

Exhibits Za - Zc: MONITORING ELEMENTS, GUIDELINES, AND/OR REQUIREMENTS

In accordance with Federal and District regulations, the Department of Housing and Community Development (DHCD) is required to monitor the use of funds distributed under this RFP. Applicants receiving financial assistance from DHCD could be subject to all of the following laws and regulations. Recipients of assistance will be required to maintain sufficient and adequate records to document that the objectives of the applicable regulations have been met, and to allow for monitoring of compliance with the regulations:

Environmental Reviews

Federal funds regulations require that each project undergo an environmental review in accordance with 24 CFR Part 92. The type of activity (i.e. non-construction, rehabilitation, etc.) and whether the project is historic determines the level of environmental clearance required and the time period for the review.

Affirmative Action Program (Local Small Disadvantaged Business Enterprises)

Mayor's Order 85-85 entitled Compliance with Equal Opportunity Obligations in Contracts sets policies and procedures to be followed by contractors and subcontractors performing under District of Columbia government contracts for goods and services, including construction contracts. The rules establish specific commitments for the employment of minorities and women businesses to achieve affirmative action obligations in District of Columbia contracts.

Applicants will be required to submit an affirmative action plan prior to receiving financial assistance from DHCD. This affirmative action plan is required for construction and non-construction contracts. In addition to DHCD's review, the Office of Local Business Development gives final approval of the plan.

Section 3

Applicants will be required to sign a certification of compliance with Section 3 (24 CFR Part 135). Section 3 requires that to the greatest extent feasible, opportunities for training, and employment be given to lower income residents of the area of the Section 3 covered project, and contracts for work in connection with the project be awarded to businesses located in or owned in substantial part by person residing in the area of the Section 3 covered project.

First Source Employment Agreements

DHCD will require applicants receiving financial assistance to enter into a First Source Employment Agreement with the District of Columbia Department of Employment Services (DOES). This agreement, in accordance with Mayor's Order 83-265, states that

the applicant will use DOES as its first source for recruitment, referral and placement of new hires or employees whose jobs were created by the project receiving financial assistance.

Registration with the DC Apprenticeship Council

Any company that is awarded a single contract or multiple contracts within a 12-month period that totals \$500,000 or more is required to register with the D.C. Apprenticeship Council and report the registration number to DHCD.

Davis-Bacon Act and Davis-Bacon related Acts

The Davis-Bacon Act requires the payment of prevailing wage rates (which are determined by the U.S. Department of Labor) to all laborers and mechanics on Federal government and District of Columbia construction projects in excess of \$2,000. Construction includes alteration and/or repair, including painting and decorating, or public buildings or public works.

Most HUD construction work **is not** covered by the DBA itself since HUD seldom contracts directly for construction services. Most often, if Davis-Bacon wage rates apply to a HUD project it is because of a labor provision contained in one of HUD's "Related Acts" such as the U.S. Housing Act of 1974, the National Affordable Housing Act of 1990, and the Native American Housing Assistance and Self-Determination Act of 1996. The Related Acts are often referred to as the **Davis-Bacon and Related Acts or DBRA**.

American with Disabilities Act of 1990

The American with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in state and local government services, public accommodation, transportation and telecommunications. Under the ADA, communication barriers must be eliminated that prevent individuals with disabilities from enjoying equal opportunity to participate in and benefit from federal awards.

Under ADA public entities may choose from two design standards for new construction and alteration. They can choose the Uniform Federal Accessibility Standards (UFAs) or the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG). ADAAG is the standard that must be used for privately owned public accommodations and commercial facilities.

Lead Safe Housing Rule (Lead Based Paint)

The U.S. Department of Housing and Urban Development Lead Safe Housing Rule establishes different lead hazard control requirements for rehabilitation depending on the level of federal financial assistance provided to the project and the age of the residential property. The regulation applies only to residential units built before 1978. Risk assessments must be performed if federal financial assistance is greater than \$5,000 per unit. Abatement is required if federal financial assistance is greater than \$25,000 per

unit. “Trained workers” are required for all rehabilitation work. DHCD will monitor to ensure that the Lead Safe Housing Rule is adhered to on projects receiving financial assistance.

Section 504 of Rehabilitation Act of 1973, as amended

Section 504 provides the guidelines for new construction rehabilitation of housing units that should be accessible to persons with disabilities. Accessible units must be made available and dispersed throughout the building and sites in projects involving new construction or alterations. Substantial alterations mean a project that has 15 or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility. If the alteration is not substantial, that is, the project is less than 15 units and the cost of the alterations is less than 75% of the replacement cost of the completed facility, then the alterations, to the maximum extent possible, should be made readily accessible to and usable by individuals with disabilities. DHCD will ensure that projects receiving financial assistance comply with Section 504. Section 504 follows the accessibility guidelines under the Uniform Federal Accessibility Standards (UFAS).

Freedom of Information Act

The Freedom of Information Act (FOIA) provides for the disclosure of public information. A public record is defined as “any document, book, photographic image, electronic data recording paper, sound recording, or other material regardless of form or characteristic, made or received pursuant to law or in connection with the transaction of public business by any officer or employee of the District”. Any information submitted to DHCD not specifically exempt by D.C. Code § 1-1524 (a) of the DC FOIA may be subject to public disclosure upon receipt of a proper request.

Conflict of Interest

Federal and District laws require recipients of funds to comply with conflict of interest regulations found at (24 CFR 570.611 and 24 CFR 84.42 and 85.36). In addition, DHCD requires that within 15 business days of execution of the grant or loan agreement, the recipient shall submit to the Department a copy of the organization's conflict of interest policies and procedures for review and approval by the Department. The procedure shall include the collection and retention of Conflict of Interest declarations to be executed by each employee and board member/officer.

Fair Housing Equal Opportunity

The Fair Housing (FHAct) Act and additional Equal Opportunity rules and regulations apply to all housing related transactions. The regulations (as described in 24 CFR Part 14 et al.) are applicable to developers; tenant, homeowners, and condominium associations; management companies; advertisement agencies; and anyone involved in the sale, rental or management of funded housing from discriminating against prospective tenant or owners based on any of the protected categories under the Act.

The Act also stipulates that if a new construction project has four or more dwelling units it is subject to the accessibility and adaptability requirements of the Fair Housing Act as amended. Under the new construction requirement of the Act, if the multifamily building has an elevator, all of the dwelling units must meet the Act's design and construction requirements; if there is no elevator, all of the ground floor dwelling units must meet the Act's requirements.

The Act also requires housing providers “to make reasonable accommodation in rules, policies, practices, or services, when such accommodations may be necessary to afford such person(s) equal opportunity to use and enjoy a dwelling”.

The District of Columbia Department of Housing and Community Development (DHCD) follow the federal guidelines in ensuring that ALL of its funded projects and programs, regardless of funded source, follow the federal guidelines for affirmative marketing.

The Affirmative Fair Housing Marketing Plan (AFHMP) is a means to carry out the mandate of Section 808(e)(5) of the Fair Housing Act and ensure positive outreach and informational efforts to those who are least likely to know about and apply for the housing in question. Each applicant participating in housing programs funded by of the Department of Housing and Community Development (DHCD) shall implement an affirmative fair housing marketing policy in soliciting buyers and tenants, and in advertising the availability of housing properties.

The purpose of the AFHMP requirement is to ensure that all residents of similar income levels in the same housing market area have available to them a like range of choices in housing, regardless of their protected class. It is a marketing strategy designed to attract buyers and renters of all majority and minority groups to housing and services which are being marketed by an applicant, but who would otherwise, if not for the targeted marketing, not know of the housing or service available by the applicant. It must describe the applicant’s initial advertising, outreach (community contacts) and other marketing activities which inform potential buyers and renters of the existence of the units.