locality in which the proposed project is located.

#### **1. New York State Consolidated Plan Objectives/Priorities**

This section must be completed by all applicants requesting New York State HOME Program funds. Applicants with projects located in areas where no other documents identifying community renewal and/or housing needs exist must also complete this section. All other applicants may choose to complete this section, but are not required to.

##### **1 a. NYS Consolidated Plan Objectives Addressed by this Project**

Select each objective that the project addresses.

##### **1b. Table 1b - NYS Consolidated Plan Priority Need Level by Household Type & Income Group**

For each Household Category listed which will be served by the project, locate the Income Range(s) that will be served, and select the corresponding Project Target Population box. The Priority Need Level (H-high, M-medium, and L-low) for each category of housing identified in the NYS Consolidated Plan is displayed for informational purposes.

## 2a. Existing Documentation of Local Need

Complete section 2a for each existing planning document that addresses the community renewal and/or housing needs of the project locality. See the following instructions for guidance in completing this section. **IF THE PROJECT IS IN A MUNICIPALITY WITH A LOCAL CONSOLIDATED PLAN, YOU MUST REFERENCE IT IN THIS SECTION.**

A. Local Needs Document – Select the type of local needs document from the dropdown list. Enter the name of the document, the name of the entity for which it was prepared, the geography referenced (statewide, county, city, town, village, neighborhood), and the date the document was published. If the type of document is not specifically listed, select ‘other’ and specify the type in the space provided.

B. Needs Identified – Answer each of the three questions pertaining to the needs identified in the document.

1. Indicate whether or not the document identifies the proposed project as the type needed for community revitalization. If you answer yes, reference the page numbers where this is stated. If the document states the level of priority for this type of project, enter the priority level and reference the page numbers. If no priority level is stated in the document, enter ‘N/A’.

2. Indicate whether or not the document identifies the project’s targeted income groups and household types as those with specific needs. If you answer yes, reference the page numbers where this is stated. If the document states the level of priority for this type of project, enter the priority level and reference the page numbers. If no priority level is stated in the document, enter ‘N/A’.

3. Indicate whether the document specifically mentions need for the proposed project. If you answer ‘yes’, reference the page numbers where this is stated. If the document states the level of priority for this project, enter the priority level and reference the page numbers. If no priority level is stated in the document, enter ‘N/A’.

Once the page is completed, the page will redisplay as a grid. If additional needs documents exist, click the ‘add’ button, and repeat the steps above to add another.

2b. House-NY: Indicate whether or not the project has received a HOUSE-NY award from the NYS HCR.

## B. Evidence of Local Support

### 1. Local Support for the Proposed Project

Complete this section by identifying each source of local support for the proposed project. Select the local support category from the dropdown list, and enter the name of the source of local support, a description of the type of support offered, the approximate value of the support (or N/A if not applicable), and whether the status is committed, proposed, or N/A. Click ‘Submit’ to save.

Once saved, the page will redisplay as a grid. To add additional evidence of support for the project, click the ‘add’ button and repeat the steps above.

## C. Special Project Locality Designations

If the project is located within any publicly- or locally-designated area which is eligible for special benefits

or attention, select the special designation category from the dropdown list, enter the name and/or location of the designation, and the year the designation was initiated. If the project locality does not have any of the listed designations, select 'Not Applicable' and click 'Submit' to save.

Once saved, the page will redisplay as a grid. To add another designation, click the 'add' button, and repeat the above steps.

**D. Community Needs Narrative**

**All applicants must complete this section.**

1. Provide information on the amount of subsidized housing which has been built in the primary market area of the proposed location of the project within the past ten years, and the extent of unmet demand for affordable housing for the income group(s) which are proposed to be served by the proposed project. In your response, include the sources for the data and other information provided, and any additional information regarding past inability of the current market to adequately provide adequate affordable housing.

2. Provide information on whether the proposed project clearly advances the specific housing objectives of the pertinent regional economic development council strategic plan. Indicate whether the applicant/project has either been approved/project has either been approved for, or recommended for an REDC funding award in the strategic plan or the most recent update of the strategic plan.

3. Describe if the project proposes the use or reuse of existing buildings, in-fill new construction, and/or demolition and replacement of buildings having a blighting impact on a community and the rehabilitation of which is impracticable and is part of a neighborhood-specific revitalization plan, or is complementary to an ongoing neighborhood-specific planning and revitalization effort.

All project applicants should refer to the information provided elsewhere in this Exhibit, including the New York State Consolidated Plan, documents listed in Table 2A of this Exhibit and the information provided in Attachment C1, Community Needs Support Documentation.

**E. Communities Under Court-Order/Court Decision**

1. Indicate whether or not the project locality is under a court order/decision or if a court-ordered plan to address desegregation or remedy a violation of law has been issued. If you check yes, complete the following.

2. Indicate whether a court monitor has been appointed and has issued a written approval for the project. If a court monitor has not been appointed, check N/A.

3. Summarize the order, decision or plan, and describe how the proposed project is consistent with the goals of the ruling or plan.

**Exhibit 3 – Development Budgets/Funding Sources**

**A. Construction Cost Basis**

1. Indicate whether or not the total construction cost is based upon a guaranteed price contract.

2. Select the wage rate that the total construction cost is based on. If you are unclear on whether Davis-Bacon Wage Rates will be required on the project, please refer to the "Federal Labor Standards Requirements" in Section 5 of the Capital Programs Manual:

[www.nyshcr.org/Publications/CapitalProgramsManual/](http://www.nyshcr.org/Publications/CapitalProgramsManual/). If Davis-Bacon wage rates are required, the DBA worksheet and DBA SUM tabs in Attachment B2 Construction Cost Estimates must be completed.

## **B. Funding Sources**

On this page, you will add each source of construction and permanent financing for each of the project construction type(s) indicated in Exhibit 1, Section G of this Application (residential, commercial, civic and/or CSF). As you add a source and update the page, the source will be added to the appropriate funding source grid at the bottom of the page. Construction sources must be equal to permanent sources, and both construction and permanent sources must be equal to the Total Project Cost (line 54) for all sources. If the project involves more than one type of construction, the CDOL will produce a Summary Budget for the project upon completion of all individual budgets.

1. Under the section of the page labeled Source, select the financing type from the drop-down list (either permanent or construction);

2. Select the funding source name from the drop down list. Sources are listed according to source category (DHCR/HTFC, Federal Government, Local Government, Non-DHCR/HTFC State Government, and Private). Each non-DHCR category has one or more “generic” source (federal program, local government, state program, private source, non-profit lender, etc.) If the specific program or funding source is not listed, use the generic source that best describes the source, and specify the program or source name in the space provided.

### **PLEASE NOTE:**

▪ If you are receiving HOME funds from a Participating Jurisdiction, please use HUD – HOME Participating Jurisdiction as the source code rather than County Government. Specify the PJ name in the space provided.

▪ If you have requested **either** HOME **or** HTF funds on this application, choose the funding source ‘NYS HOME or Housing Trust Fund’. If you are requesting separate HOME and HTF funding, use the individual program source names. If you have requested tax credits from DHCR or another source, use the Equity – Tax Credit source.

▪ If your project financing includes funds from a DHCR/HTFC program which is not requested on the application (ROA), for example, previously awarded funds, please use the source ‘Non-ROA DHCR/HTFC Program’.

Sources are listed below:

### **DHCR/HTFC Funding Sources**

CDBG Disaster Recovery/Affordable Housing Fund (CDBG-DR/AHF)

Community Investment Fund (CIF)

DHCR Office of Community Renewal

HOUSE NY

HTFC Public Housing Modernization Program

Homes for Working Families

Housing Development Fund

Housing Trust Fund (HTF)

Infrastructure Development Demonstration Program (IDDP)

Medicaid Redesign Team Housing Capital Program (MRT)

Mitchell-Lama Projects Program

Middle Income Housing Program (MIHP)

NYS Home Program

NYS Home or Housing Trust Fund

NY Main Street Program (NYMS)  
Non-ROA DHCR/HTFC Program (specify)  
Rural Area Revitalization Program (RARP)  
Urban Initiatives Program (UI)

**Federal Government Funding Sources**

FHA Insured Mortgage Loan (specify below)  
Federal Program – Other (specify below)  
HUD - HOME Participating Jurisdiction (specify)  
HUD – McKinney  
HUD 202  
HUD CDBG Entitlement Community (specify) HUD HOPE VI  
Rural Development – Other (specify)  
USDA 538 Insured Mortgage Loan (specify)  
USDA Rural Development 515

**Local Government Funding Sources**

County Government (specify)  
Industrial Development Agency (IDA) (specify)  
Local Government specify) NYC HDC Program (specify)  
NYC HPD Program (specify)  
Permanent Housing for the Homeless NYC  
Public Housing Authority (PHA) (specify)

**Non-DHCR State Government Funding Sources**

HFA Bond Financing  
HFA Low-Interest Second Mortgage  
NYS Energy Research Development Authority (NYSERDA)  
NYS Homeless Housing And Assistance Program  
OMH Capital  
OPWDD Capital  
SONYMA Insured Mortgage Loan (specify)  
State Program – Other (specify)

**Private Funding Sources**

*When entering equity sources, please use “Equity - HCR LIHC Tax Credit” for 9% LIHC requests, “Equity - SLIHC Tax Credit” for SLIHC requests, and “Equity - Other” for project with Historic equity, Brownfield Tax Credits, or other non-HCR Tax Credit. Please be sure to separate out Equity by source. DO NOT combine two or more equity sources in a budget line.*

Deferred Capitalized Reserves/Working Capital  
Deferred Developer Fees  
Down Payments (condos/coops)  
Equity – 421A Certificates  
Equity – HCR 9% LIHC Tax Credit  
Equity – Non-HCR Tax Credit  
Equity – Other (specify source below)  
Equity – SLIHC Tax Credit  
Federal Home Loan Bank Affordable Housing Program  
Lending Institution (specify)  
Non-Profit Lender (specify)  
Private Source (specify)

## Private Subsidy (specify)

3. Under the section of the page labeled 'Amount of Funds' are listed the four types of construction. Enter the amount of funds that the source will provide for the appropriate type of construction. For example, if Jones National Bank is providing \$1,000,000 in construction financing for residential construction, and \$500,000 in construction financing for CSF construction, be sure to enter both the residential and CFS financing amounts. If the source's financing and assistance types are the same, you may enter both at once. Otherwise, you will need to enter the source's contributions separately.

4. Select one of the following Assistance Types for the source from the drop-down menu:

- Loan

- Grant

- Other - This is used to record financing types which are not loans or grants. For example, equity realized from the syndication of tax credits, owner equity, equity from historic tax credits, deferred developer fees, deferred capitalized reserves/working capital, or down payments from owners of condominium/cooperative units.

5. If applicable, enter the source's financing term through cost certification, and indicate whether the term is in years or months. Select 'N/A' if not applicable.

6. Enter the applicable interest rate, or 'N/A' if not applicable.

7. Interim Interest – For each construction loan, enter the anticipated total interim interest in the applicable space. The CDOL will edit the development budget to ensure that the total interim interest for all construction loans will be accounted for on line 16 of the development budget.

8. Lien Position: Enter the proposed lien position for the funding source in the event of a default on a mortgage and note. Select 'N/A' if not applicable.

9. Regulatory Term: Enter the number of years for the source's regulatory term. Select 'N/A' if not applicable.

### **C. Development Budget**

If you have only one type of construction, when you arrive at this screen, a list of permanent funding sources added on the previous screen will be displayed. If you have multiple construction types, when you arrive at this screen, a drop-down menu will be available for you to choose the type of development budget you want to work on, i.e., Residential Construction, Community Service Facility/Civic Space Construction or Commercial Construction. Project costs must be allocated as appropriate between the residential and non-residential portions of the project. Select the budget type, and the list of permanent funding sources added in 3B for this type of construction will be displayed.

Select the 'add' button to the right of the source you wish you to work on. The source will then be highlighted in yellow, and a list of development costs associated with a typical project will be displayed. For each applicable line item, enter the amount of funds to be contributed by the highlighted source. To change any of the figures added for a source, select the 'edit' button to the right of the source name – this appears after a source has been added. Totals will be calculated by CDOL.

The CDOL will produce a summary development budget for projects with multiple construction types.

To view the development budget(s) with all sources, select the 'Print' function at the top of the page. A pop-up window will display that can be printed for verification.

Line Items: Please refer to the instructions below in completing the Development Budget line items. If further guidance is required, contact your Regional Office for assistance.

A. Acquisition (lines 1 – 3):

1. Land: The acquisition cost of the land **only**. For rehab projects, the split of the acquisition cost between the building and the land must be supported by the appraisal.

2. Structures: The acquisition cost of any buildings on the land.

3. Total Acquisition: This will be calculated by the CDOL. The Project Acquisition Cost is limited to the lesser of the purchase price or the value established by an appraisal acceptable to HCR. (See Section 5 of the CPM). Please note: for projects proposing to fund acquisition from HOME funds, an appraisal will be required regardless of purchase price.

B. Soft Costs (lines 4 – 24):

See Section 5 of the CPM (Development Requirements) before completing this section for definitions and information regarding allowable fees and interim costs to be charged for HCR construction loans to private developers on tax credit projects. If applicable, remember to pro-rate soft costs attributable to non-residential space in the project.

4. Appraisals: If applicable, enter the cost of the appraisal submitted in support of the budgeted acquisition cost. See Section 5 of the CPM. Please see note above for Section A, Line 3 - Total Acquisition.

5. Market Study: This line should reflect the cost of the required market study.

6. Survey: This line should include the cost of the survey needed for construction closing and the as-built survey need for close-out.

7. Soil Borings: This line should reflect the cost of on-site investigation of sub-surface conditions.

8. Environmental Testing: This line should reflect the cost of all environmental testing in an existing building or in the ground. The actual cost of removal and proper disposal should be shown in the construction budget line 28, environmental mitigation/remediation.

9. Architecture/Engineering Fees: Up to 5% of TCC (line 40) may be allowed for project design, and 2% of TCC for construction supervision, depending on the project size. The fees for design should be lower if the project has multiple buildings of the same design.

10. Construction Manager Fees: This may be up to 5% of TCC (line 40). This fee is only allowed in projects without a Builder as defined in the Capital Programs Manual. If you enter an amount in this line item, you may not also enter amounts in Builder's Overhead (line 38) or Builder's Profit (line 39). See Section 5 of the CPMCPM and the Design Handbook for more information.

11. Legal Fees: Enter the legal fees to be charged by the project sponsor's attorney. Legal fees are limited

to 1% of the TDC. NOTE: Legal fees charged by project financing sources should not be included here, but instead on line 17 (closing costs). Syndication/partnership legal fees are NOT an eligible project cost and should not be included in the project budget.

12. Developer's Allowance: Only allowed on projects that do not involve financing with State or federal Low Income Housing Tax Credits. The Developer's Allowance is limited to 10% of Total Development Costs (line 43), excluding acquisition and project contingency. The maximum Developer's Allowance allowed will be reduced by any housing consultant fee budgeted on line 23 Other Soft Costs (specify "housing consultant fee"). See Section 5 of the CPM for more on the Developer's Allowance.

13. Cost Certification Audit: This line represents the cost of the contracted amount for an independent CPA to perform a cost certification satisfactory for HCR to perform the final project underwrite for IRS Form 8609 issuance.

14. Insurance(s): This should be for property and liability insurance during the development and construction period through the project's placed in service month.

15. Taxes: This line should reflect property taxes from the time of site acquisition through the placed in service month.

16. Interim Interest: This cost should be calculated for the period from construction closing through permanent loan closing for all interest-bearing construction financing sources. The CDOL will edit the total of this line item to ensure that it is equal to the total interim interest for all construction loans entered in Section B of this Exhibit.

17. Closing Costs: This line should cover costs specifically related to acquisition/construction closing and the permanent loan closing such as loan origination fees, lender attorney fees, lender construction monitor fee, lender due diligence expenses, etc.

18. Title and Recording Fees: This line should cover title work (including searches and insurance), and recording fees for any closing documents and/or regulatory agreements.

19. Relocation Expenses: For projects that involve the short-term relocation of existing occupants, all out-of-pocket expenses incurred by tenants in connection with temporary relocation, including the cost of moving to and from the temporarily-occupied housing, and any increase in monthly rent/utility costs. Projects involving HOME funding should refer to the Uniform Relocation Assistance Act (49 CFR Part 24) for details on federal relocation requirements. If costs are entered on this line, a tenant relocation plan must be submitted as Attachment D5 - Occupied Project Information.

20. 9% LIHC/SLIHC Application Fee: The CDOL will calculate this field by entering a \$3,000 application fee for **each** tax credit program requested on the Application.

21. 9% LIHC/SLIHC Credit Allocation Fees: The CDOL will calculate this field to equal 8% of the annual allocation request pursuant to Section 2040.3(c) of the QAP.

22. Other DHCR/HTFC Fees: 9% LIHC and/or SLIHC applicants should budget a \$1,000 fee for each Binding Agreement letter requested prior to construction financing closing (\$2,000 if a Binding Agreement is requested under both 9% LIHC and SLIHC). For 9% LIHC and/or SLIHC projects requesting HCR construction financing, enter the applicable construction loan legal and monitoring fees. (See Section 5 of the CPM).

23. Other Soft Costs: If you enter an amount for other soft costs in this line, such as costs for preparing a

Phase I Environmental Site Assessment or other environmental study, or housing consultant, specify the cost(s) in the space(s) provided. Housing consultants are only an allowable cost for HTF/HOME projects that DO NOT include 9% LIHC/SLIHC equity as a financing source. The maximum allowed for housing consultant(s) is the lesser of 5% of the HCR requested financing, or \$100,000. Projects financed with 9% LIHC/SLIHC may not budget consultant fees. Click the 'add' button to add more lines if necessary. This section should only be used for costs that are not more appropriately identified in lines 4-22.

24. Total Soft Costs: This line will be calculated by the CDOL.

C. Construction Costs (lines 25 – 43):

Enter the projected cost for each applicable construction line item. The costs entered in this section must be consistent with Attachment B2 (Construction Cost Estimate). "Lump sum" totals are not allowed. Items such as off-site work, demolition, builder's profit, overhead, general requirements, etc. must be specified. Appliances, if part of the construction contract, should be included in the line item of the space in which they will be installed - for example, the cost of stoves for individual residential units would be placed in line 31 - Residential.

25. Site Work: The cost of site preparation.

26. Off-Site Work: HCR Programs will only fund off-site costs directly associated with the project that are necessary for its development, e.g., off-site utility connections, access roads, etc. Contact your regional office in advance of application submission if you have questions regarding this line item.

27. Demolition: Only demolition that takes place on the project site is an eligible cost.

28. Environmental Remediation: Include asbestos removal; lead-based paint hazard control and other environmental remediation costs in this line.

29. Other Construction Costs: Specify any costs entered on this line item in the space(s) provided. Click the 'add' button if more lines are required.

30. Subtotal – Site Preparation: CDOL will calculate this line.

31 – 33. Residential, Community Service Facility or Civic Space, Commercial Construction:

Only one of these lines will be open for data entry, depending on which budget you are completing.

31. Residential: Enter all construction costs associated with the residential portion of the project. **Do not** include costs identified on separate line items, such as site preparation costs, general requirements, builder's fees, GC insurance and performance bond premiums.

32. Community Service Facility (CSF)/Civic Space: Enter all construction costs associated with the CSF/Civic Space portion of the project. **Do not** include costs identified on separate line items, such as site preparation costs, general requirements, builder's fees, GC insurance and performance bond premiums.

33. Commercial: Enter all construction costs associated with the Commercial portion of the project. **Do not** include costs identified on separate line items, such as site preparation costs, general requirements, builder's fees, GC insurance and performance bond premiums.

34. General Contractor's Insurance: The amount budgeted here must be consistent with the amount indicated in Attachment B2 (Cost Estimate Summary).

35. Performance Bond Premium: Generally between one and two percent of Line 36 (Subtotal Contractor's Costs).

36. Subtotal Contractor's Costs will be calculated by the CDOL.

37. General Requirements: A maximum of 6% of line 36 as set forth in the QAP. The costs attributed to general requirements should be broken out in the detail sheet of Attachment B2 (Construction Cost Estimate).

38. Builder's Overhead: A maximum of 2% of line 36, as set forth in the QAP.

39. Builder's Profit: A maximum of 6% of line 36, as set forth in the QAP.

40. Total Construction Costs: CDOL will calculate this line. The amount should match the total reflected in Attachment B2 (Construction Cost Estimate).

41. Project Contingency: A percentage of the project's total soft costs and contractor's cost (**excluding** builder's fees on lines 37-39) which is budgeted to pay for any unforeseen project costs which may be incurred after construction begins. Up to 5% may be budgeted for new construction projects, and occupied preservation projects, and up to 10% may be budgeted for vacant rehab projects and small non-tax credit projects funded only with HTF and/or HOME.

42. 9% LIHC/SLIHC Developer's Fee: This fee can only be claimed if the project includes tax credits, and can be claimed only on residential or Section 42 eligible community service facility development costs. It is limited to a maximum of 10% of the sum of line 3 (total acquisition) plus a maximum of 15% of the sum of lines 24 (Total Soft Costs) and 40 (Total Construction Cost), subject to meeting parameters set forth in the QAP. If the acquisition cost includes the assumption of existing debt, this debt must be excluded from the acquisition cost when calculating the developer fee earned on acquisition. If the project is being developed jointly by a non-profit and a for-profit developer, **the budget may not reflect both this fee and the Developer's Allowance on line 12.** Please note that in mixed-income projects, a developer fee cannot be earned on the residential units which are unregulated by 9% LIHC/SLIHC. The maximum eligible fee allowed will be based upon the acquisition, soft costs, and total construction costs of all project units multiplied by the 9% LIHC/SLIHC applicable fraction.

**For example:**

A 50 unit project with 45 9% LIHC units and 5 market-rate units has a 9% LIHC applicable fraction of 90%.

|                   |   |
|-------------------|---|
| Acquisition cost: | $\$1,500,000 \times 10\% = \$150,000$                       |
| Soft cost:        | $\$2,000,000 \times 15\% = \$300,000$                       |
| Construction:     | $\$8,000,000 \times 15\% = \underline{\$1,200,000}$         |
|                   | $\$1,650,000$ – total developer fee based on entire project |
|                   | <u>X 90% applicable fraction</u>                            |
|                   | <b>\$1,485,000 maximum developer fee allowed</b>            |

43. Total Development Cost (TDC). This line will be calculated by CDOL.

D. Working Capital (lines 44 – 48):

A Working Capital Fund up to 2% of total development cost (line 43) may be established to cover: 1.) Initial operating deficit to meet any shortfall in project income from the time of initial rent-up through full rent-up for a period not to exceed six months; 2.) Management and marketing expenses; and, 3.) Initial start-up costs incurred in the first year after substantial completion including liability insurance, fidelity bond premiums, utility

hook-up deposits, maintenance equipment, moveable furnishings and equipment etc. NOTE: HCR will not fund the purchase of any furniture and equipment with HOME funds.

44. Initial Operating Deficit: Enter the estimated shortfall between operating expenses and operating income from the time of initial rent-up through full rent-up for a period not to exceed six months. Expenses should include all applicable debt service.

45. Supplemental Management Fee and Marketing: Enter the costs for management and marketing fees from initial rent-up through full rent-up for a period not to exceed six months.

46. Purchase of Maintenance and Other Equipment: Enter any estimated amounts necessary to purchase needed maintenance equipment, office equipment, fixtures, furnishings, etc. Provide an itemized list in the space(s) provided. Click the 'add' button if more lines are needed. NOTE: If your project includes special needs or homeless households, and will include the purchase of furniture for the units (beds, dressers, etc.), this expense should be included on this line, and not in the construction budget. HCR will not allow HOME funds to be used for furniture and equipment.

47. Other Working Capital: Specify costs in the space provided. Click the 'add' button if more lines are needed.

48. Total Working Capital: This line will be calculated by the CDOL.

E. Project Reserves: (lines 49 through 53):

49. Capitalization of Operating Reserve: **All projects with 9% LIHC and/or SLIHC must fund an operating reserve based upon a minimum investment of the lesser of one percent of the project's TDC (line 43), or 50% of gross rents.** The Operating Reserve may be capitalized only from 9% LIHC or SLIHC proceeds equity or from a non-HCR source. There is no Operating Reserve capitalization requirement for HTF or HOME standalone projects. The operating reserve is used to provide the project with a source of funds in the event that the project cannot meet its monthly operating expenses due to unanticipated operating and maintenance costs and/or higher than anticipated vacancy levels.

50. Capitalization of Replacement Reserve: **Any project that includes 9% LIHC and/or SLIHC must capitalize a replacement reserve equal to \$1,000 per unit in the project development budget.** Equity proceeds and/or HTF may be used to fund the replacement reserve capitalization. HOME funds may NOT be used to fund the replacement reserve. In a HTF standalone project (i.e., a project without tax credits), a replacement reserve is not required, but the project may be permitted to capitalize a replacement reserve if the project's operating economics cannot support the annual contribution required for HTF standalone projects. A replacement reserve is used to replace major items and systems over the life expectancy of the building, including, but not limited to: flooring, appliances, plumbing fixtures, heating systems, roofs, windows, doors, and cabinetry.

52. Other Project Reserves: This line is only applicable to projects which require a special reserve or other reserve approved by HCR.

53. Total Project Reserves: this line will be calculated by the CDOL.

54. Total Project Costs: This line will be calculated by the CDOL.

#### **Exhibit 4 – Rents/Maintenance Fees & Affordability**

This Exhibit must be completed for all projects which include residential units. All residential units in the

project must be recorded on this Exhibit, including those which are being financed by sources other than HCR, and units set aside for occupancy by a building superintendent/resident manager.

The tables that you will be required to complete in this Exhibit are dependent on the type of project residential tenure you selected in Exhibit 1, Section G of this Application, and on whether or not you expect the project to receive project based rental subsidies, as indicated in Question A1 below. Tables will be populated by CDOL based upon the data you enter for each unit size/monthly housing cost mix in the project. Section A is for rental units, and Section B is for owner-occupied condominium/cooperative units. Specifically:

- If the project includes rental units with project based rental subsidies, Tables A1 and A2 will be populated;
- If the project includes rental units without project based rental subsidies, Tables A3 and A4 will be populated; and,
- If the project includes owner-occupied condominium/cooperative units, Tables B1 and B2 will be populated.

**A. Tenant Affordability Plan: This section applies to rental units only.**

1. Indicate whether or not you anticipate that any of the units in the project will receive project based rental subsidies.

If you answered yes to the preceding question, enter the total number of units expected to receive each type of project based rental subsidies based upon the sources listed in a through e. If the project based rental subsidy source is not listed in a through d, enter the number of units to receive project based rental subsidies from the other source in e. 'Other Subsidy Source', and specify the project based rental subsidy source in the space provided. The total number of units that you enter for this question must match the total units specified to receive a rental subsidy in Table A1 below. The rents listed Exhibit 4, Table A1 and Table A2 represent the maximum allowable rent to be collected from ALL sources, including the tenant rent payment and rental assistance payments from any source.

Please note: the use of HCR issued Project Based Vouchers in supportive housing projects, as identified in Exhibit 1E.of this Application, is prohibited. A supportive housing project MUST have a provision for an ongoing rental subsidy or other form of subsidy, which will be available to ensure that rents paid by the targeted population remain affordable, provided by the agency that is responsible for serving the targeted special population.

1. **Non-Rent Bearing Unit for Occupancy by Building Superintendent/Resident Manager.**

Indicate whether or not the project includes a non- rent-bearing unit to be occupied by a building superintendent/resident manager. If you answer yes, enter the anticipated number of occupants in the unit, and the total monthly utility cost to be paid by the building super/resident manager. The CDOL will calculate 3d. (Note that this section will be unavailable for update if you did not enter a unit for a Non-Rent Bearing Unit for Resident Manager/Super when completing Exhibit 1I, Section 2 (Income Target Groups).

2. Indicate whether or not the comparable rents that you will reference in the following section (A1 and A3) include each of the utilities listed.

**A1 through A4 - Monthly Housing Cost for Rental Units**

This section requires you to enter information for each unit size/monthly basic rent/project based rental subsidy combination in the project. If there are multiple monthly basic rents anticipated for units of the same size, you must record them separately. If there are units of the same (unit) size, some of which will receive rental subsidies and some which will not, you must also record them separately. After saving the information for each unit size/rent category, the units will be displayed in the appropriate grids at the bottom of the page:

**Table A1 (Monthly Housing Cost for Rental Units with Project Based Subsidies) and Table A2 (Affordability for Rental Units with Project Based Subsidies) will display units with project based rental subsidies; and,**

**Table A3 (Monthly Housing Cost for Rental Units without Project Based Subsidies) and Table A4 (Affordability for Rental Units without Project Based Subsidies) will display units without project based rental subsidies.**

If you indicated in question 3 of this Exhibit that the project includes a non-rent bearing unit for a building superintendent/resident manager, do not include that unit in this section.

**Enter the following data for each unit size/rent combination:**

Project Based Rental Subsidy: Indicate whether or not these units will receive a project based voucher. If you choose 'yes' for this field, these units will be displayed in Tables A1 and A2 below. If you choose 'no' for this field, these units will be displayed in Tables A3 and A4 below.

Unit Size: Select the number of bedrooms in the units.

Number of Units: Enter the number of units of this size with the same monthly basic rent and rental subsidy status.

Comparable Market Rent: Enter the median contract rent paid in the primary market area for a comparable unit. (Evidence of comparable rents must be included in the Market Study).

Monthly Basic Rent: Enter the applicable shelter rent allowance or proposed basic rent or carrying charge for the units in this category.

Tenant-Paid Utilities: Enter the anticipated cost of utilities to be paid directly by the tenants in this unit category.

Area Median Income: Enter the appropriate area median income for the proposed unit size. Refer to the "Median Income Adjusted by Bedroom Count" in the Reference Materials for more information.

Percentage of Area Median Income (AMI) that Unit will be Targeted to: Enter the percentage of AMI of the households that you will be targeting for occupancy of the units. The data entered in this field must be consistent with the data entered in Exhibit 1, Section 1.2 (Income Targets), and will be used as the basis for the project's Regulatory Agreement should the project be selected for funding. For those projects located in a QCT and/or a transitional neighborhood straddling strategic borders between economically challenged neighborhoods requesting MIHP or participating in the Neighborhood Revitalization Cross Subsidy Pilot or the 9% LIHC Mixed Income Initiative, the percentage of the AMI that the Unit will be Targeted to must be no more than 15% above the rent affordability percentage, rounded up to the next 10% income target increment. For example, a unit identified in Exhibit 1, Section 1.2 (Income Targets) as targeted to >80% through 90% AMI, would be shown as being affordable at 73% AMI (CDOL will calculate) and must be targeted and regulated at 90% AMI. For those projects requesting MIHP or participating in the Neighborhood Revitalization Cross Subsidy Pilot or the 9% LIHC Mixed Income Initiative which are not located in a QCT or a transitional neighborhood as described above, if the rents are set at an

affordability level below the maximum income level at which the units will be regulated, the units may be rented up to the maximum AMI in the targeted income band, rounded up to the next 10% income target increment. For example, if a project rent affordability is set at 77% AMI, and it is to be targeted and regulated below 80% AMI, the unit could be rented to households up to a maximum of 80% AMI.

After you have entered and saved the data for a unit size/rent/project based subsidy combination, it will be displayed in the appropriate Tables below, and the CDOL will perform some calculations based on the data entered.

**In addition to the data entered above, the following columns will be displayed and/or calculated by CDOL:**

**Tables A1 and A3 (Monthly Housing Cost):**

No. of Occupants Per Unit: For projects that do not include a 9% LIHC or SLIHC request, the CDOL will update this column based on two (2) persons per bedroom. If 9% LIHC and/or SLIHC have been requested on the Application, the CDOL will use 1.5 persons per bedroom.

Total Monthly Housing Cost: This will be calculated by the CDOL by adding together the Monthly Basic Rent and the Tenant Paid Utilities. (Please note that in some areas the maximum rents calculated under the 9% LIHC program may exceed the maximum low HOME rents permitted under the HOME Program).

**Tables A3 and A4 (Affordability):**

Total Annual Cost: This will be calculated by the CDOL by multiplying the Total Monthly Housing Cost by 12 for each of the unit size/monthly cost categories displayed in Table A3.

Minimum Annual Income Needed to Afford Unit: This field will be calculated by the CDOL for Table A3 by dividing Total Annual Cost by **.30**.

Percentage of Area Median Income that Unit is Affordable to: This field will be calculated by the CDOL for each unit category in Table A3 by dividing the Annual Income Needed to Afford Unit by the Area Median Income (AMI). The result will be the income group that the unit is affordable to.

Maximum Rent at 60% 9% LIHC/SLIHC Eligibility: The CDOL will calculate this field using the following formula: The Adjusted AMI for each Unit Size x 0.6 x 0.3 / 12.

**B. Condominium/Cooperative Affordability Plan:**

**This section applies to projects involving homeownership of condominium/cooperative units only.**

1. Specify what percentage of the purchase price will be required as a down-payment by purchasers of the units. This percentage will be used by the CDOL to calculate the down payment in Table B1.
2. Select the applicable tenure type for the units.

**Table B1 - Total Monthly Housing Cost for Owner-Occupied Units**

This page requires you to categorize all condominium/cooperative units in the project by number of bedrooms (unit size), and then by the monthly payment for a unit of that size. If there are varying monthly payments anticipated for units of the same size, you must enter them separately. The total number of units should equal the total number of units entered in Exhibit 1, Section H, Table 1. (If you indicated that this project included a mixture of owner-occupied and rental units, the total of units in Tables A1, A3 and B1 of this Exhibit must equal the total

number of units entered in Exhibit 1, Section H, Table 1). After saving the information for each unit size/monthly housing cost category, the units will be displayed in the grids at the bottom of the page.

**Enter the following data for each unit size/monthly payment combination:**

Unit Size: Unit size refers to the number of bedrooms in the unit. Select the unit size from the drop-down menu.

No. of Units: Enter the number of units of this size which will be available at the same monthly payment.

Purchase Price: Enter the purchase price for the unit. Include the value of any sweat equity contributions in the purchase price as the down payment.

Monthly Payment: Enter the total of monthly principal and interest payments on the mortgage loan for the unit(s).

Monthly Taxes and Insurance: Compute and enter the monthly total property taxes and homeowner's insurance (including flood insurance if necessary) for the unit(s).

Monthly Maintenance and Carrying Costs: Enter the monthly costs of maintaining and amortizing the buildings and grounds for the unit(s).

Area Median Income (AMI): Enter the appropriate AMI for the proposed unit size. Refer to the "Median Income Adjusted by Bedroom Count" in the Reference Materials for more information.

Percent of Area Median Income Unit will be Targeted to: Enter the percentage of AMI of the households that you will be targeting for occupancy of the unit(s). The data entered here must be consistent with the data entered in Exhibit 1, Section I, 2 (Income Targets), and will be the basis for the project's Regulatory Agreement should the project be selected for funding.

**In addition to the data entered above, the following fields will be displayed and/or calculated by the CDOL.**

Down Payment: The CDOL will calculate and display the down payment based on the percentage entered above.

Amount Financed: The CDOL will calculate this by subtracting the down payment from the purchase price.

Total Monthly Cost: This will be calculated by the CDOL by adding together the Monthly Payment, Monthly Taxes and Insurance, and Monthly Maintenance and Carrying Costs for the unit(s).

Total Annual Housing Cost: This will be calculated by the CDOL by multiplying the Total Monthly Housing Cost by 12 for each of the unit size/monthly cost categories.

Minimum Annual Income Needed to Afford Unit: This will be calculated by the CDOL by dividing the Total Annual Cost by .30 for each unit size/monthly cost category.

Percent of Area Median Income Unit (AMI) is Affordable to: This will be calculated by the CDOL by dividing the Minimum Annual Income Needed to Afford Unit by the AMI. The result will be the income group that the unit is affordable to. For example, if the annual income needed to afford the unit is \$16,000, and the AMI is \$28,000, the income group that the unit is affordable to would be households at 57% of the AMI.

**Exhibit 5 – Operating Budget**

If the project involves both residential and non-residential units, you must complete two budgets – one for the residential units and one for the non-residential units.

**A1 – Total Effective Income:**

This Table calculates the project’s income and vacancy arrears to produce total effective income. Section A is for the residential portion of the project and Section B is for the non- residential portion of the project.

**A. Effective Residential Income**

If the project does not involve residential space, this section will be blocked.

1. Total Residential Monthly Income/Maintenance Fees: The CDOL will calculate the project’s total residential monthly income, by multiplying the total number of units for each unit size/monthly cost category in Exhibit 4 Tables A1 and A3 by the basic rents for those units, and adding the results. If this is a condominium/cooperative project, the number of units for each size/monthly cost category will be multiplied by the Monthly Maintenance cost in Exhibit 4, Table B1. If it is a combination of rental and condominium/cooperative units, Tables A1, A3 and B1 of Exhibit 4 will be used in the calculation.

2. Annual Gross Residential Income: The CDOL will calculate this by multiplying line 1 (Total Monthly Income/Maintenance Fees) by 12.

3. Estimated Percentage of Vacancy & Arrears: Enter a 5% estimated percentage of vacancy and arrears for the residential portion of the project in the space provided. The CDOL will then multiply Line 2 (Annual Gross Residential Income) by this percentage to arrive at the total annual income expected to be lost from residential vacancies and arrears.

4. Net Residential Income: The CDOL will calculate this by subtracting Line 3a (Total Residential Vacancy and Arrears) from Line 2 (Annual Gross Residential Income).

5a. Ancillary Income - Laundry: If applicable, enter the anticipated income from residential laundry facilities.

5b. Ancillary Income – Parking: If applicable, enter the anticipated income from residential parking facilities.

5c. Ancillary Income – Other: If applicable, enter the anticipated income from other residential sources, for example, dedicated project operating subsidies such as OMH/OPWDD annual debt service subsidies, or a homesteader’s contribution to the operating budget. Do not include interest from operating or replacement reserves. Specify the source(s) of any “Other” Ancillary Income in the space provided. If the Ancillary Income is “fixed”, please see the instructions under A3 Operating Budget.

6. Total Ancillary Residential Income: The CDOL will calculate this by adding together lines 5a, 5b and 5c.

7. Total Effective Residential Income: The CDOL will calculate this by adding together lines 4 and 6. This figure will be transferred to line 1 (Total Effective Income) of the residential operating budget.

**B. Effective Non-Residential Income**

If the project does not involve non-residential space, this section will be blocked.

8. Gross Commercial/Civic Income: Enter the estimated amount of revenue to be generated from commercial and/or civic rents.

9. Commercial/Civic Vacancy and Arrears: Enter the estimated percentage of vacancy and arrears for the commercial/civic portion of the project. The CDOL will multiply Line 8 (Gross Commercial/Civic Income) by this percentage to arrive at the total annual income expected to be lost from commercial or civic vacancies and arrears.

10. Net Commercial/Civic Income: The CDOL will calculate this by subtracting line 9a (Total Commercial/Civic Vacancy and Arrears) from line 8. This figure will be transferred to line 1 Total Effective Income for the non-residential portion of this project.

10a. Indicate whether or not income for this non-residential portion of the project will be guaranteed through a master lease and/or developer guarantee.

11. Total Effective Income: This line will be blocked to CDOL Users. The CDOL will calculate this when it produces a Summary Table 1 for projects with both residential and non-residential space by adding together lines 7 & 10.

#### **A2 – Basis for Projection of Operating Budget (Residential and Non-Residential):**

This section serves two purposes:

1. Data entered here will enable the CDOL to do many of the calculations required in A3 of this Exhibit – Operating Budget; and,

2. It provides a rationale for operating expenses during the project’s first fifteen years of operation. Please note, only the expenses directly related to the project’s real estate operations are eligible. Costs for supportive services or organizational overhead are not eligible.

If the project involves both residential and non-residential space, click on the ‘add’ button for the type of budget you wish to update. If the project only includes one type of construction, only one budget type will be displayed. Click the ‘add’ button to the right to update. When you click ‘add’, the page will redisplay with the first year’s total effective income shown under the year one cost, as well as a list of typical operating expenses.

Beginning with Total Effective Income (line 1), click the ‘edit’ button for each applicable line item listed. Clicking ‘edit’ will result in the screen being redisplayed with fields to provide line item details:

A. Income/Expense: Displays the name of the line item that you are working on (Income for Total Effective Income (line 1); Expense for all other line items).

B. Year 1 Income/Cost: If you are working on Total Effective Income (line 1), the applicable amount derived from Section A1 of this Exhibit will be displayed (line 7 for residential operating budgets, or line 10 for non-residential operating budgets). For all other line items (costs), enter the anticipated first year’s operating cost for the expense listed in A. Year one should represent the first complete year of occupancy.

C. Type & % Increase/Decrease: From the drop-down list, select one of the following three expense types for each line item:

Fixed: The cost (or income) will remain constant from year to year. The CDOL will update the operating budget for these line items, based on the amount entered in B – Year 1 Cost (or Income).

Variable: These costs (or income) are expected to either rise or fall from one year to the next. If you select this type, there must also be a percentage of increase or decrease. The CDOL defaults to a 3% increase which you may change for any variable line item. Use the industry standard of 2% for increases in income and 3% for increases in expenses. The CDOL will update the operating budget for these line items.

Other: These costs (or income) cannot be termed either fixed or variable. For these line items, you must manually complete the operating budget Exhibit 5, A3) for years 1 through 15.

D. Rationale for Estimates: Provide the rationale for the estimated expense (or income). The applicant may use information from comparable projects as the basis for estimating expenses, such as maintenance, management, and various services (trash or snow removal, pest control, etc.) provided they are similar to the proposed project in type (number of units, financing, income served, and tenure of housing population), and located in the same market area. The applicant must identify the comparable project used as the basis for the projects by name and location. All project utility costs (i.e., heat, electric, gas, water and sewer etc.) must be documented by a utility estimate prepared by the project architect or energy consultant and submitted in Attachment D2 – Operating Budget Documentation. See Section 5 of the CPM for further information.

E. Source: Enter the source of the rationale, for example, “based on actuals from similar project, Hampshire Senior Housing, Albany, NY,” or “quote from insurance broker – Smith Insurance”.

**Please note the following regarding certain line items for both residential and non-residential Operating Budgets:**

1. Total Effective Income: CDOL will update the total effective income for the first year based on either line 7 (residential) or line 10 (non-residential) from Section A1 of this Exhibit. Complete this line for the following years.

2. Manager: If applicable, reflect the salary for the project manager in Column B. and indicate whether this project requires a full time or part time project manager. In general, the project manager’s salary should be within 5-7% of Line 1. Total Effective Income for both residential and non-residential. Please note: the calculation of the manager’s salary should be based solely on Section A.4. Net Residential Income. The calculation should NOT be based on any Ancillary Residential Income listed in Section A.5. Ancillary Residential Income.

3. Management Fee: Indicate the percent (%) of the Management Fee in Column A. Expense, the dollar amount of the management fee in Column B, Year 1 Cost, and in Column D, Rationale for Estimate and Source, clearly indicate the project name and location for comparable HCR projects, as well as the number of units, financing, income served and tenure of housing population if non-HCR projects are being used for the rationale for management fee for owners managing their own project. For self-managed projects, it is expected that there will be a cost savings to the project based on the related entities. If an outside management agent is used (i.e. the management agent is not part of the ownership entity), provide the necessary information detailed in Section 7 of the CPM in Attachment D2 – Operating Budget Documentation. In general, the management fee should be within 6-8% of Line 1. Total Effective Income, for both residential and non-residential. Please note: the calculation of the management fee should be based solely on Section A.4. Net Residential Income. The calculation should NOT be based on any Ancillary Residential Income listed in Section A.5. Ancillary Residential Income.

4. Accounting and Audit: Indicate the cost of required accounting and audits performed by outside firms in Column B, Year 1 Cost.

9% LIHC/SLIHC Monitoring Fee: If Exhibit 1, H2 shows all units in the project except a non-rent bearing unit for a resident manager will be assisted with 9% LIHC or SLIHC, the CDOL will calculate the monitoring fee using the following formula: For each line in Exhibit 4 - Tables A1 and A3: number of units x Maximum Rent at 60% 9% LIHC Eligibility (Exhibit 4 - Tables A2 and A4) x 12 x 0.005. If all units except the resident manager's unit will be assisted by SLIHC, the CDOL will perform the above calculation except that the Maximum Rent at 90% SLIHC Eligibility will be used.

31. and 33. Real Estate Taxes and Other Taxes: Indicate the projected project taxes based upon the PILOT and any special county or district taxes the project will incur.

38-39. Reserves: Refer to Section 5 of the CPM before completing these lines.

42. Debt Service: The CDOL will produce a line for each permanent loan entered in Exhibit 3, displaying the funding source name, loan amount, interest rate and term from the information provided in Exhibit 3. Provide the expense information for each loan. If the project has debt that is not reflected in the operating budget, click the 'add' button to record this expense.

44. Cash Flow: In projects with a conventional permanent loan, HCR will allow initial cash flow at the greater of \$35 per unit per month (pu/pm) or the amount necessary to meet the lender's and/or mortgage insurer's debt service coverage requirements. In projects without a conventional bank loan, in order to maintain positive cash flow through the first fifteen years of operating, HCR will allow initial per unit cash flow to exceed \$35 pu/pm. Depending upon the specifics of the project, some or all of the cash flow over \$35 pu/pm may be required to be deposited into the project operating reserve account. Please note that once a project is completed and rented up, any income from Tenant Based Vouchers or other similar tenant based subsidy that exceeds the maximum rents for the targeted affordability levels will go to the Replacement Reserve pursuant to the HTFC Regulatory Agreement and/or LIHC/SLIHC Regulatory Agreement.

45. Repayment of Deferred Developer's Fee: If the project's permanent funding sources as set forth in the Development Budget (Exhibit 3, Section A2) include Deferred Developer's Fees, you must enter an amount that will ensure that the fee is repaid within 15 years of the placed-in-service date (See Section 5 of the CPM).

### **A3 – Operating Budget**

For each line item in A2 (Basis for Projection of Operating Budget) that was specified as "Fixed" or "Variable with a Percentage Rate", the CDOL will calculate project operating costs for the first 15 years of project operation. Complete the 15-year cost projections for any costs that you specified as type "Other" in Section A2 of this Exhibit by clicking the 'edit' button to the right of the line item and completing the 15-year projection.

For projects with "fixed" ancillary income indicated in Table A1.5. Ancillary Income c. Other, such as an OMH/OPWDD annual debt service subsidy, please use Attachment D7 – Fixed Income Worksheet. The worksheet will require the net rental income from year 1 and the yearly fixed income debt service subsidy as a base calculation. The worksheet will then trend the net rental income at 2% for each year while holding the fixed income debt service subsidy at a constant rate to produce a yearly total effective income. The yearly total effective income in Column E will then need to be manually entered into Table 5. A3. for all 15 years. Select "edit" on Table 5. A3.1. Total Effective Income and manually enter the figures from the Fixed Income Worksheet into Table 5.A3.1.

Lines 10, 24, 30, 37, 40, 41, 43 and 44 will be calculated by the CDOL.

### **Deferred Developer's Fee**

**A. Total Deferred Developer's Fee:** If applicable, the CDOL will display the amount of the deferred developer's fee entered as a permanent funding source in Exhibit 3, A2 (Development Budget Funding Sources). This calculation is applicable only to the residential operating budget.

**B. Total Repaid in 15 Years:** The CDOL will add the total amount of deferred developer's fee repaid during the 15-years projected in line 45 of the Operating Budget.

**C. Discrepancy:** If there is a discrepancy between the figures in A and B, the discrepancy will be displayed. The Deferred Developers Fee must be repaid in 15 years or the CDOL will return an error message.

### **Exhibit 6 – Development Timetable**

**A1. Development Track Indication:** Select the development track that the project will follow from the drop-down menu. If you select "construction financing with competitive bidding," you will be required to submit bid documents to HCR.

**A2. Additional Approvals:** Select each type of approval that the project requires in addition to the standard approvals listed in A3 of this Exhibit. If no additional approvals are necessary, select 'N/A'. If you select 'Other', specify the required approval in the space provided. Each approval that you select will be added to A3 of this Exhibit – the Development Timetable. **NOTE:** For those projects proposing the rehabilitation of a historic building(s), check the 'Other' box and indicate the approval date from the NPS.

**A3. Development Timetable:** Please read all of the instructions below before completing this Table.

**Activity/Approval:** Under this column is a list of activities and approvals typically required for HCR financed projects, as well as any additional approvals selected in A2 of this Exhibit. Click on the 'edit' button to the right of each required approval and provide the requested information.

**Status:** Select 'approved' or 'pending' or 'not applicable' from the drop-down list to indicate the current status of the activity/approval.

**Contact Person/Phone #:** Enter the name and phone number of a person from the applicable organization who can verify the status of the approval.

**Completion Date:** Enter the month and year (mm/yyyy) that you anticipate the action or approval to be completed/approved, or that the approval was issued.

Please review the following guidelines regarding several of these activities/approvals:

1. **HTFC Board Approval** – The CDOL will display a pre-set completion date which may be changed if necessary. For Early Award applications, enter an HTFC Board Approval date of December 2016. For standard round UF applications, enter April 2017.

2. **HTFC Funding Commitment** – You should enter a completion date for this approval which is approximately 45-60 days after the HTFC Board Approval date.

11. **Contract Document Submission** – Allow a minimum of 45 business days for review and approval of bid documents. All applicants must submit contract documents prior to loan closing.

15. **Rent-Up Conference** – The rent-up conference is to be held between the project owner/manager and HCR Office of Housing Management staff at 50% to 70% of construction completion.

17. Construction Completion/Certificate of Occupancy (C of O) – For 9% LIHC/SLIHC projects, this is the placed-in-service date. For all others, this is the anticipated construction completion and C of O date.

19. Cost Certification/Audit/Close-Out Document Submission – Must occur within 60 days of the permanent financing closing. (NOTE: For projects anticipating combining this step with permanent financing closing, documents must be received 30 days prior to the closing date).

20. Permanent Financing Closing – Must occur within 60 day after construction completion/c of o date.

### **Exhibit 7 – Development Team’s Relevant Experience**

This Exhibit must be completed by the project developer, owner, general contractor, architect, management agent, and housing consultant (if applicable). Provide the required information for each similar project that each member has participated in during the past ten years. Include only those projects that are similar in construction type, size, scope, population served, financing and tenure.

If the Applicant has used the CDOL before, this page will display similar projects that were entered on previous CDOL applications. You may choose to ‘include’ a project by clicking on that option. The CDOL will return the project details. Verify the information, then scroll down and select the team member and their role(s) in the project, and click ‘Submit’.

To add similar projects for development team members, click ‘add’. Provide the requested information.

#### Similar Project Details

1. Project Name: Enter the name of the similar project.

2. Total Project Cost: Enter the total project cost of the similar project.

3. SHARS ID: If the project was funded by HCR, enter the eight-digit SHARS ID Number assigned to the project.

If the project was funded by HCR, and you have entered a SHARS ID for line 3, do not complete the remaining items (4 – 9) on this page. Instead, go on to complete the Development Team Members section, and click ‘submit’. The page will be redisplayed in a grid. To add another similar project, click ‘add’.

If the similar project did not receive HCR funding, complete items 4-9.

4. Project Use: Select from the drop-down list the similar project’s use:

- a. Condominium/Cooperative
- b. Multi-Family Residential
- c. Multi-Family Residential/Civic
- d. Multi-Family Residential/Commercial
- e. Multi-Family Residential/Civic/Commercial

f. Commercial

g. Civic/CSF

5. Project Type: Select the type of construction involved in the similar project (new construction or rehabilitation).

6. Construction Start Date: Enter the month and year of construction start for the similar project.

7. Percent Completed: Enter the estimated percentage of construction completion.

8. Number of Units: Enter the number of units in the similar project.

9. Population Served: Provide a brief description of the type of population served, for example: frail elderly or large families.

Select the Development Team member who participated on this similar project, and select the role(s) that member played.

When all required fields have been entered, click 'submit'. The page will be redisplayed as a grid. Click the 'add' button to add another similar project.

### **Exhibit 8 – Site and Building Information**

**General Instructions**: Please read the following before completing this Exhibit.

1. Section A must be completed for **each site** in the project.

2. Section B must be completed for **each building which will exist upon completion** of the project.

#### **A. Site Information**

Complete this section for each site in the project.

##### 1. Site Basics

a. Indicate whether or not the site is vacant land. **NOTE: IF THE SITE CURRENTLY HAS BUILDINGS WHICH WILL BE DEMOLISHED, DO NOT ANSWER 'YES' TO THIS QUESTION. ANSWER 'NO', AND COMPLETE THE NEXT TWO QUESTIONS, AS APPLICABLE. FAILURE TO DISCLOSE THE EXISTENCE OF BUILDINGS ON THE SITE, OR THE EXISTENCE OF OCCUPIED UNITS, MAY RESULT IN TERMINATION OF PROJECT REVIEW.**

b1. If you answered no to 1a, enter the number of buildings on the site.

b2. If applicable, enter the number of non-accessory buildings on the site which will be demolished.

c. Tax Parcel Data for Vacant Land or Land which will be Vacant After Demolition: If the site is vacant land or it will be vacant land after demolition of existing buildings, provide the site's tax parcel(s) in the space provided. For sites located in one of the five boroughs of New York City, enter the Block, Lot and Easement Code (B/L/E) assigned by the City. For other locations in New York State, enter the Section, Block and Lot Number(s) (S/B/L) for the site assigned by the County.

d. Site Address: Enter the street address, municipality and zip code for the site.

2. Site Area and Zoning

a. Enter the total site area and indicate whether the area is in acres or square feet.

b. Enter the current zoning classification.

c. Enter the minimum site area for proposed project to meet local zoning regulations, and indicate whether the area is in acres or square feet.

3. Special Site Locations/Designations

Select each box corresponding to a correct statement about the site. Select 'i'. Not Applicable', if none of the statements apply.

**NOTE:** If the 'flood plain' box is not checked, the applicant is representing that it can demonstrate through the submission of maps or other documents that the site for the proposed project is not in a flood plain.

4. Site Utilities

Complete the Table for each utility listed.

Source: Choose either public or commercial.

On-or Off-Site: Choose either on-site or off-site.

Distance from Site: If applicable, enter the utility's distance from the site in feet.

5. Unusual Site Features

Select each unusual site feature present on the site. If no unusual features are present, select 'j'. Not Applicable.'

6. Existing Structures/ Facilities/ Parking

a. Describe any accessory structures on the site, including their size. If there are none, select 'N/A.

b. Describe any recreational facilities on the site. If there are none, select 'N/A.' (Family projects must have adequate space to accommodate an on-site play area).

c. Site Parking: Select each applicable statement. Enter the number of spaces and the total parking square footage, if applicable.

7. Site Suitability

a. Indicate whether or not the area is free of hazardous materials, and is not in proximity to incompatible adjacent uses, or facilities which may present problems with noise or aesthetics, such as an airport, railroad tracks, or a landfill.

b. If you answer no to 7a, provide a description of the hazardous materials, and/or incompatible uses or facilities in the space provided.

c. Indicate whether or not the site is directly accessible from a public road.

8. Proximity of Support Services

a. Indicate whether the site is in an urban or non-urban area. (See the CPM Glossary for the definition of 'urban').

b. Select the primary project occupants. If you choose other, specify the type of occupants.

c. Distance to Support Service: For each service listed, select the option which best describes its proximity to the site.

Upon completing this page, the page will redisplay with the site numbered and listed at the top. If you have more than one site, complete the page again for the additional sites.

**A1. Buildings to be Demolished**

This section is applicable only if you indicated in the previous section that there were non-accessory buildings on the site(s) that were to be demolished.

1. Click on the 'add' button to the right of the applicable site.

2. Current Tenure: Select the applicable tenure type of the building: residential, non-residential, or mixed residential/ non-residential.

3. Enter the total number of residential units, the number of occupied residential units, the total number of non-residential units, and the number of occupied non-residential units in the building.

4. Repeat for each building to be demolished.

**B1. Building Characteristics**

Select the site you want to work on from the drop-down list. **Complete this section for each building which will exist upon project completion.**

1. Type of Activity Proposed

Select the type of activity proposed for the building.

2. Existing Building Characteristics

Complete this **ONLY** if the activity proposed is rehabilitation or acquisition of an existing building.

a. Enter the street address, including municipality and zip code.

b. Enter the approximate date the building was constructed.

c. Enter the tax parcels for the building (NYC – block/lot/easement; elsewhere in NYS, S/B/L)

d. Select the option which describes building's most recent use. If you select 'Other', specify the use in the space provided.

e. Enter the number of current residential units.

f. Enter the number of current non-residential units.

### 3. Occupied Units

a. Indicate whether any of the units in the building are occupied.

b. Enter the number of occupied residential units, if applicable.

c. Enter the number of occupied non-residential units, if applicable.

d. Indicate whether relocation of residential and/or non-residential tenants will be required.

e. Enter the number of residential tenants that must be relocated

f. Enter the number of non-residential tenants that must be relocated.

### 4. Building Use Upon Completion

Complete this Section to describe the building **upon completion**.

a. Building Use: Select each applicable box which describes how the building will be used upon completion. If choices 1 – 5 do not describe the use, select 'other', and describe the proposed use.

b. Residential Tenure Type: Select the option which describes the building's residential tenure type upon completion. If choices 1 – 5 do not describe the use, select 'Other', and describe the proposed tenure type. If there are no residential units in the building, select 'N/A.'

### 5. Building Units Assisted by HTFC/DHCR

1. Indicate the number and sq. footage of all residential and non-residential units in the building.

2. Repeat, but only for those units which will be funded by DHCR/HTFC.

### 6. Building Details

a. Enter the number of floors which will exist upon completion of the building.

b. Select the building's structure type upon completion. If 'Other' is selected, describe the type in the space provided.

### 7. Items in Rent/Carrying Charge

a. Equipment: Select each item which is included in the rent or carrying charge. If there is an item not listed, select 'Other' and specify the item.

b. Services: Select all services which will be included in the rent or carrying charge. If applicable, specify the type of heat and hot water to be provided. If there is an item not listed, select 'Other' and specify the item.

c. Parking: If parking is to be included in the rent or carrying charge, select the applicable type(s). If 'Other' is selected, describe in the space provided.

#### 8. Tenant-Paid Utilities

Select each item that will **not** be included in the rent or carrying charge. If 'Other' is selected, describe in the space provided.

### **B2. Building Space Breakdown**

#### **Measurement of space for entry in Exhibit 8 B2**

For all of the following categories of space, the project architect must calculate the square footage of the area bounded by the interior surface of any exterior building walls and the centerline of shared interior walls.

- **Residential Space: Dwelling Units** - All living space provided to individual tenants or homeowners for their personal use.
- **Residential Space: Common Area** - All other spaces in a multiple unit building that are for the exclusive use of tenants or in any way support the residential use of the building. This includes, but is not limited to: community rooms, lobbies, mailrooms, laundries, stairways, hallways, elevators, manager's offices, utility closets, boiler rooms, mechanical chases, etc. Basements in new construction are included. However, basements in existing buildings which will remain unfinished and only used for limited mechanical purposes are excluded. If there is any uncertainty on this point, the project architect should request specific guidance prior to providing calculations for the application.
- **Non-Residential Space:** Any space that is not for the exclusive use of the residents. This includes commercial space and civic space (including Community Service Facilities), such as public day-care centers, organizational offices, training rooms, counseling offices, etc. and all space that in any way supports the non-residential use of the building. This includes, but is not limited to: lobbies, stairways, hallways, elevators, utility closets, boiler rooms, mechanical chases, etc.

The sum of the square footage reported in the three categories above must equal the total gross square footage of all floors of all buildings, less the square footage of the exterior walls and existing basement space if excluded under the conditions described above.

Select the site from the drop-down menu. Select the building that you wish to work on by clicking 'edit.'

#### **A. Dwelling Units**

Click the 'add new dwelling unit' button. If the project includes units with the same number of bedrooms but varying square footages, be sure to enter each of those sized units separately. Select the unit size (number of bedrooms) from the drop-down menu, and enter the square footage of these units, and the number of units at this size, and with the same square footage. Repeat this step for all residential units in the building. As you update each building, the CDOL will calculate the total square footage for each unit size/square footage combination, as well as the total square footage of all residential units in the building.

#### **B. Common Area Space Breakdown**

Click on the 'edit' button to the right of each category of common space that will be included in the building. Enter the total square footage for that space. CDOL will calculate the total common area space.

### **C. Non-Residential Space Breakdown**

Click on the 'edit' button to the right of each category of non-residential space that will be included in the building. Enter the total square footage for that space. CDOL will calculate the total non-residential space.

As sections are completed, the CDOL will display a running total of the total gross floor area for the building.

## **Exhibit 9 – 9% LIHC/SLIHC Qualified Building Information**

This Exhibit must be completed by all applicants requesting 9% LIHC and/or SLIHC. If you are requesting both 9% LIHC and SLIHC, you must complete the Exhibit separately for each Program.

Before completing this Exhibit, please refer to the following resources:

- DHCR's 9% LIHC Qualified Allocation Plan (QAP);
- Article 2-A of the Public Housing Law (SLIHC Statute);
- New York State Low-Income Housing Tax Credit Regulations (SLIHC);
- Section 42 of the Internal Revenue Code (IRC), related regulations, and pertinent IRS guidance and rulings for definitions and information on program and project eligibility; and,
- Professional guidance from an experienced tax consultant, attorney, or accountant in preparing this Exhibit and related documentation which may affect tax liability status through the 9% LIHC and/or SLIHC Program.

### **A. General Project Information**

Choose the Program you want to work on, and click the 'add' button on the right.

1a. Indicate whether this project involves the rehabilitation of occupied buildings with varying levels of occupancy.

1b. If you answered 'yes' to question 1 a, enter the number of buildings.

2a. Indicate whether this project involves multiple buildings of which, some but not all, are eligible for high-cost treatment as set forth in Section 42 of the IRC.

2b. If you answered 'yes' to question 2a, enter the number of buildings.

If you answered yes to questions 1 or 2 above, you must complete this entire Exhibit for each 9% LIHC/SLIHC-assisted building which will exist upon project completion. If you answered no to questions 1 and 2 above, you are only required to complete Sections B, C and D once for all 9% LIHC/SLIHC-assisted buildings that will exist upon project completion. Section E (Declaration of Public Subsidies) must be completed for **each 9%** LIHC/SLIHC-assisted building that will exist upon project completion with no exceptions.

3a. Indicate whether the project is located in a current, HUD-designated Qualified Census Tract (QCT).

3b. If you answered 'yes' to question 3a, enter the QCT.

4a. Indicate whether the project will be located in a current, HUD-designated Difficult Development Area (DDA) or Small Area Difficult Development Areas (SADDA's). Please see the UF 2016 Reference Materials for a current listing of the 2016 QCT/DDA/SADDA's.

4b. If you answered yes to question 4a, select the applicable DDA/SADDA County. In Attachment F9 – Proposal Summary, indicate the zip code for the SADDA the project is located in.

5. Indicate whether the applicant is willing to enter into a regulatory agreement with HCR for extended low-income use of the project with a minimum extended use period ending no earlier than 30 years (or a later date(s) set forth in the RFP for the specific application funding round) after the project is placed in service that is in conformance with the requirements of Section 42.

6. For each building listed, indicate whether or not it will be assisted with 9% LIHC and/or SLIHC, as applicable.

#### **B. Acquisition Information**

Select the Program you want to work on, then click the 'add' button to the right of the 'Summary for all buildings', or to the right of a particular building (if you answered 'yes' to Section A1 or A2 of this Exhibit).

1. Indicate whether the site(s)/building(s) is being acquired from a related or unrelated party (See Exhibit 1. Section L above for more information).

2. If the project involves the acquisition of buildings with Buyer's Basis, indicate whether or not the basis will be determined with reference to seller's basis. If applicable, enter the amount of Seller's Basis in the space provided. If the project does not involve the acquisition of buildings with Buyer's Basis, select 'Not Applicable.'

3. If applicable, indicate whether or not the buildings have been owned by the seller for at least ten years. If yes, enter the date the building was placed in service by the owner in 3a, and enter the anticipated date of acquisition by the applicant in 3b.

4. If the building(s) have been owned by the seller for less than ten years, select all applicable acquisition options.

#### **C. Determination of Qualified Basis Worksheet**

This worksheet is used to determine how the qualified basis of the building(s) is derived from actual **residential** expenditures. **It should reflect expenses only for the residential portion of the building(s).**

If there are multiple qualified low-income buildings in the project, an appropriate means should be used to distribute expenditures for eligible common facilities between buildings (e.g., proportion of the eligible residential floor space attributable to each building).

If the project involves both 9% LIHC and SLIHC, this worksheet must be completed for both Programs. Select the Program you want to work on, then click the 'add' button to the right of the 'Summary for all buildings', or to the right of a particular building (if you answered 'yes' to question 1a or 2a in Section A of this Exhibit).

Project Costs and Adjustments: lines 1 through 24 list project costs and adjustments, both reductions and increases.

Click on the edit button for each applicable line representing a project cost and/or adjustment.

Actual Costs: Enter the actual or expected costs for the line item.

Adjustments to Eligible Basis: Enter all applicable adjustments to the eligible basis for the line item.

Eligible Basis by Credit Rate Type: Enter the dollar amounts of eligible basis for the building(s) under 30% Present Value (PV) and/or 70% Present Value.

Month Year/Used: This is applicable only to Line 23, Credit Rate. Use the applicable Credit Rate in the month and year in which you are submitting the application.

After filling in the required fields, click on 'Submit' to update the line item.

Line Items:

Acquisition: This section will calculate the actual costs, reduction in eligible basis, and eligible basis for the costs of acquisition, excluding land.

1. Acquisition Costs of Land Only: Enter the actual or anticipated costs for land only. The CDOL will automatically enter this figure into Adjustments to Eligible Basis.

2. Acquisition Costs (excluding land): Enter the actual or anticipated costs for buildings excluding the cost of land. Enter any adjustments to the eligible basis. The CDOL will subtract the adjustments from the actual cost and place the difference in the Lower Rate (30% PV). (Acquisition may not be claimed at the 70% PV basis).

Reductions in Eligible Basis for Acquisition of Buildings: This section will calculate any reductions in eligible basis for acquisition.

3 - 5: Enter any reductions in eligible basis for each applicable line item.

6. Total Building Acquisition Actual Costs, Adjustments and Eligible Basis: The CDOL will calculate this line as follows: the actual costs will be the sum of actual costs from lines 1 and 2. Adjustments to eligible basis will be the sum of adjustments to eligible basis from lines 1 through 5. Lower Rate (30% PV) will be the sum of actual costs from line 6 minus the Adjustments to Eligible Basis from line 6.

Construction Improvements – Actual Costs, Adjustments & Eligible Basis: This section will calculate actual costs, reductions in eligible basis and eligible basis for construction/rehabilitation improvements.

7 - 11: Enter the actual or anticipated costs for each applicable line item. Enter any reductions to eligible basis for these costs. Enter the adjusted eligible basis for each line item in Lower Rate (30% PV) and/or Higher Rate (70% PV), as applicable. The total eligible basis must be equal to the difference between Actual Cost and Adjustments to Eligible Basis for each line item.

**Please Note: Do not include 9% LIHC fees in line 7. Costs for the developer's fee should be entered on line 10, and not on line 7. If there are additional construction improvement costs not listed, enter them in Line 11 (Other) and specify the costs in the space provided.**

Reductions to Eligible Basis of Construction/Rehabilitation Improvements Prior to High Cost Increase: This

section will calculate any additional reductions in eligible basis for construction/rehabilitation.

12 – 16: Enter any reduction in eligible basis for each applicable line item.

17. Total Construction/Rehabilitation Actual Costs, Reductions to Eligible Basis and Eligible Basis: This line will be calculated as follows:

Actual Cost: the CDOL will add together the actual costs from lines 7 through 11.

Adjustments to Eligible Basis: the CDOL will add together the adjustments to eligible basis from lines 7 – 16 to derive the total adjustments to eligible basis prior to high cost increase.

Lower Rate (30% PV) and Higher Rate (70% PV) Eligible Basis: The difference between actual costs and adjusted eligible basis for line 17 is the adjusted eligible basis prior to high cost increase. **That amount must be entered by the applicant into Lower Rate and/or Higher Rate Eligible Basis for line 17 as appropriate.**

Increase in Eligible Basis of Construction/Rehab for High Cost: This section will calculate the increase to eligible basis for projects located in QCTs and DDA/SADDA's only.

18. Increase in Eligible Basis for High Costs: The CDOL will calculate this line by multiplying the amount(s) in line 17 for lower rate (30% PV) and/or higher rate (70% PV) **ONLY IF YOU INDICATED IN SECTION A OF THIS EXHIBIT THAT YOUR PROJECT IS LOCATED IN A QCT OR DDA/SADDA.**

19. Adjusted Eligible Basis – Construction/Rehab Improvements: For each eligible basis category (lower rate or higher rate), the CDOL will add together lines 17 and 18, and place result on line 19.

20. Total Eligible Basis of Acquisition & Construction/Rehab Improvements: The CDOL will update this line as follows:

Lower Rate (30% PV) – will be the sum of lines 6 and 19 for this column. Higher Rate (70%) – will be the amount entered in line 19 for this column.

Determination of Qualified Basis: This Section will calculate the amount of credit from qualified basis.

21. Applicable Fraction: Enter the Applicable Fraction (also known as low-income occupancy percentage) for Lower Rate and/or Higher Rate Eligible Basis. The Applicable Fraction is the lesser of:

- a. the ratio of the number of low-income units to the total number of units in the building(s); or,
- b. the ratio of the total floor space of the low-income units to the total floor space of all units in the building(s).

22. Qualified Basis by Credit Rate: This line will be calculated by the CDOL by multiplying line 20 by line 21 for Lower Rate and/or Higher Rate Eligible Basis, as applicable.

23. Credit Rate: Enter the applicable tax credit percentage in the lower and/or higher rate box, and then enter the month and year used. Use the applicable Credit Rate in the month and year in which you are submitting the application.

24. Credit Amount from Qualified Basis: The CDOL will calculate this line by multiplying line 22 by line 23 for Lower Rate and/or Higher Rate Eligible Basis, as applicable.

#### **D. Unit Information**

If the project involves both 9% LIHC and SLIHC, this section must be completed for both programs. Select the program you want to work on, then click the 'add' button to the right of the program name.

This section requires you to categorize all units in the building(s) by type (9% LIHC/SLIHC rent-restricted or non-9% LIHC/SLIHC rent restricted), number of bedrooms, unit square footage, and then by the monthly rent for a unit of that size. If there are multiple monthly rents anticipated for units of the same size, you must record them separately.

Type: Choose 9% LIHC/SLIHC rent-restricted or Non-9%LIHC/SLIHC rent-restricted Residential Unit Distribution, 9% LIHC/SLIHC Community Room Only Building, or 9% LIHC/SLIHC CSF Only Building.

Number of Bedrooms: For residential units, enter the number of bedrooms in the unit. Leave blank for Community Room or CSF buildings.

Number of Units: Enter the number of units of this size which will be charged the rent you will enter below.

Rentable Floor Area of Unit (sq. ft.): Enter the total rentable floor area of each unit in square feet for residential units. Leave blank for Community Room or CSF buildings.

Total Rentable Floor Area: This field will be completed by the CDOL by multiplying the number of units by the rentable floor area for these units.

Monthly Rent: Enter the total monthly rent for the residential units. Leave blank for Community Room or CSF buildings.

Tenant Paid Utilities: Enter the cost of utilities to be paid by the tenant for the residential units. Leave blank for Community Room or CSF buildings.

When you have entered the data into all required fields, click 'Submit'. The CDOL will redisplay the data in a grid format with the units you have just entered placed under the appropriate table (9% LIHC/SLIHC Rent-Restricted Unit Distribution or Non-9% LIHC/SLIHC Rent-Restricted Unit Distribution), To add another unit size/rent configuration, click the 'add' button and repeat the steps above. Do this for all residential units in the project.

If you are requesting both 9% LIHC and SLIHC, be sure to complete this section for both Programs. To add unit information for another program, return to Exhibit 9D and select the Program you want to update.

3. Percentage of 9% LIHC/SLIHC units in building(s): This will be calculated by the CDOL.
4. Percentage of 9% LIHC/SLIHC Rentable Floor Area in building(s): This will be calculated by the CDOL.

#### **E. Declaration of Public Subsidies**

This Section must be completed for **each and every 9%** LIHC and/or SLIHC-assisted building that will exist upon project completion, and for both 9% LIHC and SLIHC, if you are requesting both funding sources. In this section, you will identify all Federal, State and local government subsidies, including 9% LIHC and/or SLIHC which will be applied to the project buildings.

Select the Program you want to work on. The CDOL will display a list of buildings that were entered in Exhibit 8 (Site and Building Information). Click the 'add' button for the first building on the list, and provide the following information.

Enter the total number of 9% LIHC/SLIHC-assisted buildings in the project.

Building Address: Enter the building's street address, municipality, and zip code.

Source: Enter the name of the governmental agency administering the program subsidy, for example: HUD or HCR.

Program: Enter the name of the program that will supply the subsidy, for example, HTF or CDBG.

Type: Enter the type of subsidy to be provided, for example: grant, loan, tax exempt bonds, mortgage insurance, negotiable development rights or tax certificates, or rental assistance.

Value: Enter the estimated dollar value or units, then indicate in the box to the right whether the value is in dollars or unit.

Interest Rate: If the subsidy is in the form of a loan, enter the interest rate. Otherwise, click 'Not Applicable'.

Monthly Debt Service: If the subsidy is a loan, enter the monthly debt service. Otherwise, click 'Not Applicable'.

Term: If the subsidy is a loan, enter the loan term. Otherwise, click 'Not Applicable'.

Click the 'Submit' button, and the CDOL will redisplay the information in a grid format. To add another public subsidy, click the 'add' button at the bottom of the page.

When you have added all public subsidies for the building, and if there are multiple buildings, click the 'Display Building List' link on the top right of the page to enter data for another building.

After completing the information for all 9% LIHC/SLIHC-assisted buildings, click the 'Display Building List' link at the top right of the page. Click the 'certify' button to the right of a building, and complete the certification by entering your CDOL password and your title. Repeat for each building. An asterisk will appear next to a certified building. This certification must be completed and submitted at each stage of 9% LIHC/SLIHC processing, including application, allocation, and project completion when applying for issuance of IRS Form 8609 and/or a DTF-625 (SLIHC).

If you have requested both 9% LIHC and SLIHC, return to the Exhibit 9E screen, and make any necessary edits for the program. If the information that was entered for the first program is correct for the second program, then you will only need to certify the building(s). If edits are necessary, complete the edits, and certify the buildings.

If you make changes to any of the building information in Exhibit 9, you will be required to recertify the buildings.

## **Exhibit 10 – 9% LIHC/SLIHC Project Summary**

In instances where both 9% LIHC and SLIHC are being requested in the same project, complete a separate Exhibit 10 for both Programs.

Before completing this Exhibit, please refer to the following resources:

- DHCR’s 9% LIHC Qualified Allocation Plan (QAP);
- Article 2-A of the Public Housing Law (SLIHC Statute);
- New York State Low-Income Housing Tax Credit (SLIHC) Regulation;
- Section 42 of the Internal Revenue Code (IRC), related regulations, and pertinent IRS guidance and rulings for definitions and information on program and project eligibility; and,
- Professional guidance from an experienced tax consultant, attorney, or accountant in preparing this Exhibit and related documentation which may affect tax liability status through the 9% LIHC and/or SLIHC Program.

To begin, click the ‘add’ button to the right of the Program you want to work on.

### **A. Project Details**

1. Enter the number of non-contiguous sites in the project.
2. Enter the number of qualified low-income buildings in the project. (Buildings which have at least one 9% LIHC/SLIHC-eligible unit).
3. The number of residential units in the project will be updated by the CDOL from data previously supplied in the Application.
4. Enter the number of tax credit rent-restricted units in the project. (These are units which are income-eligible under the 9% LIHC and/or SLIHC Programs). You must complete this Exhibit twice when a project includes both 9% LIHC and SLIHC. If so, be sure to enter only the number of rent-restricted units for the specific program.
5. Amount of Qualified Basis (30% PV): This line will be updated by the CDOL using the figure from Exhibit 9C, line 24.
6. Amount of Qualified Basis (70% of PV). This line will be updated by the CDOL using the figure from Exhibit 9C, line 24.
7. The CDOL will update this based on the amount of credit requested in Exhibit 1.
8. The CDOL will update this by dividing Line 7 by Line 4 to arrive at the annual amount of credit per unit.
9. Enter the anticipated per-dollar credit equity price.
10. Enter the anticipated total amount raised from syndication.
11. Enter the net amount from syndication to be provided to the project.

**B. Minimum Set-Aside Election**

Check the applicable minimum set-aside election.

**C. Use of Credit Proceeds**

**Select the program you want to update.**

1. Indicate if the syndication will be public or private.
2. Enter the percentage of ownership to be retained by the developer.
- 3 - 5. Enter the syndicator's name, contact person, and contact person's phone number.
6. Enter the total amount anticipated from syndication.
7. Enter the net amount of the anticipated investor pay-in.
8. Enter the total project syndication costs.
9. Enter the total project partnership expenses.

10. If the investor (equity provider) will provide construction, bridge and/or permanent loans to the project, complete this section by detailing the terms and length of loan for each loan.

**D. Investor Pay-In Schedule**

Select the program you want to update. The screen will be redisplayed. Click the 'add' button.

1. Event: Enter a brief description of the threshold event which must occur to receive each pay-in, for example, 50% construction completion or issuance of a temporary certificate of occupancy.
2. Enter the amount of the pay-in.
3. Enter the projected month and year of the pay-in
4. Enter a brief description of the use of the pay-in (developer fees, construction costs, etc.)

Click 'Submit' and the pay-in information will be displayed in the pay-in schedule at the bottom of the page.

Continue adding pay-in events as needed, using the 'add' button.

If there are multiple tax credit program requests in this Application, click the 'Select Program' link and complete this section for the additional program.

## **Multi-Family Programs Attachment Instructions**

Listed below are the instructions for completing the Application Attachments. The applicant should refer to the **Unified Funding Multi-Family Programs Application Attachments Checklist** to determine which attachments are required for each program.

The applicant should title each attachment, and use letters to label them, as indicated in the **Application Attachments Checklist**. If an Attachment is clearly not applicable, and the CDOL system does not provide the option to “omit” it, the applicant should upload a title page and the words “Not Applicable”.

PLEASE NOTE: The maximum size of an Attachment which can be uploaded to the CDOL is 10 megabytes (MB).

### **Attachments A1 – A6 – Project Readiness**

**Please note, Early Award applicants will need to demonstrate both readiness to proceed to construction within 120 days from award (180 days from award for projects in the City of New York) AND advance one of the State housing goals listed in the UF 2016 RFP. Early Award applicants must also meet higher readiness standards for overall application completeness, funding commitments, local approvals, and other attachment submissions.**

### **Attachment A1 – Evidence of Site Control**

In order for a project to be considered eligible, all applicants must provide evidence of site control for all sites/buildings in the project. Any site control documentation that includes an offer and acceptance such as a contract of sale, option or lease, must be in the name of the Applicant, must be legally binding at the time of application, and must include the signatures of all required parties in order to be considered acceptable documentation of site control. **Any application that does not include proof of site control in one of the following forms may be deemed incomplete and will not be reviewed further.** Acceptable forms of site control, in order of preference, are:

- A deed evidencing ownership by the applicant;
- A title report not more than 90 days old at the time of application submission showing that the applicant holds title;
- A signed contract of sale between the applicant and the property owner which describes the terms and conditions for the conveyance of the title at a designated price during a specific period which is renewable or with a term expiring no less than six months from the date of the application deadline for the funding round;
- A signed option to purchase between the applicant and the property owner which is renewable, or contains a term which continues the option to purchase for at least six months beyond the date of the funding round application deadline. For HOME projects, purchase options must be conditioned on completion of HUD environmental review prior to closing;
- A local Land Disposition Agreement between the project municipality and the applicant;
- A letter from a public agency offering the site(s) to the applicant under specified conditions within a timeframe that is consistent with the information provided in the proposed Development Timetable (Exhibit 6);

- A letter from the New York City Department of Housing Preservation & Development (NYC HPD) to the applicant which specifies an expiration date at least six months beyond the date of the application deadline for the funding round and which clearly matches the property(ies) identified in Exhibit 8 (Site & Building Information) and the project plans. (Please see the NYC HPD Site-Control Guidelines below for more information regarding the use of HPD-owned sites); or,
- A signed lease with a term that is equal to the regulatory period for the applicable program(s) having the applicant as lessee.

**NYC HPD Site-Control Guidelines**

The NYC HPD has provided the following guidelines regarding the use of City-owned sites/buildings by applicants to HCR.

- Site control for City-owned sites must be secured by submitting a request to the NYC HPD through its Request for Proposals/Request for Qualifications (RFP/RFQ) process. Applicants will be required to identify all sources of proposed project financing. Further information on the RFP/RFQ process, including current deadlines, is available at HPD’s website:  
<http://www1.nyc.gov/site/hpd/developers/opportunities.page>
- Successful RFP/RFQ applicants will receive a Negotiations Letter from HPD stating HPD’s intent to commence negotiations with the applicant, and setting forth information on programs and procedures. HPD will notify HCR of the successful applicants.
- NYC HPD Negotiations Letters which are received before the application deadline for the current funding round should be included as Attachment A1. Otherwise, HCR will rely on HPD for information on site control of City-owned properties.

**Attachment A2 – Zoning Compliance**

All applicants must submit documentation from officials of the municipality in which the project is located confirming that the project site is zoned to permit construction of the project as proposed in this application, or that action to receive the required zoning change/variance/approval is in progress and the project is eligible for all necessary zoning changes/variances/approvals. A letter from the project architect stating that the project meets zoning compliance is acceptable documentation. If there is no zoning in the project municipality, submit a statement from the municipality, the project attorney, or the project architect stating this.

**Attachment A3 – Public Approvals**

**Local Approvals:**

Submit documentation that action to receive all applicable public approvals listed below, as well as any other necessary approvals not listed, is in progress and the project is eligible for all pertinent approvals (if the approval(s) was not already obtained). See also, Attachment A6 - Environmental Approvals, for additional attachment requirements.

**Uniform Land Use Review Procedure (ULURP) – NYC Projects Only:** If you indicated in Exhibit 6 (Development Timetable) of this application that the project must undergo ULURP provide documentation and/or

an explanation of steps taken to receive all necessary approvals and documentation that project is eligible to receive such approval(s).

**Urban Development Action Area Program (UDAAP) – NYC Projects Only:** If you indicated in Exhibit 6 (Development Timetable) of this application that the project is seeking a UDAAP designation, submit evidence and/or an explanation of steps taken to achieve this designation.

**Site Plan Approval:** If you indicated in Exhibit 6 (Development Timetable) of this application that the project requires approval of the site plan, submit evidence and/or an explanation of steps taken to receive all necessary approvals.

**Subdivision Approval:** If you indicated in Exhibit 6 (Development Timetable) of this application that the project requires approval of a subdivision submit evidence and/or an explanation of steps taken to receive all necessary approvals and documentation that project is eligible to receive such approval(s).

**Community Board/Planning Board Approval:** If approvals are required from the community board or local planning board submit evidence and/or an explanation of steps taken to receive such approvals and documentation that project is eligible to receive such approval(s).

**Village/Town/City Council Approvals:** If you indicated in Exhibit 6 (Development Timetable) of this application that the project requires approval by a village, city or town council, submit evidence and/or an explanation of steps taken to receive all necessary approvals and documentation that project is eligible to receive such approval(s).

**Payment In Lieu of Taxes (PILOT) or Tax Abatement:** If you indicated in Exhibit 6 (Development Timetable) of this application that the project is seeking a PILOT and/or tax abatement submit evidence and/or an explanation of steps taken to obtain the PILOT or tax abatement and documentation that project is eligible to receive the PILOT and/or tax abatement.

**Utility Hook-Ups:** If the project needs local approvals for utility hook-ups submit evidence and/or an explanation of the steps taken to obtain such approvals and documentation that project is eligible to receive such approval(s).

#### **Other**

**Redevelopment/Restructuring of State or Federally-Assisted Existing Public Housing:** If the project involves redevelopment or restructuring of existing state-assisted public housing units, or Federally-assisted units under the HUD HOPE VI Program, include documentation of any approvals which have been secured from supervisory agencies regarding the restructuring and redevelopment plans. Evidence that a state-assisted project has received all approvals required under the State Public Housing Law will be required by DHCR prior to issuing a carryover allocation, binding agreement or binding commitment for 9% LIHC.

Provide documentation of any other known required public approvals.

#### **Attachment A4 - State Historic Preservation Office (SHPO) Submissions**

Although this is not a required submission for LIHC/SLIHC standalones, it is strongly recommended that Early Award applicants seeking LIHC/SLIHC on a standalone basis consider submission of this Attachment should the Agency use its discretionary authority to provide alternate HTFC funding programs for the project, under which SHPO review is required.

With the exception of 9% LIHC/SLIHC standalone projects, all applicants **must** submit the project for review by SHPO through the Cultural Resource Information System (CRIS) site found here:

<http://www.parks.ny.gov/shpo/online-tools/>

- a. You do not need to “Sign Up Now” and create an account to use CRIS; you can use “Guest” status. If you wish to create an account, please note you must sign up as an individual; CRIS does not handle government or business accounts.
  - b. If you wish to create an account as an individual so that you need not enter contact information with each submittal and to get access to a dashboard of projects, click “Sign Up Now” on the main page to create an individual CRIS account.
2. Once logged in as a Guest or an account has been created, click “Submit” on the top menu bar.
  3. For new submissions, click “Consultation Project.” For projects that have already been submitted for review and need additional review due to changes in the project, click “Submit New Information for an Existing Project.”
  4. Follow the instructions that will lead through the submittal process.
  5. After your submission is completed, print a copy of the Summary Sheet and include that as Attachment A4 to your HTF application.

### **Important**

- On Step 1, set the following as a secondary contact, in addition to any other consultants or persons the project wants to have access to the project review: Heather Spitzberg, 38-40 State Street, Albany, NY 12207, [heather.spitzberg@nyshcr.org](mailto:heather.spitzberg@nyshcr.org)
- On Step 2, set the primary agency as Housing Trust Fund. If applying for funding from any other state entity, add that entity as a secondary agency.
- On Step 3, enter the address where the project will take place. If the project is composed of scattered sites or multiple buildings on individual lots, create a **new submittal** for each building site as **separate** project, even if they are all part of one application for HTF funding. CRIS does not yet allow for multiple project sites in Step 3. Entering each project site separately will make the remaining Steps easier and accelerate your project review. Contact SHPO directly if many project sites need to be entered and SHPO will assist with the process (see email, below).
- Upload **ALL** attachments in **Step 5**. For instance a resource (building) photo is required on Step 4, but this is not the place to upload documents.
- Use the “contact us” and “help” functions in the upper right hand corner of the screen. You can also email [crishelp@parks.ny.gov](mailto:crishelp@parks.ny.gov) for help or to let SHPO know if a batch submission is needed.

### **Attachment A5 – State Environmental Quality Review (SEQR) Submissions**

**Although this is not a required submission for LIHC/SLIHC standalones, it is strongly recommended that**

**Early Award applicants seeking LIHC/SLIHC on a standalone basis consider submission of this Attachment should the Agency use its discretionary authority to provide alternate HTFC funding programs for the project, under which SEQR review is required.**

With the exception of 9% LIHC/SLIHC standalone projects, all applicants **must** attach a copy of the **signed** Short Environmental Assessment Form (EAF) in order to comply with SEQR procedures. A version of this form can be filled out online and then printed for signature. The form can be located at:

[http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seafpartone.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf).

OR

If another entity has assumed the lead agency designation for coordinated review, submit a copy of the EAF Part I submitted to that entity, and any other SEQR documentation from that entity (e.g. Part 2, Negative Declaration of EIS) or indicate when that documentation is expected.

OR

If another entity will be assuming the lead agency designation for coordinated review, have that entity send a Lead Agency Consent request to: Heather Spitzberg, Environmental Analysis Unit, 38-40 State Street, Albany, NY 12207, [heather.spitzberg@nyshcr.org](mailto:heather.spitzberg@nyshcr.org). Attachment A5 should indicate that another entity will be assuming Lead Agency status.

AND

Submit a copy of a Phase 1 Environmental Site Assessments (ESA)/report(s) completed within one year of the application completion deadline and in conformance with the updated ASTM 1527-E13.

### **Attachment A6 - Environmental Approvals**

If your project involves any of the following, you must include documentation that approvals are being sought, or have been obtained:

**Archaeological Survey:** If you indicated in Exhibit 6 (Development Timetable) of this application or the State Historic Preservation Office (SHPO) indicates that the project requires performance of an archaeological survey, submit evidence and/or an explanation of steps taken to have the survey completed.

**Flood Plain/Waterfront/Coastal Zone Approval:** If you indicated in Exhibit 6 (Development Timetable) of this application that the project requires approvals related to flood plains, waterfronts, or coastal zones, submit evidence and/or an explanation of steps taken to receive all necessary approvals including: elevation of buildings in the case of flood plains; wetland/bulkhead permits from the Army Corps of Engineers and/or Department of Conservation for waterfronts; and submittals to the Department of State and Local Waterfront Revitalization Programs in the case of coastal zones.

**State Pollutant Discharge Elimination System (SPDES) Permit/SPDES General Stormwater Permit:** If you indicated in Exhibit 6 (Development Timetable) of this application that the project requires a SPDES Permit or a SPDES General Stormwater Permit, submit evidence and/or an explanation of steps taken to obtain the permit. Information and forms can be found at: <http://www.dec.ny.gov/chemical/8468.html>

**National Parks Service (NPS):** If you indicated in Exhibit 6 (Development Timetable) of this application that the project requires approval from the NPS regarding historic designation, it is highly recommended that a fully

executed Part 1 form is submitted.

### **Attachments B1 – B10 and B13 – Project Design/Construction & Site Suitability**

**Please note, Early Award applicants will need to demonstrate both readiness to proceed to construction within 120 days from award (180 days for Early Award applicants in NYC) AND advance one of the Early Award State housing goals listed in the UF 2016 RFP. Early Award applicants must also meet higher readiness standards for overall application completeness, funding commitments, local approvals, and other attachment submissions.**

#### **Attachment B1- Outline Specifications**

The applicant must submit the fillable Attachment B1 – Outline Specifications form, and may also submit an additional outline specification based on the Construction Specification Institute’s (CSI) format division of work items, which must list and describe all work to be performed and the type of materials to be provided.

Specifications for projects requesting funding from all HCR Programs must be prepared by an architect or an engineer licensed to practice in New York State.

#### **Attachment B2 – Construction Cost Estimates**

The applicant must submit the fillable Attachment B2 – Construction Cost Estimates form. The estimate must be prepared by a cost estimator consultant or builder.

If the project is made up of multiple buildings and/or sites with variable scopes of work, a separate construction cost estimate for each building/site must be submitted.

If you indicated that Davis-Bacon wage rates are required for the project in Exhibit 3A.2. Construction Costs Basis, the DBA worksheet and DBA SUM tabs must be completed.

#### **Attachment B3 – Preliminary Plans**

All applicants must submit the following preliminary design documents. If the proposed projects consist of multiple buildings or sites, separate design documents for each must be submitted, unless noted otherwise. However, only one set of documents is required when multiple buildings are identical. In such cases, identify the buildings and the number of each on the applicable design documents. Design documents are to be submitted in Adobe PDF format with the on-line application and prepared by an architect or engineer licensed to practice in New York State. Additional drawing types, such as full building sections may be submitted if required to convey the proposed design. All drawings are to be of sufficient scale, resolution and clarity to be easily read on a standard computer screen. Illegible drawings will be rejected and will result in a termination of the review. Drawing files are to be saved in a format to print on a maximum drawing sheet size of 24 by 36 inches. Projects requesting UI or RARP funding only may provide preliminary design documents prepared by a non-licensed building professional.

##### **A. Neighborhood Plan:**

1. Provide a neighborhood plan(s) to identify the location of the subject site(s) in the greater neighborhood;
2. Use a north arrow;
3. Identify all sites and buildings with the same designations used on the other plans;
4. The neighborhood plan shall include a large enough area to sufficiently show all of the properties and land uses that have an impact on the subject site(s).
5. For multi-site projects, separate neighborhood plans may only be used where the subject sites are

- located in separate geographical areas;
6. Identify the uses of surrounding properties;
  7. Identify abandoned buildings and vacant properties;
  8. Identify by name major buildings and land uses;
  9. Indicate parks, schools, recreational areas, and commercial districts;
  10. Indicate major roads, highways, railroads, waterways, etc.; and,
  11. Indicate the approximate boundaries of wetlands, floodplains and floodways.

#### **B. Site Plan:**

1. Draw site plan and floor plans in the same orientation;
2. Use a North arrow;
3. Show existing locations of building(s); roadway(s), parking area(s), utilities, plantings, etc.;
4. Show existing site restrictions including set-backs; rights of way, boundary lines, etc.;
5. Show all proposed changes to building(s) roadway(s), parking, utilities, plantings, etc.;
6. Show zoning classification;
7. New York City projects must include zoning calculations;
8. Show notations of all new and existing materials;
9. Show existing and proposed site slopes and approximate grade elevations; and,
10. Show boundaries of any unusual site features, i.e.: 100 year flood plain, wetlands, bedrock outcroppings, etc.

#### **C. Floor Plan(s):**

1. Draw floor plans and site plan in the same orientation;
2. Use a North arrow;
3. Show all proposed changes to building components identifying removals and new construction;
4. Show room/space designation and typical furniture layout;
5. Provide a building code analysis indicating:
  - Occupancy classification
  - Construction type
  - Required set-backs
  - Fire area requirements
  - Tenant and other fire rated separation requirements
  - Exiting requirements
  - Fire Protection systems
6. Show building construction classification;
7. Show fire area allowances;
8. New York City projects must indicate which code and chapter the project is designed under;
9. Show gross building square footage and gross dwelling unit square footage;
10. Show general notes identifying all new and existing materials;
11. Show any deviations that were allowed by an official code variance;
12. In large buildings, include overall building plans at a smaller scale and individual apartment plans at a larger scale; and,
13. Indicate fire rated assemblies.

#### **D. Elevations**

1. Show existing elevations of buildings (if applicable);

2. Show all new conditions of building exteriors;
3. Show general notes identifying all existing and new materials;
4. Show overall building height dimensions; and,
5. Show finished floor height dimensions.

#### **E. Exterior Wall Section**

1. Show construction system(s);
2. Show ceiling heights;
3. Show window heights (and floor to sill heights); and,
4. Indicate insulation R value.

#### **Attachment B4 – Site Photographs**

Provide six color photographs of the site and a site plan with arrows that indicate where the photographer was standing as follows:

1. facing the front of the site;
2. facing the rear of the site;
3. a view from the site looking east;
4. a view from the site looking west;
5. a view from the site looking north; and,
6. a view from the site looking south.

#### **Attachment B5 – Map of Primary Service Area**

This attachment is required for all applications. Attach a map of the project neighborhood. Identify the project site as well as necessary services located within one-half mile of the site, such as: retail stores, schools, bus/subway lines, municipal services, libraries, pharmacies, and health facilities. In addition, identify the locations of any nearby recent capital investments and other low-income housing projects.

#### **Attachment B6 – Physical Needs Assessment**

Applicants requesting standalone 9% LIHC or SLIHC funding for the moderate rehabilitation of an existing structure must complete and submit the Physical Needs Assessment. **This document does not apply to new construction or substantial rehabilitation projects.** This attachment is comprised of two Sections: Part A – Project Information/Credit Recipient Certification and Part B – Architect/Engineering Firm Certification.

#### **Attachment B7 – Energy Efficiency Strategy Documentation**

Attach the Energy Efficiency Strategy documentation that is to be utilized for the project, as indicated in the UF 2016 RFP.

#### **Attachment B8 - Energy Efficiency & Green Building Program Construction Cost Documentation**

All applicants must submit the fillable Attachment B8 – Energy Efficiency & Green Building Program Construction Costs form.

#### **Attachment B9 – Green Building Program Documentation**

Applicants choosing to participate in one of the optional Green Building Programs must submit the

documentation for the chosen program as indicated in the UF 2016 RFP.

### **Attachment B10 - Visitable, Accessible and Fully Adapted Units**

Applicants must submit the fillable Visitable, Accessible and Fully Adapted Units questionnaire for each project building. If **all** buildings in the project have the same number of units, unit configuration and elevator status, a summary sheet showing the **project totals** may be submitted in lieu of separate questionnaires.

Following the fillable questionnaire, applicants must include documentation that:

1. there is sufficient demand for the number and type of units proposed by eligible households with at least one person who is mobility-, hearing- or vision-impaired;
2. the applicant has entered into written agreement with a service organization(s) experienced in serving the needs of persons with mobility, hearing, and/or vision impairments to refer to the project a sufficient number of prospective tenants requiring fully accessible and adapted, move-in ready units.

### **Attachment B13 – HTFC Physical Needs Assessment/Life Cycle Analysis/ Replacement Reserve Cash Flow Analysis**

Applicants requesting funding from HTFC, including requests that also include 9% LIHC or SLIHC in addition to the HTFC funding, for the moderate rehabilitation of an existing structure must complete and submit Attachment B13. **This document does not apply to new construction or substantial rehabilitation projects.** The instructions for this attachment are located on the fillable forms provided.

### **Attachment C1-C3 – Community Impact/Revitalization and Market Demand**

**Please note, Early Award applicants will need to demonstrate both readiness to proceed to construction within 120 days from award (180 days from award in the City of New York) AND advance one of the Early Award State housing goals listed in the UF 2016 RFP. Early Award applicants must also meet higher readiness standards for overall application completeness, funding commitments, local approvals, and other attachment submissions.**

### **Attachment C1 – Community Impact/Revitalization Support Documentation**

**Local Planning Documents Identifying Need in the Community:** For each planning document identified in Exhibit 2, Table 2A (Documentation of Community/Housing Needs) of this application, submit only those document pages which are relevant to the existence of community needs, and/or which demonstrate a direct relationship to the project's impact on those needs. Clearly identify each planning document submitted.

**DO NOT attach the New York State Consolidated Plan.**

**Evidence of Local Support:** Submit documentation that demonstrates local support for the project, such as copies of letters from local officials and/or the pertinent Regional Economic Development Council explaining the project's relationship to the community's affordable housing needs, or detailing local actions that have been taken or will be taken in support of the project.

### **Attachment C2 – Market Demand**

Applicants must provide a professional market study or, in some instances, a market analysis. **Applications that do not include a market study or market analysis as described below will be deemed incomplete and will not be reviewed further. Please see the HCR Market Study Content Guidelines, Section 5 of the CPM, for specific market analysis and market study submission requirements.** Professional market studies must be prepared by a

market analyst firm which has been pre-qualified by HCR in accordance with the guidelines detailed in the CPM. A listing of pre-qualified market analysts can be found on the HCR website at:

[www.nyshcr.org/Funding/UnifiedFundingMaterials/2016/PreQualifiedMarketAnalystsList.pdf](http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2016/PreQualifiedMarketAnalystsList.pdf)

#### 9% LIHC/SLIHC Projects

**All** applications for projects requesting 9% LIHC or SLIHC must include a professional market study prepared by a HCR pre-qualified market analyst or, in the case of projects located in the City of New York, a market analysis utilizing data from the most recent New York City Rent Guidelines Board Report “Housing NYC: Rents, Markets and Trends.” Professional market studies must be accompanied by a signed statement from the preparer certifying that the study complies with the CPM requirements, and that no identity of interest exists between the preparer and the developer or owner of the project.

#### Projects over 15 units

Any new construction project of over 15 units will require the submission of a **professional market study** or in the case of projects in the City of New York, a market analysis utilizing data from the **most recent** New York City Rent Guidelines Board Report.

HTF and/or HOME stand-alone preservation projects located outside of the City of New York involving the rehabilitation of existing, occupied housing may submit a **market analysis** rather than a professional market study, if the project’s average occupancy for the twelve months prior to application submission is **90%** or greater. (Such projects located in the City of New York may submit a market analysis regardless of the occupancy level.) HTF/HOME preservation project applications must include documentation of the project’s most current monthly rent roll, two year project occupancy history, and income-qualified waitlist in the application Attachment D-5, “Preservation Project Information.” If the project’s average occupancy for the twelve months prior to application is below 90% a professional market study is required.

#### Projects of 15 units or less

All projects of 15 units or less may submit a **market analysis**. For projects involving the preservation of existing, occupied housing, the application must **include** documentation of the project’s most current monthly rent roll, two year project occupancy history, and income-qualified wait list in the application Attachment D-5, “Preservation Project Information.” If the project occupancy rate is below 90%, the analysis must address the probable cause(s) of the vacancy problem, and how the proposed rehabilitation will improve occupancy levels.

#### Co-operative and Condominium Projects

All projects proposing the construction of a co-operative or a condominium will require the submission of a professional market study demonstrating that a market exists for the proposed project.

### **Attachment C3 – Public Housing/Section 8 Waiting List/Referral Documentation**

Applicants seeking potential 9% LIHC scoring points under Section 2040.3(f) of the QAP, or SLIHC scoring points under Section D of the SLIHC Regulation, and who have an agreement to market the completed units to a public housing authority or any other entity that maintains a Public Housing waiting list for subsidized housing, should submit the agreement as Attachment C3. Consistent with HUD regulations, in the selection of tenants, the project may not establish or provide a preference to persons on Housing Choice Voucher Program waiting lists or Housing Choice Voucher holders. Submission is optional, but advisable.

### **Attachments D1-D3, D5, and D7 – Project Underwriting**

**Please note, Early Award applicants will need to demonstrate both readiness to proceed to construction within 120 days from award (180 days from award in the City of New York) AND advance one of the State housing goals listed in the UF 2016 RFP. Early Award applicants must also meet higher readiness standards for overall**

**application completeness, funding commitments, local approvals, and other attachment submissions.**

### **Attachment D1 – Appraisal**

For non-HOME projects, appraisals are required for any individual site with acquisition costs of more than \$100,000. Appraisals are required for **ALL** HOME-funded projects regardless of acquisition cost. If the acquisition costs of a site exceed \$250,000, two appraisals may be required. An appraisal will also be required regardless of the acquisition costs if there is an identity of interest between project participants and the seller.

Refer to Section 5 of the CPM for more information on appraisals.

### **Attachment D2 – Operating Budget Documentation**

The following items must be submitted as Attachment D2:

1. documentation of expected utility expenses from either the project architect or the energy consultant;
2. documentation for any tenant-paid utilities;
3. a quotation from an insurance agent/company for all required insurance items,
4. evidence of any tax abatement or payment-in-lieu-of-taxes (PILOT) agreement proposed or approved by the municipality having jurisdiction over the project. Evidence must include a letter from the municipality's tax assessment office, indicating the nature and duration of the proposed tax relief, the method used for determining valuation, the estimated full taxes on the completed project, the estimated percentage of relief, and the status of the relief (under review, approval pending, approved, as-of-right, etc.), and,
5. any line item in Exhibit 5 which is provided by an outside vendor.

If no tax abatement/exemption is to be granted, submit an estimate of the taxes from the local tax assessor's office. If supporting documentation for this attachment exists elsewhere in the application, cite that location.

Applicants for projects in New York City must submit evidence that their proposals are eligible for consideration under an applicable New York City tax abatement program.

Section 581A of the New York State Real Property Tax Law requires assessors to assess affordable housing projects under the income approach method, excluding tax credits, subsidized mortgage financing and project grants. This law was intended to benefit applicants and owners outside of New York City. Applicants with projects which could benefit from this statute should review the documentation on the HCR website which provides additional details on the provisions of the law and the process which applicants can follow to seek benefits under this law.

Refer to Section 5 of the CPM for further information on expense documentation.

### **Attachment D3 – Funding Commitments**

If funding from sources other than HCR is necessary, you must submit evidence that each source is interested in providing construction and/or permanent funding or rental assistance for the project. Be sure to submit letters from funding sources for each type of development budget included in the project (residential, community service facility, commercial and/or community space). Applicants proposing mixed-use buildings should

refer to Section 5 of the CPM for additional information.

Early Award applications must provide documentation of firm financing commitments to the greatest extent possible in order to demonstrate the project's ability to proceed to construction within 120 days of award (180 days from award in the City of New York). At a minimum the Early Award application must provide evidence that in the case of governmental funding sources, including Federal Home Loan Bank awards, the funds have been applied for, and there is reasonable expectation that the funding will be in place by March 31, 2017 (by May 30, 2017 for such projects in the City of New York). In the case of conventional financing sources, the Early Award application will be evaluated based upon the documented level of commitment with preference for firm commitments.

In the case of Standard Round project applications, firm commitments are encouraged (and may provide a competitive scoring advantage), but you may submit letters of interest. Also provide documentation of any funding applications already submitted. If a construction lender is willing to enter into a loan participation agreement for the purposes of administering the construction financing, the commitment letter should indicate that. If the application contains supporting information for this attachment, cite the location.

### **Attachment D5 – Occupied Project Information**

For preservation projects, the entire D5 attachment must be completed, including the current project rent roll schedule, the two year occupancy history of the project (including whether any units have been vacated in the past 6 months), the current waitlist of income qualified households, the current Regulatory Agreement Information, and the current debt associated with the property. There are further instructions contained in each tab of the Attachment. Please note, due to further guidance from HUD, tenant names are not required on this form.

For non-preservation projects which are occupied, complete and submit the Current Project Rent Roll/Rent Schedule for each tenant/unit in occupied residential and/or non-residential buildings.

If any of the proposed buildings in the project are occupied by either residential or non-residential tenants at the time of application submission, and work will be performed in, or adjacent to, the occupied units, you **must also** submit a tenant relocation plan as part of this Attachment even if the anticipated duration of the relocation is brief. The plan should include details of the relocation, including but not limited to, the number of tenants to be relocated by bedroom size; the date relocation will commence and how long it will last; identification of any third parties involved and their role in the relocation; a description of the facilities tenants will be relocated to; and, disclosure of any costs (including storage) that tenants will incur as a result of the relocation.

If NYS HTF funds are being requested to demolish, rehabilitate or acquire an occupied rental property (either residential or non-residential), only temporary relocation expenses are eligible costs under the HTF Program. For HTF projects which propose conversion of a vacant- or underutilized- property, please see the guidance on such activities provided in Section 2 of the CPM. This information should be included in Attachment F9 – Proposal Summary.

If NYS HOME funds are being requested to demolish, rehabilitate, or acquire an occupied rental property (either residential or non-residential), see the Occupied HOME Project section below for guidance on using HOME funds in occupied buildings.

### **Occupied HOME Projects**

#### **Relocation Notices**

An application considering acquisition, rehabilitation, or demolition of an occupied (residential and/or non-

residential) property with HOME funds must provide a list of displaced and non-displaced tenants. Submit copies of the General Information Notice that was provided to all occupants prior to the date of the Initiation of Negotiations (defined as the date of the execution of the agreement covering the acquisition, rehabilitation, or demolition). Examples of the required General Information Notices can be found in HUD Handbook 1378, Tenant Assistance, Relocation, and Real Property Acquisition (Appendix 2 – 4 as applicable).

PLEASE NOTE: Multiple General Information Notices may be required once it is determined which tenants will be displaced and which will not be displaced. Multi-phased projects must carefully consider the requirements of the URA, in particular the definition of the Initiation of Negotiations.

Tenants must also receive a 90 day notice to vacate for those persons who will be displaced. Tenants cannot be required to move unless they have received at least 90 days written notice of the earliest move-out date. The notice must state either the exact move out date, or the earliest possible date followed by a 30 day notice with the exact move out date. Tenants can only be required to move in less than 90 days for extreme health and safety reasons. Examples of the notices can be found in HUD Handbook 1378 (Appendix 25 – 26 as applicable).

All notices must be hand delivered or sent certified mail, return receipt requested; written in plain, easy-to-read format; understandable by the tenant; and must include a phone number for tenants to call for assistance.

At no point can a subrecipient compel affected tenants to sign releases constituting a waiver of rights and benefits.

#### Certification of Legal Residency

Applicants for HOME funding should note that each person seeking relocation payments or relocation advisory assistance must, as a condition of eligibility, certify:

- (i) in the case of an individual, that he or she is either a citizen or national of the United States, or an alien who is lawfully present in the United States,
- (ii) if a family, each family member is a citizen or national of the U.S., or an alien who is lawfully present in the U.S. – the certification may be made by the head of the household,
- (iii) if an unincorporated business, farm, or non-profit organization, each owner is a citizen or national of the U.S, or lawfully present alien in the U.S. – the certification may be made by the principal owner, manager, or operating officer on behalf of other persons with an ownership interest, and that the entity is authorized to conduct business within the U.S.

No relocation payments or relocation advisory assistance shall be provided to a person who has not provided the certification described above, or who has been determined to be not lawfully present in the U.S., unless the person can demonstrate to the HOME recipient that the denial of relocation assistance will result in an exceptional and extremely unusual hardship to the person's spouse, parent, or child who is a citizen of the U.S or is an alien lawfully admitted for permanent residence in the U.S. Additional certification-of-residency requirements are listed in the URA 49 CFR 24.208. See HUD Handbook 1378 Appendix 11, "Residential Claim for Moving and Related Expenses," which is the form that needs to be completed prior to receipt of the persons benefits. Said form should be completed by the displaced and non-displaced persons and returned to the project developer with supporting documentation and submitted to HCR prior to receipt of a Funding Commitment Letter (FCL).

#### Voluntary Acquisition

In general, if HOME funds are being used for acquisition, the acquisition must be voluntary in nature per 49 CFR 24.101(b)(1)-(5). The requirements for voluntary acquisition state that:

- no specific site or property needs to be acquired;
- the property to be acquired is not part of an intended, planned or designated project area where all or substantially all of the property within the area is to be acquired within specific time limits;
- the project developer will not acquire the property if negotiations fail to result in an amicable agreement, and the owner is so informed in writing prior to the project developer making an offer;
- inform the owner in writing of what the project developer believes the market value of the property to be (see sample letter to owner in HUD Handbook 1378, Appendix 32);

For acquisitions for programs or projects undertaken by an Agency or person that received Federal financial assistance but does not have authority to acquire property by eminent domain, the following requirements as noted in URA regulations 24.102(b)(2)(i) and (ii) must be documented:

- Prior to making an offer for the property, clearly advise the owner that it is unable to acquire the property if negotiations fail to result in an agreement; and,
- Inform the owner in writing of what it believes to be the market value of the property (See Appendix A, Section 24.101(b)(1)(iv) and (2)(ii)). (See sample letter to owner in HUD Handbook 1378, Appendix 31).

Other acquisition which may be deemed voluntary include:

- the acquisition of real property by a cooperative from a person who, as a condition of membership in the cooperative, has agreed to provide without charge any real property that is needed by the cooperative; and,
- a third party appraisal is required to support the finding that the purchase price is a fair price prior to sale.

A third party appraisal is required to support the finding that the purchase price is a fair price prior to sale. Examples of the acquisition checklist can be found in HUD Handbook 1378 (Appendix 24). If you are operating a home buyer program, bear in mind that even the owner occupant or tenant of the house being purchase with HOME funds is entitled to a notice that Federal funds are being used in the purchase transaction. The required notice must note the buyer's estimate of Fair Market Value, the voluntary nature of the acquisition and that owner occupants, if any, are ineligible for relocation benefits. NOTE: tenants in such houses must be provided relocation benefits if they are displaced. Examples of the required notice can be found in HUD Handbook 1378 (Appendix 31).

### Recordkeeping

A record of contacts with affected persons must be maintained. All records to demonstrate compliance with applicable laws, regulations, local housing and occupancy codes must be maintained. The Awardees of the HOME funding must maintain all records regarding acquisition and relocation actions and such records must be available for inspection by HCR or a HUD regional representative. All pertinent records shall be retained for the period specified in the applicable program regulations, but no less than three (3) years after the latest of:

- 1) The date by which all payments have been received by persons displaced for the project and all payments for the acquisition of the real property have been received;
- 2) The date the project has been completed;
- 3) The date by which all issues resulting from litigation, negotiation, audit, or other action (e.g., civil rights compliance) have been resolved and final action taken; or
- 4) For real property acquired with HUD funds, the date of final disposition (see 24 CFR 84.53 and 85.42).

A list of minimum records to be maintained may be found in HUD Handbook 1378 Chapter 6.

## **Attachment D7 – Fixed Income Worksheet**

Use this worksheet ONLY if there is fixed ancillary income indicated in Exhibit 5, Table A1.c. See instructions in the worksheet.

## **Attachment D8 – Historic and Brownfields Tax Credit Worksheet**

This attachment contains both the Brownfield Redevelopment Tax Credit Worksheet (BRTC) and the Federal/NYS Historic Tax Credit Worksheet (HC). The BRTC attachment must be completed by all applicants proposing the use of BRTC's. Likewise, the HC Worksheet attachment must be completed by all applicants proposing the use of HC's. Select either the Brownfield or Historic tab on the worksheet in order to complete proper section.

### **Brownfield Redevelopment Tax Credit Worksheet**

The BRTC consists of the sum of three credit components – the site preparation credit component, the on-site groundwater remediation credit component, and the tangible property credit component.

**Line 5** - Enter the Brownfield site identifying information, including the date of execution of the Brownfield Cleanup Agreement.

**Line 6** - Indicate whether the site is located in an Environmental Zone (EN-ZONE). An environmental zone (EN-Zone) is an area designated by the Commissioner of Labor. An EN-Zone is a census tract that meets the conditions under **either** A or B below:

- a) Areas that have both:
  - a poverty rate of at least 20% based on the most recent five-year American Community Survey; and
  - an unemployment rate of at least 1.25 times the statewide unemployment rate based on the most recent five-year American Community Survey; or
- b) Areas that have a poverty rate of at least two times the poverty rate for the county in which the areas are located based on the most recent five-year American Community Survey. This designation will be made and a list of all EN-Zones will be established by the Commissioner of Labor based on the 2009 through 2013 American Community Survey estimate. The determination of whether a site is located in an EN-Zone is based on the date the DEC issued a notice to the taxpayer that its request for participation in the Brownfield Cleanup Program was completed.

**Line 8** - Indicate whether the site is located in a Brownfield Opportunity Area as evidenced by notification from the Department of State. Submit supporting documentation in Attachment F9 – Proposal Summary.

### ***Computation of Site Preparation Credit Component***

The site preparation credit component for site preparation costs which were paid or incurred on or after the execution date of the Brownfield Credit Agreement (BCA) and up to the date of the Certificate of Completion (COC) is issued to prepare a site to qualify for the COC is allowed for the tax year in which the effective date of the COC occurs. The site preparation credit component for all other qualifying site preparation costs is allowed for the tax year in which the improvement to which the costs apply is placed in service for up to five tax years after the COC has been issued. Site preparation costs are all amounts properly chargeable to a capital account that are necessary to implement a site's investigation, remediation, or qualification for a COC. Site preparation includes all costs paid or incurred within 60 days after the last day of the tax year in which the COC is issued that are necessary for compliance with the COC and subsequent modifications thereof, or the remedial program defined in such COC including but not limited to institutional controls, engineering controls, an approved site management plan, and an

environmental easement with respect to the qualified site. Site preparation costs does not include the costs of foundation systems that exceed the cover system requirements in the regulations applicable to the qualified site.

Site preparation costs include the costs of:

- excavation;
- demolition;
- activities undertaken under the oversight of the Department of Labor or in accordance with standards established by the Department of Health to remediate and dispose of regulated materials including asbestos, lead, or polychlorinated biphenyls;
- environmental consulting;
- engineering;
- legal costs;
- transportation, disposal, treatment, or containment of contaminated soil;
- remediation measures taken to address contaminated soil vapor;
- cover systems consistent with applicable regulations;
- physical support of excavation;
- dewatering and other work to facilitate or enable remediation activities;
- cover systems consistent with applicable regulations;
- sheeting, shoring, and other engineering controls required to prevent off-site migration of contamination from the qualified site or migrating onto the qualified site; and,
- the costs of fencing, temporary electric wiring, scaffolding, and security facilities **until** the time the COC is issued.

Line 13 – Indicate which clean up track is being pursued (e.g. Track 1, 2, 3, or 4).

Line 14-24 - Provide the site preparation costs along with the date the costs were incurred.

Line 27 – Enter the percentage from the COC issued for this qualified site.

Line 28 – The spreadsheet will total the site preparation credit component.

#### *Computation of on-site groundwater remediation credit component*

On-site groundwater remediation costs paid or incurred by the taxpayer with respect to a qualified site only include costs paid or incurred on or after the execution date of the BCA. Costs incurred **and** paid on or after the execution date of the BCA and up to the date on which the COC is issued are allowed for the tax year the COC is issued. For up to five tax years after the COC was issued, the on-site groundwater remediation component is allowed for the tax year the qualified costs were both incurred **and** paid. On-site groundwater remediation costs are all amounts properly chargeable to a capital account, that are paid or incurred and that are necessary to implement a site's groundwater investigation, remediation, or qualification for a COC not already covered under site preparation costs. On-site groundwater remediation costs include all costs paid or incurred within 60 months after the last day of the tax year in which the COC is issued that are necessary for compliance with the COC or subsequent modifications thereof, or the groundwater remedial program defined in such COC including but not limited to institutional controls, engineering controls, an approved site management plan specific to on-site groundwater remediation, and an environmental easement with respect to the qualified site. Costs **do not** include those amounts that were included in the site preparation component or the tangible property component.

On-site groundwater remediation costs include costs of:

- environmental consulting;
- engineering;
- legal costs;
- transportation, disposal, treatment, or containment of contaminated groundwater;

- sheeting, shoring, and other engineering controls required to prevent off-site migration of groundwater contamination from the qualified site or migrating onto the qualified site; and
- the costs of fencing, temporary electric wiring, and security facilities **until** the time the COC is issued.

Lines 31-36 - Provide the on-site groundwater remediation cost along with the dates the costs were incurred.

Line 38 – Enter the percentage from the COC for this qualified site.

Line 39 – The spreadsheet will calculate the on-site groundwater remediation credit component.

*Computation of tangible property credit component*

The tangible property credit component is allowed for the tax year in which qualified tangible property is first placed in service on a qualified site for which a COC has been issued to the taxpayer, or for the tax year in which the COC is issued if the qualified tangible property is placed in service prior to the issuance of the COC. This credit component is allowed for up to 120 months after such COC was issued. Eligible costs for the tangible property credit component are limited to costs for tangible property that has a depreciable life for federal income tax purposes of 15 years or more, costs associated with demolition and excavation on the site and the foundation of any buildings constructed as part of the site cover that are not properly included in the site preparation component and costs associated with non-portable equipment, machinery, and associated fixtures and appurtenances used exclusively on the site, whether or not the property has a depreciable life for federal income tax purposes of 15 years or more. With respect to any qualified site that is eligible for the tangible property credit component because it is an affordable housing project pursuant to ECL, section 27-1407, subdivision 1-a, the portion of eligible costs to be included in the calculation of the tangible property credit component will be determined by multiplying the total costs qualified for the tangible property credit component by a fraction, the numerator of which is the square footage of space of the affordable housing units dedicated to residential occupancy and the denominator of which shall be the total square footage of the building. The tangible property credit component is equal to the applicable percentage of the cost or other basis for federal income tax purposes of tangible personal property and other tangible property, including buildings and structural components of buildings, which constitute qualified tangible property and may include any related party service fee paid; provided that in determining the cost or other basis of such property, the taxpayer excludes the acquisition cost of any item of property with respect to which a credit was allowable to another taxpayer.

Qualified tangible property is property that meets all of the conditions under **either** A or B below.

A. The property:

- is depreciable under Internal Revenue Code (IRC) Section 167;
- has a useful life of four years or more;
- is acquired by purchase under IRC section 179(d);
- is located on a qualified site in this state; and
- is principally used by the taxpayer for industrial, commercial, recreational, or environmental conservation purposes (including the commercial development of residential housing).

B. **Or**, the property

- is, or when occupied becomes, part of a dwelling whose primary ownership structure is covered under Real Property Law Article 9-B, or meets the requirement of IRC section 216(b)(1); or is part of an affordable housing project as defined in ECL, section 27-1405, subdivision 29, where units are sold as single family homes or multiple family dwellings;
- is acquired by purchase under IRC section 179(d); and
- is located on a qualified site in this state.

For purposes of this credit, property qualifying under B is deemed to be qualified tangible property and is deemed to

have been placed in service when a certificate of occupancy is issued for the property.

**Note:** Property used to qualify for this credit may not be used as qualifying property for the investment tax credit (ITC) or the empire zone investment tax credit (EZ-ITC).

Line 42 - Provide the costs of the qualified tangible property along with the date the costs were incurred.

Line 44 – Enter the percentage from the COC for this qualified site.

Line 45 – The spreadsheet will calculate the tentative tangible property credit component. The applicable percentage of the tangible property credit component can be increased by 5% from the COC percentage if the qualified site is being developed as affordable housing as defined in ECL section 27-1405.

Line 46 - Enter the lesser of \$35 million or three times the costs included in the calculation of the site preparation credit component and the on-site groundwater remediation credit component for the qualified site. If the qualified site is to be used primarily for manufacturing activities, enter the lesser of \$45 million or six times the costs included in the calculation of the site preparation credit component and the on-site groundwater remediation credit component. When calculating the limitation, include costs from the current tax year, all prior years and costs that would have been included in the calculation of such components if not treated as an expense and deducted pursuant to IRC section 198.

Line 47 – Subtract all tangible property credit component amounts claimed in prior tax years for the qualified site from the amount on line 45 and enter the result. This is the maximum tangible property credit component available to claim in the current tax year for the qualified site.

Line 48 – Enter the lesser of line 45 or line 47.

Line 49 – The spreadsheet will calculate the brownfield redevelopment tax credit.

Line 50 – Enter the Brownfield Redevelopment Tax Credit Pay-in if applicable.

Line 51 – The spreadsheet will calculate the total Brownfield Redevelopment Tax Credit based upon the pay-in entered in Line 50. This figure should match the total Brownfield Redevelopment Tax Credits shown in Exhibit 3, Development Budget.

Line 52 – Describe how the Brownfield Redevelopment Tax Credits will enter the project.

#### Federal/NYS Historic Credit Worksheet

This attachment must be completed by all applicants contemplating the use of HC's. To be a qualified rehabilitated building, your building must meet all five of the following requirements.

- 1) The building must have been placed in service (see requirement four) prior to 1936 unless it is a certified historic structure. A certified historic structure is any building (a) listed in the National Register of Historic Places, or (b) located in a registered historic district (as defined in section 47(c)(3)(B)) and certified by the Secretary of the Interior as being of historic significance to the district. Certification requests are made through your State Historic Preservation Officer on National Park Service (NPS) Form 10-168a, Historic Preservation Certification Application. The request for certification should be made prior to physical work beginning on the building.

- 2) The building must be substantially rehabilitated. A building is considered substantially rehabilitated if your qualified rehabilitation expenditures during a self-selected 24-month period that ends with or within your tax year are more than the greater of \$5,000 or your adjusted basis in the building and its structural components. Figure adjusted basis on the first day of the 24-month period or the first day of your holding period, whichever is later. If you are rehabilitating the building in phases under a written architectural plan and specifications that were completed before the rehabilitation began, substitute "60-month period" for "24-month period."
- 3) Depreciation must be allowable with respect to the building. Depreciation isn't allowable if the building is permanently retired from service. If the building is damaged, it isn't considered permanently retired from service where the taxpayer repairs and restores the building and returns it to actual service within a reasonable period of time.
- 4) The building must have been placed in service before the beginning of rehabilitation. This requirement is met if the building was placed in service by any person at any time before the rehabilitation began.
- 5) For a building other than a certified historic structure (a) at least 75% of the external walls must be retained with 50% or more kept in place as external walls, and (b) at least 75% of the existing internal structural framework of the building must be retained in place.

To be qualified rehabilitation expenditures, your expenditures must meet all six of the following requirements:

- 1) The expenditures must be for (a) nonresidential rental property, (b) residential rental property (but only if a certified historic structure - see Regulations section 1.48-1(h)), or (c) real property that has a class life of more than 12 years.
- 2) The expenditures must be incurred in connection with the rehabilitation of a qualified rehabilitated building.
- 3) The expenditures must be capitalized and depreciated using the straight line method.
- 4) The expenditures can't include the costs of acquiring or enlarging any building.
- 5) If the expenditures are in connection with the rehabilitation of a certified historic structure or a building in a registered historic district, the rehabilitation must be certified by the Secretary of the Interior as being consistent with the historic character of the property or district in which the property is located. This requirement doesn't apply to a building in a registered historic district if (a) the building isn't a certified historic structure, (b) the Secretary of the Interior certifies that the building isn't of historic significance to the district, and (c) if the certification in (b) occurs after the rehabilitation began, the taxpayer certifies in good faith that he or she wasn't aware of that certification requirement at the time the rehabilitation began.
- 6) The expenditures can't include any costs allocable to the part of the property that is (or may reasonably be expected to be) tax-exempt use property (as defined in section 168(h) except that "50 percent" shall be substituted for "35 percent" in paragraph (1)(B)(iii)).

Line 4 – Enter the address of the certified historic structure.

Line 5 – Enter the National Parks Service Project Number.

Line 6 – Enter the date of project completion.

Line 10 – 17 – Enter the amount of the qualified rehabilitation expenditures per line item along with the date the costs were incurred. Please note, site work is generally not an eligible historic rehabilitation cost. Appliances and furnishings are not eligible historic rehabilitation costs.

Line 19 – 20 – The spreadsheet will calculate the total Federal/NYS Historic Tax Credits. Please note, the Federal Historic Tax Credits must be deducted from LIHC/SLIHC eligible basis. The Total Federal Historic Tax Credits must be entered in Exhibit 3, Tab 1.3 Qualified Basis, Line 16 Reduction for Historic Tax Credits.

Line 21 – Enter the Federal Historic Tax Credit Pay-in.

Line 22 – The spreadsheet will calculate the Total Federal Historic Tax Credits. This figure should match the total Federal Historic Tax Credits shown in Exhibit 3, Development Budget.

Line 23 – Enter the NYS Historic Tax Credit Pay-in.

Line 24 – The spreadsheet will calculate the Total NYS Historic Tax Credits. This figure should match the total NYS Historic Tax Credits shown in Exhibit 3, Development Budget.

#### **Attachment E1 –Supportive Housing, Special Needs, and Aging in Place**

**Please note, Early Award applicants will need to demonstrate both readiness to proceed to construction within 120 days from award (180 days from award in the City of New York) AND advance one of the State housing goals listed in the UF 2016 RFP. Early Award applicants must also meet higher readiness standards for overall application completeness, funding commitments, local approvals, and other attachment submissions.**

**Applicants proposing to serve MRT eligible populations must attach, as part of Attachment E1, a letter from the city, State, or federal agency that will be providing the service subsidy to the project substantiating that the targeted population has historically had high Medicaid usage.**

##### 1. Plan for Serving Tenants who are Persons with Special Needs

If the project proposes to serve tenants with special needs, the application submitted must include a narrative which includes the following:

- A description of the need and the market for housing for persons with special needs and how the need and market for this housing was established, including references to, and data from, any studies or analyses of the need for the proposed housing for persons with special needs;
- Information about the proposed Support Agency, including, but not limited to: an overview and history of the agency, its experience serving the population proposed for the project, the services offered, how services will be funded, and service area;
- An explanation of how the Support Agency will provide services to the project, including who will provide services, what services will be provided, where the services will be provided, and when/how often they will be provided;

- A description of how the eligible population of persons with special needs will be identified and how individuals will be referred to the project, including any specific referral process that is coordinated with a City, County, or State Agency or local planning group; and,
- Submit any agreement or other materials a tenant with special needs must sign or consent to in order to receive services.

In addition, submit a Housing/Services Agreement executed between the Project Owner and the Support Agency (and approved by HCR) which includes an Attachment A completed by the Support Agency, consisting of a full description of the services to be provided to the project. A template of the Housing/Services Agreement can be found at: <http://www.nyshcr.org/Forms/SpecialNeeds/>.

## 2. Plan for Supportive Housing Projects

Supportive Housing shall mean projects which give preference in tenant selection to persons with special needs for at least 25 percent of the HCR assisted units, or such percentage of units as set forth in the Request for Proposals, and for which these units are supported by capital, service and rental subsidy. To be considered a Supportive Housing Project, the applicant must:

- (1) Document the need for housing for the targeted population within the primary market area;
- (2) Ensure the delivery of appropriate services, for which a documented need exists, to the targeted population as evidenced in a comprehensive service plan and an executed Housing/Services Agreement with an experienced service provider;
- (3) Include a transportation plan to ensure access to necessary services; and access to job training and employment opportunities as appropriate for the target population;
- (4) Demonstrate a firm commitment of funding, or identify a viable plan for the funding, of appropriate services. Project rental income **may not** be used to pay for supportive services;
- (5) The applicant must include provision for an ongoing rental subsidy, or other form of subsidy, which will be available to ensure that rents paid by the targeted population remain affordable;
- (6) The applicant must identify, and have a written agreement with, a public agency or experienced service provider that will refer eligible persons and families for the targeted units;
- (7) The applicant must demonstrate a firm commitment for capital financing from a governmental agency serving the proposed target population; and,
- (8) The project must provide an integrated setting that enables individuals with disabilities to live independently and without restrictive rules that limit their activities or impede their ability to interact with individuals without disabilities.

If the project is identified as a Supportive Housing project, submit a comprehensive service plan which includes the following:

- A description of the need and the market for housing for persons with special needs and how the need and market for this housing was established, including references to, and data from, any studies or analyses of the need for the proposed housing for persons with special needs;

- The source of capital financing from a governmental agency serving the proposed target population, source of rental subsidy, and funding source for supportive services;
- Information about the proposed Support Agency, including but not limited to: an overview and history of the agency, experience serving the special needs population proposed for the project, its experience serving individuals living in Permanent Supportive Housing, the services offered, a description of the staffing of the project as it relates to the Special Needs population, how services will be funded, and service area;
- A description of how the Support Agency will provide services for residents of the project, including, what services will be provided, who will provide services, where the services will be provided, and when/how often they will be provided;
- A description of how the eligible population of persons with special needs will be identified and how individuals will be referred to the project, including any specific referral process that is coordinated with a City, County or State Agency or local planning group;
- A description of available transportation and transportation arrangements available to ensure access to necessary services;
- Description of the access to job training and employment opportunities exist for the proposed target population;
- Any agreements or other materials that a tenant with special needs must sign or consent to in order to receive services; and,
- A description of how persons with disabilities will receive services in the most integrated setting appropriate to their needs.

In addition, submit a Housing/Services Agreement executed between the Project Owner and the Support Agency (and approved by HCR) which includes an Attachment A completed by the Support Agency, consisting of a full description of the services to be provided to the project. A template of the Housing/ Services Agreement can be found here: <http://www.nyshcr.org/Forms/SpecialNeeds/>.

### 3. Aging in Place of Tenants in Senior Housing Projects

Applications proposing a Senior Housing Project, defined as one that excludes non-elderly persons based on age, as prescribed by the Federal Fair Housing Act and the New York State Human Rights Law, Section 296 of the Executive Law, must submit a plan to address the aging in place of all tenants. The Aging in Place Plan will be attached to the Proposal Summary and included in the project's HCR regulatory agreement.

To meet Aging in Place requirements, submit a plan that identifies the following:

- project design features that will address and accommodate the tenants' aging-related changes in physical and mental abilities;
- what services are anticipated to be requested and/or required by elderly tenants;
- the means for helping tenants to access services they may request and/or require;
- project staff functions related to tenant requests for information and/or assistance; and,

- community organizations that will address the service needs of the tenants, and a description of the existing or anticipated working relationships the owner or service provider has with these organizations.

**Attachment E2 –MRT Project Questionnaire**

All applicants **proposing to serve MRT eligible populations** must complete and submit the fillable MRT Project Questionnaire.

**Attachments F1-F5, F7-F9, F13- F16 and F19 - Miscellaneous Attachments**

**Please note, Early Award applicants will need to demonstrate both readiness to proceed to construction within 120 days from award (180 days from award in the City of New York) AND advance one of the State housing goals listed in the UF 2016 RFP. Early Award applicants must also meet higher readiness standards for overall application completeness, funding commitments, local approvals, and other attachment submissions.**

**Attachment F1 – Chief Executive Officer Notification Letter for 9% LIHC/SLIHC Applicants**

Section 42(m)(1)(A)(ii) of the Internal Revenue Code (IRC), requires that any applicant for 9% LIHC (and SLIHC pursuant to SLIHC Statute) must notify the Chief Executive Officer (CEO) of the project locality about the proposed project, and allow the CEO time to comment on it. Specifically, the IRC states:

“(A) IN GENERAL – Notwithstanding any other provision of this section, the housing credit dollar amount with respect to any buildings shall be zero unless – (i) such amount was allocated pursuant to a qualified allocation plan..., and (ii) such agency notifies the chief executive officer (or the equivalent) of the local jurisdiction within which the building is located of such project and provides such individual a reasonable opportunity to comment on the project.”

To comply with these requirements, all 9% LIHC and/or SLIHC applicants must transmit a copy of their application, together with the appropriate transmittal letter (outlined below), **via USPS certified mail, return receipt requested, or other express overnight mail service which provides for evidence of delivery and receipt**, to the CEO of the locality in which the proposed project is located. **Include evidence that the Notification Letter was received by the CEO of the project locality as part of this attachment if available at the time of application submission to DHCR.**

Transmittal Letters:

9% LIHC Projects located **outside** of New York City, use the 9% LIHC CEO Notification Letter for Projects Outside of NYC;

SLIHC Projects located **outside** of New York City, use the SLIHC CEO Notification Letter for Projects Outside of NYC;

9% LIHC Projects **located in one of the five boroughs of New York City**, use the 9% LIHC CEO Notification Letter for Projects Within NYC. Be sure to send the package to the addressee/address at the New York City Department of Housing Preservation and Development specified on the Notification Letter Form. **Do not send NYC Applications to the Mayor’s Office;**

SLIHC Projects **located in one of the five boroughs of New York City**, use the SLIHC CEO Notification Letter for Projects Within NYC. Be sure to send the package to the addressee/address at the New York City Department of

Housing Preservation and Development specified on the Notification Letter Form. **Do not send NYC Applications to the Mayor's Office.**

To demonstrate compliance with the IRC, attach the following as Attachment F1:

- A signed copy of each appropriate transmittal letter;
- A copy of each required certified mail receipt stamped with the date of the mailing, and addressed to the CEO of the project locality; and,
- Evidence that the CEO has received the Notification Letter. Acceptable forms of evidence are: the signed return receipt (green card), a copy of the signed return receipt card, a copy of an on-line report of delivery used by a number of overnight/express mail services, or a hand stamped/signed receipt acknowledging receipt by the CEO. If not available at the time of application submission to HCR, the signed return receipt must be submitted to HCR within 30 days of application submission to the Arnon Adler, Program Manager, at the following address:

NYS Homes and Community Renewal (HCR)  
Office of Finance and Development  
38-40 State St., 6<sup>th</sup> Floor  
Albany, NY 12207

#### **Attachment F2 – Credit Fee Transmittal/Deferral Request**

A \$3,000 per program application fee is required for each request for 9% LIHC and SLIHC. An applicant requesting both 9% LIHC and SLIHC must submit \$6,000 – one fee payment for each program, at the time of submission. Not-for-profit applicants (or their wholly-owned subsidiaries) which have not received HCR capital funding since 2012 and which will be the sole general partner (or co-general partner with another not-for-profit) of the limited partnership/project owner or the sole managing member (or co-managing member with another not-for-profit) of the limited liability company/project owner may request a deferral of the fee until the time of initial allocation (i.e., carryover allocation).

Such requests must include a justification for the fee waiver/deferral, including an explanation of financial hardship necessitating fee waiver/deferral, no HCR funded HCR projects since 2012, the inability to remit the application fee at the time of application, and be submitted no later than one month prior to the appropriate Application due date. Waiver/deferral requests should be sent to: Arnon Adler, Tax Credit Program Manager, 6th Floor S, NYS Homes and Community Renewal, 38-40 State St, Albany, NY 12207, or can be e-mailed to: [arnon.adler@nyshcr.org](mailto:arnon.adler@nyshcr.org).

Applicants who have received approval of the credit fee(s) deferral from HCR must submit proof of such waiver in Attachment F2 with the standard deferral letter provided in this Attachment.

All other applicants applying for 9% LIHC and/or SLIHC must submit fee payments, made payable to DHCR, directly to the following address, as indicated on the Credit Fee Transmittal Letter. The payments must be made on or prior to the date of application submission. Both the fee transmittal letter and the check should indicate the applicant name, address and the project name. The address for fee submission is:

New York State Division of Housing and Community Renewal – 9% LIHC/SLIHC/HDF  
P.O. Box 28026  
New York, NY 10087

(Note: HCR will not accept payment of the fee at any other office or unit.)

Fee payment must be accompanied by the Credit Fee Transmittal Letter. To demonstrate compliance with this requirement, submit a copy of the payment and the Credit Fee Transmittal Letter as Attachment F2. Failure to meet the fee requirements will result in the Application being deemed incomplete and the termination of further Application review.

### **Attachment F3 – Non-Profit Participation as Applicant or Owner**

Non-profit applicants, other than HCR-funded Neighborhood and Rural Preservation Companies, must submit a copy of a certified Certificate of Incorporation, a copy of the filing receipt, and complete the provided questionnaire as Attachment F3. HCR-funded Neighborhood and Rural Preservation Companies must complete and submit the questionnaire only.

The participation of non-profit organizations must be fully described in Attachment F9, Proposal Summary. The role of the non-profit must be clearly explained in Attachment F9, Proposal Summary in the ownership, development and/or management of the project through the extended use period. The roles described in Attachment F9, Proposal Summary must be defined and substantial and must be evidenced in the source documents. The non-profit organization must also have demonstrable housing experience identified in Exhibit 7, commensurate with the project being applied for.

### **Attachment F4 – HOME Program Community Housing Development Organization (CHDO) Requirements**

NOTE: Applicants applying for NYS 2016 HOME funds as a CHDO must comply with the revised HUD CHDO criteria s effective August 23, 2013 per the new HOME Final Rule, which can be downloaded at: <http://www.gpo.gov/fdsys/pkg/FR-2013-07-24/pdf/2013-17348.pdf>. The CHDO determination process now differs from the past process. Each time HCR commits HOME funds, it must recertify a non-profit's qualifications to be a CHDO and its ability to own, sponsor or develop housing. The CHDO funding through HCR will be made on a project-specific basis. If the CHDO documentation provided in the application indicates that the organization meets the new HOME CHDO requirements, the CHDO may then be considered for funding for that specific project only. HCR staff will review the application's CHDO documentation based on the appropriateness of the CHDO's organizational standards, its staff capacity, and its staff experience. Any CHDO determination letter or award from HCR will be for the particular project for which the potential CHDO is applying.

### **Attachment F5 – Request for Waiver from HTFC Standards**

If applicable, waiver requests from HTFC Standards are included as Attachment F5.

All waiver requests must be prepared and submitted in accordance with Section 1.04, Waivers, of the Capital Programs Manual. Documentation of any approved waiver(s) is included in this Attachment.

### **Attachment F7 – Tenant Buy-Out Plan**

Applicants proposing projects which will be purchased by tenants at the end of the program(s) compliance period (particularly 9% LIHC/SLIHC) must submit a tenant buy-out plan as Attachment F7. The plan must include the following:

- a rationale for the inclusion of a tenant buy-out in the project scenario;
- a detailed description of the tasks involved in the buy-out plan, and the identification of all parties involved and their roles and responsibilities;

- a timeline of the transactions for implementation of the plan;
- the manner in which any reserve or escrows used to finance the buy-out will be established and financed;
- the costs and necessary financing to implement the plan, including financing sources, terms, timing and length;
- a description of any capital improvements that will be made prior to the tenant buy-out; and
- if applicable, a description of the project equity investor's role in the buy-out.

#### **Attachment F8 – 9% LIHC/SLIHC Right of First Refusal**

Applicants for 9% LIHC or SLIHC that have negotiated a right of first refusal with a qualified non-profit organization to acquire the project at the end of the initial 15-year credit compliance period should attach a copy of any relevant agreements as Attachment F8. If an agreement has not yet been negotiated, but there are plans to offer a right of first refusal to a qualified non-profit organization, summarize the plans in this attachment.

#### **Attachment F9 – Proposal Summary**

The Proposal Summary is intended to highlight the various aspects of the proposed project. It should briefly (3 pages or less) communicate the applicant's understanding of the components of the proposed project and how the applicant intends implement and manage these components. Please use the guidelines below in preparing the summary. Be sure to adhere to the following definition when doing so:

A project is a building, a set of buildings, or an infrastructure enhancement. It may have multiple sites and multiple buildings.

#### **Project Information:**

- The location of the project (street, municipality, county, zip code – including if the project is located in a SADDA);
- Type of project – multifamily, seniors (identify age group), mixed use, mixed income;
- The public purpose(s) served, the beneficiaries, and any economic development linkage;
- The positive and negative aspects of the location relative to the target population and market;
- Description of the building – how many buildings, floors, square footage, elevators, number or units, unit type, superintendent unit, total residential square footage;
- Amenities – laundry facilities, community rooms, storage facilities, other services;
- Types of utilities provided, access to municipal facilities;
- Type of parking available and whether it's open to the public or for tenants only;
- Description of commercial space, square footage, and its intended use; and,
- For a Community Service Facility, describe the facility operator and the service(s) provided.

#### **Development Team/Ownership Information:**

- A description of the Development Team member(s) responsible for completing key project tasks, particularly acquisition, construction supervision, loan closings, organizational filings, marketing, rent-up and management. Fully describe the role of the non-profit organization as applicant/owner as noted in the instructions for Attachment F3 above. Identify the entity responsible for all aspects of the tax credit syndication. Indicate if any of the Development Team members are NYS-certified

- Minority- or Women-Owned Business Enterprises;
- The full identification of all members of the ownership entity, including all limited partnerships (LP) or limited liability corporations (LLC) listed as a general partner/managing member;
- The percentage of ownership held by each member of the ownership entity, any ownership structure issues, to include identities of interest between members of the ownership entity, and which of the participants in the ownership entity will have effective project control; and,
- Explanations of any project management requirements or special matters of operational control.

**Project Design and Use Information:**

- Description of the proposed improvements to the property and/or existing building(s);
- Design of building(s), shape, type of building material, (i.e.: brick, wood frame, etc.);
- Description of any special design features including: handicap accessible and adaptable units, design modifications for special needs projects, features which promote efficiency in operating and management costs, including energy efficiency improvements (green elements, Energy Star appliances), and solutions to mixed uses and shared spaces for mixed use/mixed income projects; and,
- Description of the grounds, seating areas, and open spaces.

**Land Information:**

- Description of current use of land, existing buildings on site;
- Description of current ownership of land;
- Description of site control;
- Description of fee simple or lease, (i.e.: Ground Lease), and any possible effect on HCR regulatory interest;
- Description of land issues, (i.e.: easements);
- Description of source of funds to pay for land acquisition/or lease;
- Description of environmental issues; and,
- Description of zoning requirements and status of local approvals.

**Project Location and Market Information:**

- Description of project area, (i.e.: major services, transportation, health care facilities, etc.);
- The positive and negative aspects of the location relative to the target population and market;
- If housing is for the elderly or handicapped, provide a brief description of outside services available to this population; and,
- Provide a brief overview of market conditions, as it pertains to the project, (i.e.: public housing, existing affordable housing, Section 8, etc.).

**Project Financing Information:**

- Description and status of subsidy financing, (i.e.: grants, loans, providers);
- Type of bond request; tax-exempt and/or taxable, 501(3) (c);
- Description and status of real estate tax abatement, PILOT Agreement and/or exemption;
- Description and status of any rental assistance that is anticipated or committed;
- Description of how development cost risks will be minimized, how any operating expense issues will be addressed and, the source and duration of any tax relief or rental assistance that is anticipated or

- committed; and,
- Description of the timing or sequence through which the funding required to complete the project will be made available, clarification of construction and/or permanent financing sources and uses.

### **Attachment F13 – Omnibus Certifications**

The Omnibus Certification consists of Attachment F13 (the Applicant and Applicant Principals Omnibus Certification and the Pre-Selected General Contractor/Builder Omnibus Certification) and the Omnibus Completion Certification which is generated after successful submission of the Application Exhibits. These two documents work in tandem. The list of Principals and/or Entities in the Omnibus Certification Completion must match the Applicant and Applicant Principals Omnibus Certification submission in this Attachment.

The Applicant and Applicant Principals Omnibus Certification must be completed by the Applicant and each Principal of the Applicant as defined in the Attachment. Principals for whom the content of the Omnibus Certification is identical (i.e. all Principals of an Entity can answer ‘no’ to all of the Omnibus Certification questions) may sign a single Certification. All others must complete and sign separate Certifications.

The Pre-Selected General Contractor/Builder Omnibus Certification MUST be completed for General Contractors/Builders selected by the time of application submission (i.e. a General Contractor/Builder has been identified in Exhibit 1K.). If a General Contractor/Builder has not been selected at the time of application submission, check the box on the Pre-Selected General Contractor/Builder Omnibus Certification and do not complete this component of the Omnibus Certification.

After completing the Applicant and Applicant Principals and Pre-Selected General Contractor/Builder Omnibus Certification, attach the appropriate signature blocks to the Certifications and sign each Certification. Original executed copies of the Omnibus Certifications must be maintained by the applicant and made available to HCR upon request.

If the response to any of the statements in the Applicant and Applicant Principals and Pre-Selected General Contractor/Builder Omnibus Certifications was ‘Yes’ for any of the required Principals or General Contractor/Builder, provide a detailed explanation for each ‘Yes’ response included in Attachment F13. Clearly label any explanation and supporting documentation with the name and title of whom the information pertains to.

### **Attachment F14 – Consent to Perform Credit & Lexis/Nexis Reports**

As part of its due diligence process during the application review (and, if applicable, post-award), HCR will seek to verify certain credit, financial and related background information and certifications contained in the application and supporting documents in regard to the project applicant and other members of the project development team as a condition of application approval and/or award. Print out and complete the form authorizing the release of information, as well as consent for credit and Lexis/Nexis searches for each applicable entity included in the release forms, including EIN’s, duplicating the form as necessary for the following development team members: project applicant; developer; owner(s); general contractor; architect; management agent; and, housing consultant, as applicable. Upload the completed form(s) as Attachment F14.

Please note that HCR retains the right to request any additional information of the project applicant and other members of the development team not contained in these information release forms, including, but not limited to additional credit, financial and related background reviews subsequent to the provision of an initial funding award. This will include the submission of additional consent forms for the release of information that will require receipt of social security numbers of the principals of the development team. You may contact Arnon Adler, LHC Program Manager, at [arnon.adler@nyshcr.org](mailto:arnon.adler@nyshcr.org) if you have questions about the security and privacy of the information requested.

HCR reserves the right in its sole discretion to revoke, suspend or terminate HTFC, DHCR, LIHC and/or SLIHC application review, award, reservation or funding commitment (as applicable) to a project applicant that has not satisfactorily addressed any problems encountered in its credit, financial and related background reviews to the satisfaction of HCR.

### **Attachment F15 – CIF Project & Market Information**

This attachment must be completed by all applicants requesting Rural and Urban Community Investment Funds for the construction of retail, commercial or community facility space. The questions in this attachment are self-explanatory but the following items will provide further clarification.

Question 8. Provide details on the costs of the commercial space build out incurred by the developer. This is especially important if the build-out was higher than what might be normally expected.

Question 11. If there is existing vacant and underutilized commercial space in immediate neighborhood, please use this space to make the case for why the proposed project is different and necessary.

Question 13. CIF funds should be used to help build critical mass or address an unmet community need in neighborhoods. If the proposed use will directly compete with existing businesses in the immediate neighborhood, please use this space to explain how the proposed project will meet a community need or compliment/support the existing local businesses.

### **Attachment F16 – CIF Affordability Plan & Operating Budget**

This attachment is not applicable to Unified Funding Round Applications.

### **Attachment F19 – HUD Section 3**

It is one of the purposes of the HOME Program to give, to the greatest extent feasible, and consistent with existing federal, state and local laws and regulations, job training, employment, contracting and other economic opportunities to low- and very low-income persons and locally owned enterprises, pursuant to Section 3 of the Housing Act of 1968. Federal law and regulations require that recipients of federal funds in excess of \$200,000 for construction or rehabilitation projects and their contractors agree to comply with the provisions set forth at 24 CFR Part 135. Each Applicant is required to submit with its Application a Section 3 Participation Plan which includes a HUD Section 3 Resident Employment Plan explaining the Applicant's intentions and commitments concerning the hiring of HUD Section 3 residents to perform the work contemplated by this RFP, and information pertaining to the Contractor's affirmative efforts concerning HUD Section 3 Business participation and its efforts in aspiring to meet the numerical goals specified in 24 CFR 135.30. If the Contractor is a Section 3 Business, it must also submit with its Proposal, a Section 3 Business Certification form.

Attachment F19 must be completed if your project is subject to Section 3 requirements (24 CFR Part 135). Generally, projects which receive federal financing, such as NYS HOME Program funding, are subject to Section 3. Please contact HCR's Fair and Equitable Housing Office for guidance regarding whether Attachment F19 is required with your application, and for further instructions:

Fair and Equitable Housing Office  
NYS Homes and Community Renewal  
Hamptons Plaza – 4<sup>th</sup> Floor North  
38-40 State St  
Albany, NY 12207

Phone: 518-474-5219

Email: [FHEO@nyshcr.org](mailto:FHEO@nyshcr.org)