

PADD 2014

EXHIBIT CHECKLIST **For PADD Applicants Requesting DFD Financing**

APPLICATION SUBMISSION PACKAGE

FINANCING

- Project Narrative (Appendix 1)
- Exhibit A: Form 202 Application For Financing

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- Exhibit B: Site Control -- **NOT APPLICABLE**
- Exhibit C: Appraisal – **NOT APPLICABLE (at time of application)**
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- Exhibit F: Site Identification -- **NOT APPLICABLE**
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- Exhibit Z-1: Fair Housing and Equal Opportunity (FHEO) Certification
- Exhibit Z-2: Project Accessibility Certification Form and Project Accessibility Compliance Checklist
- Exhibit Z-3: Affirmative Fair Housing Marketing Plan
- Exhibit Z-4: Section 3 Program Certification and Opportunities Plan
- Exhibit Z-5: Lead Safe Housing Addendum
- Exhibit Zc: Project Monitoring SAMPLE Reporting Form

GREEN BUILDING

- Exhibit GB-1: 2011 Enterprise Green Communities Overview & FAQ
- Exhibit GB-2: The Green Communities Criteria 2011 Intended Methods Checklist
- Exhibit GB-3: 2011 Enterprise Green Communities Integrated Design Charrette Documentation

EXHIBIT A: FORM 202 APPLICATION FOR FINANCING (Threshold Criteria)

A Development Finance Division (DFD) Financing Application – Form 202 – must be submitted which reflects all aspects of the project, including estimated development and operating budgets and pro forma. The application for funding must include all applicable exhibits and attachments as described in this package. One (1) hard copy of the application, including all applicable exhibits and attachments, must be submitted in a separate three-ring notebook binders with each exhibit tabbed and one (1) copy on a CD. A complete 202 Form is a ***Threshold Criteria*** and applications submitted without a complete 202 will not receive further consideration.

ATTACHMENTS

- Form 202 – DFD Financing Application (form attached separately – executed hard copy mandatory) (***Threshold Criteria***)
- If the proposed project is feasible within multiple financing scenarios, applicants may present for consideration separate versions of Form 202 that present each of those scenarios.

EXHIBIT B: SITE CONTROL – NOT APPLICABLE
Threshold Criteria

Applicants must have obtained sufficient site control to allow projects to move forward if they receive a reservation of funds. Site control must extend at least 180 days from the application deadline date (or be demonstrably renewable so site control can extend to the 180 day period.). Acceptable evidence of site control includes current deed, fee simple ownership, long-term lease agreement with purchase option, contract of sale or other forms acceptable to the Department. This is a Threshold Criteria and any proposal submitted without evidence of site control will be removed from consideration.

ATTACHMENTS

Evidence of Site Control

EXHIBIT C: APPRAISAL – NOT APPLICABLE at time of application
(Threshold Criteria)

PADD applicants are NOT required to submit an appraisal at the time of application. Successful applicants who are awarded a site will be required to submit an “as built” appraisal.

Applicants who propose to acquire property must submit an appraisal of the property. The appraisal must be done by a licensed appraiser and can be **no more than 90 days old** at time of application.

This is a **Threshold Criteria** for projects which include property acquisition, and any such proposal submitted without an appraisal will not receive further consideration.

Applicants who have completed the acquisition phase of the project but who acquired their property within the past 2 years must submit the most recent appraisal available. Tenant Opportunities to Purchase Act (TOPA) applicants who acquired the property more than 2 years ago do not need to submit an appraisal in the application stage, however more information to understand property value may be required during the underwriting process.

ATTACHMENTS

For projects acquiring property:

Appraisal (issued within the last 90 days) ***(Threshold Criteria)***

For projects which acquired the property within the last 2 years:

Most recent appraisal available

For TOPA projects which acquired the property more than 2 years ago:

No appraisal is required in the application

EXHIBIT D: ZONING
Threshold Criteria

PADD applicants must submit an Architect's Zoning Analysis showing that the proposed improvements will be allowed under the current zoning or under a proposed rezoning. PADD applicants MAY propose a project plan which will require a rezoning request. However, readiness to proceed is a significant factor in evaluating proposals and a proposal which requires re-zoning may be less competitive than one which can proceed as a matter of right. .

Properties must be properly zoned for their intended use. A letter from the Zoning Commission and/or Board of Zoning Adjustment indicating that the project is properly zoned for its intended use must be included in this exhibit. If a zoning change, variance or exception is required, sponsors must provide documentation illustrating the Board of Zoning Adjustments has approved the change. A contact person familiar with the project and responsible for the approval process should be provided. This is a Threshold Criteria and any proposal submitted without evidence of proper zoning will not receive further consideration.

ATTACHMENTS

- Architect's Zoning Analysis demonstrating how the proposed improvements fit the current (or proposed) zoning. (**Threshold Criteria**)
- Evidence of Zoning as a matter of right
- Approval documentation for any change, variance or exception with local contact information at the Board on Zoning Adjustments

EXHIBIT E: GEOGRAPHIC TARGETING – NOT APPLICABLE

If an applicant seeks points for geographic targeting under the terms of the Request for Proposal, the applicant must provide documentation showing that the project will be located in a targeted geographic area as stated below.

ATTACHMENTS

Evidence of project location in a targeted geographic area.

Neighborhood Corridors located in:

- Ward 1: Park Road/Mt. Pleasant Street/Upper Georgia Avenue
- Ward 4: Upper Georgia Avenue
- Ward 5: Ward-wide
- Ward 7: Deanwood & Ward-wide
- Ward 8: Ward-wide

New Communities Target Areas:

- Ward 1: Park Morton
- Ward 6: Northwest One
- Ward 7: Lincoln Heights/Richardson Dwellings
- Ward 8: Barry Farms

Projects within ½ mile of Metrorail stations

Projects within ½ mile of the District’s forthcoming Streetcar stops

EXHIBIT F: SITE IDENTIFICATION – NOT APPLICABLE

Include a site map clearly showing area amenities (such as schools, parks, shopping and public transportation); a narrative description of directions to the site; and color photographs of the site, any existing buildings, and the adjacent properties. Each picture should contain a description of the location of the photographed site relative to the subject site and a description of the surrounding property's use and the approximate date the photograph was taken.

Include a full legal description of the property or properties.

ATTACHMENTS

- Site Map
- Direction to Project Site
- Photographs of Project Site and Surroundings
- Legal Description of Property(ies)

EXHIBIT G: PHASE I ENVIRONMENTAL ASSESSMENT – NOT APPLICABLE at time of application

Threshold Criteria

PADD applicants are not required to submit a Phase I *at the time of application*. Successful applicants will be required to submit a Phase I (if there is not an existing Phase I on the property) or a Phase I update (if there is an existing Phase I). See below for the requirements for a Phase I on a property with existing improvements.

Each project must comply with applicable requirements of local and federal environmental laws and regulations.

A Phase I evaluation of the site for environmental issues is required. This is a Threshold Criteria and any proposal submitted without a Phase I will not receive further consideration. The Phase I must be less than 1 year old. A Phase I more than 6 months old must be accompanied by an update.

If the property contains existing improvements, the scope of the Phase I must include the identification of possible asbestos containing materials. If the property includes an existing improvement, a lead assessment must also be included in the application (unless the improvements will be exempt from lead regulation via age or usage) See Exhibit Z5 for more information about which existing structures are exempt from the lead assessment requirement.

If the Phase I identifies any potential environmental hazards, a narrative plan to address the issues must also be submitted with the Phase I.

ATTACHMENTS

- Environmental Phase I Report
- Narrative Plan to Address Any Issues Identified in Phase I (if applicable)
- Lead Assessment (if applicable)
- Asbestos Containing Materials Assessment (if applicable)

EXHIBIT H: MARKET STUDY
Threshold Criteria

For conventional affordable rental, for sale housing, and **any** project applying for tax credits, the market study must be in the form of a conventional market analysis produced by a third party market research firm. The market study must be less than one year old. This is a Threshold Criteria and applications submitted without a Market Study will not receive further consideration.

Projects that are not applying for tax credits and which **exclusively** provide permanent supportive housing or other types of special needs projects may provide an alternative assessment based on their own data collection. Alternative assessments should provide waiting list data as part of evidence of demand for the project to the extent possible.

ATTACHMENTS

- Market Study (prepared by third party research firm)
- Alternative assessment of market demand (an option **only** for non-tax credit applicants with projects which exclusively provide permanent supportive housing, special needs housing, or public facilities projects)

EXHIBIT I: FINANCIAL INFORMATION -- OPERATIONAL PROJECTS
NOT APPLICABLE

For existing and occupied projects ONLY, additional information is required to describe the current status of the project, including the current debt structure, any operating subsidies currently available to the project, any supportive services currently provided, the current occupancy, and project financials. Provide audited financial statements for the prior three fiscal years of **project** operations. If audited statements are not available, three fiscal years of un-audited year-end financial statements AND three corresponding years of certified federal income tax returns of the project should be submitted.

ATTACHMENTS

- Current project debt – list each loan currently secured by the property, including lender, amount outstanding, repayment schedule, interest rate, term, and lien position. Include any debt owed to DHCD, as applicable.
- Operating subsidies – describe any existing operating subsidies, as applicable, including number of units subsidized and years remaining on the subsidy. Include a copy of any contracts with subsidy sources.
- Supportive services and service funding – describe any existing supportive service provided and the existing funding for services, as applicable, including the number of units with services, a brief description of the type of services provided, and the term of the service funding. Include a copy of any contracts with supportive service funders.
- Current rent roll -- showing occupancy status of each unit and current rents.

Project Financials: (check one)

- 3 years Audited Financial Statements OR
- 3 years Un-Audited Financial Statements (only if audited financial statements are not available); AND
- 3 years Certified Federal Income Tax Returns (only if audited financial statements not available)
- Not Applicable.** No information is required for projects that do not exist or are not occupied at the time of application.

EXHIBIT J: RELOCATION AND ANTI-DISPLACEMENT STRATEGY – NOT APPLICABLE

If the project property is occupied, review the “Relocation and Anti-Displacement Information Fact Sheet” included in the electronic forms folder for essential information regarding relocation responsibilities.

For existing and occupied buildings, the applicant must submit a Relocation and Anti-Displacement Strategy for projects that result in the temporary or permanent displacement of current occupants. The Relocation and Anti-Displacement Strategy (due with the Application) provides the groundwork for the Relocation and Anti-Displacement Plan (due prior to the issuance of a Letter of Commitment). Instances where a Strategy and Plan are required include the following, regardless of funding source:

- Tenants will be required to move to facilitate rehabilitation of the building;
- Demolition of existing dwelling units or buildings which are occupied at the time of acquisition or site control; or
- Tenants will be displaced because the proposed rents are not affordable.

If the project will result in the relocation of any tenants (i.e. households or businesses), the Department requires that the applicant will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. 4601 also known as “URA”) and §104(d) of the Housing and Community Development Act of 1974 [42 U.S.C. §5304(d)] if HOME or CDBG funds are used, or the local relocation regulation found at Title 10, District Code of Municipal Regulations (DCMR) Chapter 22 if HPTF is used, regarding resident notice and compensation.

Applicants should make themselves familiar with the requirements of URA, §104(d) or 10 DCMR 22, as applicable, including notices from both the purchaser and seller to residents that may apply to their project:

- Tenant notices required before submitting an application for financing. A suggested form of General Information Notification for all current tenants in the project (whether temporarily relocated or not) is provided. This notification is required for all projects prior to issuance of a Letter of Commitment.
- Other notices following the General Information Notification.
- Seller notices required before executing a sales contract indicating that the sale is voluntary.

Relocation and Anti-Displacement Strategy:

The relocation and anti-displacement strategy must include:

- the procedures the developer will implement to temporarily and/or permanently relocate tenants during the rehabilitation;
- A budget for all costs and expenses that will be paid by the developer or reimbursed to tenants and the source of funds to cover these relocation costs; and
- a copy of any notification letter sent to current residents, evidence of the manner the notice was delivered (for example, personally served or certified mail) and a list of

current tenants, which includes their name, household size and income level (if available).

ATTACHMENTS

With Application:

- Relocation Recordkeeping and Monitoring Checklist (submit Parts 1 – 3 with application; Part 4 may be required during the environmental review process) (see electronic forms folder)
- Relocation and Anti-Displacement Strategy, including Budget

Prior to Issuance of a Letter of Commitment:

- Tenant General Information Notification
 - Seller Notification
 - Evidence of Delivery Method of Notifications
 - List of Current Residents
 - Relocation and Anti-Displacement Plan, including Budget
-
- Not Applicable.** No information is required for projects that are not existing or not occupied at the time of application.

EXHIBIT K: CONTRACT AFFIDAVIT
Threshold Criteria

Members of the development team must not be debarred, suspended or voluntarily excluded from participation in any federal or District program. Members of the development team are individuals or organizations, including officers and directors of corporate members of the team, general partners of partnership members, and members of limited liability company members, that are involved in the development of the project in any of the following roles:

- Applicant
- Developer
- Guarantor
- Owner (including any ownership interest other than limited partners)
- Architect
- General Contractor
- Management Agent
- Consultant

All members of the development team must certify on the required form that, among other things, they are not debarred from participation in any federal program nor have any unresolved default or noncompliance issues with the District of Columbia. This is a Threshold criteria and an application without Contract Affidavits from the relevant entities will not receive further consideration.

ATTACHMENTS

- Contract Affidavit (see electronic forms)

EXHIBIT L: DEVELOPER EXPERIENCE

Threshold Criteria

Staff will evaluate the developer based on its record of accomplishment with projects that are similar to the proposed project. **Information must be submitted for each of the following members** of the development team:

- applicant, developer, owner, corporate general partners of the owner/mortgagor (including non-profits); individual general partners of the owner/mortgagor, as applicable; and
- any development consultants.

Complete information about the development team is a Threshold Criteria and any proposal submitted without a complete set of attachments for ALL relevant development team members will not receive further consideration.

A Form 203—Developer’s Qualifications that addresses the experience and qualifications of the team member must be submitted along with the supporting information listed below. A complete 203 will contain information on the members’ experience with other projects of similar type, scale and complexity and in a similar capacity.

- Resumes for each principal and affiliate of the development entities that will have responsibility for or involvement in the project
- Development Team Member Current and Recent Workload (form attached)
- At least three business or professional references for each development team member

ATTACHMENTS

Required for **each** Development Team member:

- Form 203 — A. Developer’s Qualifications (see electronic forms)
B. Development Team Member Current and Recent Workload (this form must be filled out for each individual on the team, not just each organization. If there are two individuals in an organization working on the project, each must fill out the Workload form.)

Complete 203 Forms for each development team member is a threshold criteria and applications submitted without properly completed 203 Forms will not receive further consideration.

- Resumes
- References

Required for Applicant, Sponsor, and Guarantor

- Certificate of Good Standing (Threshold Criteria)
- Clean Hands Certificate (Threshold Criteria)

- Dun & Bradstreet “Business Information Report” (Threshold Criteria)
- Articles of Incorporation and Bylaws, or other organizing legal document(s) (Threshold Criteria)

- An Organizational Chart illustrating all corporate relationships
- Tax Certification Affidavit Form for each entity listed on Organizational Chart (see Electronic Forms Folder)

EXHIBIT M: GENERAL CONTRACTOR EXPERIENCE

Staff will evaluate the general contractor based on its record of accomplishment during the past five years with projects that are similar to the proposed project. If a general contractor has been identified at the time of application, a resume that addresses the experience and qualifications of the general contractor must be submitted. This should contain information on the contractor's experience with other projects of similar type, scale and complexity and in a similar capacity. In addition, please submit AIA Document A305 -- Contractor's Qualification Statement with the Department's supplement as part of the application.

If the general contractor has not been selected but will be selected through a competitive bid process later, please contact the Department for additional instructions before submitting an application for financing.

ATTACHMENTS

- Resume
- AIA Document A305—Contractor's Qualification Statement
- Supplement to the AIA Document A305—Contractor's Qualification Statement (see electronic forms)

EXHIBIT N: ARCHITECT EXPERIENCE

Staff will evaluate the architect based on its record of accomplishment during the past five years with projects that are similar to the proposed project. A resume that addresses the architect's experience and qualifications must be submitted. This should contain information on the architect's experience with other projects of similar type, scale and complexity and in a similar capacity. In addition, please submit AIA Document B305 -- Architect's Qualification Statement as part of the application.

ATTACHMENTS

- Resume
- AIA Document B305—Architect's Qualification Statement (Supplied by the Applicant/Applicant's Architect)

EXHIBIT O: MANAGEMENT AGENT EXPERIENCE

Threshold Criteria

If a property manager has been selected at the time of application, a complete Form 209 is a Threshold Criteria. A project which has selected a management agent but submits the application without a complete 209 will not receive further consideration.

Staff will evaluate the management agent based on its record of accomplishment during the past five years with projects that are similar to the proposed project. Please submit the Department's Form 209 – Management and Marketing Agent's Qualifications as part of the application along with the supporting information listed below. This should contain information on the management agent's experience with other projects of similar type, scale and complexity and in a similar capacity.

- Resumes for each member of the firm or the management division that will have responsibility for or involvement in the project, including the executive officer or partner-in-charge, supervisor and resident manager
- Apartment Management and Marketing Experience (form attached)
- Sample management materials, including financial statements, budgets, work order system, and maintenance programs
- Sample marketing materials, including marketing plan, rental brochure, press release, photographs of models and community spaces, newspaper advertisements and direct mail advertisements
- Current financial statements of the firm. Provide an audit if available. If audited financials are not available, please provide compiled, reviewed or certified financial statements for the company's previous fiscal year.
- References of the firm, including bank, professional and client

On an individual basis, management agents may keep previous forms on file with the Department so that only updates are required with each new application.

ATTACHMENTS

- Form 209 – Management Agent's Qualifications and Apartment Management Experience (see electronic forms)
- Resumes
- Sample Management Materials
- Sample Marketing Materials
- Current Financial Statements
- References

- A Management Agent has not yet been selected

EXHIBIT P: FINANCIAL STATEMENTS of BORROWER/DEVELOPER
Threshold Criteria

Interim financial statements through the prior quarter and either audited, compiled, or internal financial statements for the three fiscal years prior to the application are required for:

- the borrowing entity (if formed),
- the principals of the borrowing entity,
- the sponsor,
- the developer, and
- the proposed guarantor, as applicable.

Each financial statement must identify all contingent liabilities, including guarantees on other developments in process.

Financial statements must meet the Department's standards. If the most recent fiscal year ends within 3 months of or after the submission period, the applicant shall submit audited or compiled financial statements for the three prior fiscal years plus interim financial statements through the previous quarter of the most recent fiscal year that have been certified. Financial statements must meet the following standards:

- For corporations or other business entities, annual financial statements – for the periods stated above -- must be either:
 - audited by an independent certified public accountant (CPA), if available, and clearly indicate the net worth and working capital of each entity; or
 - A compilation produced by an independent certified public accountant (CPA), if available, or
 - Internally produced statements including at least a tax return with all attachments and an Income Statement and Balance Sheet, all of which must have an original signature from the CEO or the highest financial officer of the corporation with the following text, *“I hereby certify that these financial statements are true and correct to the best of my knowledge and belief.”*
- For individuals, financial statements at a minimum must be compiled by an independent CPA and clearly indicate the net worth and working capital and contingent liabilities, included liability for estimated or accrued income or other taxes, for each person; and
- Compiled individual statements must also be prepared in accord with Generally Accepted Accounting Principles (GAAP) and signed and certified by the individual(s) using the following text:

“I (we) hereby certify that these financial statements are true and correct to the best of my (our) knowledge and belief.”

The Department reserves the right to require annual audits as a condition of funding.

On an individual basis, applicants may keep previous forms on file with the Department so that only updates and current year financial statements are required with each application. Credit references from at least three previous lenders must also be provided with each application.

Applicants should note that the purpose of DHCD receiving financial statements is to enable the Department to conduct a thorough assessment of the financial capacity of the borrowing entity and its principals to complete the project in a timely manner. Analysts are instructed to collect whatever additional information they find necessary to complete their due diligence of this matter. Failure to provide DHCD with adequate annual statements as defined above, and other information requested, will result in failing this Threshold Criteria.

ATTACHMENTS

- Most recent quarterly financial statements
- Annual Financial Statements for most recent 3 years (check one)
 - Audits, or
 - Compilations (prepared by independent CPA), or
 - Internally prepared and certified statements PLUS tax returns with attachments.
- Credit References

EXHIBIT Q: CERTIFIED BUSINESS ENTERPRISES (CBE)

The District of Columbia encourages the maximum utilization of District of Columbia Certified Business Enterprises (“CBE”) for the development and construction of projects where DHCD invests resources. Sponsors and developers are encouraged to utilize District CBEs in **all** phases of the development process. A strong CBE plan will include CBE participation a range of predevelopment expenses (such as architectural, appraisals and surveys), closing expenses (such as title insurance and legal expenses), and construction expenses (including contractors and construction inspectors).

Sponsors and developers may contact the Department of Small & Local Business Development, at (202) 727-3900 for information on District of Columbia Certified Business Enterprises or visit the website to search for CBE businesses by service provided at <http://lsdbe.dslbd.dc.gov/public/certification/search.aspx>.

CBE points are awarded BOTH for demonstrating prior success in achieving 35% or higher participation in prior projects AND for demonstrating a CBE commitment above the 35% threshold for this project.

The CBE score will be determined from the Applicant’s CBE Plan for this project from the 202 Application and the attachments below.

- 2 points will be awarded to developers demonstrating prior success in achieving CBE participation of 35% or higher, AND
- 2 points will be awarded to developers with strong CBE Plans (as documented on the 202 Form). Strong CBE plans:
 - show a significant portion of selected development service providers are CBE;
 - demonstrate a commitment to achieving significantly higher than 35% CBE participation in the project.

All selected CBEs must submit a copy of their District certification. Selected CBE’s must have a clear, specific involvement in the project and the capacity to carry out the role.

ATTACHMENTS

To support the CBE Plan included in the 202 Form, for each CBE selected for this project, provide:

- Description of Entity’s Role (can be as simple as, for example, “appraiser”)
- CBE Certification
- Letter of Intent (required only if services have not been provided or are on-going; not required if services have been completed, for example, the appraisal has been delivered)

For any CBE development consultants (or other type of development services provider not specifically listed in the 202 Form), provide the following additional information:

- Resume
- Detailed description of Entity's Role
- No CBE have been selected yet

To be considered for points for prior CBE achievement rates provide:

- Evidence of at least two prior project CBE participation rates.

EXHIBIT R: NON-PROFIT PARTICIPATION

Priority points are awarded to projects in which the development team includes a nonprofit organization that is tax-exempt under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code and not affiliated with or controlled by a for-profit entity.

The Department will consider the extent to which the project includes specific and significant involvement by the entity and the capacity of the entity to carry out its role. For applicants that are seeking points under the selection criterion, a description of the entity's role in the development or operation of the project is necessary along with a resume that addresses the experience and qualifications of the entity. This should contain information on the entity's experience in other projects of similar type, scale and complexity and in a similar capacity. The application must include letters of intent from the organization that document the specific services or products to be provided to the project.

In addition, please provide evidence of the entity's status. Nonprofit entities must submit articles of incorporation, bylaws, evidence of an IRS ruling that it is a qualified 501(c)(3) or 501(c)(4) nonprofit organization, and a list of its board of directors. An attorney's opinion letter that the non-profit is not affiliated with or controlled by a for-profit entity is required only if a qualified non-profit will have a controlling interest in the borrowing entity.

ATTACHMENTS

- Description of Entity's Role
- Resume
- Letters of Intent
- Articles of Incorporation
- Bylaws
- IRS Ruling of 501(c)(3) or 501(c)(4) Nonprofit Organization
- List of Board of Directors
- Attorney's Opinion Letter, if the qualified non-profit will have a controlling interest in the borrowing entity

- Not Applicable.** For projects that do not include an eligible entity or where the applicant is not seeking points under this selection criterion, no information is required.

EXHIBIT S: LOCAL and DISTRICT OF COLUMBIA COUNCIL SUPPORT AND INVOLVEMENT

LOCAL SUPPORT

As a condition of closing, the applicant must include a resolution or letter of support from the affected Advisory Neighborhood Commission(s) (ANC). The resolution or letter must indicate its support of the project in the current round of competition. Support should not be contingent upon the completion of tasks or improvements that are unrelated to the project, such as off-site work that is not necessary for completion of the project. Applicants may attach a resolution or letter if they have it at the time of application. A resolution or letter of support from the Council of the District of Columbia may also be attached to provide further evidence of local support.

ATTACHMENTS

- Resolution or letter of support from ANC.
- Resolution or letter of support from the Council of District of Columbia.
- Resolution or letter of support is not available at the time of application.

ADVISORY NEIGHBORHOOD COMMISSION CHAIRS (ANCs)

| Name | Title | Ward | E-mail Addresses |
|----------------------|--------------|-------------|--|
| Kent C. Boese | Chair | ANC – 1A | 1A08@anc.dc.gov |
| James A. Turner | Chair | ANC – 1B | 1B09@anc.dc.gov |
| William Simpson | Chair | ANC – 1C | 1C06@anc.dc.gov |
| Adam Hoey | Chair | ANC – 1D | 1D02@anc.dc.gov |
| Patrick Kennedy | Chair | ANC – 2A | 2A01@anc.dc.gov |
| Will Stephens | Chair | ANC – 2B | 2B08@anc.dc.gov |
| Kevin Wilsey | Chair | ANC – 2C | 2C03@anc.dc.gov |
| David R. Bender | Chair | ANC – 2D | 2D01@anc.dc.gov |
| Ron Lewis | Chair | ANC – 2E | 2E02@anc.dc.gov |
| Matt Raymond | Chair | ANC – 2F | 2F07@anc.dc.gov |
| Brian A. Cohen | Chair | ANC – 3B | 3B05@anc.dc.gov |
| Carl Roller | Chair | ANC – 3C | 3C06@anc.dc.gov |
| Gayle Trotter | Chair | ANC – 3D | 3D09@anc.dc.gov |
| Matthew Frumin | Chair | ANC – 3E | 3E02@anc.dc.gov |
| Adam Tope | Chair | ANC – 3F | 3F01@anc.dc.gov |
| Jim McCarthy | Chair | ANC – 3G | 3G06@anc.dc.gov |
| Karrye Y. Braxton | Chair | ANC – 4A | 4A06@anc.dc.gov |
| Ron Austin | Chair | ANC – 4B | 4B06@anc.dc.gov |
| Shanel O. Anthony | Chair | ANC – 4C | 4C07@anc.dc.gov |
| Donna Brockington | Chair | ANC – 4D | 4D04@anc.dc.gov |
| Ronnie Edwards | Chair | ANC – 5A | 5A05@anc.dc.gov |
| Shirley Rivens Smith | Chair | ANC – 5B | 5B01@anc.dc.gov |
| Jacqueline Manning | Chair | ANC – 5C | 5C04@anc.dc.gov |
| Kathy Henderson | Chair | ANC – 5D | 5D05@anc.dc.gov |
| Sylvia M. Pinkney | Chair | ANC – 5E | 5E04@anc.dc.gov |
| Nickolas Alberti | Chair | ANC – 6A | 6A04@anc.dc.gov |
| Brian Flahaven | Chair | ANC – 6B | 6B09@anc.dc.gov |
| Karen J. Wirt | Chair | ANC – 6C | 6C08@anc.dc.gov |
| Roger Moffatt | Chair | ANC – 6D | 6D05@anc.dc.gov |
| Alex Padro | Chair | ANC – 6E | 6E01@anc.dc.gov |
| Robert T. Richards | Chair | ANC – 7B | 7B07@anc.dc.gov |
| Greg Stewart | Chair | ANC – 7C | 7C02@anc.dc.gov |
| Dan Milstein | Chair | ANC – 7D | 7D06@anc.dc.gov |
| Mary D. Jackson | Chair | ANC – 7E | 7E04@anc.dc.gov |
| Sheila Carson Carr | Chair | ANC – 7F | 7F03@anc.dc.gov |
| Barbara J. Clark | Chair | ANC – 8A | 8A02@anc.dc.gov |
| Khadijah Watson | Chair | ANC – 8B | 8B01@anc.dc.gov |
| Mary Cuthbert | Chair | ANC – 8C | 8C03@anc.dc.gov |
| Theresa H. Jones | Chair | ANC – 8D | 8D07@anc.dc.gov |
| Anthony Muhammad | Chair | ANC – 8E | 8E02@anc.dc.gov |

EXHIBIT T: SUPPORTIVE SERVICES PLAN and SERVICE PROVIDER INFORMATION

If the project will provide supportive services, fill out the attached Supportive Service Plan. (For new construction projects only, a minimum of 5% Permanent Supportive Housing AND a Supportive Service Plan is a *Threshold Criteria*.)

Residents of units funded by Department of Behavioral Health (DBH) access services through their relationship with DBH. A supportive service plan is NOT required if the ONLY supportive services to be provided are to residents of DBH units via their existing DBH service provider.

The Supportive Service Plan will be evaluated based on the extent to which it is comprehensive, well defined, feasible, and appropriate for the proposed resident population. Projects that include on-site services must include the necessary physical space for the services. Additional guidance on critical issues in supportive housing and what to address in a Supportive Service Plan is available in the Application Submission Package.

Applicants for DHS supportive service funding must demonstrate in the Supportive Service Plan that they will meet DHS case management standards and requirements. See “DHS PSH Supportive Services” in the Electronic Forms Folder for more information.

ATTACHMENTS

- N/A (**ONLY** for renovation projects not providing supportive services OR for projects in which DBH residents will be the only residents receiving supportive services)
- Supportive Service Plan (see attached)
- Letter of Commitment from Primary Service Provider
- Letters of Interest from Secondary Service Providers
- To Scale Drawing of Resident Unit with Furnishings (if furnishings are provided)

Service Provider Information:

- 3 years financial statements (audited if available, or internal statements and tax returns)
- Certificate of Good Standing
- Clean Hands Certificate
- Dun & Bradstreet “Business Information Report”
- Articles of Incorporation and Bylaws, or other organizing legal document(s)
- Evidence of applicable licensures for service provider (if applicable)

SUPPORTIVE SERVICE PLAN

Answer each question below, attaching such additional support documentation as will help demonstrate the strength of the plan. Clearly identify what services, if any, will be available to all residents and what services will be available only to residents of Permanent Supportive Housing or other specially designated units.

1. What are the resident services that will be provided? Is case management one of the proposed services?
2. Which resident services will be provided on-site? (Indicate what facilities are available at the project site for providing these services.)
3. Which services will be provided off-site? (Indicate what facilities are available within the neighborhood/community for these resident services and how the residents will access these facilities. If transportation is required, please describe what transportation options are available to the residents and how they will be paid for.)
4. What organization(s) will provide the services? Are supportive service delivery agreements in place with the proposed provider(s)? (include all agreements, letters of commitment, or letters of interest in the attachments) Describe the experience of the service provider(s). Describe the service provider's most comparable project.
5. Will any residents be required to receive services? If so, which services? Do all proposed sources of funding allow mandatory services?
6. What are the projected costs of the planned services and how will these services be funded? Attach a budget for supportive service expenses and funds which will pay for services. (The service budget of applicants for DHS funding must be consistent with existing PSH provider cost contracts.)
7. Include a staffing plan which describes job responsibilities and employee qualifications. (Applicants for DHS funding must demonstrate that staff will meet DHS minimum qualifications and that the case manager case load for scattered sites will not exceed 17 single adults or 12 families. Case load must not exceed 25 single adults and 15 families for a single site.
8. Explain how the owner, service provider(s) and the property manager will coordinate their functions. Describe the experience of the owner and property manager in working with this population. Describe the most comparable project for both owner and property manager.
9. How will residents at risk of eviction be assisted?

EXHIBIT U: COST ESTIMATES
Threshold Criteria

At the time of PADD application, a breakdown of the construction or rehabilitation costs shown in the application's development budget must be provided on the Department's Form 212 or Form 215. The initial Form 212 or Form 215 must be signed by an architect, General Contractor, or professional construction cost estimator. Successful applicants will be required to submit a complete Form 215 which includes both line item total and unit pricing as specified on the Form 215, after the award of the property.

Forms which only provide summary information by trades will fail Threshold Review. The cost estimates must be prepared and signed by the architect or general contractor for the project. A complete, signed Form 215 is a **Threshold Criteria** and applications submitted without a complete 215 will not receive further consideration.

The construction or rehabilitation costs must be within a reasonable range for the scope of work proposed. If the proposed costs exceed the Department's standards, applicants must submit a waiver request (include under Exhibit Z, *Waiver Requests*) that includes a detailed explanation of the reasons the costs are outside of this range. The standards are set forth in the Department's Multifamily Rental Financing Program Guide.

ATTACHMENTS

- Tier 1 Applications: Form 215—Detailed Cost Estimate **signed by selected General Contractor** (see electronic forms)
- Tier 2 Applications: Form 215 – Detailed Cost Estimate signed by Architect, General Contractor, engineer or professional construction cost estimator. (see electronic forms)
- Form 212 or Form 215 Cost Estimate signed by Architect, General Contractor, engineer, or professional construction cost estimator. (see electronic forms)
- Request For Costs That Exceed The Department's Standard (under Exhibit Z)

EXHIBIT V: ARCHITECTURAL DOCUMENTS
Threshold Criteria

The attached guidelines outline the level of architectural documentation that must be submitted with a PADD application. The documents indicated are minimum requirements and should be amended to meet the specific project requirements. Architectural Documents are a Threshold Criteria and applications submitted without the applicable level of documentation will not receive further consideration. Items that generally apply only to renovation projects are indicated.

Please note that all projects must meet the accessibility requirements outlined in Exhibit Z-2. The design standards vary by project type, and must be reflected in the architectural documents. See Z-2 to determine the applicable standard.

ATTACHMENTS – check one

- Preliminary Schematic Drawings, including:
 - Preliminary Elevations
 - Preliminary Schematic Drawings
 - Schematic Floorplans
 - Preliminary Specifications
- Tier 1 Applicants: Permit Ready Documents (guidelines attached)
- Tier 2 Applicants: Design Development Documents (guidelines attached)

PERMIT READY CONSTRUCTION DOCUMENTS – Tier 1 Threshold Criteria

DRAWING REQUIREMENTS

All of the following documents must reflect the intent of the project and delineate the proposed project scope, in sufficient detail to submit for permits.

1. Civil Engineering Documents

- a) Proposed Site Plan including the following:
 - All existing structures and location of all proposed structures
 - Basic storm water considerations
 - Existing and proposed roads and parking elements
 - Approximate location of all existing utilities
- b) Information Concerning the Proposed Site Specific to the project, disabled accessibility features, retaining walls, etc.

2. Architectural Documents

- a) Title Sheet
 - Project Information including Project name and address
 - The names, addresses and telephone numbers of the Owner and all Consultants
 - The date
 - The submissions level
 - List of Drawings
 - Project Area Breakdown
 - Unit Mix and Square Footages
 - Vicinity Map
 - Code Compliance Notes, Key Plan
- b) Landscape Plan
- c) Egress Plans
- d) Demolition Floor Plans for Each Building Level (1/8" scale min)*
- e) Floor Plans for Each Building Level (1/8" scale min)
- f) Building Sections
- g) Exterior Building Elevations (1/8" scale min)
 - Provide elevations of all major exterior wall areas
 - Provide key plan indicating elevation locations
 - Include Demolition information as required.*
- h) Kitchen Plans
- i) Enlarged Bathroom Plans
- j) Door Schedule
- k) Window Schedule
- l) Partition Plans
- m) Finish Schedule
- n) Details

* Generally applies only to renovation projects.

- o) Electrical Plans
- p) Mechanical Plans
- q) Structural Plans
- r) Demolition Plans of Individual Units (1/4" scale min)*
- s) Individual Unit Plans (1/4" scale min)

SPECIFICATION REQUIREMENTS

Tier 1 applicants must submit complete written specifications as necessary to complete the information in the accompanying drawings.

FINAL DESIGN SCHEMATICS DOCUMENTS – Tier 2 Threshold Criteria

DRAWING REQUIREMENTS

All of the following documents must reflect the general intent of the project and generally delineate the proposed project scope.

1. Civil Engineering Documents

- a. Proposed Site Plan including the following:
 - All existing structures and location of all proposed structures
 - Basic storm water considerations
 - Existing and proposed roads and parking elements
 - Approximate location of all existing utilities
- b. Information Concerning the Proposed Site Specific to the project, disabled accessibility features, retaining walls, etc.

2. Architectural Documents

- a. Title Sheet
 - Project Information including Project name and address
 - The names, addresses and telephone numbers of the Owner and all Consultants
 - The date
 - The submissions level
 - List of Drawings
 - Project Area Breakdown
 - Unit Mix and Square Footages
 - Vicinity Map
- b. Schematic Demolition Floor Plans for Each Building Level (1/8" scale min)*
- c. Schematic Preliminary Floor Plans for Each Building Level (1/8" scale min)
- d. Schematic Demolition Plans of Individual Units (1/4" scale min)*
- e. Schematic Individual Unit Plans (1/4" scale min)
- f. Schematic Exterior Building Elevations (1/8" scale min)
 - Provide elevations of all major exterior wall areas
 - Provide schematic key plan indicating elevation locations
 - Include Demolition information as required.*

3. Structural Documents

- a. Information concerning the proposed Structural Systems and Information on Unusual Conditions, as required
- b. Information on the existing structural systems and the effect that the project will have on these*

* Generally applies only to renovation projects.

4. Plumbing Documents

- a. Information concerning the proposed Plumbing Systems and Information on Unusual Conditions, as required
- b. Information on the existing plumbing systems and the effect that the project will have on these*

5. HVAC

- a. Information concerning the proposed HVAC Systems and Information on Unusual Conditions, as required
- b. Information on the existing HVAC systems and the effect that the project will have on these*

6. Electrical

- a. Information concerning the proposed Electrical Systems and Information on Unusual Conditions, as required
- b. Information on the existing electrical systems and the effect that the project will have on these*

SPECIFICATION REQUIREMENTS

7. Outline Specifications

- a. The Application Outline Specification shall include all sections of the 16 Division CSI format applicable to project
- b. The specification need not be in a complete CSI/MasterSpec format
 - The section numbering and naming shall comply with the CSI 16 Division format
 - Parts I- “General” may be omitted
 - Part II- “Products” shall list all products anticipated for use in that section
 - Part III- “Execution” may be omitted
- c. The Specification cover shall include the following:
 - The names, addresses and telephone numbers of the Owner and all Consultants
 - The project name and address
 - The date
 - The submissions level
- d. A complete table of contents shall be included at the front of the Specification
- e. Division I
 - Include General Conditions and other project requirements, including those of the lender
 - Include Specific Renovation/Demolition related sections as required*
- f. Division II—where Division II is prepared by an separate Owner-retained Consultant, bind these Sections into the single Project Specification
- g. Divisions II through XVI
 - Include sections for all proposed elements
 - Include Specific Renovation/Demolition related sections as required*

* Generally applies only to renovation projects.

EXHIBIT W: BUILDING EVALUATION REPORT – NOT APPLICABLE at time of application

No Building Evaluation Report is required *at the time of application* for PADD applicants. If the property involves the renovation of an existing structure, a Building Evaluation Report may be required after the award of the property as part of the underwriting process.

For projects that involve the rehabilitation of existing buildings, applicants must provide a preliminary engineering assessment of the buildings. In rehabilitating properties, developers may encounter unforeseen issues that can delay, increase the cost of, or even halt rehabilitation. To avoid this, the Department requires that an engineer or other qualified professional complete an assessment of the property.

The following report is required for all renovation projects. The document indicated below shall be considered a minimum requirement. Amend as required for specific project conditions and requirements.

ATTACHMENTS

- Building Evaluation Report (guidelines provided)
- Not Applicable.** If the project does not include the rehabilitation of existing buildings, a building evaluation report is not applicable.

BUILDING EVALUATION REPORT GUIDELINES

PRELIMINARY SCOPE OF WORK

Include a written scope of work delineating, in narrative form:

- The existing conditions and systems including by not limited to:
 - **Interior conditions:**
 - walls and partitions,
 - interior doors,
 - flooring,
 - appliances,
 - cabinetry,
 - structural,
 - electrical,
 - mechanical, and
 - plumbing systems.
 - **Exterior conditions:**
 - façade,
 - exterior materials,
 - painting,
 - site work, ,
 - roof,
 - exterior doors and windows, and
 - foundations.
- Life Expectancy: Information shall include remaining life expectancy of all major systems which will be retained in construction.
- Replacement Cost Estimates: Provide an estimate of the replacement cost for any system which will be retained in construction. (For instance, if the roof will be retained and has an expected remaining life of 10 years, replacement is expected to cost \$X in current dollars, to be inflated by the number of years in the remaining life.)
- Proposed work to the existing systems
- New systems and structures and how they will be integrated into the existing work.
- Other information as may be required to describe adequately the project and any special conditions.
- The narrative shall be broken down in the 16 CSI construction divisions.

PROJECT WALK THROUGH

Include the results of a survey of a minimum of 15% of the units including:

- Photographs of the building exterior and interior in sufficient detail and quantity to fully describe the existing conditions.
- Label all photographs with description of existing conditions and how these are

- anticipated to be modified by the work.
- Include a key plan indicating location of each photograph.
 - A listing of the units reviewed and significant findings. Coordinate with the written scope of work above.

EXHIBIT X: OTHER FINANCING COMMITMENTS

OTHER LOANS AND GRANTS

Letters of commitment or intent to provide financing should be furnished for all construction and permanent funding sources (loans and grants) identified in the application. At a minimum, letters of commitment or intent must be specific to the project and detailed concerning terms and conditions and must include the following:

- Acknowledgement of intent to provide Permanent Supportive Housing in the project description, consistent with the number of Permanent Supportive Housing units represented in this application (requirement for new construction only);
- Intention to finance the project;
- Amount of financing;
- Specific repayment terms and conditions (for example, interest rate, term of loan, use restrictions, repayment terms); and
- Any special conditions for receiving a commitment.

CREDIT ENHANCEMENT

If financing will be subsidized or insured by another institution (such as under the Federal Home Loan Bank Board's Affordable Housing Program) provide a description of the source of enhancement, how premiums and/or costs are calculated, and the general terms of the enhancement (that is, provided during construction and/or permanent periods). Evidence that the appropriate applications have been prepared and have been or are ready to be filed must also be provided.

EQUITY SYNDICATION

For projects that will be syndicated, sponsors must provide a proposal from at least one syndication firm. The proposal must clearly show the following terms:

- The project description must reference the intent to provide Permanent Supportive Housing, consistent with the number of Permanent Supportive Housing units represented in this application (requirement for new construction only);
- Amount of tax credits expected, if applicable;
- Type of investor;
- Gross equity generated from the syndication;
- Net proceeds to the project;
- Syndication related costs and charges;
- Schedule for the payment of equity;
- Interest and charges associated with any bridge loan; and
- Any other special terms and conditions.

TIER ONE APPLICANTS “FINAL FUNDING COMMITMENT LETTERS” (*Threshold Criteria*)

Tier 1 applicants only must submit “Final Commitment Letters” from each source of funding for the project. This is a ***Threshold Criteria*** for Tier 1 applicants, and Tier 1 applications without “Final Funding Commitments” will be eliminated from consideration for Tier 1 review. A “final funding commitment” is a letter of commitment from a funding source which is acceptable to DHCD in its sole discretion and which:

- States that it is a commitment of funding;
- Includes a project description consistent with the DHCD application (number & type of units, including Permanent Supportive Housing units and any other special need uses, etc.)
- includes all terms and requirements of the funding, consistent with the needs of the project and with the application to DHCD;
- includes only conditions prior to closing which:
 - i. have already been met; or
 - ii. will be met with a commitment of funding through the NOFA; or
 - iii. which are deemed to be pro forma by DHCD and/or are acceptable to DHCD in its sole discretion;
- is countersigned by both parties.

Applicants who are also requesting DCHFA funding must include a Threshold Review letter from DCHFA.

ATTACHMENTS

- Letters of Interest, Intent, or Commitment Letters from All Other Loan and Grant Sources
- Tier 1 Applicants: Final Funding Commitments for All Other Loans and Grants
- Tier 2 Applicants: Letters of Interest, Intent, or Commitment Letters from All Other Loan and Grant Sources
- Evidence of Credit Enhancement (if applicable)
- Syndication Proposal (if applicable)

EXHIBIT Y: LONG-TERM SUBSIDIES

Long-term operating or rent subsidies must reduce the rent burden for low-income tenants. Project-based rent subsidies, payment in lieu of taxes and other operating or supportive service subsidies are encouraged. Documentation should indicate the source of the subsidy, the number of units affected, the total amount of subsidy and the terms and duration of the subsidy.

ATTACHMENTS

- Documentation of Long-term Operating, Rental or Supportive Services Subsidies, other than those applied for through this RFP

EXHIBIT Z: WAIVER REQUESTS

MAXIMUM LOAN LIMITS

Funding requests should not exceed \$2.0 million. Applicants requesting a waiver of the maximum loan amount should submit a waiver request that includes a description of other funding sources sought, the reason other funding sources are not available, the reason it is not feasible to reduce the project size or scope and the particularly high public purpose that the project serves.

MINIMUM REHABILITATION AND CONSTRUCTION COST LIMITS

For projects that involve the rehabilitation of existing buildings, the total hard costs of rehabilitation must be at least \$15,000 per unit. Applicants may request a waiver for projects that demonstrate both a strong need for preservation of affordable housing in the market area and that the affordable housing units will be lost if the project is not financed by the Department. Similarly, new construction projects that exceed the square foot maximum costs set forth in the Guide must also request a waiver justifying the estimated costs in terms of public purpose.

OPERATING RESERVES

Operating reserves should range from three to six months of projected operating expenses plus all required debt service payments and monthly replacement reserve payments. For projects with proposed operating reserves that are outside of this range, sponsors must submit a request for a waiver that includes a detailed explanation of the reasons operating reserves for the project should be set at a different level.

DEVELOPER'S FEE

The maximum developer's fee is 10% of acquisition costs and 15% of other total development costs. The developer's fee may not exceed \$2.5 million. For projects with a proposed developer's fees in excess of \$2.5 million, the applicant must submit a waiver request that includes a detailed explanation of the reasons an increased developer's fee is warranted.

OPERATING EXPENSES

Estimated annual operating expenses, including real estate taxes and excluding reserve for replacement deposits, should range from \$5,000 to \$7,500 per unit. For projects with proposed operating expenses that are outside of this range, applicants must submit a request for waiver that includes a detailed explanation of the reasons operating expenses for the project are expected to be outside this range.

ATTACHMENTS

- Request for DHCD Loan Above Maximum
- Request for Rehabilitation Costs Below Maximum or Construction Costs Exceeding Maximums
- Request for Operating Reserves Outside Acceptable Range
- Request for Developer's Fee Above Maximum
- Request for Operating Expenses Outside Acceptable Range
- Other Requests

Not Applicable. For projects that meet the entire criteria threshold described above, no documentation is required.

EXHIBIT Z-0: MONITORING CERTIFICATION FORM

DISTRICT OF COLUMBIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DHCD requires each applicant to sign a “Monitoring Certification Form” indicating their agreement to comply with the regulations, to be subject to DHCD monitoring for compliance, and to accept any applicable penalties for noncompliance. The applicant is responsible for any and all costs associated with implementing and maintaining records to comply with and allow for DHCD monitoring. The “Monitoring Certification Form” is included here as an (attachment).

- Exhibit Z-0: Monitoring Certification Form and Monitoring, Elements Guidelines and/or Requirements
- Exhibit Z-1: Fair Housing and Equal Opportunity (FHEO) Certification
- Exhibit Z-2: Project Accessibility Certification Form and Project Accessibility Compliance Checklist
- Exhibit Z-3: Affirmative Fair Housing Marketing Plan
- Exhibit Z-4: Section 3 Program Certification
- Exhibit Z-5: Lead Safe Housing Addendum

Department of Housing and Community Development

Monitoring Certification Form

The U.S. Department of Housing and Urban Development (HUD) and the District of Columbia regulations require the Department of Housing and Community Development (DHCD) to monitor projects funded with federal and/or District of Columbia funds for compliance with various federal and District regulations. Applicants receiving financial assistance from DHCD could be subject to any and all of the following laws and regulations:

- | | |
|---|---|
| <ul style="list-style-type: none"> • Community Development Block Grant (CDBG), including all applicable Office of Management and Budget (OMB) Circulars, such as A-110, A-122 and A-133) - 24 CFR Part 570 • HOME Investment Partnerships Program (including long-term affordability requirements) – 24 CFR Part 92 • Housing Opportunities for Persons with AIDS (HOPWA) – 24 CFR Part 574 • Environmental Reviews - 24 CFR Pt 85 • Certified Business Enterprise Agreement • Age Discrimination Act of 1975 – 24 CFR Part 146 • Affirmative Action Plan – Mayor’s Order 85-85); • Non-procurement Debarment – 2 CFR Part 2424 • Anti-lobbying Restrictions – 24 CFR Part 87 • D.C. Notice on Non-Discrimination – D.C. Official Code §§ 2-1401.1 <i>et seq.</i> • Drug Free Workplace – 24 CFR Part 21 | <ul style="list-style-type: none"> • Section 3 - (24 CFR Part 135) • First Source Program. D.C. Official Code §§2-219.01 <i>et seq.</i> • Registration with DC Apprenticeship Council • Americans with Disabilities Act of 1990 – 42 USC 2181 <i>et seq.</i> • Lead Safe Housing Rule (Lead Based Paint) – 24 CFR Part 35 • Section 504 of Rehabilitation Act of 1973, as amended – 24 CFR Part 8 • Uniform Relocation Act – 42 USC Chapter 61: District of Columbia Relocation Assistance provisions (10 DCMR Chapter 22) • Freedom of Information Act – D.C. Official Code §2-531 <i>et seq.</i> • Davis Bacon and related Acts – 40 USC §§276a-276a-5 and 42-USC 5310: 42 USC 327 <i>et seq.</i> • Conflict of Interest (24 CFR § 570.611:24 CFR §§ 85.42 and 85.36) • 24 CFR §§ • Fair Housing (24 CFR Part 107: 24 CFR Part 100) • Hatch Act 5 USC Chapter 15 • LIHTC (§ 42 of IRS Code of 1986) |
|---|---|

Project Name _____ Developer Name _____
 Project Address _____ Developer Address _____

As an authorized official for the respective organization I certify to my organization’s acceptance to:

- (1) Comply with all applicable regulations,
- (2) Incur all costs required for compliance with the applicable regulations,
- (3) Be subject to DHCD monitoring for compliance, and
- (4) Accept any applicable penalties for noncompliance.

 (Print Full Name)

 (Print Title)

 (Signature)

 (Date)

EXHIBIT Z-1:

Fair Housing and Equal Opportunity (FHEO) Certification

ATTACHMENTS (See Electronic Forms Folder)

- Fair Housing and Equal Opportunity Certification (multi-family, single-family and group home projects)

Exhibit Z-2:

Project Accessibility Certification Form and Project Accessibility Compliance Checklist

ATTACHMENTS (See Electronic Forms Folder)

- Project Accessibility Certification Form and Project Accessibility Compliance Checklist

EXHIBIT Z-3

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

ATTACHMENTS (See Electronic Forms Folder)

- Affirmative Fair Housing Marketing Plan (AFHMP)

EXHIBIT Z-4

SECTION 3 PROGRAM CERTIFICATION and OPPORTUNITIES PLAN

ATTACHMENTS (See Electronic Forms Folder)

- Section 3 Program Certification Form
- Section 3 Past Performance Form
- Section 3 Opportunities Plan

see <https://sites.google.com/site/dhcdsection3/Home/section-3-documents-forms>

EXHIBIT Z-5: LEAD-SAFE HOUSING ADDENDUM

DHCD/DFD Multi-Family Rehabilitation Projects

I. Introduction

This Addendum is intended to be an integrated summary of Federal and District requirements for the implementation of lead hazard reduction. DHCD is responsible for the enforcement of the HUD Lead-Safe Housing Rule, 24 CFR Part 35, “Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance” - <http://www.hud.gov/offices/lead/leadsaferule/index.cfm>. The Borrower of DHCD funds is responsible for the implementation of the lead-safe housing requirements defined below.

II. EXEMPTION TEST

Check if the project property qualifies for any of the following exemptions from the Lead Safe Housing Requirements (see 24 CFR 35 for a complete list of exempt property types):

- New Construction
- Renovation of housing built after January 1, 1978 – Year built:_____
- Housing for the elderly or persons with disabilities unless a child under the age of eight resides, or is expected to reside, or regularly visits the unit
- Any zero bedroom unit, such as an efficiency or a single-room occupancy unit
- Lead-free properties

If the project property qualifies for any of the above exemptions, no further information is needed. If the project property does NOT qualify for any of the above exemptions, the following information is required.

ATTACHMENTS

- Lead Status Information Form (attached)
- Lead Risk Assessment
- Selected Lead Hazard Reduction Options for Project Scope of Work

For occupied properties ONLY:

- Disclosure: Evidence that disclosure has been made to residents if the building is occupied and LBP is present.
- Evidence that the owner/manager has provided tenants a copy of the pamphlet “Protect Your Family from Lead in Your Home”.
- Notice of Lead Hazard Evaluation (risk assessment) provided to tenants following the risk assessment. (This may be provided as soon as practical after receipt of the Lead Risk Assessment.)
- Draft Occupant Protection Plan (during renovation)

- Draft Temporary Safe Housing Plan and notice required to date (if residents will be relocated during renovation).

III. LEAD STATUS INFORMATION FORM

1. What year was the property built? _____
2. Is there a known presence of Lead-Based Paint (LBP)? Y/N____
3. If the presence of lead is known, has it been disclosed to the tenants if the property was occupied at the time the presence of lead was determined? Y/N____
4. If disclosure has taken place, provide a copy of evidence of disclosure.
5. How was the presence of LBP determined? _____

6. What documentation exists that identifies the presence of LBP (e.g., Phase 1 environmental, lead survey, lead inspection, etc.) _____

7. Has a risk assessment been performed? Y/N____
If yes, please provide a copy with proposal.
8. Are LBP hazards present (peeling, chipped or cracked LBP)? Y/N____
9. Is the building occupied? Y/N____
10. Are there children under the age of 8 residing at the property? Y/N____
11. Has there been previous testing for elevated blood levels of children residing at the property?
Y/N

REQUIREMENTS

The requirements presented below are based on (HUD) 24 CFR 35, Subpart J - Rehabilitation. Where there is an additional or greater requirement of the District, it will be so stated. Borrowers need to be very familiar with both Federal and District lead hazard laws and regulations.

III. *Requirements Summary*

The goal of the requirements is to be lead-safe, not lead-free. The most important requirements are summarized below. A summary of the HUD 24 CFR 35, Subpart J – Rehabilitation – is presented in Attachment (1). DHCD requirements are the same as 24 CFR 35 except as noted.

1. HUD requirements are tied to levels of assistance. The HUD 24 CFR 35 establishes different lead-based paint (LBP) requirements for rehabilitation, depending on the level of Federal assistance to the project. The thresholds are up to \$5,000 per unit; \$5,001 to \$25,000 per unit; and greater than \$25,000 per unit. This is amplified in Attachment (1). These thresholds are for hard costs, and do not apply to soft or lead hazard reduction costs. **[Requirements for locally¹ funded projects are the same as for the Federal funding level of \$5,000-\$25,000. These requirements focus on interim controls to treat LBP hazards].** Attachment (1) provides a general comparison between HUD and DHCD requirements.
2. Disclosure. Requirements of the Disclosure Rule have been in effect since 1996 - <http://www.hud.gov/offices/lead/disclosurerule/index.cfm> . This requires that landlords and/or property managers disclose any known lead-based paint and lead-based paint hazards when renting a unit. A sample disclosure form is contained in **Appendix B**. As part of disclosure, the tenants must be given a copy of the pamphlet “Protect Your Family from Lead in Your Home” - <http://www.hud.gov/offices/lead/>. Tenants are also to receive a copy of the pamphlet at the beginning of any rehab job, unless the pamphlet has previously been provided to the tenants.
3. A Risk Assessment, performed by a certified risk assessor, is required for all Multi-Family Rehab projects upon application. Paint testing - to determine the presence of LBP in all surfaces to be disturbed - is required as part of the Risk Assessment. A presumption of lead will not be accepted. (Phase 1 environmental testing and hazmat surveys are not acceptable, as they do not meet the requirements of 24 CFR 35). Risk assessments will identify LBP hazards and include options to treat the hazards.
4. Notification. There are several required notices to be provided to tenants:
 - a. A Notice of Evaluation describing the nature, scope and results of the Risk Assessment;
 - b. A Notice of Hazard Reduction Activities must be provided to the tenants to inform them of the nature, scope and results (including clearance) of the completed lead hazard reduction scope of work; and
 - c. Notices for on-going maintenance as may be required by 24 CFR 35.

Attachment (1): Summary of the HUD 24 CFR 35, Subpart J – Rehabilitation

¹ Locally funded: not assisted with Federal housing funds (HUD, EPA, Agriculture).

5. Testing of children. Upon receipt of the Risk Assessment, the D.C. Department of Health (DOH) will request the testing of all children under the age of six (6). Units with children who may test for certain elevated blood levels (EBLs) will be inspected by DOH. If the unit is determined to be the cause of the child's EBLs, the owner will be issued a Notice of Violation. DHCD will not commit to funding a project (execute a Letter of Commitment) until the owner agrees to cure the violation.
6. Temporary safe housing for tenants is typically required during the lead hazard reduction activity for occupant protection - with some exceptions. See Section VI.
7. a. "Certified workers, certified supervisors, and certified business entities" are required for all work that is designed to permanently eliminate LBP hazards², and for projects receiving over \$25,000 in federal assistance per unit.
 - b. "Trained workers" are required for all other work impacting an LBP surface (all work that is not designed³ to permanently eliminate LBP hazards) in any project that is:
 1. Receiving up to \$25,000 of federal assistance per unit; or
 2. Locally funded by DHCD regardless of amount.
8. Safe work practices as specified in 24 CFR 35 must be used by contractors/workers whenever they will disturb a surface with LBP.
9. Units must pass clearance testing before re-occupancy. DHCD requires that the clearance report submitted to DOH for verification, and that a Certificate of Lead-Based Paint Compliance be obtained.
10. Ongoing LBP maintenance (corrective measures to treat LBP hazards, using trained workers and required documentation) and reevaluation are required for HOME-funded rental projects. For locally funded projects, and projects funded with CDBG, HOPWA, and NSP, DHCD requires the same ongoing maintenance as 24 CFR 35 where there is a defined affordability period. DHCD requires a visual assessment for deteriorated paint and the failure of hazard reduction measures at unit turnover and every 12 months over the affordability period. All deteriorated lead-based paint must be stabilized, and failed hazard reduction methods corrected with interim controls, or permanent controls if originally required. Trained or certified workers must use safe work practices and the unit(s) must pass clearance. DHCD does not require re-evaluation for these programs.

Maintenance records per 24 CFR 35 must be retained by the landlord for all properties containing LBP.

² Work designed to permanently eliminate LBP hazards: All permanent control work items (removal, replacement, encapsulation or enclosure) resulting from changes or additions to the rehab scope of work, based on an agreement on the implementation of the risk assessment by the developer and the risk assessor. The agreement is to be founded on reasonable accommodation by both the developer and the risk assessor/project designer, and will be reviewed by DHCD.

³ Exemption: DHCD will sign off on the DOH required exemption with the developer for work that is not designed to permanently eliminate LBP hazards.

11. Homeownership. For condominiums and cooperatives, **all** units will be paint tested, risk assessed, and cleared.

IV. Exemptions

The following are exempt from this Requirements Exhibit; see 24 CFR 35 for a complete list of exempt properties:

1. Housing built after January 1, 1978
2. Housing for the elderly or persons with disabilities unless a child under the age of eight resides, or is expected to reside, or regularly visits the unit
3. Any zero bedroom unit, such as an efficiency or a single-room occupancy unit
4. Lead-free properties

V. Conditions Precedent to Closing

The following documentation, presented below, will be completed and submitted to the DHCD Project Manager as conditions precedent to closing that will be required in the Letter of Commitment

1. Notice of Lead Hazard Evaluation (risk assessment) provided to tenants following the risk assessment – if the building is occupied. (submit as soon as possible after receipt of Risk Assessment, but no later than issuance of commitment letter)
2. Final “Selected Lead Hazard Reduction Options for Project Scope of Work”
3. Final Occupant Protection Plan (during renovation).
4. Final Temporary Safe Housing Plan and notice required to date (relocation during renovation).

VI. Occupant Protection and *Temporary* Safe Housing

Safe work practices [24 CFR 35 (Subpart R, §35.1350)] require occupant protection (§35.1345). This means that occupants and their belongings must be protected from lead contamination during rehabilitation. The most effective way to protect occupants is by temporarily relocating them while the work is underway.

An Occupant Protection Plan (ref. 40 CFR 745) is required:

1. Projects with Federal funding greater than \$25,000 per unit; and
2. All District funded projects. The Plan will identify work-site protection measures and management procedures, including protection of household belongings. The Plan must identify procedures to allow tenants access to their belongings – through “reasonable accommodation” – during the period of temporary safe housing. The Plan must be submitted to the DHCD Project Manager for approval.⁴

⁴ An OP Plan is required if the project meets the definition of an abatement project. Then it must meet EPA requirements. If only trained workers are required (under \$25,000), an OP Plan is not required.

Temporary relocation is not required if the Borrower can meet the five calendar day exception criteria⁵ (ten days for District funded projects for householders without children under six) for completion of lead hazard reduction in a given unit with end of workday cleanup. Also, the elderly will have an exemption as defined in 24 CFR 35.

The Borrower may look for ways to temporarily relocate families from one unit to another while work is underway. Temporary relocation as part of normal, planned rehab phasing may obviate the need for any relocation for lead purposes only.

If families must temporarily move out of the building, the following apply:

Referrals. Families must be referred to lead-safe units for Federally funded projects. This may mean hotels or motels built in 1978 or later, if other lead-safe units are not available. For locally funded projects, lead-safe referrals are not required for households with children age six (6) or older. However, a visual assessment shall be performed (a risk assessment is not required), interim controls applied if needed, and cleaning and clearance testing completed if hazard reduction work is to be done and/or a child under the age of six is part of the move.

- Requirements of Chapter 2-4 (Appendix B) of the HUD Relocation Handbook 1378⁶ shall apply to all temporary moves, including notices.
- Stipend. The Borrower will pay a stipend to households that are temporarily relocated to cover out of pocket costs associated with the move, including moving expenses and increased housing expenses (including rent differential for the duration of the temporary move).
- Tenants' belongings must be protected as long as the belongings remain in the unit from which the tenants are temporarily relocated.
- A Temporary Safe Housing Plan is required if residents will be relocated due to lead risk, regardless of whether the project is federally or locally funded. The content of the plan will include the following:
 1. Number of units occupied and names of heads of household.
 2. Number of units with children under the age of eight, and a list of the children's names.
 3. Procedures to address the requirements of Appendix B.
 4. Schedule, including length of temporary move and phasing of lead-related work.
 5. Cost Estimates

⁵ 24 CFR 35.1345(a)(2)(iv).

⁶ HUD Handbook 1378: Tenant Assistance Relocation and Real Property Acquisition

PROJECT MONITORING

Monitoring is the way that the District of Columbia's Department of Housing and Community development (DHCD) ensures that its funded projects are carried out in accordance with local and Federal funding source program requirements. DHCD must ensure that property owners and managers develop their projects in compliance with Federal standards, and that the project is economically sustainable. The monitoring requirements outlined below ensures that all residential projects are constructed in compliance with the appropriate new construction and rehabilitation standards as well as the approved project plans, built in compliance with Federal regulations such as Davis Bacon labor standards, the Uniform Relocation Act, and environmental protection statutes, and marketed in compliance with fair housing laws including Section 504 of the rehabilitation.

Residential Projects

DHCD has determined that it will apply the federal laws and regulations to all projects because the application of the federal requirements will allow for the maximum yield of low-moderate renters and a longer affordability period for all units.

Initial Monitoring

Effective monitoring begins in the planning stages of the project and continues after the project funds have been expended and the project is completed. Successful property owners and managers will have to take into consideration the following items in the planning stages of the project as these requirements impact on the construction/rehabilitation cost and the income flow of the project:

Rental and Occupancy Requirements - Will dictate the rent structure for targeted units and the occupancy requirements for each type of unit, i.e., efficiency, 1-bedroom, etc.

Unit Reservation or Set-Aside Requirement – DHCD policy will require that a minimum of 20% of all available units or the number of units equal to the percentage of DHCD funding to the overall development costs of the project (whichever is greater) be set aside for low to moderate income persons and families as follows:

Affordability and Retention Requirements – The type of funding received by the project will determine the period of time the program-designated units will be subject to the income, rental/occupancy and unit reservation requirements.

The property owner, manager or developer must commit to ensuring that the income and rental requirements for each program-designated unit are maintained throughout a minimum 20-year retention period or the length of the loan, whichever is greater. Where there are specific program requirements (HOME and HOPWA, for

example) for affordability and retention, DHCD will use whichever regulation provides for the maximum affordability period.

Section 504 Requirement – that 5% of the newly constructed or “substantially” rehabilitated units accommodate persons with mobility impairment and that an additional 2% of said units accommodate persons with vision and hearing impairments.

Lead-Based Paint Requirements – Are applicable to all rehabilitation and renovation projects. Property owners and managers must ensure that there are no existing lead hazards prior to construction. If there are existing lead hazards, then property owners and managers must take the appropriate methods and measures to ensure containment or removal of the hazard prior to completion of construction.

The Lead-Based paint information is reported in EXHIBIT Z-5: LEAD-SAFE HOUSING ADDENDUM.

Long-Term Monitoring

The long-term review and monitoring of projects will occur annually for the duration of the affordability period in the following areas:

- **Income targeting/occupancy and rent controls.** Long-term monitoring is an important way to ensure that rental units assisted with its funds remain occupied by low-income households and that the rents charged to these tenants are affordable. Sustaining long-term affordability of units is particularly important in tight housing markets, with high housing costs.
- **Unit condition.** DHCD expects that when it invests its funds in a property, the property will remain in decent, standard condition for a period of time. This is important to ensure health and safety of the tenants, important for promoting neighborhood revitalization efforts, and important for protecting the city’s financial investment. Inspections are one way to ensure that owners and managers are adequately maintaining their properties.
- **Equal treatment of all applicants.** DHCD expects that all applicants will be treated fairly and without discrimination. Monitoring helps ensure that the city’s investment in affordable housing is available to all applicants irrespective of race, color, sex, age, religion, ethnic background, disability, or familial status.
- **Economic Sustainability.** DHCD expects that all projects it funds will be managed and maintained to operate successfully through the full tenure of DHCD’s financing, or the affordability period, whichever is greater. Analysts will inspect the property, look over submitted property financial statements, analyze operating and maintenance reserve amounts and uses, and seek answers for any aspects of poor economic performance.

Monitoring Rental Projects

Rental Projects

Property owners and managers will implement the day-to-day operations of the rental property and make daily decisions that affect compliance of the project with the requisite program funding rules. Some property owners and managers will carry out these functions themselves; others will utilize property managers and property management firms.

Property owners and managers' monitoring responsibilities include, but are not necessarily limited to:

- Making sure the property meets and is continually maintained according to required building code standards, performs financially and;
- Ensuring that project personnel understand and implement program rules related to income, occupancy, affirmative marketing, and fair housing;
- Submitting annual reports and other documentation that may be requested by DHCD that document compliance with the program rules;
- Submitting second quarter and annual property financial statements, and an annual audit, plus additional financial information if requested by DHCD.
- Identifying and making available files requested by the OPM Monitor;
- Providing notice to, and making arrangements with, tenants whose units will be inspected; and
- Following up on any corrective actions that may be identified by the OPM Monitor.

Attached as **Exhibit Zc** is the reporting and certification form which will be used to initiate and continue the annual monitoring review of rental projects.

Compliance with Federal Laws, Rules and Regulations

DHCD requires property owners and managers to certify that they will comply with the applicable federal standards that accompany DHCD's local and federal funding. These certifications must be appropriately executed and submitted with the application. DHCD will regularly review and monitor compliance with these federal standards.

The **Exhibit** referred to above is the reporting and certification forms, which must accompany your submission package. Choose the appropriate form based upon the program funds you are requesting, [CDBG, HOME, HPTF, HOPWA etc] and the type of project contemplated, [rental.] Upon receipt, these forms and certification documents will be the basis upon which monitoring activities will be implemented and reviewed annually.

The Project Manager assigned to each project will inform the property owners and managers of their responsibilities prior to loan closing, and then again at the time of the Final Draw.

Please refer to the Exhibit Checklist packages and the Request For Proposal Reference Guidebook for further information.

EXHIBIT Zc Project Monitoring SAMPLE Reporting Form

Occupancy and Rent Reporting Form and Certification

Rental Project Compliance Report - Period From: _____ To: _____ (To be submitted by property manager)

Project: _____
 Address: _____
 Date Submitted: _____
 Affordability Period (year) # ____ of a ____ Affordability Period

Total Percentage of units in project: _____
 Total Number of HPTF units: _____
 Number of Low HOME Rent units: _____
 Number of High HOME Rent units: _____
 Number of LIHTC units @ 50% AMI: _____
 Number of LIHTC units at 60% AMI: _____
 Number of Fixed Units: _____ Number of Floating Units: _____
 Number of Section 504 units: _____

| Unit # | # bed-rooms | Low or High HPTF Rent unit | Sec. 504 Unit | Fixed or Floating | Tenant | # in Hs hld | Annual Income | Date Determined | % A MI | Lease Date | Lease rent ¹ | Tenant Paid Utilities ² | Total Rent plus Utilities | Allowable Rent & Utilities ³ | Comments |
|--------|-------------|----------------------------|---------------|-------------------|--------|-------------|---------------|-----------------|--------|------------|-------------------------|------------------------------------|---------------------------|---|----------|
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Attach additional sheets as needed.

I certify the above information is true and correct. Owner or property manager signature: _____
 Date: _____

PJ reviewer: _____ Date reviewed: _____

¹ Including any owner-paid utilities.
² If tenant pays utilities, enter from PHA utility allowance worksheet. If utilities are included in rent, enter "Incl."
³ Enter from HUD published limits for High or Low HOME Rent as applicable.

SAMPLE Reporting Form Only

EXHIBIT GB – GREEN BUILDING

With the passage of The Green Building Act of 2006, Washington, DC joined states and cities across the country in requiring green building design and construction. In accordance with the Green Building Act of 2008, publicly financed buildings which are a) 10,000 SF or greater, and b) for which public financing comprises 15% or more of project costs, must meet green building standards. Residential projects must meet the Green Communities Criteria (GCC) in its current edition at time of application to DHCD, currently GCC 2011. Please note that GCC 2011 and future editions of the Criteria require third party certification. To comply, projects must be registered with Enterprise Community Partners early in the design phase. Please see <http://www.greencommunitiesonline.org/tools/certification/> for further information. Additional information on green building may also be found in Section 6 of the RFP Reference Guidebook.

Again, any application submitted in this RFP round is required to complete and submit the 2011 Enterprise Green Communities Intended Methods Checklist and the Integrated Design Charrette Documentation.

ATTACHMENT (See the Green Building Forms Folder)

- Exhibit GB-1: 2011 Enterprise Green Communities Overview and FAQ
- Exhibit GB-2: The Green Communities Criteria 2011 Intended Methods Checklist
- Exhibit GB-3: Enterprise Green Communities Integrated Design Charrette Documentation