

Revision to Webinar Presentation

- Slide 48 has been revised to reflect the limit on Maximum Developer Fee Payable During Construction i.e., prior to permanent loan closing is 25%.

UF 2018 Webinar Housekeeping

- All lines are muted. We will begin promptly at 1 pm.
- Applicants should formally submit questions to unifiedfunding@nyshcr.org. All questions and answers will be posted to the 2018 Unified Funding Materials page at:
<http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2018/>
- For technical problems, call (518) 473-1088
- The presentation is being recorded and will available in its entirety at the 2018 Unified Funding Materials page at:
<http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2018/>



NEW YORK
STATE OF
OPPORTUNITY.

**Homes and
Community Renewal**

UNIFIED FUNDING 2018

Agenda

- What's New?
- General Overview
 - Program Funds Available
 - Funding Round Schedule
 - Application Materials
 - UF Review Process
 - Early Awards
 - Program Information

Agenda

- Underwriting Guidance
- Architecture & Engineering Guidance
- HCR Fair and Equitable Housing Office
 - Affirmative Fair Housing Marketing Plan
 - Section 3
 - VAWA
- HCR Office of Economic Opportunity and Partnership Development
 - M/WBE
 - SDVOB
- CDOL Updates
- Technical Assistance

What's New?

- Higher LIHC per unit/per project caps in NYC
- 9% LIHC Income Averaging
- SLIHC Bifurcation/Certification
- Tax Credit Pricing
- SEQR changes
- Green Building Points for Smoke-Free Housing
- Maximum points for Family projects in HOP/Revitalization Areas
- Clarification of HCR Builder's Fee Policy

What's New?

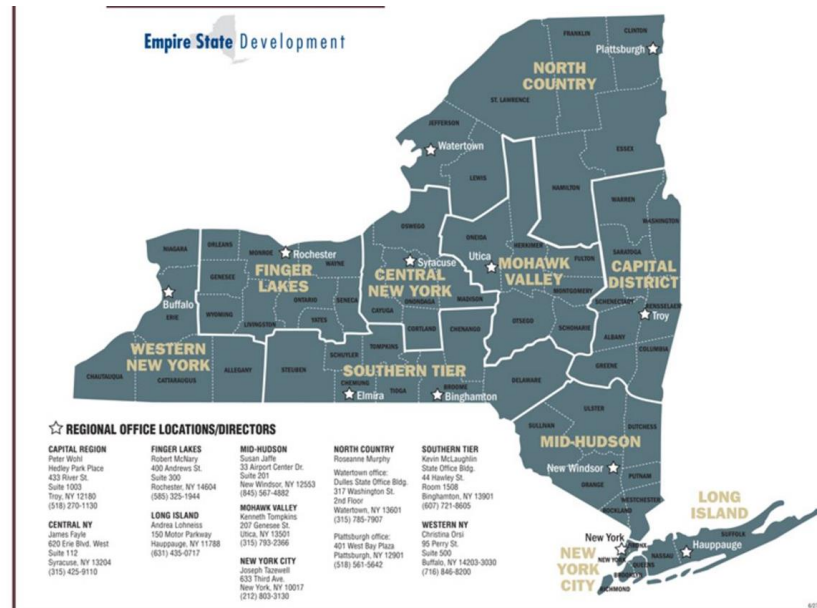
- New Underwriting Requirements
- New 9% LIHC Set-Aside for NYCHA Senior First Projects
- New Income Targeting Limits for Senior units
- Targeting Middle Income Housing Program
- Early Award Readiness Documentation
- CDOnline Application Enhancements

General Overview – What is Unified Funding?

- An annual, regionally-based, competitive funding opportunity for affordable multifamily housing.
- A single, web-based application to access funding from multiple State and federal programs. UF 2018 is offering nine different funding sources to prospective applicants.

Unified Funding – Competitive Regions

- The UF regional competition is based on New York State's 10 Economic Development Regions



General Overview – Program Funds Available*

Low-Income Housing Credit (LIHC)	\$37,500,000
NYS Low-Income Housing Tax Credit (SLIHC)	\$4,000,000
Housing Trust Fund (HTF)	\$44,200,000
Supportive Housing Opportunity Program (SHOP)	\$45,000,000
Public Housing Preservation Program (PHP)	\$10,000,000
Middle Income Housing Program (MIHP)	\$16,000,000
Rural and Urban Community Investment Fund (CIF)	\$31,800,000
Section 8 Project-Based Vouchers	50

General Overview – Schedule

- August 1, 2018: Notices of Funding Availability and Notice of Credit Availability issued
- August 27, 2018: Request for Proposals issued
- September 20, 2018: Webinar
- October 18, 2018: Early Application Deadline
- November 15, 2018: Early ESSHI Application Deadline
- December 19, 2018: Standard Application Deadline
- December 2018: Early Awards Anticipated
- April 2019: Standard Awards Anticipated

General Overview – Application Materials

<http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2018/>

- UF 2018 Request for Proposals (RFP)
- UF 2018 Project Application CD Online (CDOL) Portal
- Capital Project Application On-Line Instructions
- HTFC Design Handbook
- Capital Programs Manual (CPM)
- DHCR's Low-Income Housing Credit Qualified Allocation Plan (DHCR 9% LIHC QAP)
- NYS Low-Income Housing Tax Credit Article 2-A Public Housing Law (SLIHC Statute)

General Overview – Application Materials

<http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2018/>

- NYS Low-Income Housing Tax Credit Program (SLIHC) Regulation – 9 NYCRR Part 2040 Section 2040.14
- UF 2018 Reference Materials
- UF 2018 Webinar Presentation
- SHPO Walkthrough Guidance and Contact List
- Unified Funding Q&A – will be posted every Friday
- Pre-Qualified Market Analyst List
- Affirmative Fair Housing Marketing Plan
- Housing Opportunity Census Tracts
- Project Based Voucher Materials

UF Review Process – Application Review

- Pre-Application Technical Assistance
- Eligibility
- Rating
- Underwriting
- Design
- Selection Criteria
- Awards

UF Review Process – Application Review

Required Pre-Application Technical Assistance (see RFP for guidelines on Requesting TA)

- All Early Award Applications
- TA session with HCR and OPWDD for projects serving OPWDD client population
- All applications proposing the use of historic tax credits (Must have SHPO Participation. See SHPO contact list)
- All Community Investment Fund applications
- 9% LIHC Income Averaging

Early Awards – General Info

- Submit a complete application by 5 pm, October 18, 2018 (for ESSHI, by 5 pm, November 15, 2018)
- Mandatory Pre-Application Conference with HCR Development Director and/or project/technical staff. Based on issues identified in the request for TA, may be required to submit preliminary application documents including:
 - Attachment F9, Proposal Summary
 - Exhibit 3, Development Budget (identify HCR funding sources)
 - Exhibit 4, Rent Plan
 - Exhibit 5, Operating Budget
 - Attachment B3, Preliminary Plans
 - Attachment B6 (LIHC) or B1 32 (HTFC) Physical Needs Assessment Form for rehab projects (see RFP guidance)
 - Attachment D5 – Occupied Project Information (See RFP guidance)
- Demonstrate readiness to proceed to construction within 120 days of award (180 days for NYC). Past performance is a critical consideration
- The application must clearly advance one of the State housing goals identified in the RFP.

Early Awards – General Info

Additional required submissions to demonstrate readiness:

- Title report
- Verification that the process of tax abatement has been initiated or completed

Submissions if available:

- Contract of sale
- Draft LP/LLC operating agreement
- Evidence that all necessary local approvals and financing sources have been secured or will be secured within the Early Award timeframes
- A Phase I ESA that determined there are no Recognized Environmental Conditions or a Phase 2 ESA and a remediation plan, if deemed necessary by the Phase 2 ESA. If a NEPA review is required, submit confirmation that NEPA is expected to be completed within the Early Award timeframes

Early Awards – Revitalization & Economic Development Goals

Priority Projects Identified in Regional Economic Development Plans – Project **specifically endorsed** in Regional Economic Development Council Strategic Plan and for which **significant financial assistance** has been made available as part of the plan.

Downtown Revitalization Initiative Projects – Project clearly advancing objectives of an approved DRI strategic investment plan and located in a DRI plan area. Priority for DRI projects for which significant financial assistance has been made available as part of the Plan.

Early Awards – Revitalization & Economic Development Goals

Upstate Revitalization Initiative Projects – Project specifically identified in an Upstate Revitalization Initiative Plan for which at least a portion of project units will be affordable to low and/or moderate income households and for which significant financial assistance has been made available pursuant to such a Plan.

Early Awards –

Revitalization & Economic Development Goals

Mixed-Income/Mixed-Use Revitalization Projects –

- Must serve a mixed use neighborhood and be a part of a neighborhood specific revitalization effort.
- Must target at least 15% households with incomes above 60% of Area Median Income and have clear local support and commitment of local resources.
- Must involve the reuse of existing buildings OR infill new construction OR demolition and replacement of buildings having a blighting impact on the community.
- RFP establishes preferences within this Early Award policy goal, including Comprehensive Workforce Development Plan and a new Empire State Poverty Reduction Initiative preference.

Early Awards – Supportive Housing Goals

Empire State Supportive Housing Projects –

Must have a Conditional Award Notification through the Empire State Supportive Housing Initiative, Inter-Agency Service and Operating Funding Opportunity RFP and for which at least 50% of the project's total units will serve an eligible target population.

NY/NY III Projects –

Must have secured a commitment of NY/NY III service and operating subsidy for at least 50% of the project's total units.

NYS Office of Mental Health Capital Projects –

Must have a commitment from NYS OMH for capital, service and operating subsidy for at least 50% of the project's total units.

Early Awards – Workforce Opportunity Goals

Housing Opportunity Projects –

- Family projects in areas with the following characteristics:
 - Close proximity to frequently occurring public transportation that provides reasonable access to child care and employment opportunities
 - Located in census tracts identified in UF 2018 Reference Materials
 - At least 10% of project units targeted to households at or below 30% of AMI
- Must provide average unit size of at least 2 bedrooms
- LIHC basis boost may be requested

Early Awards – Workforce Opportunity Goals

Transit Oriented Development –

- Workforce housing projects in close proximity to Metropolitan Transportation Authority (MTA) rail stations outside the City of New York

OR

- Workforce housing projects within a ½ mile safe walking distance (including sidewalks and pedestrian traffic controls at any major street intersection) of a MTA subway station within the City of New York

OR

- Workforce housing projects in communities that have completed and are implementing TOD plans that clearly link the proposed project to expanded transportation choices for tenants; or, which are in close proximity to multi-modal transportation centers that will contribute to the development of vibrant, mixed-use, high-density neighborhoods through the adaptive reuse of non-residential buildings or through infill development

Early Awards – Affordable Housing Preservation Goals

Public Housing Redevelopment –

- Must proposed the gut rehabilitation and/or demolition and replacement of substandard public housing outside the City of New York.

Program Information

9% Low-Income Housing Credit Program (LIHC)

- Approximately \$37.5 million available
- Will be utilizing existing QAP
- Income Averaging
- LIHC max per project: Up to \$1.43m per project for projects located outside of the City of New York and up to \$2m per project for projects located within the City of New York with the following exception: up to \$1.65m for projects located outside the City of New York and up to \$2.28m for projects located within the City of New York may be requested for projects in which 50% or more of the units have three or more bedrooms to serve large families
- LIHC max. per unit: Up to \$22,000 per unit for projects located outside the City of New York and up to \$27,000 per unit for projects located within the City of New York

Program Information

9% Low-Income Housing Credit Program (LIHC)

- Must meet the design requirements indicated in the QAP (“LIHC Design Standards”) in addition to the requirements referenced in the RFP. Please note, Design Handbook square footage and common space maximums apply.
- For projects utilizing multiple sources of tax credit financing, HCR requires that investors and syndicators to assign an independent value to each type of credit reflecting the actual market value of the resource being proposed for purchase.

Program Information

9% LIHC Set-Aside

- **ESSHI and Supportive Housing Projects (up to \$5 million)**
 - **ESSHI Projects**
 - Must have received a Conditional Award Notification through the Empire State Supportive Housing Initiative, Inter-Agency Service and Operating Funding Opportunity RFP
 - 50% of units must serve persons with special needs
 - Must meet definition of supportive housing cited in Section 2040.2(u) of the QAP
 - **Supportive Housing Projects**
 - 50% of units must serve persons with special needs
 - Must meet definition of supportive housing cited in Section 2040.2(u) of the QAP
- **Housing Opportunity Projects (up to \$5 million)**
 - Must be located in a HOP Census Tract
 - Must have an average unit size of at least 2 bedrooms
- **NYCHA Seniors First (up to \$15 million multi-year)**
 - Must be targeted to 62+ seniors
 - Project must be 100% affordable
 - Must be located in Central Brooklyn as defined by the following State Assembly districts: 42nd; 43rd; 53rd; 54th; 55th; 56th; 57th; 58th; 59th; and 60th. The neighborhoods within include: Bedford Stuyvesant; Brownsville; Bushwick; Canarsie; Crown Heights; Cypress Hills/Ocean Hill; East Flatbush; East New York; Prospect Heights; and Prospect Lefferts Gardens

Program Information – 9% LIHC Scoring Guidance

- **Family Projects**
 - Maximum scoring points for projects serving families that are located in Housing Opportunity Census Tract or that are part of a comprehensive neighborhood specific revitalization effort
- **Smoke-Free Green Housing**
 - In order to qualify for competitive points under any of the four optional Green Building standards, applicants must commit at the time of application to smoke-free housing
- **Green Building linked to Cost Effectiveness (reminder)**
 - In order to be awarded points for Green Building, applicant must also qualify for points under the Cost Effectiveness scoring category

Program Information

NYS Low-Income Housing Tax Credit (SLIHC)

- SLIHC available: \$4 million
(Additional \$4m available through current Open Window RFP issued by HCR/HFA)
- SLIHC max. per project: \$500,000 or SLIHC max. per project: \$750,000 (If 10% or more of project units are affordable and targeted to households with incomes above 60% of AMI)
- Program modeled after LIHC except units affordable to households \leq 90% AMI (40% units @ 90% or less of AMI)
- May not be used to finance senior units serving households above 60% of AMI
- Must meet the design requirements indicated in the SLIHC regulations and the QAP in addition to the requirements referenced in the RFP. Please note, Design Handbook square footage and common space maximums apply.

Program Information

NYS Low-Income Housing Tax Credit (SLIHC)

- The enacted New York State Fiscal Year 2018–19 budget authorized for the first time the bifurcation and transfer of the State Low-Income Housing Tax Credit (SLIHC) in order to broaden the potential SLIHC investor pool and increase the value of SLIHC for HCR projects. Applicants and investors contemplating the use of this transfer authority should schedule a technical assistance session with HCR.
- For projects utilizing multiple sources of tax credit financing, investor letters must separately quantify the value of each tax credit resource including, HCR requires that investors and syndicators to assign an independent value to each type of credit reflecting the actual market value of the resource being proposed for purchase.

Program Information –

Low Income Housing Trust Fund (HTF)

- \$2.4 million per project limit; up to \$3.4m for projects meeting the 9% LIHC set-aside HOP requirements
- HTF per residential unit cap \$125,000
- Permanent financing only available for a statutorily mandated maximum term of 30 years
- Must benefit households \leq 90% of AMI (in NYC \leq 80% of AMI).
- Under UF 2018 RFP, HTF may not be used to finance senior units serving households $>$ 60% AMI.

Program Information – Low Income Housing Trust Fund (HTF)

- Preference for projects with a substantial number of units \leq 50% AMI
- Up to 10% of HTF award amount may be used for a community service facility
- For non-tax credit projects, Developer Allowance up to 10% of TDC excluding acquisition and project contingency
- Up to 50% of HTF award may be used for acquisition
- Subject to HTFC Design Handbook
- May not be combined with SHOP or PHP

Program Information –

Supportive Housing Opportunity Program (SHOP)

- Per unit limits:
 - NYC, Westchester, Long Island
 - Up to \$150,000 per supportive housing unit
 - Up to \$110,000 per other housing unit
 - Rest of state
 - Up to \$85,000 per supportive housing unit
 - Up to \$60,000 per other housing unit
- Cannot be used with HTF or PHP funds
- PBVs can be accessed to fund non-ESSHI units in an ESSHI project. In New York City, PBVs can be accessed for both ESSHI and non-ESSHI units. The ESSHI service and operating award will be reduced to account for services only on ESSHI units.
- In order to be eligible for SHOP financing, a service and operating award or plan must be submitted that meets the requirements of the 9% LIHC QAP definition of supportive housing.

Program Information –

Supportive Housing Opportunity Program (SHOP)

- Minimum of 30% of project units for supportive housing
- Projects serving ID/DD populations must include a letter of financial support from OPWDD for at least one-half of the TPC for those units
- ESSHI Supportive unit rents must be underwritten to at least 50% AMI (may be higher based on operating needs of project)
- At least 50% of the units in the project must be affordable to households earning no more than 60% of AMI
- Subject to LIHC Design Standards (see QAP design requirements) and maximum square footage limits

Program Information – Middle Income Housing Program (MIHP)

- No per project limit/\$200,000 per unit limit. It is expected that projects with higher rent levels serving higher income households will be able to leverage conventional debt and therefore request less subsidy per unit.
- Units must be targeted to households between 60% – 130% AMI
- Must meet LIHC set-aside requirements but not required to be combined with LIHC
- May only be requested for Mixed Income Revitalization and Mixed Income Stabilization Projects. See UF 2018 RFP for more information.
- MIHP requests subject to standard HCR subsidy layering review and cash flow limits
- May not be used to finance senior units
- Subject to LIHC Design Standards (see QAP design requirements) and maximum square footage limits

Program Information – Middle Income Housing Program (MIHP)

RENT ADVANTAGE LIMITS

- For Mixed Income Stabilization and Revitalization MIHP projects, HCR will allow up to a 20% rent advantage for middle income tenants to encourage higher income households to reside in these neighborhoods. See RFP for definition of Mixed Income Stabilization and Revitalization projects.

e.g., a MIHP unit with rent set at 94% AMI affordability may be rented to households up to 114% AMI. **THE UNIT CANNOT BE TARGETED TO 120% or 130% AMI. Unit will be regulated at a maximum of 114% AMI.**

Program Information – Public Housing Preservation Program (PHP)

- Rehab and/or demolition and replacement through new construction of site-specific multifamily rental housing owned by federal PHA's
- Per project limit \$2.4m/\$50,000 per unit limit with a household income up to 60% AMI
- Cannot be combined with HTF or SHOP
- Can request PBVs if not in RAD1 program
- Must meet HTFC Design Standards

Program Information – Rural and Urban Community Investment Fund

- CIF may be used for non-residential purposes statewide and residential Rural Preservation Projects.
- Per project maximum \$2m
- Per residential unit maximum \$60,000 for households up to 60% of AMI for residential Rural Preservation Projects.
- CIF is the only UF funding source available for residential Rural Preservation Projects with mortgage financing from HCR and which are currently regulated by DHCR and/or HTFC that have significant unmet physical needs that cannot be addressed solely through the use of existing project reserves and for which mismanagement of the project is not a significant contributing factor.
- CIF for non-residential purposes must be requested in combination with one of the UF residential development financing programs listed in the RFP.
- HTFC Design Handbook for CIF residential; CIF non-residential per the requirements of the RFP

Program Information

Housing Development Fund Program (HDF)

- Subject to appropriation, HDF Program loan funds may be requested as low-interest construction financing to eligible not-for-profit applicants proposing HTF, SHOP, CIF or MIHP as permanent financing. HDF can only be used on units subsidized by MIHP for units targeted at or below 90% of AMI outside of NYC and at or below 80% of AMI in NYC
- Applicants considering HDF to bridge an HTF permanent loan should discuss with Regional Office prior to application submission.
- HDF loans may involve additional processing time due to additional state agency approvals, including the Office of the State Comptroller.

Program Information – Project Based Voucher Program Initiative (PBV)

- Up to 50 units of PBV assistance for projects financed through HTF, LIHC, SLIHC, CIF, PHP* and/or SHOP*
 - Applicants should fully review program regulations (24 CFR 983) to ensure the project is consistent with HUD requirements.
 - Applicants may only request PBVs for projects in local program areas serviced by HCR's Section 8 Voucher Program and its network of Local Administrators
 - NEPA Review must be completed
 - Subsidy layering review required – Developer and Builder Fees capped at HUD Safe Harbor Limits

*PHP projects participating in RAD1 may not request PBVs; PBVs can only be requested for non-supportive units in SHOP Projects except in NYC

Program Information – Project Based Voucher Program Initiative (PBV)

- May be used to assist senior, family or workforce housing
- All PBV units must be targeted to households at or below 30% AMI
- May also be used for the preservation of projects currently regulated by HCR, if need is demonstrated; may assist existing tenants \leq 50% AMI but must be first prioritized for HH \leq 30% AMI; upon turnover all PBV subsidized units must be targeted to \leq 30% AMI
- Maximum PBV request is 25 units or 25% of a project's total units, whichever is greater – see RFP for special population exceptions to the limit
- Single stage or multi stage lease up must be indicated at the time of application

Underwriting – Changes

New Developer Fee Limits for High Cost Projects

“High Cost Projects” – exceed 130% of the cost region median established for the funding round

- Costs > 130% and < 140% median: 13% maximum fee
- Costs > 140% and < 150% median: 12% maximum fee
- Costs > 150% and < 160% median: 11% maximum fee
- Costs > 160% median: 10% maximum fee

Underwriting – Changes

New Developer Fee Limit for Multi-Phase Projects

- Applies to multi-phase projects in which a prior phase of development was previously awarded tax credits
- Developer fee may be limited to no more than 10% of the developer fee eligible costs recognized by HCR
- Applicants considering the submission of multi-phase projects are encouraged to discuss fee limitation during a TA session.

Underwriting – Changes

Replacement Reserve Contributions Trending

- HCR will allow (**not a requirement**) a 3% annual increase in replacement reserve contributions rather than holding them level in order to account for cost increases over time
- Reserve requirements vary depending upon the HCR funding source requested
- Applicants should refer to the applicable RFP term sheet and Section 5.07 of the Capital Programs Manual for project reserve requirements

Underwriting – Changes

Owner Equity Contributions/Sponsor Loans

- Owner equity contributions and/or sponsor loans are expected to be firm commitments at the time of application if included as a source of financing
- These contributions and loans may only be replaced subsequent to award if:
 - Competitive leveraging points were not awarded on the basis of such loan/contribution
 - Replacement of loan/contribution would not delay the proposed construction start
- Contributions and/or loans may not be replaced by other state funding sources

Underwriting – Changes

Builder's Fees

- Ex 3 Development Budget & Attachment B-2 Construction Cost Estimate will now separate builder's fees into:
 - **General Conditions:** max 6% of construction contract
 - **Builder's Overhead:** max 2% of construction contract
 - **Builder's Profit:** max 6% construction contract
- **General requirements** will no longer be part of builder's fees, and will not be included under the 14% total limit on fees.
- The construction cost estimate will be revised to require General Requirements to be separately identified in the cost estimate form. A&E staff will carefully review what is being included as a general requirement. Costs that should be under the general conditions cap will be accounted for as a general condition, which could result in a reduction of builder's fees.
- This change is effective beginning with UF 18 projects.

Underwriting – HCR Financing Terms

HCR Financing

- 30 year permanent financing – 1% interest only payable
- 1% must be budgeted “above-the-line” in the operating budget
- HCR underwrites the debt as payable ahead of all subordinate debt, including deferred developer fee loans

NOTE: HCR construction financing is only available for CIF residential rural preservation projects

Underwriting – Reminders

Limit on Maximum Developer Fee Payable During Construction i.e., prior to permanent loan closing

➤ 25% max

The remaining developer fee must be deferred, and reflected in the development budget as a construction financing source.

Underwriting –

Other Tax Credit Equity in Mixed-Use Projects

- Mixed-use projects generating non-HCR tax credits, e.g. Brownfield Cleanup Program (BCP) and Historic Tax Credit (HTC)
- Equity generated from the non-HCR tax credits must be proportionally allocated to the residential and commercial spaces according to the respective costs of each space.
- Applicants **may not** use BPC or HTC equity generated from residential costs as a financing source for the non-residential space.

Underwriting – Technical Assistance

- Refer to the UF RFP and Section 5 of the **Capital Programs Manual** for specific project underwriting criteria. CPM is being updated to reflect UW changes – check website for updated version
- Underwriting technical assistance prior to application submission is available on a limited basis where warranted
 - e.g., new applicants, complex financing proposals, etc.
- Follow the Technical Assistance procedures outlined in the RFP

Architecture & Engineering – Submission Requirements

➤ Use Current Forms

➤ Download attachments from CDOL link

➤ Revised Attachments

➤ B1 Outline Specification

➤ B2 Cost Estimate

➤ Follow instructions

Architecture & Engineering –

Revisions to General Conditions and General Requirements

– to Align with Industry Practices

➤ General Conditions

➤ Obligations for administering the contract

➤ General examples:

➤ Supervision

➤ Oversight of building trades, scheduling, etc.

➤ Common labors

➤ Daily clean-up, etc.

➤ Rudimentary temporary facilities

➤ Basic site security measures, not required by jurisdictions

➤ Clean-up

➤ Standard trash disposal, not that required by green building programs

➤ General Conditions are now included in builder's fee cap

Architecture & Engineering –

Revisions to General Conditions and General Requirements

– to Align with Industry Practices

➤ General Requirements

- Tools and services required to perform the work
 - Common tools and equipment used by trades to “build the project”
 - Specialty equipment such as scaffolding and cranes
 - Specified testing services

Architecture & Engineering – New SEQRA Regulations

- Among other changes, updates to Type I and Type II lists of actions
 - Possible changes to the level of review required for your project.
- Effective Date 1 / 1 / 19
 - Coordinated SEQR determinations prior to 12/31/18 can rely upon that determination;
 - Needs to be concurred by HCR
 - Otherwise, new forms and new SEQR classifications apply.
- New forms and information available here:
<http://www.dec.ny.gov/permits/83389.html>

Architecture & Engineering – Required for all Projects

- Energy Efficiency Strategies – see RFP
 - Possible EPA ENERGY STAR updates in 2019
 - Rumored changes: alignment of programs and more options for compliance
- Mandatory Green Building and Energy Efficiency Practices
- Visitability
- Unit Size Limits
- Fair Housing compliant

Architecture & Engineering – Optional Provisions for Competitive Points

- **Optional Green Building participation**
 - Smoke-free housing is threshold to receive Green points
 - Sustainability programs (3 points)
 - LEED, Enterprise, National Green Building standards
 - Higher Energy Efficiency (5 points)
 - Passive House
 - NYSERDA-MPP (Existing Buildings)
- **Accessibility – Move-in ready dwelling units**

Architecture & Engineering – Submission Requirements



















































- Attachment B3 (Preliminary Plans)
 - 10 MB limit to file size
 - Group multiple drawing sheets into single files
 - Save files at a resolution that is readable on standard computer monitors

Architecture & Engineering – Submission Requirements

➤ Attachment B3 (Preliminary Plans)

Group multiple
drawing sheets into
single files

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Avoid this.....

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Architecture & Engineering – Preservation Projects

- For Standard Round, must request an A&E site visit no later than 30 days prior to the application deadline. For Early Award Projects, must request an A&E site visit immediately.
 - Set up the site visit through the unifiedfunding@nyshcr.org mailbox
 - Provide a draft of the Physical Needs Assessment Form, or preliminary plans for substantial, gut-rehabilitation
- Use the correct application attachment (PNA Form)
 - **B6 for LIHC and/or SLIHC stand alone projects**
 - **B13 for jointly funded HTFC & LIHC/SLIHC projects**
 - PNA not required for substantial, gut-rehabilitation
- HTFC
 - Refer to the Design Handbook Appendix F–HTFC Preservation Standards when determining the Physical Needs Assessment scope of work

HCR Fair and Equitable Housing Office – Overview

- Federal, New York State, and local fair housing laws protect individuals from unlawful discrimination in housing.
- These laws aim to promote equal opportunity and prohibit discriminatory practices that unfairly limit the housing choices of protected groups or individuals.
- The role of HCR's Fair and Equitable Housing Office is to ensure that the agency and our awardees comply with the Fair Housing Act ("FHA"), the New York State Human Rights Law ("NYSHRL"), and any applicable local fair housing laws.



Affirmative Fair Housing Marketing

- Each development must create and execute an Affirmative Fair Housing Marketing Plan (“AFHMP”), which provides the opportunity to conduct additional marketing to groups who may require targeted outreach in order to be made aware of and apply for housing.
- AFHMPs are reviewed by attorneys at HCR’s Fair & Equitable Housing Office (“FEHO”) to help ensure that HCR awardees comply with the FHA and NYSHRL and to help promote the adoption of fair housing best practices in housing funded by New York State.
- Questions re. Marketing Plans and Fair Housing?
 - Nadya Salcedo, Director, Fair and Equitable Housing Office
Nadya.Salcedo@nyshcr.org

Affirmative Fair Housing Marketing Plan (AFHMP) Review Process

- New AFHMP Process is bifurcated for efficiency & timeliness:
 - Short Form due 60 days prior to Closing
 - Long Form due 6 months prior to Marketing
- AFHMP documents and guidance can be found here:
<http://www.nyshcr.org/AboutUs/Offices/FairHousing/AffirmativeMarketing.htm>
- No Rubber Stamp! FEHO attorneys review each Plan for compliance with HCR Guidelines and Fair Housing Laws.
- Areas of Significant Interest During FEHO's Review:
 - Targeted Special Needs and Housing Preference Designations
 - Individual Assessment for Applicants with Criminal Convictions
 - Federal Requirements Pursuant to the Violence Against Women Act ("VAWA")
 - Outreach Efforts to "Least Likely to Apply" Populations

Preferences and Special Needs

- FEHO conducts an individualized analysis of each preference and targeted special needs requested for each project
- Housing provider is required to provide demographics for each preference to ensure that it is not disparately impacting protected groups
- Targeted special needs must be supported by additional documentation like commitment letters, supportive services agreements, etc.

Violence Against Women Act of 2013 (VAWA)

- VAWA 2013 provides additional housing protections for victims of domestic or dating violence, sexual assault or stalking, regardless of sexual orientation.
- HCR requires all awardees (including recipients of LIHTC or SLIHC) to comply with the VAWA requirements as set forth in HUD's final rule.
- VAWA Policy includes:
 - Prohibiting housing providers from denying or terminating a tenant based on adverse factors (like poor credit or rental history) directly related to the VAWA-covered crime.
 - Notification of Occupancy Rights to applicants and current tenants
 - Emergency Transfer Plans for victims of VAWA-covered crimes
 - For additional information regarding complying with the VAWA requirements, see

<http://www.nyshcr.org/AboutUs/Offices/FairHousing/AffirmativeMarketing.htm>

Assessing Applicants with Criminal Convictions

- Based on 2016 HUD Guidance, HCR issued its Re-Entry Guidelines to provide guidance for applying New York State's antidiscrimination policies when assessing applicants for state-funded housing who have criminal convictions.
- Main Points:
 - Only 2 automatic bars allowed – (1) Production of methamphetamine in the home, and (2) lifetime sex offender registry.
 - Housing Provider may only consider convictions or pending arrests.
 - Housing provider may only deny for offenses that involved physical danger or violence to persons or property or that adversely affected the health, safety and welfare of other people.
 - Housing provider must conduct an individualized assessment of the applicant prior to initial determination of eligibility.
- The Re-Entry Guidelines and Individualized Assessment, as well as a webinar regarding this policy are all available on FEHO's webpage <http://www.nyshcr.org/AboutUs/Offices/FairHousing/GPCC.htm>

Fair and Equitable Housing Office

NYS Section 3

- Section 3 of the Federal Housing and Community Development Act of 1968 is intended to ensure that when employment or contracting opportunities are generated due to HUD funds, preference must be given to low- and very low-income persons or business concerns residing in the community where the project is located.
- The requirements of Section 3 apply to recipients of HUD funds (including, but not limited to, CDBG, HOME, and Section 8 PBVs) who receive an award in excess of \$200k.
- Section 3 also applies to contractors or subcontractors that receive a contract in excess of \$100k for work on a Section 3 covered project.

Fair and Equitable Housing Office

NYS Section 3

What are Section 3 Minimum Goals?

- At least 30% of all **NEW** employees hired should be Section 3 residents;
- AND –
- At least 10% of the total dollar amount of all Section 3 covered contracts for housing rehabilitation, construction, and other public construction should be granted to eligible Section 3 businesses ;
- AND –
- At least 3% of the total dollar amount of non-construction (e.g., professional services) contracts should be granted to eligible Section 3 businesses

Fair and Equitable Housing Office

NYS Section 3

“To the Greatest Extent Feasible”

- HCR requires reporting 2x/year on Section 3 targets
- Document efforts to recruit, train, employ and extend contracting opportunities to Section 3 residents and businesses.
- Target low income persons in the project work area, including public housing residents and others who receive government assistance.
- Develop procedures to notify Section 3 Business Concerns about contracting opportunities.
- Establish relationships that will produce eligible business concerns, e.g. labor organizations/ unions, vocational/ trade schools, community colleges, etc.
- Check the HUD Business Registry for potential businesses.

Fair and Equitable Housing Office

Section 3 Training, Technical Assistance and Match Up Sessions

- HCR's Fair and Equitable Housing Office is here to help you meet your HUD Section 3 goals and objectives.
- Check the HCR FEHO Section 3 Webpage for Updates and Regional Training/TA Workshops and Match-Up Sessions at:
 - <http://www.nyshcr.org/AboutUs/Offices/FairHousing/>
- Contact: FEHO Section 3 Staff by email or phone for additional information
 - Gwen Pope, HCR Section 3 Coordinator:
gwen.pope@nyshcr.org
 - Daniel Cracco, Fair Housing Specialist:
daniel.cracco@nyshcr.org
Phone: 518-473-3089

M/WBE Participation

- Article 15A of the Executive Law promotes economic opportunities and equality of employment for minority group members and women in State (M/WBE) contracting activities.
- All state funded programs are subject to this law and must comply with HCR's M/WBE participation requirements.
- HCR fully supports these efforts and its Office of Equal Opportunity and Partnership Development (OEOPD) is charged with analyzing agency expenditures, creating procurement strategies, tracking, monitoring and reporting progress as well as identify obstacles to help reach and/or exceed the 30 percent utilization rate.
- Preference in awards given to applications which include NYS-certified M/WBE as part of development team.
- Award decisions include consideration of applicant's past and current performance, including M/WBE performance

Service-Disabled Veteran Owned Business Act

- The Service-Disabled Veteran Owned Business (SDVOB) program was signed into law by Governor Cuomo on May 12, 2014. The law allows eligible Veteran business owners to get certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB). OGS is the state agency responsible for administration of the program.
- All state funded programs are subject to this law and must comply with all HCR (SDVOB) participation requirements.
- HCR's OEOPD is charged with monitoring compliance for its SDVOB program.
- HCRs state wide requirement for the SDVOB program is 6%.
- Please direct all questions to: econ.opportunity@nyshcr.org

Labor Standards: Davis–Bacon/Prevailing Wages

- OEOPD is also charged with monitoring and compliance of all labor standards issues.
- Please direct all questions to:
LaborStandardsCompliance@nyshcr.org

CDOL Updates

- **Exhibit 1**
 - Income targets (Exhibit 1L) removed
 - New numbering of Exhibit 1
- **Exhibit 4**
 - Streamlined information requested
 - Income targets only in Exhibit 4A1
 - AMIs will populate automatically based on County and bedroom size
 - HCR funding sources must be identified for each unit size/rent combination
- **Exhibit 6**
 - New date categories
 - Dates will auto populate for certain categories

Technical Assistance (TA)

- Requests for TA must come in centrally to unifiedfunding@nyshcr.org
- Requests must include a specific issue(s)
- Submission package will depend on specific issue identified in request for TA
- See special instructions for applicants proposing rehabilitation of occupied buildings

Final Thoughts

- Ask questions through Unifiedfunding@nyshcr.org
- Don't wait until the last minute to begin the UF application
- Continue to check <http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2018/> for updates
- Good luck!

Questions & Answers
unifiedfunding@nyshcr.org

www.nyshcr.org