

# Notice of Funding Availability and Request for Proposals for Section 8 Project Based Vouchers and Rural Rental Assistance Program



Homes and  
Community Renewal

NOFA Issuance Date: Tuesday, September 12, 2023

Deadline for Proposals: Friday, Nov. 3, 2023, 5 p.m. Eastern Time

Anticipated Award date: On or around December 20, 2023

HOUSING TRUST FUND CORPORATION

HAMPTON PLAZA, 38-40 STATE ST., ALBANY NY 12207

[www.hcr.ny.gov](http://www.hcr.ny.gov)



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# 1. Introduction and Purpose

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[New York State Homes and Community Renewal](#) (“HCR”) consists of the major housing and community renewal agencies of the State of New York (“State” or “NYS”), including the Housing Trust Fund Corporation (“HTFC”), the Division of Housing and Community Renewal (“DHCR”) and the Housing Finance Agency (“HFA”). HTFC is a State public benefit corporation (“PBC”) operating under the umbrella of HCR. HTFC administers federal and state rental assistance program across New York State, including Section 8 Housing Choice Vouchers (“HCVs”).

HTFC is soliciting applications from qualified property owners (“Applicants”) to apply for rental assistance in the form of Federal Section 8 Project Based Vouchers (“PBVs”) or state rental assistance via the New York State Rural Rental Assistance Program (RRAP) through this NOFA. This NOFA is being issued in parallel with HCR’s most recent Multi-Family Finance, 9 percent Low Income Housing Tax Credit (“LIHTC”) NOFA.

HTFC seeks qualified Applicants to achieve the following goals:

- 1) Increase the supply of quality housing that is affordable to low-income households in communities across New York State in support of de-concentration of poverty and expanding housing and economic opportunities.
- 2) Preserve the long-term viability of existing affordable housing previously assisted with Federal and State investments.

## 2. Section 8 Project Based Vouchers

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### 2.1 Applications for PBV assistance

HTFC administers approximately 45,000 Section 8 Housing Choice Vouchers (“HCV”) for very low and extremely low-income households across New York State, including more than 8,000 Project-Based Vouchers. As the Public Housing Authority (“PHA”) responsible for administering these vouchers, HTFC receives Housing Assistance Payment funding and voucher authority from the United States Department of Housing and Urban Development (“HUD”). Subsidies under HCV are equal to the difference between 30 percent of the tenant’s adjusted monthly income and the tenant’s monthly housing expenses.

HTFC administers the HCV Program locally through a network of not-for-profit, for-profit, and government entities that are referred to as [Local Administrators \(“LAs”\)](#). Each LA administers the program according to Federal rules and the [HTFC Section 8 Administrative Plan](#). The LAs also administer PBVs awarded to properties within their assigned county (or counties) and are responsible for establishing site-based waiting lists of households eligible to receive Section 8 assistance. The owner/agent of that property must select tenants from the LA’s site-based waiting list.

**PBVs through HTFC may only be obtained through this NOFA. Applicants may apply for PBVs from HTFC in any county in New York State.** This includes counties in which HTFC does not administer tenant-based vouchers.

All PBV Applicants will fall into one of two categories or “tracks.” **Applicants should pay careful attention to which track their application falls within to ensure they are following the correct instructions for application submission.**

**Track 1 – New Projects** - This includes any property eligible for voucher assistance where either new construction or rehabilitation will take place within the next two years. Properties in this track are only permitted to apply under this NOFA if they either have been awarded or have a current application pending for at least one other construction or permanent funding source through either DHCR, HTFC, HFA, or in certain circumstances through the Homeless Housing and Assistance Program (“HHAP”) administered by the New York State Office of Temporary and Disability Assistance. For Track 1 projects, properties must not have started construction or undertaken any choice limiting actions per 24 CFR 58.22 before signing an Agreement to enter into a Housing Assistance Payment Contract (AHAP) for PBV units.

**Track 2 – Existing Properties without rental assistance** -

Applicants may apply for vouchers for existing properties where construction or rehabilitation has NOT taken place in the past year and will NOT take place within 18 months of the HAP Contract effective date, except as otherwise described in Section 2.4. To be considered, the property must have previously received funding from DHCR, HTFC or HFA under the following programs – 9% Low Income Housing Tax Credits (“LIHTC”); 4% LIHTC; HTFC financing; HOME financing; HFA bond financing, SLIHTC, other competitively-awarded HFA or HTFC loan or subsidy; State-supervised public housing; State supervised Mitchell-Lama housing. HTFC will also consider housing projects that are currently under a regulatory agreement with OTDA for HHAP, even if the property does not have any current HCR financing.

## 2.2 Number of PBVs per property

Applications are limited to the greater of 25 units or 25% of the units in the property except in the following circumstances:

- If the building is in a census tract with a poverty rate of 20% or less, the property may request PBVs for 40% of the units (poverty level may be found using the [Project Based Lookup Tool](#)).
- Properties requesting PBVs for units that are exclusively for elderly households or for households eligible for supportive services available to all assisted households in the property have no unit maximum; however, services must be provided and paid for by the property in a manner approved by HTFC and subject to HTFC monitoring.

The total number of PBVs per property includes **all PBV contracts**. They do not include tenant-based Section 8 vouchers (also known as Housing Choice Vouchers). There is no minimum unit request threshold.

## 2.3 PBV Application Priorities

Applicants will be prioritized for PBVs if the property/units:

- Are specifically made available to house individuals and families who meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) and contained in the Continuum of Care Interim Rule at 24 CFR 578.3.
- Are specifically made available to house families who are comprised of or include a veteran.  
- *Veteran* means an individual who has served in the United States Armed Forces.
- Provide supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403.
- Are located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year Estimates.

## 2.4 Additional Requirements for PBVs

HTFC will execute 20-year HAP contracts, contingent on Federal funding with successful Applicants. Awards to Track 1 properties made through this NOFA are contingent on a federal Subsidy Layering Review (SLR), including properties that have received LIHTC or other Federal resources; all properties will be expected to meet stated financial conditions or provide adequate proof of financial feasibility. Properties that have recently undergone or will soon undergo moderate or significant rehabilitation may trigger Federal Davis Bacon Act requirements.

The Selected Applicant(s) must enter into a HAP contract in the form prescribed by HUD. Modifications are not permitted. Applicants should be aware that, after an award, Equal Opportunity reporting may be required such as an Equal Employment Opportunity Staffing Plan or Minority and Women-owned Business Enterprise Utilization Plan, if applicable. Federal and HUD requirements included in this NOFA are not meant to be comprehensive. Other Federal requirements may apply based on the circumstances, such as requirements contained in Davis Bacon. Proposers are strongly encouraged to educate themselves on all program rules before applying. All units occupied must be both income-eligible and adhere to the PHA's subsidy standards, as described in HTFC's [Administrative Plan](#).

**\*NEW\***: All awarded projects are required to place any **excess profits** that exceed the federal [Subsidy Layering Review](#) ("SLR") limitations during the life of the PBV HAP contract into project reserves during the life of the PBV HAP contract. Currently, federal SLR requirements limit Debt Coverage Ratio ("DCR") to no greater than 1.45 (where applicable) and annual cash flow to no greater than 10 percent for any given year that the project is under regulation. HTFC reserves the right to decrease the number of PBV units in a HAP contract, adjust payment standards, and/or rescind an award if it determines that these thresholds have been exceeded or that the applicant provided misleading or knowingly false financial projections.

**\*NEW\***: As part of their application Applicants in Track 2 are required complete the "Certification Regarding Ongoing Activities at Existing Projects" form attached to this NOFA. Applicants shall **disclose any future repairs** anticipated within the next 18 months of HAP Contract effective date that may meet the definition of construction or rehabilitation. This may include repairs that are part of a long-term maintenance plan. Track 2 Applications for properties with future repairs that are determined

by HTFC, at its sole discretion, to fit the federal definition of construction or rehabilitation, pursuant to 24 CFR § 58.22, shall be rejected. HTFC reserves the right to rescind an award at a later date if such repairs were not properly disclosed.

**\*NEW\***: Track 2 (existing) project awardees receiving PBVs must agree to **maintain or extend any current affordability requirements** for any units in the covered property for no less than the length of the PBV HAP contract. This may include any unit that is not receiving a PBV assistance, but for which there is a currently enforced, legal affordability requirement based on: 1. An existing regulatory, subsidy or loan agreement (e.g. LIHTC, SLIHTC, HFA, HTFC etc.); 2. Any applicable regulations related to Mitchell-Lama or state or federal public housing (even if at the time of the PBV award the enforceability of such regulations may have expired); or 3. any form of any non-temporary state or federal financing or rental assistance); or 4. Or other applicable rent restrictions that are imposed per federal, state or local law. HTFC may waive this requirement at its discretion. HTFC may waive this requirement upon request by the applicant/awardee, if HTFC determines at its discretion that meeting the requirement is infeasible or not in the best interest of the state.

Existing housing must have all housing units substantially comply with the PBV Housing Quality Standard (HQS) for physical condition at the time of award to be eligible. The Applicant must identify the specific units to be served and confirm that they are not presently assisted through any other Federal, State, or local source of rental assistance.

**\*NEW\*** Rehabilitation/Construction Policy Exception for Existing Properties:

An owner who receives an award of PBVs for an existing (Track 2) property may request an exception to the prohibition of construction or rehabilitation during the 18 months following the HAP Contract effective date for one or more of the following reasons:

1. The immediate need for the construction/rehabilitation proposed was not anticipated at the time of PBV application, and could not have reasonably been known;
2. Additional funding has become available that was not available at the time of the PBV application that will enhance the safety, energy efficiency or quality of life in the property, and/or that will further the state's housing goals;
3. The owner was directed by HCR, HUD or another government entity to pursue additional rehabilitation to remain in compliance with a regulatory agreement or other legal requirements.

The owner must submit a written request for an exception in a format prescribed by HCR at least 60 days prior to the start of construction, except in the case of an emergency repair as determined in writing by the HCR Environmental Unit prior to the emergency work. HCR may grant an exception at its sole discretion. If an exception is granted, the owner is exclusively responsible for compliance with any applicable state or federal law or regulation, which may include but is not limited to, the Davis-Bacon Act and HUD's National Environmental Policy Act ("NEPA") and applicable requirements. HCR reserves the right to terminate a contract or rescind an award for any instance of non-compliance.

## 2.5 Additional Requirements for HHAP Projects applying for PBVs

To be eligible for PBVs under this NOFA as an HHAP new or existing project, **units must be located in non-licensed, permanent, supportive housing**. Transitional housing, overnight shelters, hospitals,

prisons, institutional settings, and nursing homes are NOT eligible. Housing with a shared kitchen or living spaces (e.g., Single Room Occupancy) may be considered but must be compliant with 24 CFR §982.602 to §982.605 and other applicable regulations; each household must have an assigned, individual unit within the property with a lease of no less than 12 months.

Units with PBVs may not receive other forms of rental assistance paid to the owner, including but not limited to rent and/or operating assistance; however, funding specifically allocated to cover the costs for supportive services, including funding from the Empire State Supportive Housing Initiative (“ESSHI”) is allowable.

Properties with HHAP financing must still otherwise meet all federal requirements for Section 8 PBVs, including but not limited to compliance with [24 CFR 982](#), among other federal and state requirements. The terms of this NOFA shall not be considered to be comprehensive of all requirements, and applicants are strongly encouraged to review the federal regulations as well as [HTFC Section 8 Administrative Plan](#) before applying. HTFC reserves the right to rescind an award or contract, at its sole discretion, for housing that is later determined to be ineligible under applicable federal or state rules or regulations.

<u>Federal Section 8 PBV Summary</u>	
<b>Total # of Units available through this NOFA:</b>	Up to 300 units
<b>Eligible Properties</b>	Properties requiring construction or existing properties
<b>Length of Contract being offered:</b>	20 years
<b>Maximum request:</b>	<ol style="list-style-type: none"> <li>1. Higher of 25 units or 25% of units at property; OR</li> <li>2. Properties in a HUD designated low-poverty area may request PBVs for up to 40% of units OR</li> <li>3. Properties serving elderly (age 62 and older) or households eligible for supportive services have no unit maximum.</li> </ol>
<b>Minimum request:</b>	N/A
<b>Income Targeting:</b>	Very low (50% AMI) and extremely low income (30% AMI) [minimum 75% of new admissions for the HCV program (which includes PBVs) must be at or below 30 % AMI]
<b>*Applicable Statutes and Regulations: (*Not all inclusive - Applicants should be knowledgeable on any applicable regulations)</b>	42 USC § 1437(o)(13), Federal Regulations Title 24, Subtitle B, Chapter IX, Part 983 - Project-Based Voucher (PBV) Program; other Federal regulations applicable to Section 8; NYS HTFC Section 8 Administrative Plan



## 3. Rural Rental Assistance Program

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### 3.1 Applications for RRAP

**RRAP assistance for this funding round is limited to applicants who have existing NYS HTFC Agreements/ RRAP Contracts and are seeking additional rental assistance for unassisted units. Funding for RD 515 projects without a current RRAP contract may be offered in a future round.**

RRAP provides direct rental subsidies to property owners for low-income elderly and family tenants residing in multifamily properties located in rural areas of New York State and financed with mortgages from the United States Department of Agriculture (USDA) Rural Housing Services (RHS), formerly Farmers Home Administration, 515 Program. Currently, HTFC provides RRAP assistance for 242 properties, totaling 4,994 units. State law requires that RRAP operate only in conjunction with low-interest mortgage financing provided by the USDA under Title V of the Housing Act of 1949. RRAP contracts will cease upon termination or discontinuance of the RD 515 loan. RRAP units are subject to largely the same regulations that govern units receiving federal 515 rental assistance. Subsidies under RRAP are equal to the difference between 30 percent of the tenant's adjusted monthly income and the tenant's monthly housing expenses. Owners/agents are responsible for establishing and maintaining a wait list of qualified applicants for each 515 property. Annual RRAP funding is subject to State Budget appropriations.

HTFC engages RRAP property owners/agents in 5-year contracts, contingent each year on available funds, to provide rental assistance to each apartment ("unit") included within the program. **Only properties with an existing loan agreement with the USDA under the 515 program, an existing NYS HTFC Agreement/RRAP Contract, and that are in compliance with USDA property standards and other requirements, are eligible to apply for additional NYS rental assistance through this NOFA.**

### 3.2 Number of RRAP units per property

There are no limitations on the number of units per property that an applicant may request as part of this NOFA. There is no minimum or maximum request. Applicants may apply to serve any unsubsidized units within a property with a current RRAP contract. However, **HTFC will not consider proposals to replace Section 8 Project Based Vouchers, Project Based Rental Assistance, or any other form of permanent, project-based federal or state rental assistance.** Tenants with current Section 8 vouchers may not be required by an owner/agent to convert to RRAP as part of this application.

### 3.3 RRAP priorities

Applicants will be prioritized for RRAP assistance based on the following:

- A balanced distribution of program funds with respect to the need for adequate housing of low-income households in rural areas of New York State;
- The existence of a substantial low-income population in the area, relative to its total population;
- The scarcity of safe, affordable rental housing for persons of low income in the area;
- The existence of substantial unmet housing needs on the part of the elderly, larger families, or any other special population group in the area, and the potential role of the project in meeting such needs;
- The degree of community involvement in the proposed project, including but not limited to the participation in sponsorship by corporations funded under article XVII of the Private Housing Finance Law or other community-based not-for-profit organizations;
- The degree to which rental assistance is needed to make the project available to low-income tenants;
- The degree to which the project may generate additional funding or other support for low-income housing or related programs in rural areas.

### 3.4 Additional Requirements RRAP

All units with RRAP funding are subject to applicable Federal and New York State requirements, including but not limited to USDA regulations related to the 515 program and State Statutory requirements for RRAP. In order to be eligible, the Proposer must identify the specific units to be served and confirm that those units will not be assisted through any other Federal, State, or local source of rental assistance at the time of contract execution.

The Selected Proposer(s) must enter into the NYS HTFC Agreement in the form prescribed by HTFC. After award the RRAP contract will include Standard Clauses for Contracts with the New York State Housing Finance Agency. (Applicants should be aware that, after an award, Equal Opportunity reporting may be required, such as an Equal Employment Opportunity Staffing Plan or Minority and Women Business Enterprise if applicable.) Once HTFC provides a final version of the Agreement, no modifications by the Proposer will be permitted. Proposers are strongly encouraged to educate themselves on all program rules before applying.

<b>RRAP Summary</b>	
<b>Total Number of Units available through this NOFA:</b>	Up to 150 units
<b>Eligible Properties</b>	Must have an existing 515 Mortgage, with NYS HTFC Agreement (5-year term) and Appendix X
<b>Length of Contract being offered:</b>	5-year extension for contracts awarded units
<b>Maximum # of units a Proposer may request:</b>	NA
<b>Minimum # of units a Proposer may request:</b>	NA

<b>Income Targeting:</b>	Low (80% AMI) and Very low (50% AMI)
<b>*Applicable Statutes and Regulations:</b>	USDA RD 515 program (42 USC § 1471 <i>et seq.</i> ), 7 CFR Subtitle B, NYS Private Housing Finance Law Article 17-A – Rental Assistance Program for Rural Areas, 9 NYCRR Part 2800
<b><i>*Not all inclusive - Proposers should be fully knowledgeable on all applicable regulations</i></b>	

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## 4. Calendar of Events and Milestones

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Eligible Applicants may begin submitting applications for PBVs and RRAP units as soon as the NOFA is issued and until the deadline for submission. All applications received will be submitted via e-mail and checked for completeness. Complete applications will be scored and prioritized as per Section 7 of this NOFA.

Event	Date
<b>Issuance of NOFA</b>	<b><u>Tuesday, September 12, 2023</u></b>
<b>Application Workshop</b>	<p><b><u>Wednesday, October 11, 2023, at 12 noon</u></b></p> <p><b>Join from the meeting link</b>  <a href="https://meetny.webex.com/meetny/j.php?MTID=md8655465c02b3a7cad0af523a6487167">https://meetny.webex.com/meetny/j.php?MTID=md8655465c02b3a7cad0af523a6487167</a></p> <p><b>Join by meeting number</b>            Meeting number (access code): 1614 04 3627            Meeting password: GSk3bmmMB88</p> <p><b>Tap to join from a mobile device (attendees only)</b>  <a href="tel:+1-518-549-0500">+1-518-549-0500</a>,,1614043627## US (English Menu)</p> <p><b>Join by phone</b>  <a href="tel:+1-518-549-0500">+1-518-549-0500</a> US (English Menu)</p>
<b>Technical Assistance Dates</b>	<b><u>Technical Assistance may be requested through Friday, October 20, 2023, and will be scheduled until Friday, October 27, 2023. Individual questions will be answered via email until the due date.</u></b>
<b>Application Submission Deadline</b>	<b><u>Friday, Nov. 3, 2023, 5 p.m. Eastern Time</u></b>
<b>Anticipated date of awards</b>	<b>On or around December 20, 2023</b>

## 5. Administrative Information and Requirements

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### 5.1 Technical Assistance

Technical assistance (TA) for Applicants may be requested. Individual questions will be answered via email until the due date. Those seeking TA should contact the Rental Assistance Program Managers (contact information is listed below). Existing properties in Track 2 are strongly encouraged to pursue TA. Inquiries may be routed to other program staff depending on the question. **If emailing, proposers are strongly encouraged to also cc the general NOFA email box at <mailto:RentalRFP@hcr.ny.gov> to ensure their inquiry can be forwarded if the TA contact listed below is not available.**

#### PBV TA Contact

Courtenay Loiselle

[Courtenay.Loiselle@hcr.ny.gov](mailto:Courtenay.Loiselle@hcr.ny.gov)

(518) 417-9127

#### RRAP TA Contact

Judith Bouchard

[Judith.Bouchard@hcr.ny.gov](mailto:Judith.Bouchard@hcr.ny.gov)

(518) 402-7209

### 5.2 Amendments and Addenda

HTFC reserves the right to modify any part of this NOFA including, but not limited to, the dates and times listed in Section 4 “*Calendar of Events and Milestones.*” Modifications will be made by issuance of amendments and/or addenda. Any amendment or addendum to this NOFA will become part of this NOFA. Modifications to the NOFA will be posted to the HCR [Funding Opportunities](#) web page.

If the Proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in this NOFA, the Applicant will immediately notify HTFC of such error in writing and request clarification or modification of the document. There are no designated dates for release of addenda. Therefore, interested Applicants should check HTFC’s website frequently. It is the sole responsibility of the Applicant to be knowledgeable of all addenda related to this NOFA process.

HTFC does not make any guarantees that PBVs or RRAP will be offered through this type of NOFA again in future years.

### 5.3 Partial Awards, Budgeting, and Exceptions

Resources are limited. HTFC reserves the right to make an award to an Applicant that is for less or more than the number of vouchers/units requested. HTFC also reserves the right to make an award to a lower scoring application if that application more closely fits the resources remaining. The exact

number of units awarded through this NOFA is subject to change without notice based on the level of subsidy required for each property, HTFC's ongoing assessment of the program budget and future funding availability, the quality of applications received, and other factors as deemed necessary. HTFC reserves the right to make awards based on criteria other than what is listed in the Evaluation Section of this NOFA if the Commissioner determines it is necessary and in the best interest of the State of New York. HTFC may at its discretion establish a waiting list for projects eligible for funding but for which PBVs are not currently available. HTFC may then make additional, partial, or full awards at a later date than what is listed in the Calendar of Events, or as additional resources become available.

## 5.4 Applicant Responsibility

### 5.4.1 General Responsibility

The successful Applicant will remain responsible throughout the Contract term for compliance with all applicable Federal and State requirements, as well as the terms of the contract. The successful Applicant agrees, if requested by HTFC, to present additional evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, and organizational and financial capacity.

By applying in response to this NOFA, the Applicant certifies that the property for which assistance is requested is eligible under all applicable Federal and State rules. The applicant also certifies that the units that will receive assistance and the property currently complies with all applicable physical health and safety standards, including but not limited to Federal Housing Quality Standards (HQS). If it is determined at a later date that the property is for any reason ineligible, that the property or any unit seeking assistance does not meet the applicable standard, and/or that the Applicant withheld information or provided information that was incomplete or misleading, HTFC may at its sole discretion immediately terminate the contract and seek civil penalties including repayment of any PBV rental assistance payments received by the property for which it was ineligible.

### 5.4.2 Environmental Review & Prohibition of Project Work

**Applicants are hereby advised that after submission of an application no work may be undertaken, including site acquisition, contracts for services, demolition, and any other site disturbance beyond investigation or testing activities, until either an award is made, and HCR's Environmental Analysis Unit has completed an environmental review and issued an environmental clearance letter to the applicant, or the applicant receives a Negative Outcome Letter.** If project work or choice limiting actions are made, it may impede or prohibit environmental clearance or use of funding sources. All funding awards are contingent upon completion of HCR's review pursuant to the State Environmental Quality Review Act (6 NYCRR 617) and HUD's National Environmental Policy Act (NEPA) requirements under 24 CFR Part 58 (PBV only). If Federal Housing Trust Fund (FHTF) will be utilized, the housing standard regulations at 24 CFR 93.301 will also be applicable. All projects shall comply with: Section 106 of the National Historic Preservation Act; Floodplain Management Criteria (Floodplain mapping can be found here: <https://msc.fema.gov/portal/home>); Section 305(4) of the Agriculture and Markets Law; and, Smart Growth Public Infrastructure Policy Act (NYS Environmental Conservation Law, Article 6), in addition to other policy and laws outlined in HCR's Capital Programs Manual and Design Handbook.

Please note that there are some instances where environmental review requirements will prohibit an allocation of PBVs to a project - including but not limited to project sites with FEMA defined floodways, Coastal Barrier Resource Areas, or, for FHTF, in airport clear zones. While the latter two criteria are rare, **applicants are encouraged to confirm whether any portion of their property is located in a floodway prior to applying.** Refer to 24 CFR Part 58 for PBV only applications and to the [HCR FHTF Term Sheet](#) for any project also contemplating FHTF. Any RRAP units awarded to an existing contract will be subject to the same Environmental Review Clearance process.

### 5.4.3 Fair Housing

All awardees must comply with all HCR marketing guidelines and submit an Affirmative Fair Housing Marketing Plan acceptable to HCR's Office of Fair Housing and Equal Opportunity. The Fair and Equitable Housing Office Affirmative Fair Housing Marketing Plan requirements are available at: <https://hcr.ny.gov/marketing-plans-policies> .

#### 5.4.3.1 Accessibility

Projects must meet accessibility requirements of the Project Based Section 8 program and RRAP; if awarded, projects will be required to provide architect certification of compliance with Section 504 of the Rehabilitation Act of 1973.

#### 5.4.4 Suspension (for Non-Responsibility)

HTFC reserves the right to suspend any or all activities under an award or contract at any time when HTFC discovers information that calls into question the responsibility of any awardee or its subcontractors, partners, or affiliates. In that event, the awardee will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the awardee must comply with the terms of the notice. Contract activity may resume at such time as HTFC issues a written notice authorizing a resumption of performance under the Contract.

#### 5.4.5 Termination (for Non-Responsibility)

Upon written notice to the awardee and a reasonable opportunity to be heard by HTFC, the award and/or contract may be terminated by HTFC at the awardee's expense where the awardee or its subcontractors, partners or affiliates is determined by HTFC to be non-responsible. In such event, HTFC may complete the contractual requirements in any manner HTFC deems advisable and pursue available legal or equitable remedies for breach.

#### 5.4.6 Debarment

No entity that is on any Federal or New York State debarment list, or which is otherwise prohibited from bidding on or receiving government contracts may be contracted for any services related to the property for which funding is being sought.

### 5.5 Federal Requirements

PBV Housing Assistance Payment awards and contracts shall be governed by certain Federal terms and conditions for Federal grants, including HUD regulations and any applicable Office of Management and Budget's ("OMB") circulars. As listed in 24 CFR 983.4, the following provisions, among others, apply to assistance under the PBV program:

- a. *Civil money penalty.* Penalty for owner breach of Agreement. See 24 CFR 30.68.

- b. *Debarment*. Prohibition on use of debarred, suspended, or ineligible contractors. See 24 CFR 5.105(c) and 2 CFR part 2424.
- c. *Fair housing*. Nondiscrimination and equal opportunity. See 24 CFR 5.105(a) and section 504 of the Rehabilitation Act.
- d. *Fraud*. See 24 CFR part 792.PHA retention of recovered funds.
- e. *Labor standards*. Regulations implementing the Davis-Bacon Act, Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708), 29 CFR part 5, and other Federal laws and regulations pertaining to labor standards applicable to development (including rehabilitation) of a project comprising nine or more assisted units.
- f. *Lobbying restriction*. Restrictions on use of funds for lobbying. See 24 CFR 5.105(b).
- g. *Program accessibility*. Regulations implementing Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). See 24 CFR parts 8 and 9.
- h. *Protection for victims of domestic violence, dating violence, sexual assault, or stalking* (24 CFR part 5, subpart L – Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking).
- i. *Lead-based paint* lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR Part 35, Subparts A, B, H, and R, and 40 CFR 745.227, apply to the PBV program.
- j. *Uniform financial reporting standards*. See 24 CFR part 5, subpart H.

RRAP awards and contracts shall be governed by certain Federal terms and conditions, including USDA RD regulations. As listed in 7 CFR 3560.4, the following provisions, among others, apply to the Section 515 Program:

- a. National flood insurance. The National Flood Insurance Act of 1968, as amended by the Flood Disaster Protection Act of 1973; the National Flood Insurance Reform Act of 1994; and 7 CFR part 1806, subpart B, or any successor regulation.
- b. Clean Air Act and Water Pollution Control Act. For any contract, all applicable standards, orders or requirements issued under section 306 of the Clean Air Act; section 508 of the Clean Water Act, Executive Order 11738, and 40 CFR part 32.
- c. Historic preservation. The provisions of 7 CFR part 1901, subpart F or any successor regulation.
- d. Lead-based paint. The applicable provisions of 24 CFR part 35, subparts A through D, J, and R, as published by the U.S. Department of Housing and Urban Development.

**This is not a comprehensive list of all requirements.** Additional Federal requirements may be found in Appendix IV of this NOFA under “HUD General Provisions.” However, it is the sole responsibility of the Applicant to be aware of and comply with all Federal and State Regulations applicable to the assistance being requested. The regulations listed in this NOFA do not invalidate State and local requirements, laws and policies triggered by the receipt of these funds.



## 5.6 Costs Incurred

HTFC is not liable for any costs that an Applicant incurs in preparing its application, for any work performed in connection therewith, or for travel expenses related thereto. HTFC's receipt of an Application from an Applicant in no way obligates HTFC to such Applicant.

## 5.7 Confidential Information

Certain information that HTFC may furnish in connection with this NOFA may be labeled as confidential and should be treated as proprietary information of HTFC by each recipient of this NOFA. By the Applicant's receipt of this NOFA, the Applicant agrees not to (a) disclose any part or all of such confidential information furnished to the Applicant pursuant to this NOFA to any party, including, without limitation, any law firm or any corporate or government office, except to the extent essential to the preparation of the proposal, and to secure from any party to whom a disclosure is made under this provision, a confidentiality agreement, executed prior to any such disclosure, in which the recipient agrees to keep confidential and to not disclose any such confidential information to any other party (a "**Confidentiality Agreement**"), (b) use such information for any purpose other than to prepare a response to this NOFA. Such Confidentiality Agreement must name HTFC as an intended third-party beneficiary with the right to enforce all remedies in an event of any such breach or unauthorized disclosures.

Documents submitted to HTFC may be subject to disclosure under the New York State Freedom of Information Law ("**FOIL**"), N.Y. Pub. Off. Law §§ 85-90. It is the Proposer's responsibility to designate those portions of its proposal, if any, the Applicant claims should be exempt from disclosure under FOIL. To the extent the law permits, HTFC will use reasonable efforts to hold the designated portions of the application in confidence. An Applicant must clearly designate in its application those portions of the application, if any, that the Applicant believes are trade secrets or are maintained for the regulation of commercial enterprise that, if disclosed, would cause substantial injury to the competitive position of the Applicant.

All properties contained within a project for which assistance is requested must meet all minimum requirements or HTFC, at its discretion, may reject part or all of the entire application. These include requirements specific to this NOFA as well as any applicable Federal and State requirements. Applicants may only make a request for one project per proposal. For the purposes of this NOFA, a project may be defined as: 1. A single building; 2. multiple contiguous buildings; 3. multiple buildings on contiguous parcels of land; or 4. Scattered sites that have been accepted as a single project for the purposes of an application for HCR financing, and/or are included within the same HCR SHARS number.

**All awards are contingent on future Federal or State Budget appropriations. HTFC reserves the right to reduce or terminate contracts if future funding is insufficient.**

## 6. Application Requirements

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A complete application for this NOFA is comprised of six (6) separate tabs. The Application must be complete and prepared in a format consistent with the instructions provided in this NOFA. In all instances HTFC's determination regarding an application will be final. At HTFC's sole discretion, applications not organized in the manner prescribed in this NOFA may be considered incomplete or scored lower. Applicants should not refer to other parts of the application for information that may be publicly available elsewhere, or to the Applicant's or other websites, in lieu of answering a specific question.

### 6.1 Application Submission Requirements

Applications must be delivered by email. Applicants will submit components, referred to here as tabs. Each tab will be consolidated into a single, digital file that contains all the required documents for that section of the proposal. Tab Four: Operating Assessment should also be submitted in Excel format.

- Tab One: Cover Letter
- Tab Two: Applicant Information
- Tab Three: Application Narrative
- Tab Four: Operating Assessment (submitted in PDF and Excel format)
- Tab Five: Vendor Responsibility Questionnaire and Additional Certifications
- Tab Six: Supporting Attachments

Applications must be sent in one email with six attachments, one for each Tab, to [RentalRFP@hcr.ny.gov](mailto:RentalRFP@hcr.ny.gov). Each tab must be submitted in a searchable portable document format ("PDF") compatible with Adobe Reader XI. HTFC will not accept discs, flash drives, or FTP file references that require downloading information from the Applicant's or a third party's website. If the six files are too large, HTFC may at its discretion approve submitting in multiple emails, and/or breaking up tabs into more than one file.

It is the Applicant's sole responsibility to ensure that all emails and attachments are delivered on time in a legible format. The time of receipt for the application will be the time it is received by HTFC at the email listed above, and not the time it was sent. **Please note that applications are large and may take time to come through the state email system. Please consider that time when you send.** Applicants assume all risk for application delivery. An application may be deemed to be incomplete or low scoring because it is materially incomplete or not properly formatted. HTFC reserves the right to seek clarification or request additional information. The determination of whether any application is complete or was received on time is at the sole discretion of HTFC. All submitted applications shall become the property of HTFC.

## 7. Content of Applications

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The application should demonstrate that the Applicant is qualified to administer rental assistance programs. It should also demonstrate that the property, the tenants, and the community will directly benefit from the assistance requested.

**All application materials must be typed and submitted in the format prescribed. No handwritten documents will be accepted.**

Applications shall be submitted with the information and documentation listed below in the order in which it is requested. The Applicant must submit an application that clearly provides all information required in this NOFA. Emphasis should be concentrated on conformance to the NOFA instructions, responsiveness to the NOFA requirements, and clarity of content. The Applicant is advised to thoroughly read and follow all instructions contained in this NOFA. HTFC does not require, nor desire, any promotional material that does not specifically address the response requirements of this NOFA.

The application content varies for Properties Requiring Construction (concurrently applying for the 9% multifamily finance NOFA) and Existing Properties as outlined below.

### 7.1 TAB 1: Application Cover Letter

The Applicant's Cover Letter must not exceed two (2) pages and should include:

- A. A brief summary of the request, the address of the property, whether the property is a rehabilitation, new construction, or existing.
- B. The type of assistance (RRAP or PBVs) and number of units requested.
- C. The organizational history and legal structure of the owner (e.g., individual practitioner, partnership, LLC, corporation, non-profit organization, etc.).
- D. A description of any subcontractor, partners and affiliates who will be involved in the administration of the rental assistance requested, including property managers, etc.
- E. A written certification confirming that the information contained in the application is true and accurate and that the person signing the cover letter is authorized to submit the application on behalf of the Applicant.
- F. A written certification that all units for which assistance is requested will meet the applicable Federal and State requirements.
- G. A written certification that the project understands that upon award that their regulatory agreement will be extended to meet the length of the contract.
- H. A written certification that the project understands that upon award any excess funds will be required to be submitted into their reserves.

- I. Existing PBV Applicants: A written certification confirming that the project units are able to pass a Housing Quality Standards inspection if selected.
- J. Statement should be signed by the Authorized Signatory for the project’s developer/owner.

## 7.2 TAB 2: Applicant Information

The Applicant must submit a fully complete Cover Sheet using the form attached (Appendix I). Track 2 and RRAP applicants must also submit a fully complete Statement of Ongoing Work (Appendix II). Appendix II should indicate all current and planned work in the next year, **including anticipated capital improvements as well as any scheduled, minor repairs that will alter the building structure, individual apartment units, or the site.** **Note: fillable versions of the Appendices are posted as a separate, fillable PDF.**

## 7.3 TAB 3: Application Narrative

The content in Tab 3 must be no more than seven (7) letter-size pages - single or double spaced, minimum 12-point font, and at least one-inch margins. The Narrative shall include the information listed below, numbered and in the order shown.

### Management Experience & Past Performance

The Applicant will use this section to demonstrate their team is qualified, prepared, and ready to perform the tasks required in compliance with applicable regulations. Attach resumes for the parties in Tab 6.

- a. Number of properties currently owned.
- b. Number of years involved in management of properties with PBVs/RRAP.
- c. Number of years and the number of properties owned or managed that include Section 8 Project Based Rental Assistance (“PBRA”), RD 515, HUD 202, or other project-based assistance (please describe).
- d. List any monitoring findings, either from HUD, the USDA or HCR on this or any other properties owned or managed in the past 5 years.
- e. Are any of these findings currently unresolved? If so, please explain.
- f. Has this or any other property owned or managed ever had a PBV, state RRAP or RD 515 contract revoked or cancelled? If so, please explain. For owners/agents managing federal Low Income Housing Tax Credit properties, please report any instance where your property was issued an 8823 Form from a Housing Credit Agency.
- g. In the past 10 years, has this owner/agent had any fair housing complaints filed against them with any court, HUD, a state agency (such as the NYS Division of Human Rights), or a local or municipal government? If so, utilize the following format to report:

<u>Date of complaint and resolution date (if applicable)</u>	<u>Name of complainant</u>	<u>Outcome of complaint</u>	<u>If complaint is open or required settlement, please provide the nature of the complaint and details of settlement.</u>

### Description of property/project

- a. A physical description of the property, including the current or anticipated number of buildings, number of units in each building, stories, unit sizes, etc.
- b. For properties involving new construction or rehabilitation, provide a timeline for when work will take place.
- c. The current or anticipated target population served by the property, including current affordability requirements, a breakdown of income limits for all units, and any preferences and set asides. Attach the relevant language from your Tenant Selection Plan to document any preferences in Tab 6.

### Affordability

Describe all regulatory agreements and Federal, State, or local restrictions that are or will govern the operation of the property. This includes:

- a. The financing history of the property, including a list of all development sources, the amounts received and terms, and the year the property was placed in service.
- b. The terms of the current regulatory requirements of the property, including: 1. the expiration dates of any loan and/or regulatory agreements; and 2. how long the property is currently required to remain affordable.
- c. For properties in which a loan or regulatory agreement will expire within the next three years, describe: 1. what is the owner/agent's long-term plan to maintain affordability, reduce operating costs, and improve design, health, safety, quality of life, etc.; and 2. what entities the property owner or agent has approached to implement the plan and what financing is already committed or will be sought.
- d. A list of any current sources, besides tenant rent, that provide ongoing operating or rental assistance, and the units for which that assistance is tied. Describe the number of units, type of subsidy, and length of contract for any existing contracts for rental assistance at this project. Please attach any current contracts providing project-based rental assistance of any type in Tab 6.

### Targeted Populations **(For PBV applications only)**

- e. Applicant must provide a statement as to whether the units requested will fall into one or more of the following categories:
  - Are specifically made available to house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) and contained in the Continuum of Care Interim Rule at 24 CFR 578.3. Please provide information on referral source and attach a service plan (if applicable) in Tab 6.
  - Are specifically made available to house families that are comprised of or include a veteran. (An individual who has served in the United States Armed Forces). Please provide information on referral source and attach a service plan (if applicable) in Tab 6.
  - Provide supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403. Please provide information on referral source and attach a service plan in Tab 6.
  - Are located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year Estimates. Properties in this category must

utilize the HUD Project Based Voucher Lookup Tool (<https://www.huduser.gov/portal/maps/hcv/home.html>) to determine if they are eligible in this category. Provide screenshot of the map showing the census tract if claiming this designation in Tab 3.

- Property will be designated for elderly households age 62+ (not considered supportive housing)
- Property is state-aided public housing.
- Applications which do not provide supporting documentation for any of the listed categories will not be considered as serving the indicated population.

### Market Conditions

- a. Describe market conditions at the property including:
  - the utilities and streets available to service the site;
  - Nearby conditions that would be detrimental to family life or would be considered undesirable
  - the types and affordability of local housing opportunities in the area/region
  - Demographic information in the community including poverty level and racial diversity
  - The available social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services in the area/region
  - The availability and cost via public transportation or private automobile from the neighborhood to places of employment

**For PBV applications in Track 2, and for all RRAP applications,** provide:

- a.
  - the annual vacancy rate for each of the past 5 years (2018-2022)
  - the number of applicants on the current waiting list
  - how many months applicants wait on average to be selected from the waiting list.
- b. Describe and quantify the overall need and demand for affordable units in the community. If applicants are selected from a shared waitlist such as through a Continuum of Care, provide detailed information on applicant selection process for this property.
- c. Explain why the addition of PBV or RRAP assistance is necessary to serve the property's target population, and how the assistance requested will directly improve the property's ability to meet a currently unmet local housing need.
- d. **Specifically explain how, why and to what extent the assistance requested will enable the property to serve a lower income population than the property would otherwise be capable of serving absent that assistance.**
- e. For existing properties, explain why PBV or RRAP rental assistance was not part of previous financing for the property, and why it is necessary now. Explain what other steps have been taken to improve the operating economics of the property. For properties with debt service payments, has the property requested a refinancing or restructuring of the loan?
- f. Describe the marketing and outreach efforts for the property; if the property has a Fair Housing Marketing Plan, you may include relevant components in Tab 6.

**For PBV applications only:** properties in Track 1, provide a Market Study in Tab 6. For properties in Tracks 2, a market study is not required for this NOFA; however, if a market study has been conducted within the past 5 years, the Applicant may choose to attach relevant components in Tab 6.

## Readiness

- a. **For PBV applications in Track 2, and for all RRAP applications:** Provide dates of last income certification for tenants or any documentation of current tenant income for requested PBV units. PBV eligible households must be below 50% of AMI; provide an explanation for tenants who are over this income limit, or the property is unsure of the tenant's current income.
- b. **For PBV applications in Track 2, and for all RRAP applications:** Describe the overall condition of the property, including a schedule of current capital needs and any current code violations; the Applicant **must** also provide the outcome of any recent building code inspection, Federal or State monitoring visit, HQS inspection, and/or any other inspection required by a Federal, State, or private lender, investor, or funding source. **Failure to disclose any current code violations or known deficiencies that would result in a failed HQS or other inspection may result in a disqualification of your award. Please note that applications must meet the definition of Track 2 for this NOFA; If project work or choice limiting actions are made, it may impede or prohibit environmental clearance and result in no award or rescinding of award in accordance with section 4.4.2 of this NOFA.**
- c. Environmental Review: Please provide date of last or scheduled environmental review. All properties will be required to meet environmental standards as outlined in this NOFA. **Applicants should provide a plan to efficiently submit their environmental review within 60 days, if awarded.**
- d. **For Track 1 PBV properties that are also receiving or will receive financing for rehabilitation or new construction:** Provide the expected closing date and construction start date, and timeframe for construction. If the property has existing tenants, provide a detailed plan for relocation. If the project expects to be executed in stages, please provide a detailed timeline for each stage. Please note that staged contracts are only permitted on Track 1 rehab/new construction properties and may be approved at the discretion of HCR.
- e. For PBV applications in Track 2 and for RRAP applications with existing tenants: Provide a plan for how, if selected, you will inform, educate, and prepare existing tenants to be screened for eligibility for the PBV vouchers and prepare the property for passing Inspection.

## Community Involvement

The Applicant may demonstrate community involvement by providing evidence of either or both of the following as applicable (attach documentation in Tab 6):

- a. An ongoing supportive services agreement with a local human service or community-based organization. **Please specify units to which these agreements apply within the building and which, if any, will have a PBV placed on them if awarded.**
- b. Property ownership or management participation by a local, not for profit community-based organization, including sponsorship of the project.

## 7.4 TAB 4: Operating Assessment

(See instructions below for tracks)

All Applicants should provide a one-page (1) summary describing the financing details of the project, including each funding source. The details of any loans, including principle, interest rate, amortization, term, and any accrual, deferral, balloon, or forgiveness provisions should be explained. If a lender, grantor, or syndicator is imposing reserve or escrow requirements, details should be included in the narrative. In addition, each application must include the following attachments (attachments in **bold** require a specific form that will be posted with this NOFA).

PBV rents cannot exceed a reasonable rent and/or 110% of the Fair Market Rent for the county where the property is located. Fair Market Rent information is published annually by HUD at this website: <https://www.huduser.gov/portal/datasets/fmr.html>.

### Track 1 PBV Applications

- A. Applicants must submit either the HCR 9% NOFA Underwriting Application or the HCR 4% NOFA Underwriting Application. These forms are available on the HCR web site with the application materials for these two NOFAs. It is anticipated that Applicants will submit the same underwriting application for both this NOFA and for either the 9% or 4% NOFA. <https://hcr.ny.gov/funding-opportunities>.
- B. Funding commitment letters (for any secured funds) - Please indicate application status for any other funding being sought that is not being provided by HCR. Funding commitment documentation will be required for final PBV allocation.
- C. Tax Credit Allocation letter (if received)
- D. Equity Contribution Schedule - If equity contributed to the project will be paid in installments over time, a schedule should be provided showing the amount and timing of planned contributions.

### Track 2 PBV and RRAP Applications

- A. **Existing Property Underwriting Application** – This will include projected rental, commercial, and miscellaneous income, vacancy loss, operating expenses, debt service, reserve contributions, and cash flow, with year 1 aligning with your last annual audit. The Underwriting Application should reflect the property's last audit in year one and then project the income received from the requested PBVs or RRAP. The Debt Coverage Ratio and Cash Flow Percentage should be within listed standards. Please provide explanation for any variance from audit or stated standards, including annual increases, in the Notes column.

## 7.5 TAB 5: Vendor Responsibility Questionnaire

(Required for Tracks 1 and 2)

All parties listed in Tab 2, including the owner, sponsor, and property manager/agent, must complete either a [for-profit vendor responsibility questionnaire](#) or [not-for-profit vendor responsibility questionnaire](#) and attach in Tab 5. Applicants should also include in Tab 5 all the certifications contained within Appendix III. A complete Tab 5 will include:



1. Vendor Responsibility Questionnaire(s)
2. Affirmation of Understanding and Agreement Pursuant to State Finance Law
3. Certification of Compliance – State Finance Law

## 7.6 TAB 6: Attachments and Disclosures

(Required for PBV Tracks 1 and 2 and RRAP)

Any applicable attachments from the Applicant Information and Narrative should be included here. In addition, please provide the following:

### 7.6.1 Site Control (for Track 1 – taken from Tab B-4 of the Multifamily Finance NOFA)

For a project to be considered eligible, all applicants must attach 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 to be considered acceptable documentation of site control. Any deed restrictions or restrictions on use must be affirmatively declared at application submission. HCR reserves the right to object to any restrictions which may negatively impact agency statutes, rules, or regulations. 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
- 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 closing timeline (Tab C-1)
- 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 Tab C-2 and the project plans. (Please see the NYC HPD Site-Control Guidelines for more information regarding the use of HPD-owned sites)

- A signed lease with a term that is equal to the regulatory period for the applicable program(s) having the applicant as lessee.

For projects with multiple sites, executed site control documents must be included for each address as one attachment labeled as Tab C-3 (i.e., if there are multiple sites, all site control documents for the project must be uploaded as one PDF file). The attachment must include a summary cover sheet with all site addresses that match those listed in Tab C-2.

### 7.6.2 Insurance

Attach evidence that the property is properly insured per its current or future regulatory agreement.

### 7.6.3 Financial Capacity

Attach the property's most recent tax returns, or if available, audited financial Statements.

### 7.6.4 Additional Certifications

None required

### 7.6.5 Disclosures

Attach a separate letter from the applicant indicating whether the applicant or any of its subcontractors, partners or affiliates is required to make any of the disclosures listed below. If no disclosures are required, please provide a letter stating that there are no disclosures.

### **Conflict of Interest**

Disclose any existing or contemplated relationship with any other person or entity, including relationships with any parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety relating to other clients/customers of the Proposer, or former officers and employees of HTFC and its Affiliates, in connection with your rendering services enumerated in this NOFA. If a conflict does or might exist, please describe how your firm would eliminate or prevent it. Indicate what procedures will be followed to detect, notify HTFC of, and resolve any such conflicts.

### **Other Disclosures**

The Applicant must disclose whether any of the individuals or entities listed in Tab 2 have been the subject of any adverse findings that may prevent HTFC from selecting Applicant. Such adverse findings may include, but are not limited to:

- Investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "**Commission**"), or a commission of public integrity in another State;

- Negative findings from the NYS Inspector General, a Federal Inspector General, or from the U.S. Government Accountability Office, or from an Inspector General in another State;
- Pending or unresolved legal action from the U.S. Attorney General or from an attorney general in NYS or another State;
- Arson conviction or pending case;
- Harassment conviction or pending case;
- Local, NYS or other State, Federal or private mortgage arrears, default, or foreclosure proceedings;
- In rem foreclosure;
- Tax liens or substantial tax arrears;
- Fair housing violations, litigation, or administrative procedures currently underway or commenced within the last 10 years;
- Defaults under any Federal, State, or locally sponsored program;
- A record of substantial building code violations or litigation against properties owned and/or managed by Applicant, or by any entity or individual that comprises Applicant;
- Past or pending voluntary or involuntary bankruptcy proceeding;
- Conviction for fraud, bribery, or grand larceny; and
- Entity listed on the Federal or State excluded parties' or debarment lists.

The Applicant must include a brief description for any negative finding that indicates how the finding was resolved or whether it remains unresolved. HTFC reserves the right to terminate a contract or rescind an award in the event it determines that a proposer failed to properly disclose.

## 8. Evaluation, Selection and Notification

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### 8.1 Completeness Review

All applications submitted prior to the deadline will be reviewed to determine if they contain all required components specified in this NOFA. Late applications will be rejected. Applications determined to be substantially incomplete will be rejected. For applications submitted on time but determined to have minor deficiencies, applicants will be given one opportunity to submit the items missing within 3 business days. If the applicant fails to submit the missing items within the specified timeframe, that application will be rejected.

### 8.2 Application Scoring

Complete applications will be scored by a review committee. To be considered for funding, the property must, at minimum, demonstrate that:

1. It is eligible under the terms of this NOFA and currently in compliance with all applicable Federal and State requirements, as well as the terms of any current regulatory agreements.
2. There is a need for the assistance requested, based on current cash flow, debt-coverage ratio, local market dynamics, and tenant population served.

3. The property meets the applicable physical standard.

In addition, applications in Tracks 1 and 2 will receive points based on the following, among other factors:

1. Management experience and past performance – more points will be awarded for owners and managing agents with successful prior experience administering Section 8.
2. Locational advantages/need – More points will be awarded to projects that currently meet a defined local or regional housing need, deconcentrate poverty, or contribute to a revitalization effort; Applicants who can demonstrate specifically how the assistance requested will allow the property to better serve a lower-income population that is currently unserved or underserved will receive the most points.
3. Market demand – more points will be awarded based on the extent to which there is a clearly demonstrated demand for the units.
4. Readiness – In existing properties: Units that are either vacant, or for which the owner has determined the current tenants are eligible for the assistance requested, will be scored higher. In properties needing construction: applications demonstrating readiness to begin construction will be scored higher.
5. Community involvement – More points will be awarded for the degree of community involvement in the project, including the extent to which a community-based not-for-profit organization is part of the sponsorship or management, or has a supportive services agreement with the property.
6. Affordability – Properties that currently have a long-term loan or regulatory agreement in place, or that have a plan to extend affordability will score higher.
7. The PBV and RRAP priorities listed in this NOFA.
8. PBV projects that fall into one of the following categories will receive additional points:
  - The units will be targeted to house individuals or families that meet the definition of homeless under Section 103 of the McKinney-Vento Homeless Assistance Act (42 USC 11302)
  - The units will be targeted to house families that are comprised of or include a veteran.
  - The units are providing supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403.
  - State-aided public housing, defined as projects funded by New York's Public Housing Law of 1939 that are currently under regulation by DHCR, are not federalized or in the process of being federalized, and do not have another source of rental assistance for the units in which PBVs are requested.
  - Properties located in a low-poverty census tract

**HTFC reserves the right to reject any application in response to this NOFA, regardless of its score, when HTFC discovers information that calls into question the responsibility of the Applicant or its subcontractors, partners, or affiliates.**

### 8.3 Due Diligence – Pre-Award

HTFC may at its discretion contact Applicants, either verbally or in writing, to obtain additional information or visit the property as necessary. Pre-Award due diligence may include but is not limited to:

1. Subsidy Layering Review or other financial analysis.
2. Federal Davis Bacon, Section 3, MWBE utilization and other compliance monitoring for properties engaging in moderate or significant rehabilitation that has been recently undertaken or will be undertaken.
3. Compliance monitoring as necessary for HOME, LIHTC or any other applicable source previously used to develop the property.
4. Review of fair housing complaints or other HUD, state, or local findings at the property.
5. Background check/due diligence regarding the property, ownership, and principals.
6. FEMA defined floodway and any ongoing work including maintenance.
7. Future construction or rehabilitation anticipated on the property
8. Any other due diligence determined to be necessary by HTFC to comply with Federal and State requirements and/or to protect the State's investment.

### 8.4 Due Diligence – Post Award

Once a property is awarded PBVs/RRAP rental assistance, HTFC may need to perform additional due diligence prior to contract execution. HTFC reserves the right to rescind an award if it determines that a property is ineligible for funding under Federal or State regulations or the terms of this NOFA. The length of time required for post award due diligence will vary based on the specific requirements of each property. Post Award Due Diligence may include but is not limited to:

#### 8.4.1 Property Inspections

For PBV requests – The Applicant will certify at the time of application that all existing units for which assistance is requested meet HQS. After an award is made, HTFC will schedule an HQS inspection with the appropriate LA. HTFC reserves the right to eliminate specific units from an application that fail an inspection or decline an application or rescind an award for an entire property, if it determines that failing items in one or more units, or in common areas, raise a significant concern for the property as a whole.

For RRAP requests - The Applicant will certify at the time of application that all units, both existing and applied for, meet the USDA RD 515 Program requirements. HTFC reserves the right to eliminate specific units from an application that fail an inspection or decline an application or rescind an award for an entire property, if it determines that failing items in one or more units, or in common areas, raise a significant concern for the property as a whole.

## 8.4.2 Environmental Review

All PBV/RRAP awards will be subject to SEQRA and HUD's National Environmental Policy Act (NEPA) regulations at 24 CFR Part 58. Ongoing or foreseeable new construction or rehabilitation will trigger the need for determinations by HTFC that could require significant input and cooperation by the Applicant, including consultant and publication fees and at least a 90-day review time should be anticipated. **All on-going new construction or rehabilitation work must stop once the PBV or RRAP application is made, until the environmental review is complete, or the PBVs/RRAP will no longer be available to the project since the on-going work would constitute a choice-limiting action under 24 CFR 58.22.** Projects requiring maintenance, as determined by HCR, in accordance with HUD Guidance, or no project work, can be processed in significantly less time, but will require submittal of a Phase I Environmental Site Assessment (ESA) and resolution of any category of Recognized Environmental Condition and/or other concerns.

Additional reviews may be required to verify compliance with Federal or State requirements for Lead Based Paint, Asbestos, or other health and safety items as deemed necessary by HTFC.

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### Application Checklist

	<b>Track 1</b>	<b>Track 2</b>
<b>Proposal Section</b>	<b>New Construction/Sub. Rehab</b>	<b>Existing Properties</b>
Tab 1 Cover Letter (1 page)	x	X
Tab 2 Proposer Info (Required Cover Sheet)	x	X
Tab 3 Narrative (7 pages)	x	X
<u>Tab 4 Operating Assessment:</u>		
One page summary (1)		
9%/4% underwriting application	x	
Funding Commitment	x	
LIHTC Allocation letter	x	
Equity Contribution Schedule	x	
Historic Tax Credit letter	x	X(RRAP Only)
Existing Property underwriting application:		X
a) 20 year Pro Forma (part of underwriting application)		X
b) Existing Units tab		X
<u>Tab 5</u>		
Vendor Responsibility Q.	x	X
Affidavit of Understanding	x	X
Certificate of Compliance	x	X
<u>Tab 6</u>		
Site control	x	
Market Study	x	
Insurance	x	X
Financial Statements	x	X
Other Disclosures	x	X
Resumes	x	X

Service Plan (if applicable)	x	X (PBV only)
Any other contract pertaining to rental assistance permanently part of the project (does not include mobile Section 8 vouchers)	x	X

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## Appendix I: Application Cover Sheet

Note: These Appendices are posted as fillable forms separately

**Attach this form as Tab 2 of your application.**

DATE OF APPLICATION: \_\_\_\_\_

### THE PROPERTY REQUESTING ASSISTANCE:

Property Name: \_\_\_\_\_

HCR or HHAP Property Identification number (SHARS or other): \_\_\_\_\_

Number of Units for which assistance is requested: \_\_\_\_\_

Type of Assistance Requested: (RRAP/PBV)

Total number of units in the property: \_\_\_\_\_

Proposal Track:      Track 1      Track 2

PBV units requested with contract/gross rent expected:

	# Units s requested	Contract Rent*	Gross Rent**
SRO***			
Efficiency/Studio			
One Bedroom			
Two Bedroom			
Three Bedroom			
Four Bedroom			
Five + Bedroom			

\*Contract Rent = Requested rent if awarded

\*\*Gross Rent = Contract Rent + estimated utility cost. If awarded, the project will use the HCR utility allowances which are available upon request by county. Gross rent may not exceed 110% of FMR.

\*\*\*SRO Maximum Rent (Gross rent) is 75% of 110% of the FMR – for instance, if the FMR is \$1000, the maximum rent for a PBV would be  $\$1000 \times .75 = \$750 \times 110\% = \$825$

Property Address:

\_\_\_\_\_  
\_\_\_\_\_

County: \_\_\_\_\_

Is this a low-income Census Tract? YesNo

State Senator representing property: \_\_\_\_\_ District # \_\_\_\_\_

State Assembly member \_\_\_\_\_ District # \_\_\_\_\_

U.S. Congressional Rep. \_\_\_\_\_ District # \_\_\_\_\_

**GENERAL INFORMATION ON PROPERTY OWNER/SPONSOR:**

Legal Name of Firm:

\_\_\_\_\_

Firm's Mailing Address:

\_\_\_\_\_

Firm's Website: \_\_\_\_\_

Firm's Main Telephone Number (including area code): \_\_\_\_\_

Federal Tax ID Number: \_\_\_\_\_

**MAIN CONTACT FOR INFORMATION REGARDING THIS APPLICATION:**

Please list the individual who prepared *this application*:

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Title: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number (including area code): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**PROPERTY OWNER/SPONSOR CONTACT:**

Please list the chief executive for the sponsor, the developer and/or the ownership entity for this property (add additional sheets if necessary):

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Title: \_\_\_\_\_ Company: \_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

Telephone Number (including area code): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**PROPERTY MANAGER/ AGENT/ ON-SITE CONTACT:**

Please list the property management agent who will oversee rental assistance for this property (*if different from the entity listed above*):

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Title: \_\_\_\_\_ Company: \_\_\_\_\_

Address:

\_\_\_\_\_  
\_\_\_\_\_

Telephone Number (including area code): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**For PBV Track 2 (existing) projects: Will assisted units fall into any of the categories listed below?**

For PBV Track 2 projects indicating any of the categories below, the project must CURRENTLY serve these populations or provide an adequate plan for changing their tenant populations. Adequate proof of population including tenant selection plan must be submitted to be considered as part of the application. (Check all that will apply to the PBV units):

- Preference is given to homeless individuals or families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act
- Units specifically serve households that are comprised of or include a veteran
- The units provide supportive housing to persons with disabilities or elderly persons. To be eligible in this category, the requested PBV units must offer supportive housing services to all PBV tenants. Provide a plan for providing supportive services in Tab 6.

Population to be served: \_\_\_\_\_

List supportive services provided/to be provided:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- The units provide supportive housing to other households (not elders or persons with disabilities). To be eligible in this category, the requested PBV units must offer supportive housing services to all PBV tenants. Provide a plan for providing supportive services in Tab 6.

Population to be served: \_\_\_\_\_

List supportive services provided/to be provided:

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- The property is state-aided public housing
- The property is in a census tract with a poverty rate of 20% or less (Please include a screen shot of the HUD Website showing the low poverty census tract information- <https://www.huduser.gov/portal/maps/hcv/home.html>)
- The property is for elderly households aged 62 and older with no support services offered

## Appendix II: Statement of Ongoing Work (Track 2 and RRAP only)

Certification Regarding Ongoing Activities at Existing Projects  
For Compliance with HUD Environmental Regulations, 24 CFR Part 58,  
where NYSHCR is the Responsible Entity

Project Name:  
Project Address:  
Sponsor:  
Award Date:  
Type of Award:  
Date:

**PLEASE REVIEW THE EXAMPLES ON THE NEXT PAGE PRIOR TO COMPLETING THIS CERTIFICATION.**

- No rehabilitation activities\* are occurring, or are reasonably expected in the next year, in any portion of the project (whether or not that portion of the project is directly receiving this federal allocation).
- Rehabilitation activities are occurring or are expected, as described the attached.

\* If an activity is larger in scope than “maintenance,” the activity is rehabilitation. “Maintenance activities” slow or halt deterioration of a building and do not materially add to its value or adapt it to new uses. General examples are: cleaning activities; protective or preventative measures to keep a building, its systems, and its grounds in working order; replacement of appliances that are not permanently affixed to the building; periodic replacement of a limited number of component parts of a building feature or system that are subject to normal wear and tear; replacement of a damaged or malfunctioning component part of a building feature or system (replacement of all or most parts of an entire system is not maintenance). See attached for examples.

- The sponsor will advise NYSHCR of any proposed change in the scope of the project.

Signed:

Title:

**EXAMPLES OF MAINTENANCE ACTIVITIES vs. REHABILITATION ACTIVITIES  
FOR ENVIRONMENTAL REVIEW PURPOSES**

**Instructions: Check any rehabilitation activities that are currently occurring, or that are reasonably expected within the next year.**

<b>Feature or System</b>	<b>Maintenance Activities</b>	<b>Rehabilitation Activities</b>
<b>Site</b>	<ul style="list-style-type: none"> <li>• lawn care (litter pickup, mowing, raking), trimming trees and shrubs</li> <li>• snow/ice removal</li> <li>• neighborhood cleanup</li> <li>• application of pavement sealants, parking lot restriping, directional signage or marking for handicapped accessibility</li> <li>• repair of cracked or broken sidewalks</li> </ul>	<input type="checkbox"/> new landscaping throughout an area <input type="checkbox"/> construction of new walkways, driveways or parking areas, or replacement thereof <input type="checkbox"/> Other:
<b>Building Exterior</b>	<ul style="list-style-type: none"> <li>• cleaning and fixing gutters and downspouts</li> <li>• repainting previously painted surfaces (including limited wet scraping and low-pressure washing)</li> <li>• replacing deteriorated section of siding</li> <li>• removal of graffiti</li> </ul>	<input type="checkbox"/> cleaning masonry or stripping painted surfaces by sandblasting, acid wash, or high pressure washing <input type="checkbox"/> applying new exterior siding <input type="checkbox"/> Other:
<b>Roof</b>	<ul style="list-style-type: none"> <li>• fixing leaks</li> <li>• application of waterproof coating to a flat roof</li> <li>• replacement of deteriorated flashing</li> <li>• in-kind replacement of loose or missing shingles or tiles</li> </ul>	<input type="checkbox"/> complete replacement of roof with new shingles, tiles, roll roofing, membrane, or new metal roof <input type="checkbox"/> installation of solar panels <input type="checkbox"/> Other:
<b>Windows and Doors</b>	<ul style="list-style-type: none"> <li>• washing windows</li> <li>• caulking, weather stripping, re-glazing windows and doors</li> <li>• fixing broken windowpane(s), storm window(s) or damaged entry door</li> <li>• replacing broken door lock</li> <li>• replacing a vandalized entry door to restore security of a building or unit</li> <li>• replacing a single severely damaged window to match</li> <li>• annual switch out of storm and screen panels</li> </ul>	<input type="checkbox"/> replacement of windows <input type="checkbox"/> replacement of exterior doors <input type="checkbox"/> adding storm windows or storm doors <input type="checkbox"/> Other:
<b>Interior Walls and Ceilings</b>	<ul style="list-style-type: none"> <li>• patching or mending cracked plaster</li> <li>• patching or fixing holes or cracks in drywall</li> <li>• replacing stained ceiling tiles</li> <li>• painting or wallpapering</li> </ul>	<input type="checkbox"/> installation of new drywall or paneling <input type="checkbox"/> installation of new acoustical ceiling <input type="checkbox"/> installation of dropped ceilings <input type="checkbox"/> Other:

<b>Feature or System</b>	<b>Maintenance Activities</b>	<b>Rehabilitation Activities</b>
<b>Circulation</b>	<ul style="list-style-type: none"> <li>• in-kind replacement of broken stair treads or balusters</li> <li>• inspection and servicing of elevators</li> </ul>	<input type="checkbox"/> rebuilding stair or constructing new stair <input type="checkbox"/> installation of new access ramp <input type="checkbox"/> elevator replacement <input type="checkbox"/> Other:
<b>Kitchen</b>	<ul style="list-style-type: none"> <li>• replacement of stoves, refrigerators, and microwaves</li> <li>• replacing cabinet hardware</li> </ul>	<input type="checkbox"/> complete or substantial kitchen remodel <input type="checkbox"/> Other:
<b>Bathroom/Laundry</b>	<ul style="list-style-type: none"> <li>• unclogging sink or toilet</li> <li>• replacing deteriorated toilet in an occupied housing unit</li> <li>• replacing broken medicine cabinet</li> <li>• replacing washing machines and dryers</li> <li>• installation of grab bars</li> </ul>	<input type="checkbox"/> complete or substantial bathroom remodel <input type="checkbox"/> Other:
<b>HVAC</b>	<ul style="list-style-type: none"> <li>• servicing and maintenance of mechanical systems</li> <li>• changing air filters</li> <li>• cleaning air ducts</li> <li>• installing or replacing a window air conditioner</li> <li>• replacing a malfunctioning part of a HVAC system like a thermostat</li> </ul>	<input type="checkbox"/> installation of new furnace or heat distribution system <input type="checkbox"/> installation of central air conditioning <input type="checkbox"/> Other:
<b>Electrical/Lighting</b>	<ul style="list-style-type: none"> <li>• changing light bulbs</li> <li>• replacing malfunctioning light fixture, electrical switch or outlet</li> </ul>	<input type="checkbox"/> major rewiring of building <input type="checkbox"/> installation of new electrical service <input type="checkbox"/> replacing or moving electrical panels <input type="checkbox"/> Other:
<b>Plumbing</b>	<ul style="list-style-type: none"> <li>• fixing plumbing leaks</li> <li>• repairing damage from frozen pipes</li> <li>• repairing water or sewer connection within existing utility trench alignment</li> <li>• replacing malfunctioning water heater</li> </ul>	<input type="checkbox"/> installation of new plumbing system <input type="checkbox"/> new water or sewer connection <input type="checkbox"/> Other:
<b>Security</b>	<ul style="list-style-type: none"> <li>• repair of security alarm systems</li> <li>• boarding up a vacant building with protective plywood</li> <li>• installation of temporary security fencing</li> <li>• installation of security devices needed for an individual health facility patient</li> </ul>	<input type="checkbox"/> installation of permanent security bollards <input type="checkbox"/> installation of new security alarm system <input type="checkbox"/> Other:

<b>Life Safety</b>	<ul style="list-style-type: none"> <li>• servicing smoke, fire and CO detectors</li> <li>• installation of smoke, fire and CO detectors</li> </ul>	<input type="checkbox"/> making substantial physical changes to a building to comply with fire and life safety codes <input type="checkbox"/> installing fire suppression system <input type="checkbox"/> Other:
<b>Pest Infestation</b>	<ul style="list-style-type: none"> <li>• pest inspection/treatment</li> </ul>	<input type="checkbox"/> Other:
<b>Flooring</b>	<ul style="list-style-type: none"> <li>• cleaning floors</li> <li>• stripping wooden floors and resealing</li> <li>• installation or replacement of carpeting or vinyl flooring</li> </ul>	<input type="checkbox"/> installation of new wood floor <input type="checkbox"/> Other:



### Appendix III: Additional Certifications

Affirmation of Understanding and Agreement Pursuant to State Finance Law §139-j (3) and §139-j (6) (b)

Applicant affirms that it understands and agrees to comply with the procedures of the DHCR/HTFC relative to permissible Contacts as required by State Finance Law §§ 139- j (3) and 139-K (6) (b).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### Certification of Compliance with State Finance Law §139-k (5)

Offeror certifies that all information provided to the DHCR/HTFC with respect to State Finance Law §139-k is complete, true, and accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

\_\_\_\_\_

