

EXHIBIT CHECKLIST

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EXHIBIT A: APPLICATION FOR FINANCING

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. Four copies of the application, including all applicable exhibits and attachments, must be sent in separate three-ring notebook binders with each exhibit tabbed.

ATTACHMENTS

- ☐ Form 202 – DFD Financing Application (form attached separately – executed hardcopy mandatory)

EXHIBIT B: SITE CONTROL

Applicants must have obtained sufficient site control to allow projects to move forward if they receive a reservation of funds. Generally, this should be for at least 180 days from the application deadline date (including extension options) with an option to extend the control for another 180 days. Acceptable evidence of site control includes deeds, contracts of sale, leases with purchase option or other forms acceptable to the Department.

ATTACHMENTS

☐ Evidence of Site Control

EXHIBIT C: UTILITY AVAILABILITY

Provide evidence that public water and sewer, electric, gas and telephone services are at project sites or will be available during the construction or rehabilitation period. Acceptable evidence of utility availability may include a letter from the development team's civil engineer, the utility company providing the service, a responsible local official, or, for existing buildings, copies of recent utility bills. If any of the utility services are not applicable for the project, provide a description indicating which service is not applicable and the reason.

ATTACHMENTS

- ☐ Evidence of Public Water
- ☐ Evidence of Public Sewer
- ☐ Evidence of Electric Service
- ☐ Evidence of Gas Service
- ☐ Evidence of Telephone Service
- ☐ Copy of Certificate of Occupancy [if Building(s) currently occupied]

EXHIBIT D: ZONING

Properties should 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 should be included in this exhibit. If a zoning change, variance or exception is required, sponsors must provide documentation illustrating the planning and zoning process and identifying a contact person familiar with the project and responsible for the approval process. Sponsors must also provide a detailed schedule for obtaining the required approvals.

ATTACHMENTS

- ☐ Evidence of Zoning with Local Contact Information
- ☐ Description of Change, Variance or Exception
- ☐ Detailed Schedule for Obtaining Required Approvals

EXHIBIT E: GEOGRAPHIC TARGETING (Not Applicable)

If an applicant seeks bonus points for geographic targeting under the terms of the Request for Proposals, the applicant must provide documentation showing that the project will be located in a targeted geographic area such as, Neighborhood Revitalization Strategy Areas (NRSA), Neighborhood Investment Fund, Great Streets Initiative or the New Communities Initiative.

ATTACHMENTS

Evidence of location in a targeted geographic area such as, Neighborhood Revitalization Strategy Areas (NRSA), Neighborhood Investment Fund, Great Streets Initiative or the New Communities Initiative.

EXHIBIT F: SITE MAP AND PICTURES

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.

ATTACHMENTS

- ☐ Site Map
- ☐ Direction to Project Site
- ☐ Photographs of Project Site and Surroundings

EXHIBIT G: ENVIRONMENTAL ASSESSMENT

Each project must comply with applicable requirements of local and federal environmental laws and regulations. An initial due diligence evaluation of the site for environmental issues is required. This evaluation includes a review of foundation conditions, man-made hazards, storm water runoff, underground storage tanks, and potential for lead-based paint, radon gas, PCBs or asbestos in existing buildings.

You may use the attached Environmental Due Diligence Checklist for the preliminary evaluation of the site. If a U.S. Department of Housing and Urban Development environmental clearance has already been performed, you may submit it with the application instead of the Environmental Due Diligence Checklist.

ATTACHMENTS

- ☐ Environmental Due Diligence Checklist (form attached)

ENVIRONMENTAL DUE DILIGENCE CHECKLIST

Project: _____

Date: _____

Investigator: _____

Percentage of Living Units Reviewed: _____ %

Percentage of Site Actually Walked And Observed: _____ %

Environmental Risks	Observed	Possible	Not Observed
Asbestos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asbestos Containing Materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lead Paint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Underground Storage Tanks, Lines and Vents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Above Ground Chemical Storage or Products	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Visible Soil Discoloration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Buried Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCB Transformers or Light Ballast	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surface Water Discharge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sensitive Adjacent Properties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential Contaminated Adjacent Properties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Emissions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wetland Areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sanitary Sewer Failure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
On-lot Septic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private Water Supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surface Impoundment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Excessive Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foul Odors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
French Drain or Disposal Pit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unsafe Material Management Practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pipe Leaks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL DUE DILIGENCE CHECKLIST (Cont'd.)

Geologic Features		Observed	Not Observed
Streams		<input type="checkbox"/>	<input type="checkbox"/>
Ponds		<input type="checkbox"/>	<input type="checkbox"/>
Sink Holes		<input type="checkbox"/>	<input type="checkbox"/>
Rock Outcrops		<input type="checkbox"/>	<input type="checkbox"/>
Springs		<input type="checkbox"/>	<input type="checkbox"/>
Steep Slopes		<input type="checkbox"/>	<input type="checkbox"/>
Poor Drainage		<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT H: OPERATING STATEMENTS

For existing and occupied projects, 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 financial statements and three corresponding years of certified federal income tax returns of the project should be submitted.

ATTACHMENTS

- ☐ Audited Financial Statements
- ☐ Un-Audited Financial Statements (only if audited financial statements are not available); and
- ☐ 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 I: RELOCATION AND ANTI-DISPLACEMENT STRATEGY

For existing and occupied buildings, the applicant must submit a draft of the 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.

The relocation and anti-displacement strategy must outline the procedures the developer will implement to temporarily and/or permanently relocate tenants during the rehabilitation. The strategy should also estimate 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. In addition, applicants should provide 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:

- ☐ Draft Relocation Strategy (see attached Guidelines)
- ☐ Relocation Budget

Prior to Issuance of a Letter of Commitment:

- ☐ Tenant General Information Notification (form attached)
 - ☐ Seller Notification
 - ☐ Evidence of Delivery Method of Notifications
 - ☐ List of Current Residents
-
- ☐ **Not Applicable.** No information is required for projects that are not existing or not occupied at the time of application.

FORM OF TENANT NOTIFICATION

[Date]

[Name]

[Address]

Dear [Name]:

The [Name of Applicant] is interested in buying the building you live in at [Building Address]. The [Name of Applicant] plans to apply for a loan or grant to rehabilitate the building from the District of Columbia Department of Housing and Community Development.

If the loan or grant is provided and the building is rehabilitated, you will not be displaced. Therefore, we urge you not to move anywhere at this time. If you do choose to move, you will not receive any money to help you relocate.

If a loan or grant is provided, you will be able to rent your present apartment (or another suitable, decent, safe and sanitary apartment in the same building) when the rehabilitation is done. Of course, you must comply with standard lease terms and conditions. After the rehabilitation, your rent, including the estimated average monthly utility costs, will not be more than:

- Your current rent and average utility costs, or
- 30% of your average monthly gross household income.

If you must move temporarily so that the rehabilitation can be completed, the owner will find another apartment for you, and will pay for all reasonable extra expenses, including all moving costs and any increase in rent and utility costs.

Again, we urge you not to move. If the funding is approved, you can be sure that we will make every effort to accommodate your needs. If federal assistance would be involved, you would be protected by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

This letter is important and you should keep a copy of it. You will be contacted soon with more information. In the meantime, if you have any questions about our plans, please contact [Name of Representative], [Title of Representative], at [Telephone Number], [Address].

Sincerely,
[Signature]
[Name]
[Title]

GUIDELINES FOR DEVELOPING A RELOCATION AND ANTI-DISPLACEMENT STRATEGY

A relocation and anti-displacement strategy is required for projects that result in the temporary or permanent displacement of current occupants of the building. The strategy must outline the procedures the developer will implement to relocate tenants during the rehabilitation. The strategy should also identify 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.

GENERAL INFORMATION

Provide information on the existing tenants in the project, the scope of relocation activities and interim rent increases.

1. Who will be responsible for the carrying out the relocation and anti-displacement strategy?

2. What are the household sizes, family composition (for example, individual, family, elderly) and income levels of the existing tenants?

3. How long are tenants likely to be temporarily displaced?

4. How many ineligible tenants are likely to be permanently displaced?

5. How will the amount of rent increases be determined from the period of application to loan closing (rent increases may not exceed 10% per year without the Department's approval)?

TENANT NOTIFICATION

When tenants will be permanently or temporarily relocated, discuss the procedures to notify tenants at various stages in the process.

6. What are the procedures that have or will be used to initially notify tenants of the proposed rehabilitation of the project (including the type of notifications and the timing)?

7. What procedures will be used to notify tenants of the proposed rent levels after the completion of the rehabilitation (including the type of notifications and the timing)?

8. What are the procedures that will be used to notify tenants of their options concerning permanent or temporary replacement housing and what assistance is available to them (including the type of notifications and the timing)?

9. What are the procedures for notifying tenants that they will be relocated either permanently or temporarily (notifications must be in writing and personally served or sent by certified mail within 90 days of relocation)?

10. What procedures will be in place to document notifications to tenants at all stages of processing and rehabilitation?

REPLACEMENT HOUSING OPTIONS

Address the procedures that will be used to relocate tenants that will be permanently displaced and the process for identifying options for tenants for reasonable replacement housing.

11. How will options for reasonable replacement housing be determined considering factors such as affordability, proximity to the project, desirability of the neighborhood and desirability of the units?

12. If acceptable replacement housing is not available, what is the amount of payment that will be provided to tenants to account for increased housing costs?

TEMPORARY HOUSING OPTIONS

Address the procedures that will be used to relocate tenants that will be temporarily displaced and the process for identifying options for tenants for reasonable temporary housing.

13. How will options for reasonable temporary housing be determined considering factors such as affordability, proximity to the project, desirability of the neighborhood and desirability of the units?

14. If acceptable temporary housing is not available, what is the amount of payment that will be provided to tenants to account for increased housing costs?

15. How will tenant moves to and from the project or between units within the project be coordinated?

FINANCIAL REIMBURSEMENT

Outline the costs that will be reimbursed to tenants that are displaced.

16. What procedures will be used to reimburse tenants for moving expenses to and from replacement and what is the maximum reimbursement per unit?

17. What procedures will be used to reimburse tenants for increased housing costs incurred during the temporary relocation?

COMMUNICATION AND ASSISTANCE

Describe the access tenants will have to project staff and other assistance that will be provided to ease the transition.

- 18.** When will tenants have the opportunity to meet personally with the resident manager to discuss questions and concerns about the relocation process?
- _____
- _____
- 19.** What advisory services or counseling will be provided to minimize the hardships in adjusting to required permanent or temporary relocation?
- _____
- _____
- 20.** If tenants feel that they have not received proper relocation payments or opportunities to relocate to acceptable replacement housing, what process will they have to appeal?
- _____
- _____
- _____

EXHIBIT J: CONTRACT AFFIDAVIT

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.

ATTACHMENTS

- ☐ Contract Affidavit (form attached)

FORM OF CONTRACT AFFIDAVIT

AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT I am the [Title of Representative] and the duly authorized representative of [Name of Organization] and that I possess the legal authority to make this Affidavit on behalf of myself and the organization for which I am acting.

CERTIFICATION OF CORPORATION REGISTRATION AND TAX PAYMENT

I FURTHER AFFIRM THAT the organization named above is a [Domestic or Foreign] corporation duly registered in accordance with the laws of the District of Columbia and is in good standing. The name and address of its resident agent is:

[Name of Organization]
[Address of Organization]
[if not a corporation, state so]

I FURTHER AFFIRM THAT, except as validly contested, the organization has paid, or will have paid all income and withholding taxes due to the District of Columbia prior to execution of any funding agreement.

AFFIRMATION REGARDING BRIBERY CONVICTIONS

I FURTHER AFFIRM, to the best of my knowledge, information, and belief, that neither I nor the above organization, or any of its officers, directors, partners, or any of its employees directly involved in obtaining or performing contracts with public bodies has been convicted of, or has had probation before judgment imposed, or has pleaded nolo contendere to a charge of bribery, attempted bribery, or conspiracy to bribe in violation of any District of Columbia or federal law.

AFFIRMATION REGARDING OTHER CONVICTIONS

I FURTHER AFFIRM, to the best of my knowledge, information, and belief, that neither I nor the above organization, or any of its officers, directors, partners, or any of its employees directly involved in obtaining or performing contracts with public bodies has been convicted of a criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract, fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property; or admitted in writing or under oath, during the course of an official investigation or other proceeding, acts or omissions that would constitute grounds for conviction or liability under any law or statute described above.

AFFIRMATION REGARDING DEBARMENT

I FURTHER AFFIRM, to the best of my knowledge, information, and belief, that neither I nor the above organization, or any of its officers, directors, partners, or any of its employees directly involved in obtaining or performing contracts with public bodies, has ever been suspended or debarred (including being issued a limited denial of participation) by any public entity.

AFFIRMATION REGARDING DEBARMENT OF RELATED ENTITIES

I FURTHER AFFIRM THAT (a) the organization was not established and it does not operate in a manner designed to evade the application of or defeat the purpose of debarment; and (b) the organization is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred organization.

SUBCONTRACT AFFIRMATION

I FURTHER AFFIRM, to the best of my knowledge, information, and belief, that neither I nor the above organization, has knowingly entered into a contract with a public body under which a person debarred or suspended will provide, directly or indirectly, supplies, services, architectural services, construction related services, leases of real property, or construction.

ACKNOWLEDGMENT

I ACKNOWLEDGE THAT this Affidavit is to be furnished to the District of Columbia Department of Housing and Community Development and may be distributed to units of (a) the District of Columbia government; (b) other states; and (c) the federal government. I further acknowledge that this Affidavit is subject to applicable laws of the United States and the District of Columbia, both criminal and civil, and that nothing in this Affidavit or any agreement resulting from the submission of this proposal shall be construed to supersede, amend, modify, or waive, on behalf of the District of Columbia, or any unit of the District of Columbia having jurisdiction, the exercise of any statutory right or remedy conferred by the Constitution and the laws of the District of Columbia with respect to any misrepresentation made or any violation of the obligations, terms and covenants undertaken by the above organization with respect to (a) this Affidavit, (b) the contract, and (c) other Affidavits comprising part of the contract.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

WITNESS

[NAME OF ORGANIZATION]

[Signature of Witness]

[Signature of Representative]

[Name of Witness] (date)

[Name of Representative] (date)

[Title of Representative]

EXHIBIT K: DEVELOPER EXPERIENCE

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: corporate general partners of the owner/mortgagor (including non-profits); individual general partners of the owner/mortgagor; and development consultants.

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. This should 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 entity that will have responsibility for or involvement in the project
- Development Team Member Current Workload (form attached)
- Current financial statements of the development entity
- At least three business or professional references

ATTACHMENTS

- ☐ Form 203 — A. Developer's Qualifications (form attached)
B. Development Team Member Current Workload (form attached)
- ☐ Resumes
- ☐ Financial Statements
- ☐ References

DEVELOPER'S QUALIFICATIONS							FORM
							203
Principal Office of Organization							
Name of Organization							
Mailing Address							
Contact				Phone	()	-	
Title				Fax	()	-	
				E-mail			
Type of Organization (<i>mark only one box</i>)							
<input type="checkbox"/>	Individual		<input type="checkbox"/>	General Partnership			
<input type="checkbox"/>	Corporation		<input type="checkbox"/>	Limited Partnership	<input type="checkbox"/>	Other:	
<input type="checkbox"/>	Limited Liability Corporation						
Year Organized		(not applicable to individuals)					
Is the entity organized under the laws of the District of Columbia? If no, indicate State of organization.							<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the entity qualified to do business in the District of Columbia? If no, explain.							<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the development entity required to file periodic reports with the Federal Securities and Exchange Commission or any other federal or state agency?							<input type="checkbox"/> Yes <input type="checkbox"/> No
Principal Participants							
List all principals and affiliates (individuals, businesses and organizations) that have an interest (financial or otherwise) in the development entity.							
<i>Name and Address</i>		<i>Taxpayer ID</i>		<i>Title or Role</i>	<i>Interest (%)</i>	<i>Character and Extent of Interest</i>	
Previous Experience							
Has the development entity (<i>or any of its principals and affiliates</i>), or the property of the proposed project, ever been delinquent on City obligations, including income taxes, real estate taxes and water and sewer charges? If yes, explain.							<input type="checkbox"/> Yes <input type="checkbox"/> No

Has the development entity (<i>or any of its principals and affiliates</i>), ever been a party to chronic housing code violations, excessive tenant complaints, or substantial judgments within the past five years? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the development entity (<i>or any of its principals and affiliates</i>) ever had chronic past due accounts, substantial liens or judgments, foreclosures or bankruptcies within the past five years; or defaulted on any obligation to the District of Columbia within the past ten years? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the development entity (<i>or any of its principals and affiliates</i>) ever had a limited denial of participation from HUD or been debarred, suspended or voluntarily excluded from participation in any federal or state program? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the development entity (<i>or any of its principals or affiliates</i>) participated in the development or operation of a project that experienced a default? If yes, provide the number of developments and explain (<i>including the name and location of the development, circumstances surrounding each default, its cure, workout and mortgage modification arrangements, assignments, foreclosures, etc.</i>).								<input type="checkbox"/> Yes <input type="checkbox"/> No
Has a petition of involuntary bankruptcy ever been filed against the development entity? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the development entity ever filed a petition of bankruptcy? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the development entity ever made an assignment for the benefit of creditors? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No

DEVELOPMENT TEAM MEMBER CURRENT WORK LOAD

List projects currently underway by:

Name and Address of Project	Type of Project ¹	Type of Construction ²	Size of Project ³	Anticipated Date of Completion	Financing and Subsidies ⁴	Team Member's Role
1. Show the type of project, for example, rental, home ownership, commercial or mixed use.						
2. Show the type of construction, which includes substantial rehabilitation, moderate rehabilitation, new construction or financial restructuring.						
3. Show the number of affordable units, the number of unrestricted units and square footage.						
4. Show the type of financing or subsidy and the lender or agency involved.						

EXHIBIT L: 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 (form attached)

SUPPLEMENT TO THE AIA DOCUMENT A305—CONTRACTOR'S QUALIFICATION STATEMENT

SUPPLEMENTAL INFORMATION

1. List which trades, if any, will be performed directly by the Organization's own personnel or by identity of interest subcontractors, and not by outside subcontractors, in the construction of the proposed housing development. If none, so state.

2. Neither the contractor nor any director, stockholder, officer, employee or agent associated with the contractor nor any person, organization or corporation has any financial interest in said property, and has not received nor will receive any benefit from the acquisition of said property, including but not limited to rebate, refunds, commissions or fees, except as hereunder disclosed. If none, so state.

3. The undersigned hereby certifies that neither the Organization nor any partner, director, stockholder, officer, employee or agent associated with the Organization nor any person, organization or corporation having a financial interest in the affairs of the Organization, has agreed, or will agree, directly or indirectly, or with the Organization's knowledge and consent, to give to any other party any payment or thing of value, profit or fee, or commission as an inducement for the granting of this contract, except as hereunder disclosed. If none, so state.

4. Has the Organization, under its present name or any previously used name, or any of its principals, ever commenced construction of a project that it has not completed, except those currently under construction? If yes, provide details. Use extra sheets if necessary.

5. In answering the following questions, the term "Principal" (as listed in paragraph 2 above) also includes any other Organization in which such person participated as a Principal.

- 5.1. Have any of the Principals ever filed a petition of bankruptcy?

SUPPLEMENT TO THE AIA DOCUMENT A305 (Cont'd.)

- 5.2. Has there ever been a petition of bankruptcy filed against the Organization or any of the Principals? ☐ Yes ☐ No
- 5.3. Has the Organization or any of the Principals ever made an assignment for the benefit of creditors? ☐ Yes ☐ No
- 5.4. Are there any unsatisfied judgments or liens against the Organization or any of the Principals? ☐ Yes ☐ No
- 5.5. Has the Organization or any of the Principals been a party to any litigation within the last five years? ☐ Yes ☐ No

If the answer to any of the questions in paragraph 5 is yes, give details. Use additional sheets if necessary.

6. Has the Organization, or any of the Principals, ever been convicted of a crime? If yes, give details including the name of the entity or person, when and where convicted, and the crime or offense involved.

7. Can the Organization obtain 100% payment and performance bonds for constructing the subject development?

CERTIFICATION

The undersigned hereby certifies that he/she is the duly authorized representative of the Organization and that the information set forth in this certificate, and in any attachments in support thereof, is true, correct and complete to the best of his/her knowledge and belief.

IN WITNESS WHEREOF, the General Contractor has caused this certificate to be duly executed in its name on this _____ day of _____, _____.

NAME OF ORGANIZATION

By: _____
Name: _____
Title: _____

EXHIBIT M: 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 B431 -- Architect's Qualification Statement as part of the application.

ATTACHMENTS

- ☐ Resume
- ☐ AIA Document B431—Architect's Qualification Statement (Supplied by the Applicant/Applicant's Architect)

EXHIBIT N: MANAGEMENT AGENT EXPERIENCE

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. Financial statements do not need to be in audited form. 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 application.

ATTACHMENTS

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



MANAGEMENT AGENT'S QUALIFICATIONS

FORM

209

1. Principal Office of Firm			
Name of Firm			
Mailing Address			
Contact		Phone ()	-
Title		Fax ()	-
Territory/Cities Covered		E-mail	
2. Other Offices of Firm			
Mailing Address			
Contact		Phone ()	-
Title		Fax ()	-
Territory/Cities Covered		E-mail	
Mailing Address			
Contact		Phone ()	-
Title		Fax ()	-
Territory/Cities Covered		E-mail	
3. Type of Firm (mark only one box)			
<input type="checkbox"/> Individual		<input type="checkbox"/> General Partnership	
<input type="checkbox"/> Corporation		<input type="checkbox"/> Limited Liability Corporation	
		<input type="checkbox"/> Limited Partnership	
		<input type="checkbox"/> Other:	
Year Founded			
Year Property Management Activities Began			
4. Bookkeeping			
Indicate the software used by the Firm for its bookkeeping:			
5. Residential Property Management Experience (Over the past three years)			
<i>Type of Project</i>	<i>Number of Projects</i>	<i>Number of Residential Units</i>	<i>Average Percentage Management Fee</i>
Apartments			
Condominiums			
Single Family			
Other (describe)			
Total			
Has the management agent managed a Department-financed project for at least the two previous years? If no, complete all of the remaining sections. If yes, jump to section number 12 and answer all the remaining questions.			<input type="checkbox"/> Yes <input type="checkbox"/> No

6. Marketing Services (mark the appropriate box for the following marketing services)								
<i>Services</i>				<i>Provided by Firm</i>	<i>Provided by Subcontractor</i>	<i>Not Provided</i>		
Preparation of Marketing Plans				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Preparation of Rental Brochures				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Preparation of Press Releases				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Decoration of Models and Community Spaces				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Preparation of Displays and Classified Copy of Newspaper Advertisements				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Preparation of Direct Mail Advertising				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7. Other Services and Functions								
Does the management agent provide any of the following services or functions? If these services are offered under a different firm or trade name, please indicate such name and relationship to firm (for example, parent corporation, subsidiary, similar principals, etc.)								
<i>Service or Function</i>			<i>Provided?</i>	<i>Provided By</i>			<i>Relationship</i>	
Real Estate Sales or Brokerage			<input type="checkbox"/> Yes <input type="checkbox"/> No					
Mortgage Banking or Brokerage			<input type="checkbox"/> Yes <input type="checkbox"/> No					
Real Estate Development			<input type="checkbox"/> Yes <input type="checkbox"/> No					
Real Estate Appraisals			<input type="checkbox"/> Yes <input type="checkbox"/> No					
Insurance Agency or Brokerage			<input type="checkbox"/> Yes <input type="checkbox"/> No					
Market Analysis			<input type="checkbox"/> Yes <input type="checkbox"/> No					
Feasibility Studies			<input type="checkbox"/> Yes <input type="checkbox"/> No					
Other (describe)			<input type="checkbox"/> Yes <input type="checkbox"/> No					
Other (describe)			<input type="checkbox"/> Yes <input type="checkbox"/> No					
8. Staff of Firm								
<i>Staffing</i>						<i>Currently</i>	<i>Two Years Ago</i>	
Number of Employees of Firm								
Number of Executive and Professional Persons in Firm								
Number of Executive and Professional Persons Engaged in Property Management and Marketing Activities								
9. Experience with the Department (indicate the names and addresses of DHCD financed projects that the management agent has managed)								

10. Tenant Services								
Does the management agent provide special personnel or special programs to assist tenants with social problems? If yes, describe.								<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the management agent provide its staff with special training regarding tenant relations, social problems, etc? If yes, describe.								<input type="checkbox"/> Yes <input type="checkbox"/> No
11. Bonding								
Does the management agent have a surety bond? If yes, show the following information.								<input type="checkbox"/> Yes <input type="checkbox"/> No
Amount of Bond	\$							
Name of Bonding Company								
If the management agent does not have a surety bond, is it eligible for a surety bond?								<input type="checkbox"/> Yes <input type="checkbox"/> No
12. Licenses, Certificates and Accreditations								
List licenses, certificates and accreditations of the Firm (<i>and executive, professional and supervisory employees, if relevant</i>).								
Have any licenses, bonds, certificates or accreditations ever been revoked, suspended, restricted, or in any manner, limited or terminated? If yes, explain. (<i>Answer yes, even if license has since been restored.</i>)								<input type="checkbox"/> Yes <input type="checkbox"/> No
13. Prior Experience								
Has the management agent (<i>or any of its principals and affiliates</i>) ever had a limited denial of participation from HUD or been debarred, suspended or voluntarily excluded from participation in any federal or state program? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No

Has the management agent (<i>or any of its principals or affiliates</i>) participated in the development or operation of a project that experienced a default? If yes, provide the number of developments and explain (<i>including the name and location of the development, circumstances surrounding each default, its cure, workout and mortgage modification arrangements, assignments, foreclosures, etc.</i>).								<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the management agent taken on the management of defaulted or foreclosed properties? If yes indicate owner and mortgagee, experience with such properties and whether the properties returned to sustaining status.								<input type="checkbox"/> Yes <input type="checkbox"/> No
14. Contract Status								
Have any property management contracts held by the management agent over the past five years been terminated prior to their expiration date? If yes, provide the number of contracts and explain (<i>including the name and location of the development, mortgagor and reason surrounding the termination</i>).								<input type="checkbox"/> Yes <input type="checkbox"/> No
Have any property management contracts held by the management agent over the past five years not been renewed upon expiration? If yes, provide the number of contracts and explain (<i>including the name and location of the development, mortgagor and reason surrounding the non-renewal</i>).								<input type="checkbox"/> Yes <input type="checkbox"/> No
15. Bankruptcy								
Has a petition of involuntary bankruptcy ever been filed against the management agent? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the management agent ever filed a petition of bankruptcy? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the management agent ever made an assignment for the benefit of creditors? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No

Are there any unsatisfied judgments outstanding against the management agent or any of its principals or affiliates? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the management agent been a party to any litigation during the past five years?								<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, explain.								
CERTIFICATION								
The undersigned hereby certifies that he/she is the duly authorized representative of the management agent and that the information set forth in this document, and in any attachment in support thereof, is true, correct and complete to the best of his/her knowledge and belief.								
(Date)			(Full legal name of firm)					
			Signature:					
			Name:					
			Title:					


		APARTMENT MANAGEMENT AND MARKETING EXPERIENCE <i>List developments managed by:</i>								
Name and Address of Development	Services Performed		Type of Structures	Number of Units	Type of Mortgage Financing	Subsidy Program (if any)	Name and Address of Owner	Management Fee (% or per Unit)	Marketing Fee (if any)	Dates of Service (started/ended)
	Management	Initial Marketing								
	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>								
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	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>								

EXHIBIT O: FINANCIAL STATEMENTS

Financial statements for the three fiscal years prior to the application and interim financial statements through the previous quarter are required for the borrowing entity (if formed), the principals of the borrowing entity and the proposed guarantor (if different). Each financial statement must identify all contingent liabilities, guarantees on other developments in process and operating deficits.

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 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, financial statements must be audited by an independent certified public accountant (CPA) and clearly indicate the net worth and working capital of each entity;
- 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.”

Upon written request and at the Department's discretion, the requirement for audited statements may be waived if applicants have an acceptable borrowing history as evidenced by past performance with the Department or other lenders. In this event, compilations of financial statements that have been prepared by an independent CPA may be accepted. However, the compilation must meet the requirements for such compilations as described above.

On an individual basis, 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.

ATTACHMENTS

- ☐ Financial Statement (prepared by independent CPA)
- ☐ Credit References

EXHIBIT P: LOCAL/SMALL AND DISADVANTAGED BUSINESS ENTERPRISES

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. 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, in order to verify the entity's status, LSDBEs must submit a copy of their District certification.

ATTACHMENTS

- ☐ Description of Entity's Role
- ☐ Resume
- ☐ Letters of Intent
- ☐ LSDBE Certification

- ☐ **Not Applicable.** For projects that do not include an eligible entity, no information is required.

EXHIBIT Q: NONPROFIT OR PUBLIC HOUSING AUTHORITY / HOUSING FINANCE AGENCY PARTICIPATION

Ranking points are awarded to projects in which the development team includes one of the following entities:

- 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
- D.C. Housing Authority
- D.C. Housing Finance Agency
- Department of Mental Health

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

Nonprofit Entities

- ☐ 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 R: LOCAL 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.

ATTACHMENTS

- ☐ Resolution or letter of support from ANC (current list is attached)
- ☐ **Not Applicable.** Resolution or letter of support is not available at the time of application.

ADVISORY NEIGHBORHOOD COMMISSION CHAIRs (ANCs)

Name	Title	Ward	E-mail Addresses
Dotti Love Wade	Chair	ANC – 1A	1A11@anc.dc.gov
Dee Hunter	Chair	ANC – 1B	1B04@anc.dc.gov
Brain Weaver	Chair	ANC – 1C	1C03@anc.dc.gov
Gregg Edwards	Chair	ANC – 1D	1D04@anc.dc.gov
Asher Corson	Chair	ANC – 2A	2A03@anc.dc.gov
Ramon Estrada	Chair	ANC – 2B	2B09@anc.dc.gov
Doris Brooks	Chair	ANC – 2C	2C03@anc.dc.gov
Sandra Perimutter	Chair	ANC – 2D	2D01@anc.dc.gov
Ed Solomon	Chair	ANC – 2E	2E01@anc.dc.gov
Charles Reed	Chair	ANC – 2E	2F01@anc.dc.gov
Melissa J. Lane	Chair	ANC – 3B	3B03@anc.dc.gov
Nancy J. Macwood	Chair	ANC – 3C	3C09@anc.dc.gov
Rachael Thompson	Chair	ANC – 3C	3D04@anc.dc.gov
Amy Bauer McVey	Chair	ANC – 3E	3E01@anc.dc.gov
Cathy Wiss	Chair	ANC – 3F	3F06@anc.dc.gov
Jerry Levine	Chair	ANC – 3G	3G05@anc.dc.gov
Stephen Whatley	Chair	ANC – 4A	4A04@anc.dc.gov
Blondine Hughes	Chair	ANC – 4B	4B05@anc.dc.gov
Joseph Martin	Chair	ANC – 4C	4C09@anc.dc.gov
Everett D. Lott	Chair	ANC – 4D	4D05@anc.dc.gov
William Boston	Chair	ANC – 5A	5A07@anc.dc.gov
William Shelton	Chair	ANC – 5B	5B01@anc.dc.gov
Anita Bonds	Chair	ANC – 5C	5C01@anc.dc.gov
Joseph Fengler	Chair	ANC – 6A	6A02@anc.dc.gov
Julie Olson	Chair	ANC – 6B	6B03@anc.dc.gov
Karen Wirt	Chair	ANC – 6C	6C08@anc.dc.gov
Roger Monfatti	Chair	ANC – 6D	6D05@anc.dc.gov
Pride Hiett	Chair	ANC – 7A	7A03@anc.dc.gov
Yvonne Moore	Chair	ANC – 7B	7B03@anc.dc.gov
Muriel Chambers	Chair	ANC – 7C	7C07@anc.dc.gov
Dorothy Douglas	Chair	ANC – 7D	7D03@anc.dc.gov
Naomi P. Robinson	Chair	ANC – 7E	7E01@anc.dc.gov
Anthony Muhammad	Chair	ANC – 8A	8A01@anc.dc.gov
David Brewer	Chair	ANC – 8B	8B02@anc.dc.gov
Mary Cuthbert	Chair	ANC – 8C	8C03@anc.dc.gov
Maria Powell	Chair	ANC – 8D	8D06@anc.dc.gov
Wanda D. Lockridge	Chair	ANC – 8E	8E06@anc.dc.gov

EXHIBIT S: TENANT SERVICE PLAN

A draft of the plan for providing services for the tenants should be developed if the applicant will provide services under an elderly or special needs housing proposal. The plan should outline the strategy for creatively linking existing service programs into the design of the project. The plan should clearly identify the types of services to be offered, the method for financing the services, a budget with clearly identified funding sources for the services and the organizations that are anticipated to provide services or products. The plan should be specific to the project and include letters of interest from anticipated service providers.

ATTACHMENTS

- ☐ Draft Tenant Service Plan (see attached guidelines)
- ☐ Letters of Intent from Service Providers

- ☐ **Not Applicable.** For projects that will not provide tenant services, no information is required.

GUIDELINES FOR DEVELOPING A TENANT SERVICE PLAN

Describe the processes and procedures for carrying out the tenant services. The plan will be evaluated based on the extent to which it is comprehensive, well defined, feasible, appropriate for the proposed tenant population, innovative and involves a unique collaboration, partnership, ownership or management structure. Projects that include on-site services must be designed to include the necessary physical space for the services. More consideration will be given for services that are actively linked to the residents and not simply provided to the community at large. Tenant Service Plans, at a minimum, should address the following questions.

1. What are the tenant services that will be provided at the project?

2. How will the tenant services be financed?

3. What organizations will provide services or products and how will the services from other organizations be coordinated or delivered to the tenants?

4. Which tenant services will be provided on-site? (Indicate what facilities are available at the project site for providing these tenant services.)

5. What are the projected costs of the planned services and how will these services be funded? (Project sources also should be identified in the operating proforma in the Application.)

6. Which tenant services will be provided off-site? (Indicate what facilities are available within the community for these tenant services and what access the tenants will have to these facilities.)


EXHIBIT T: COST ESTIMATES

A breakdown of the construction or rehabilitation costs shown in the application's development budget must be provided on the Department's Form 212—Summary Cost Estimate. Form 215 is not required at this stage. The cost estimates must be prepared and signed by the architect or general contractor for the project.

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 Y, *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

- ☐ Form 212—Summary Cost Estimate (form attached)
- ☐ Request For Costs That Exceed The Department's Standard (under Exhibit Y)

		SUMMARY COST ESTIMATE						FORM 212
Project:						Date:		
Location:								
Contractor:								
Number of Units in Project:								
Gross Square Footage in Project:								
<i>Description of Work</i>						<i>Average Cost Per GSF</i>	<i>Average Cost Per Unit</i>	<i>Total Cost</i>
<i>Code</i>	<i>Item</i>							
010-00	Total General Requirements							
021-00	Total Earth Work							
022-00	Total Site Utilities							
023-00	Total Roads And Walks							
024-00	Total Site Improvements							
025-00	Total Lawns and Planting							
026-00	Total Unusual Site Conditions							
027-00	Total Underground Construction							
028-00	Total Demolition							
029-00	Total Off-Site Improvements							
030-00	Total Concrete							
040-00	Total Masonry							
050-00	Total Metals							
060-00	Total Carpentry							
071-00	Total Waterproofing							
072-00	Total Insulation							
073-00	Total Roofing							
074-00	Total Sheet Metal							
081-00	Total Doors							
082-00	Total Windows							
083-00	Total Miscellaneous							
091-00	Total Lath And Plaster							
092-00	Total Drywall							
093-00	Total Tile Work							
094-00	Total Acoustical							
095-00	Total Flooring							
096-00	Total Painting and Decorating							
100-00	Total Specialties							
111-00	Total Special Equipment							
112-00	Total Appliances							

121-00	Total Draperies and Shades					
122-00	Total Carpeting					
130-00	Total Special Construction					
140-00	Total Elevators					
151-00	Total Plumbing					
152-00	Total HVAC					
160-00	Total Electric					
170-00	Total Modules					
180-00	Miscellaneous					
<i>Description of Work</i>				<i>Percent of Net Costs</i>	<i>Average Cost Per GSF</i>	<i>Average Cost Per Unit</i>
<i>Code</i>	<i>Item</i>					<i>Total Cost</i>
190-00	Net Construction Costs (021-00 Through 180-00)					
200-00	Builder's General Overhead			%		
210-00	Bond Premium					
220-00	Builder's Profit			%		
230-00	Other					
010-00	General Requirements (<i>from page 1</i>)			%		
240-00	Total Construction Costs					

☐



DETAILED COST ESTIMATE

FORM

215

FORM 215 DOES NOT NEED TO BE COMPLETED FOR THE APPLICATION SUBMISSION KIT PHASE

Project:			Date:		
Location:					
Contractor:					
<i>Description of Work</i>			<i>Estimated Units (Quantity)</i>	<i>Estimated Cost</i>	
				<i>(Material and Labor)</i>	
<i>Code</i>	<i>Item</i>			<i>Per Unit</i>	<i>Total</i>
010-00	Total General Requirements				
010-01	Supervision				
010-02	Engineering and Layout				
010-03	Soil Testing				
010-04	Concrete Test				
010-05	Temporary Heat				
010-06	Temporary Electric				
010-07	Temporary Water				
010-08	Temporary Toilets				
010-09	Field Office				
010-10	Field Telephone				
010-11	Field Storage				
010-12	Temporary Roads				
010-13	Temporary Walls and Barricades				
010-14	Temporary Fences				
010-15	Cleanup Hauling				
010-16	Cleanup Labor				
010-17	Small Tools and Supplies				
010-18	Theft and Damage				
010-19	Temporary Fire Protection				
010-20	Hoist Foundation				
010-21	Hoist Rental				
010-22	Hoist Labor				
010-23	Trucks and Cars				
010-24	Final Cleanup				
010-25	Window Washing				
010-26	Re-glazing				
010-27	Watchmen				
010-28	Project Signs				
010-29	Blueprints and Photographs				
010-30	Bonds				
010-31	Fees				
010-32	Permits				
010-33	Tap Ons				
010-34	Insurance				

010-35	Miscellaneous				
021-00	Total Earth Work				
021-01	Clearing and Grubbing				
021-02	Rough Grading				
021-03	Foundation Excavation				
021-04	Finish Grading				
021-05	Other				
022-00	Total Site Utilities				
022-01	Gas Distribution				
022-02	Water Distribution				
022-03	Electric Distribution				
022-04	Storm Sewer System				
022-05	Sanitary Sewer System				
022-06	Drain Tiles				
022-07	Drainage Structures				
022-08	Other				
023-00	Total Roads and Walks				
023-01	Bituminous Paving				
023-02	Concrete Paving				
023-03	Brick Paving				
023-04	Pavement Sealing				
023-05	Curbs and Gutters				
023-06	Concrete Walks				
023-07	Asphalt Walks				
023-08	Parking Lot Stripping				
023-09	Other				
024-00	Total Site Improvements				
024-01	Fences				
024-02	Site Lighting				
024-03	Aesthetic Features				
024-04	Other				
025-00	Total Lawns and Planting				
025-01	Lawns				
025-02	Ground Cover and Plants				
025-03	Trees				
025-04	Other				
026-00	Total Unusual Site Conditions				
026-01	Unusual Site Conditions				
026-02	Other				
027-00	Total Underground Construction				
027-01	Pile Foundations				

027-02	Caissons				
027-03	Other				
028-00	Total Demolition				
028-01	Demolition				
028-02	Other				
029-00	Total Off-Site Improvements				
029-01					
029-02					
029-03					
029-04					
029-05					
029-06					
029-07					
029-08					
029-09					
029-10					
029-11					
030-00	Total Concrete				
030-01	Formwork				
030-02	Reinforcing				
030-03	Structural Concrete				
040-00	Total Masonry				
040-01	Reinforcing				
040-02	Brick				
040-03	Concrete Block				
040-04	Stonework				
040-05	Clay Tile				
040-06	Cleaning				
040-07	Other				
050-00	Total Metals				
050-01	Siding				
050-02	Structural Steel				
050-03	Steel Joints				
050-04	Metal Decking				
050-05	Metal Stairs				
050-06	Handrails and Railings				
050-07	Lintels				
050-08	Other				
060-00	Total Carpentry				
060-01	Insulating Board				
060-02	Rough Carpentry				
060-03	Pre-fabricated Structural Wood				

060-04	Metal Door Frames				
060-05	Metal Framing				
060-06	Miscellaneous Trim				
060-07	Siding				
060-08	Counter Tops				
060-09	Kitchen Cabinets				
060-10	Vanities				
060-11	Paneling				
060-12	Wood Stairs				
060-13	Wood Handrails and Railings				
060-14	Other				
071-00	Total Waterproofing				
071-01	Waterproofing				
071-02	Caulking and Sealant				
071-03	Damp-proofing				
071-04	Splash Blocks				
071-05	Other				
072-00	Total Insulation				
072-01	Batt Insulation				
072-02	Blown Insulation				
072-03	Rigid Insulation				
072-04	Foam Insulation				
072-05	Other				
073-00	Total Roofing				
073-01	Asphalt Shingle Roofing				
073-02	Build-up Roofing				
073-03	Pre-fabricated Plank Roofing				
073-04	Wood Shingle Roofing				
073-05	Metal Roofing				
073-06	Other				
074-00	Total Sheet Metal				
074-01	Flashing and Sheet Metal Work				
074-02	Gutters and Down Spouts				
074-03	Other				
081-00	Total Doors				
081-01	Hollow Metal Doors				
081-02	Metal Clad Doors				
081-03	Solid Core Doors				
081-04	Hollow Core Wood Doors				
081-05	Overhead Doors				
081-06	Bi-fold Doors				
081-07	Revolving Doors				
081-08	Sliding Closet Doors				

081-09	Café Doors				
081-10	Sliding Glass Doors				
081-11	Shower Doors				
081-12	Thresholds				
081-13	Hardware				
081-14	Glazing				
081-15	Other				
082-00	Total Windows				
082-01	Metal Windows				
082-02	Wood Windows				
082-03	Store Front				
082-04	Glazing				
082-05	Other				
083-00	Total Miscellaneous				
083-01	Weather-stripping				
083-02	Storm and Screen Attachments				
083-03	Other				
091-00	Total Lath and Plaster				
091-01	Lath and Plaster				
091-02	Other				
092-00	Total Drywall				
092-01	Drywall				
092-02	Other				
093-00	Total Tile Work				
093-01	Ceramic Tile				
093-02	Quarry Tile				
093-03	Terrazzo				
093-04	Other				
094-00	Total Acoustical				
094-01	Acoustical Tile				
094-02	Other				
095-00	Total Flooring				
095-01	Wood Flooring				
095-02	Resilient Flooring				
095-03	Special Flooring				
095-04	Other				
096-00	Total Painting and Decorating				
096-01	Painting and Staining				
096-02	Special Wall Covering				
096-03	Other				

100-00	Total Specialties				
100-01	Trash Chutes				
100-02	Storage Cubicles				
100-03	Shower and Toilet Partitions				
100-04	Fire Fighting Devices				
100-05	Fireplaces				
100-06	Fireplace stacks				
100-07	Flag Poles				
100-08	Signs				
100-09	Lockers				
100-10	Mail Boxes				
100-11	Intercom System				
100-12	Security System				
100-13	Folding Partitions				
100-14	Toilet and Bath Accessories				
100-15	Waste Disposal Units				
100-16	Other				
111-00	Total Special Equipment				
111-01	Smoke Detectors				
111-02	Compactors				
111-03	Other				
112-00	Total Appliances				
112-01	Laundry Appliances				
112-02	Refrigerators				
112-03	Ranges				
112-04	Range Hoods				
112-05	Dishwashers				
112-06	Disposals				
112-07	Air Conditioners				
112-08	Air Conditioner Sleeves				
112-09	Other				
121-00	Total Draperies and Shades				
121-01	Shades				
121-02	Drapery Tracks				
121-03	Draperies				
121-04	Other Window Covering				
121-05	Other				
122-00	Total Carpeting				
122-01	Carpeting				
122-02	Other				
130-00	Total Special Construction				
130-01	Swimming Pool				

130-02	Garbage Enclosures				
130-03	Play Equipment				
130-04	Tennis Court Accessories				
130-05	Basketball Court Accessories				
130-06	Other				
140-00	Total Elevators				
140-01	Elevator Mechanism				
140-02	Elevator Cabs				
140-03	Other				
151-00	Total Plumbing				
151-01	Underground				
151-02	Domestic Water Supply				
151-03	Waste and Vent Piping				
151-04	Gas Piping				
151-05	Sprinklers, Standpipes and Siamese				
151-06	Domestic Water Pump				
151-07	Fire and Jockey Pumps				
151-08	Sump Pumps and Sewer Ejectors				
151-09	Hot Water Heaters				
151-10	Water Softeners				
151-11	Pipe Insulation				
151-12	Tubs				
151-13	Showers				
151-14	Water Closets				
151-15	Lavatories				
151-16	Kitchen Sinks				
151-17	Urinals				
151-18	Drinking Fountains				
151-19	Roof Drains				
151-20	Fire Hydrants				
151-21	Other				
152-00	Total HVAC				
152-01	Boilers and Chillers				
152-02	Furnaces				
152-03	Breeching				
152-04	Vent Stacks				
152-05	Heating Piping				
152-06	Ductwork				
152-07	Fire Dampers				
152-08	Insulation -- Ducts				
152-09	Insulation -- Heating Piping				
152-10	Terminal Units				
152-11	Thermostats				
152-12	Condensers				
152-13	Exhausts				

152-14	Vents -- Laundry				
152-15	Other				
160-00	Total Electrical				
160-01	Underground				
160-02	Roughing				
160-03	Finishing				
160-04	Lighting Protections				
160-05	Other				
170-00	Total Modules				
170-01	Modules				
170-02	Other				
180-00	Miscellaneous				
180-01					
180-02					
180-03					
180-04					
180-05					
180-06					
180-07					
180-08					
180-09					
180-10					
190-00	Net Construction Costs (021-00 through 180-00)				
200-00	Builder's General Overhead				
210-00	Bond Premium				
220-00	Builder's Profit				
230-00	Other				
230-01					
230-02					
230-03					
230-04					
230-05					
230-06					
230-07					
230-08					
230-09					
010-00	General Requirements (from page 1)				
240-00	Total Construction Costs (must equal DHCD Form 212)				
SUMMARY					
Number of Units in Project:					
Gross Square Footage in Project:					

Description of Work					
Code	Item	Percent of Net Costs	Average Cost Per GSF	Average Cost Per Unit	Total Cost
190-00	Net Construction Costs (021-00 Through 180-00)				
200-00	Builder's General Overhead	%			
210-00	Bond Premium				
220-00	Builder's Profit	%			
230-00	Other				
010-00	General Requirements (from page 1)	%			
240-00	Total Construction Costs				
APPROVALS					
Signature:			Date:		
Developer:					
Signature:			Date:		
Contractor:					
Signature:			Date:		
Department of Housing and Community Development					

EXHIBIT U: SCHEMATIC DOCUMENTS

The attached guidelines outline the preliminary development documents that should be submitted with the application. The documents indicated in this section are considered minimum requirements and should be amended to meet the specific project requirements. Items that generally apply only to renovation projects are indicated

ATTACHMENTS

- ☐ Schematic Documents (guidelines attached)

SCHEMATIC DOCUMENTS

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 V: BUILDING EVALUATION REPORT

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 attached)
- ☐ **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
- Proposed work to the above elements
- 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.
- 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 W: EVIDENCE OF OTHER FUNDING

OTHER LOANS AND GRANTS

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

- Intention to finance the project
- Amount of financing
- Specific repayment terms and conditions (for example, interest rate, term of loan, use restrictions, repayment terms)
- 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 (Not Applicable)

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:

- 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
- Any other special terms and conditions

ATTACHMENTS

- ☐ Letters of Intent or Commitment Letters for Other Loans and Grants
- ☐ Evidence of Credit Enhancement (if applicable)
- ☐ Syndication Proposal

EXHIBIT X: LONG-TERM SUBSIDIES

The long-term operating or rent subsidies must reduce the rent burden for low-income tenants. Project-based rent subsidies, payment in lieu of taxes or other operating or social 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 of the subsidy.

ATTACHMENTS

- ☐ Documentation of Long-term Operating or Rent Subsidies

EXHIBIT Y: 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 \$2,500 to \$4,500 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 all of the criteria threshold described above, no documentation is required.

EXHIBIT Z: 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).

The following are attached.

- ☐ Exhibit Z: Monitoring Certification Form and Monitoring, Elements Guidelines and/or Requirements
- ☐ Exhibit Z-1: Fair Housing and Equal Opportunity (FHEO) Certification and DHCD Accessibility Requirement for Subrecipients
- ☐ Exhibit Z-2: Section 504 Certification Form and Section 504 Certification Form
- ☐ Exhibit Z-3: Affirmative Fair Housing Marketing Plan
- ☐ Exhibit Z-4: Section 3 Program Certification & Checklist
- ☐ Exhibit Z-5: Lead Safe Housing Addendum
- ☐ Exhibits Za-Zd; Project Monitoring (Monitoring Rental and Homeownership Projects)

Department of Housing and Community Development

Exhibit Z - 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:

- HOME Investment Partnerships Program (24 CFR 92), including all applicable Office of Management and Budget (OMB) Circulars, such as A-110 and A-122
- Environmental Reviews-24 CFR Part 92
- Affirmative Action Program
- Section 3 - (24 CFR Part 135)
- First Source Agreements
- Davis Bacon and related Acts
- Conflict of Interest
- Fair Housing
- American with Disabilities Act of 1990
- Lead Safe Housing Rule (Lead Based Paint)
- Section 504 of the Rehabilitation Act of 1973
- Uniform Relocation Act or District of Columbia Relocation Assistance provisions (10 DCMR Chapter 22)
- OMB Circular A-133
- Freedom of Information Act

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)

(Signature)

(Print Title)

(Date)

EXHIBIT Z-1:

Fair Housing and Equal Opportunity Certification (FHEO)

ATTACHMENTS

- ☐ Fair Housing and Equal Opportunity Certification (Multi-family projects)
- ☐ Fair Housing Accessibility Checklist
- ☐ Accessibility Technical Requirements
- ☐ DHCD Accessibility Requirements for Subrecipients



D.C. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
OFFICE OF PROGRAM MONITORING - FAIR HOUSING DIVISION

Fair Housing & Equal Opportunity (FHEO) Certification (Multifamily Housing Projects)

(Completed form to be submitted at time of application)

The Department of Housing and Community Development (DHCD), under regulations from the U.S. Department of Housing and Urban Development (HUD), requires that each applicant for federal and/or District of Columbia funds sign the "Fair Housing and Equal Opportunity Certification Form" which indicates that *neither the applicant nor its contractors for which these funds are being granted* have any pending fair housing or civil rights legal proceedings against them "*for fair housing or for equal opportunity violations in community planning and development programs and/or service*" (as defined by HUD, and described in the attached information), and is responsible for any and all costs associated with implementing and maintaining records to comply with and allow for DHCD monitoring. Applicants receiving financial assistance from DHCD need to be knowledgeable of all FHEO laws and regulations which affect the execution of their activities.

Signature and Certification:

The undersigned certifies to DHCD that it has read and understands all of its obligations under the FHEO requirements. The undersigned acknowledges that this certification will be relied upon by DHCD in its review and approval of proposals for funding, and any misrepresentation of information or failure to comply with any conditions proposed in this certification could result in penalties, including the disbarment of Applicant for a period of time from participation in DHCD administered programs.

Name and address of Project

Applicant (Organization Name)

Executive Director Name & Signature

Date _____

Project Manager/Developer - Name and Signature

Date _____

Architect/Engineer - Name & Signature (If applicable)

Date _____



Notice of Non-Discrimination: In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code Section 2-244.01, Of et. seq. (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.





FAIR HOUSING ACCESSIBILITY CHECKLIST

(For Residential Housing Projects ONLY- Certificate of occupancy after March 13, 1991)

This form is to be used as a guide for Compliance with the Fair Housing Act, as amended effective March 12, 1989 and the Fair Housing Accessibility Requirements (If not applicable, please write N/A and the reason why, e.g., rehabilitation, alteration, etc.)

Applicant Name: _____ Date of Preparation: _____
Address: _____

1. Project Name & Location

Program/Project Name: _____
Address: _____
Program Director/Property Owner: _____

2. Type of Development

- ☐ Apartment Building(s)
☐ Townhouse(s)
☐ Single Family Home(s)

No. of Buildings/townhouses/homes _____

Is it a Scattered Site: Yes ☐ No ☐

Type of Apartment/Condominium

- ☐ Garden Style (3-story walk-up- No elevator)
☐ Low-Rise (No more than 4 stories - No elevator)
☐ Elevator Multi-Family Building
☐ Mid-Rise (5 to 8 stories)
☐ High-Rise (9 and above)

No. of Units _____

No. of Units _____

No. of Units _____

No. of Units _____

No. of Units _____

Is project Rental or Sales? _____

Is there a Rental/Sales office on the premises?

Yes ☐ No ☐

Is there Retail space on the premises:

Yes ☐ No ☐

If Yes, What type: _____

3. Is the Development Subject to the Fair Housing Act as Amended? Yes ☐ No ☐

NOTE: The Fair Housing Act covers residential multi-family dwellings for first occupancy after March 13, 1991 (covered multi-family dwellings are all types of buildings with four or more units). Dwelling unit means a single unit of residence for a household of one or more persons. Examples of dwelling units covered by these guidelines include: condominiums; an apartment unit within an apartment building; and other types of dwellings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one room or portion of the dwelling. The Fair Housing Act includes condominiums, single story town houses, garden apartments, vacation timeshares, dormitories, and homeless shelters.

- Development has buildings containing 4 or more units, and was designed and constructed for first occupancy on or after March 13, 1991? Yes ☐ No ☐
- Building(s) contain elevator? Yes ☐ No ☐
If YES, all units in the building are "covered units under the Act."
If No, only ground-floor units in building are "covered units".
- Have *all* ground-floor units in buildings without elevators been designed and constructed with features required by the Act? Yes ☐ No ☐
- Have public and common use facilities in development containing "covered units," been designed and constructed with features required by the Act? Yes ☐ No ☐

NOTE: Fair Housing Act Accessibility Guidelines contain a narrow "Site Impracticability Exception" which provides that a non-elevator building does not have to meet all of the Act's requirements if it is impractical to have an accessible entrance to the building because of the natural hilly terrain or other unusual characteristics of the site.



ACCESSIBILITY TECHNICAL REQUIREMENTS (NEW RESIDENTIAL CONSTRUCTION ONLY) (24 CFR 100.205)

The Fair Housing Act, as Amended sets seven technical requirements in the Accessibility Guidelines for “covered buildings.” Multifamily buildings, *if new construction*, must be in compliance with the following guidelines:

1. **AN ACCESSIBLE ENTRANCE ON AN ACCESSIBLE ROUTE:**

Refer to American National Standards Institute's (ANSI A117.1, Section 4.3)

- The accessible route is a continuous, unobstructed path (no stairs) through the development that connects all buildings containing covered units and all public and common use facilities.
- The accessible route also connects to parking lots and to at least one public street, public sidewalk, and to a public transportation stop, when provided.
- All slopes on the accessible route are no steeper than 8.33%.
- All slopes on the accessible route between 5% and 8.33% have handrails.
- Covered units have at least one entrance on an accessible route.
- There are sufficient numbers of curb ramp cuts for a person using a wheelchair to reach every building in the development.
- Curb ramp cuts slope and cross slope specifications.
- If separate entrances for ground-floor units, each entrance must be accessible.
- If common entrances to a multi-unit building, at least one entrance—typically used by residents for entering the building—must be accessible.
- An accessible entrance must be located on a route that a person in a wheelchair can easily travel, leading to and from meaningful locations; e.g., parking, public transportation, other buildings in the complex, amenities such as laundry room, and recreational facilities.

Does your building have an accessible entrance on an accessible route? Yes ☐ No ☐

2. **ACCESSIBLE PUBLIC AND COMMON-USE AREAS:**

(Doors in public or common-use areas can comply by using ANSI Standards)

- At least 2 percent of all parking spaces serving covered units are designated as accessible handicapped parking spaces.
- At least one parking space at each common and public use amenity is designated as handicapped accessible parking.
- All handicapped accessible parking spaces have adequate signage.

- All handicapped accessible parking spaces are at least 96" wide with a 60" wide access aisle which can be shared between two spaces.
- The rental or sales office is readily accessible and usable by persons with disabilities as required by both the Fair Housing Act and the Americans with Disabilities Act.
- A sufficient number of mailboxes, swimming pools, tennis courts, clubhouses, rest rooms, showers, laundry facilities, trash facilities, drinking fountains/water coolers, public telephones, and other common and public use amenities offered by the development are readily accessible and usable by persons with disabilities.
- Parking areas, curb ramps, passenger loading areas, building lobbies, lounges, halls and corridors, elevators, public use restrooms, and rental or sales offices must be accessible to people with disabilities. Included are community and exercise rooms, swimming pools, playgrounds, recreation facilities, nature trails.

Are public and common areas accessible to persons with disabilities? Yes ☐ No ☐

3. USABLE DOORS:

- All doors into and through covered units and common use facilities provide a clear opening of at least 32" nominal width to enable a person in a wheelchair to maneuver through them *easily*. Included are public and common-use doors, doors leading into an individual dwelling unit, and all doors within the dwelling unit itself.
- All doors leading into common use facilities have lever door handles operating hardware that does not require grasping and twisting.
- Thresholds at doors to common use facilities are no greater than 1/2".
- All primary entrance doors to covered units have lever door handles operating hardware that does not require grasping and twisting.
- Thresholds at exterior primary entrance doors to covered units are no greater than 3/4" and beveled.

Does your building have usable doors? Yes ☐ No ☐

4. ACCESSIBLE ROUTES INTO AND THROUGH DWELLING UNIT:

- Thresholds of unit's exterior doors may not exceed 3/4" (also applies to sliding door tracks).
- In single-story units, changes in height of 1/4 to 1/2" must be beveled. Those greater than 1/2" must be ramped or have other means of access.
- All routes through all rooms in the covered units have a minimum clear width for accessible route inside the unit of 36".
- Hallways, passages, and corridors must be wide enough to allow room to maneuver a wheelchair throughout the unit.

Does your building have accessible routes into and through the dwelling unit? Yes ☐ No ☐
If so, are doors and hallways wide enough for wheelchairs? Yes ☐ No ☐

5. ACCESSIBLE LIGHT SWITCHES, ELECTRICAL OUTLETS, AND ENVIRONMENTAL CONTROLS:

- All light switches, electrical outlets, thermostats, and other environmental controls are no less than 15" and no greater than 54" from the floor.
- Operable parts of controls must be no lower than 15" and no higher than 48" from the floor.
- Switches, outlets, thermostats, and controls must be accessible to people in wheelchairs.

Do your building units have accessible light switches, electrical outlets, thermostats, and other environmental controls? Yes ☐ No ☐

6. REINFORCED WALLS IN BATHROOM:

- Covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that all premises within covered multifamily dwelling units contain reinforcements in bathroom walls to allow later installation of grab bars around toilet, tub, shower stall and shower seat, where such facilities are provided.

Do your building units have reinforced bathroom walls to allow later installation of grab bars? Yes ☐ No ☐

7. USABLE KITCHENS AND BATHROOMS:

Covered multifamily dwelling units contain usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

- 30" x 48" clear floor space centered at each fixture and appliance.
- A minimum of 40" of clear floor space between opposing elements to allow a person in a wheelchair to maneuver between opposing base cabinets, countertops, appliances, or walls.
- A U-shaped kitchen with sink or cooktop at end have 60" diameter clear turning space or have sink or cooktop base with removable cabinets. Appliances must be located so they can be used by a person in a wheelchair. A 30" x 40" clear floor space is required for a parallel or forward approach.
- Adequate maneuvering space is required in bathrooms so that a person in a wheelchair can easily enter, close the door, use the facilities and fixtures, and exit.

USABLE BATHROOMS

Type A Bathroom

30 x 48" clear floor space outside the swing of the door

30 x 48" clear floor space at lavatory (if centered for parallel approach, cabinet may be fixed)

Toilet next to the tub allowing a perpendicular approach

Centerline of toilet is 18" from bathtub and 15" from lavatory

Type B Bathroom

30 x 48" of clear floor space outside swing of door;

30 x 48" of clear floor space centered in front of sink;

30 x 48" of clear floor space adjacent to the bathtub

If at least one Type B bathroom is included the other bathroom(s) is exempt from only the maneuvering space requirements.

Are all kitchen and bathrooms in building to be used by people in wheelchairs? Yes ☐ No ☐

This checklist represents many, but not all, of the accessible and adaptive design and construction requirements of the Fair Housing Act. This checklist is not a safe harbor for compliance with the Fair Housing Act, nor does it act in lieu of the accessibility requirements under Sec 504 of the Rehabilitation Act of 1973. HUD and the Department of Justice recognize the following standards as safe harbors when used in conjunction with the Fair Housing Act, regulations, and Fair Housing Act Accessibility Guidelines (i.e. scoping requirements):

1. HUD's March 6, 1991 Fair Housing Accessibility Guidelines (the Guidelines), and the June 28, 1994 Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers About the Guidelines;
2. HUD's Fair Housing Act Accessibility Design Manual;
3. ANSI A117.1-1986, used in conjunction with the Act and HUD's regulations, and the Guidelines;
4. CABO/ANSI A117.1-1992, used in conjunction with the Act, HUD's regulations, and the Guidelines;
5. ICC/ANSI A118.1-1998, used in conjunction with the Act, HUD's regulations, and the Guidelines;
6. Code Requirements for Housing Accessibility 2000 (CRHA) approved and published by the International Building Code 2000 (IBC) as amended by the IBC 2001 Supplement to the International Codes.

Failure to comply with all of the accessible and adaptive design and construction requirements of the Fair Housing Act may result in loss of funding from DHCD through the:

- (1) Housing Production Trust Fund;
- (2) Community Development Block Grant Program;
- (3) HOME Investment Partnership Program and/or
- (4) The Low Income Housing Tax Credit.

Therefore, you should consult an attorney and/or design professional to ensure that the construction of the multi-family development complies with the accessible and adaptive design and construction requirements of the Fair Housing Act.

Signature of Applicant: _____
Name and Title



FHEO - DEFINITION OF LAWS

(For Information Purposes ONLY)

THE FAIR HOUSING ACT

Title VIII of the Civil Rights Act of 1968 (**Fair Housing Act**) prohibits discrimination in the ***sale, rental and financing of dwellings based on race, color, religion, sex or national origin***. Title VIII was amended in 1988 (effective March 12, 1989) by the Fair Housing Amendments Act to prohibit discrimination based on ***disability or on familial status*** (presence of child under age of 18, and pregnant women). The 1988 Amendments also established new administrative enforcement mechanisms with HUD attorneys bringing actions before administrative law judges on behalf of victims of housing discrimination; and revised and expanded Justice Department jurisdiction to bring suit on behalf of victims in Federal district courts. In connection with prohibitions on discrimination against individuals with disabilities, the ***Act contains design and construction accessibility provisions for certain new multifamily dwellings developed for first occupancy on or after March 13, 1991.***

Complaint Process:

Complaints filed with HUD are investigated by the Office of Fair Housing and Equal Opportunity (FHEO). If the complaint is not successfully conciliated then FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Where reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a Determination, as well as a Charge of Discrimination, and a hearing is scheduled before a HUD administrative law judge (ALJ). Either party -- complainant or respondent -- may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in Federal court. Whenever a party has so elected, the Department of Justice takes over HUD's role as counsel seeking resolution of the charge on behalf of aggrieved persons, and the matter proceeds as a civil action. Either form of action -- the ALJ proceeding or the civil action in Federal district court -- is subject to review in the U. S. Court of Appeals.

THE ARCHITECTURAL BARRIERS ACT OF 1968

The Architectural Barriers Act (ABA) requires buildings and facilities that are constructed by or on behalf of, or leased by the United States, or buildings financed, in whole or in part, by a grant or loan made by federal funding ***to be accessible to persons with mobility impairments***. The Architectural and Transportation Barriers Board has coordination authority for the ABA. ***Legal Authority:*** 42 USC 4151, et seq; 24 CFR Parts 40 and 41.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (TITLE VI)

Title VI prohibits discrimination on the basis of race, color or national origin in programs and activities receiving "Federal financial assistance". Complaints must be filed within 180 days of the alleged act of discrimination. Complaints received from a program participant or service recipient will be forwarded to the Fair Housing Equal Opportunity division at the U.S. Department of Housing and Urban Development. ***Legal Authority:*** 42 USC 2000d; 24 CFR Part 1.

EXECUTIVE ORDER 13166

E.O. 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted conducted programs and activities.

EXECUTIVE ORDER 11063, NON-DISCRIMINATION

E.O. 11063 (*Non-Discrimination and Equal Opportunity in Housing*) directs HUD and all other executive departments and agencies to take appropriate action to promote the abandonment of discriminatory practices with respect to property or facilities owned or operated by the Federal Government or provided with Federal financial assistance in the sale, leasing, rental, or other disposition of such property or facilities. **Legal Authority:** Issued Nov. 20, 1962, 27 FR 11527; 24 CFR Part 107.

AGE DISCRIMINATION ACT OF 1975

The Age of Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance directly or through contractual, licensing, or other arrangements, use age distinctions or take any other actions which have the effect, on the basis of age, of:

- Excluding individuals from denying them the benefits subjecting them to discrimination under, a program or activity receiving Federal financial assistance; or
- Denying or limiting individuals their opportunity to participate in any program or activity receiving Federal financial assistance. **Legal Authority:** 42 USC 6101 et seq. and 24 CFR Part 146.

SECTION 109, HOUSING & COMMUNITY DEVELOPMENT ACT OF 1974

Sec. 109 of the Act requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions against discrimination on the basis of age under the Age Discrimination Act and the prohibitions on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs. **Legal Authority:** 24 CFR Part 6.

EXECUTIVE ORDER 11246

E.O. 11246, as amended, bars discrimination in federal employment because of race, color, religion, sex, or national origin. This order was superseded by Executive Order 11478 (Sec 401: 1101), which called for affirmative-action programs for equal opportunity at the agency level under general supervision of the Civil Service Commission. **Legal Authority:** 41 CFR Chapter 60 (DOL)

EXECUTIVE ORDER 12892

E.O. 12892, as amended, requires federal agencies [and their subrecipients] to affirmatively further fair housing in their programs and activities.

DHCD Accessibility Requirements for Subrecipients

The 2008 DHCD Notice of Funding Availability (NOFA) and Request for Proposals (RFP) require that all projects funded under the NOFA meet all Federal and State accessibility standards as well as all accessibility requirements. Because accessibility requirements may differ depending on the funding sources of a particular project as well as the type of construction contemplated for a project, identifying the correct standards can be difficult. The following is an overview of the primary accessibility laws and requirements that are applicable to projects funded under the Plan.

Failure to comply with applicable accessibility, adaptive design and construction requirements of these laws may result in loss of project or program funding. Therefore, you should consult an attorney and/or design professional to ensure that the rehabilitation and/or construction of the multi-family project/development complies with the accessible and adaptive design and construction requirements of each applicable law.

I. District of Columbia Accessibility Requirements

The District of Columbia Municipal Code of Regulations (DCMR) 12A - Building Code, Section 512.0: "Physically Handicapped and Aged" specifies the required minimum of accessible units per number of units in a project being constructed. Each prospective grantee must be thoroughly knowledgeable with these regulations when applying for project funding from DCHD. In particular Section 512.2 (Use Group R-1) reads: Buildings of Use under this section containing more than 10 bedroom units shall be made accessible to physically handicapped persons in accordance with Section. The number of bedroom units accessible to physically handicapped persons shall not be less than (1) one unit per project containing 11 through 20 bedroom units; and one unit plus one for each additional 20 units or fraction of a unit when the project contains 21 and more bedroom units. To determine the total number of accessible units, more than one structure on a building site shall be considered as one building. The entrance doors to all bedroom units and to the toilets in these units shall have a minimum clear width of 32 inches (813 mm). All common use areas, public areas, and areas that may result in the employment of handicapped persons, except those enumerated in §512.1, shall be accessible.

Section 512.3 (Use Group R-2) Buildings under this category containing more than 10 dwelling units shall be made accessible to physically handicapped person in accordance with this section. The number of dwelling units accessible or adaptable to physically handicapped persons shall not be less than twenty-five percent (25%) of the dwelling units. To determine the total number of accessible units, more than one structure on a building site shall be considered as one building. The dwelling units allocated for the physically handicapped shall be proportionately distributed throughout all types of units.

Laundry and storage facilities shall be made accessible from the barrier-free units. Access to additional floors without public facilities is not required.

Section 512.4 – Accessible buildings and facilities: states that buildings and facilities required to be accessible by this section shall comply with ANSI A117.1-1986 as modified by section 512.4.2.

Projects receiving funding through DHCD must also comply with the regulations under Section 512.0 *Physically Handicapped and aged* of the Building Officials & Code Administrators International, Inc. (BOCA) of 1990.

DHCD requires that all projects which receive funding be designed and constructed in a manner so that the units and common areas, facilities and services are readily accessible to and usable by disabled persons. All projects that receive allocations or funding under this NOFA must comply with all applicable Federal and State accessibility laws. When two or more accessibility standards apply, the provider is required to follow and apply both standards so that a maximum accessibility is obtained. In addition, DHCD mandates that the accessibility requirements of Section 504 be incorporated into the design and construction of all new projects funded under the 2008 Notice of Funding Availability (NOFA) and the Request For Proposals (RFP), such as the Housing Production Trust Fund and Community Development Block Grants (CDBG) regardless of whether or not the project will receive federal financing assistance. The attached chart, Summary of Accessibility Laws and Standards, can be used to initially determine the appropriate design standards that should be incorporated into a project. Project Architects, Engineers and Contractors should be familiar with the requirements of each standard to ensure that the appropriate requirements are met.

II. Federal Fair Housing Act

A. Applicability. The Fair Housing Act (FHA), Title VIII of the Civil Rights Act of 1968 as Amended, (42 U.S.C. 3601 § 800; 24 CFR) § requires that covered public and private multifamily dwelling units designed and constructed for first occupancy after March 13, 1991, be designed and constructed in a manner that the public and common use portions of such dwellings are readily accessible to and usable by disabled persons. First occupancy is defined as a building that has never before been used for any purpose. The Act's construction and design requirements apply on a building by building basis. Under the 2008 NOFA, all new construction projects applying for HOME funds must be built in accordance with the accessibility requirements of the FHA. In addition, rehabilitation projects applying for HOME funds must also meet the design and construction standards of the FHA if the first use of the building was after March 13, 1991. These specific design and construction standards can be found in the appropriate requirements of the American National Standards Institute (ANSI), Fair Housing Accessibility Guidelines (FHAG) and in HUD's Fair Housing Act Design Manual. If a project is built in compliance with HUD's PHAG requirements, a safe harbor for compliance purposes is created.

B. Requirements (Please see Fair Housing Accessibility Checklist attachment)

NOTE: Fair Housing Act Accessibility Guidelines contain a narrow "Site Impracticability Exception" which provides that first floor units do not have to meet all of the Act's requirements if it is impractical to have an accessible entrance to the building because of the natural hilly terrain or other unusual characteristics of the site. Any project that claims such an exception must submit documentation from the project architect outlining the basis for the site exception. Supporting documentation of the "site impracticability" must also be submitted. DHCD may also request the Owner to provide a legal opinion that the project falls with the requirements of the Site Impracticability Exception. DHCD's acceptance of such documentation should not be construed as conclusive that the project meets the legal requirements of the exception. Each Project Owner should consult their own attorney to make that determination.

III. Section 504 of the Rehabilitation Act of 1973

(A) **Applicability.** Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities in the operation of programs receiving federal financial assistance. These programs include, but are not limited to HOME, CDBG, and other programs under the jurisdiction of the HUD Office of Multifamily Housing Program. HUD regulations implementing Section 504

contain accessibility requirements for new construction and rehabilitation of housing as well as requirements for ensuring that the programs themselves are operated in a manner that is accessible to and usable by persons with disabilities. Both individual units and the common areas of buildings must be accessible under Section 504. All projects funded under the 2008 NOFA which provide for the new construction or rehabilitation of multifamily housing projects must be designed and built in accordance with the appropriate accessibility requirements of Section 504 if the projects will receive HOME or other federal funding. These specific design and construction standards can be found in the Uniform Federal Accessibility Standards (UFAS). A copy of the UFAS is provided in the appendix to this Section.

(B). Specific 504 Requirements.

New Construction — A minimum of 5% or at least one unit (whichever is greater) of the total units in the project must be accessible to individuals with mobility impairments. A minimum of 2% or at least one unit (whichever is greater) of the total units in the project must be accessible to individuals with sensory impairments (hearing or vision).

Substantial Rehabilitation — 11 alterations are undertaken to a project that has 15 or more units and the cost of the alteration is 75% or more of the replacement costs of the completed facility than the accessibility requirements for the projects are the same as for newly constructed projects.

Other Alterations- When other alterations are undertaken, including, but not limited to modernization and rehabilitation which does not meet the Threshold of “substantial” rehab under the act, such alterations are required to be accessible to the maximum extent feasible, up to the point where at least 5% or the units in a project are accessible. If alterations of single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, then the entire dwelling unit shall be made accessible.

NOTE: Section 504 contains a narrow exception when alterations that do not meet the standard of “substantial rehabilitation” are undertaken. This exception provides that a recipient is not required to make a dwelling unit, common area, facility or element accessible if doing so would impose undue financial and administrative burden on the operation of the project. Therefore recipients are required to provide access for covered alterations up to the point of being infeasible or an undue financial and administration burden. Any project that claims such an exception must submit documentation from the project architect outlining the basis for the site exception. Supporting documentation regarding the feasibility of the modification must also be submitted. DCA may also request the Owner to provide a legal opinion that the project falls with the requirements of the Exception. DCA’s acceptance of such documentation should not be construed as conclusive that the project meets the legal requirements of the exception. Each Project Owner should consult their own attorney to make that determination.

C. Increasing Program Accessibility

Section 504 regulations also require that a recipient of Federal Funds ensure that its project, when viewed in its entirety, is accessible to persons with disabilities. In order to meet this obligation, Section 504 requires that the Project Owner must:

- To the maximum extent feasible, distribute accessible units through the projects and sites, and make them available in a sufficient range of sizes and amenities so as to not to limit choice.
- Adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities. Reasonable nondiscriminatory steps to maximize use of such units by eligible individuals must also be taken.
- When an accessible unit becomes vacant, before offering the unit to an individual without a disability, offer the unit: first, to a current occupant of the project requiring the accessibility

feature; and second, to an eligible qualified applicant on the waiting list requiring the accessibility features.

- When an applicant or tenant requires an accessible feature or policy modification to accommodate a disability, a federally assisted project must provide such feature or policy modification unless doing so would result in a fundamental alteration in the nature of its program or an undue financial and administrative burden.
- Project Owners are required to ensure that information about their project is disseminated in a manner that is accessible to persons with disabilities.
- Include a lease provision that requires a non disabled family occupying an accessible unit to move if a family with a disability needing that size unit applies and there is an appropriately sized nonaccessible unit available for the relocating family.

IV. Visitability

HUD recommends that all design, construction and alterations for multifamily units, incorporate, whenever practical, the concept of visitability in addition to the requirements under Section 504 and the Fair Housing Act. DCA has also adopted the concept of visitability as a recommended practice for all projects that receive funding under the 2003 Qualified Allocation Plan. The concept of visitability is to design units so that persons with disabilities can visit relatives, friends and neighbors. The following are the basic visitability design requirements:

- Provide 32 inch clear openings in all bathroom and interior doorways
- Provide at least one accessible means of egress/ egress for each unit.

V. The American with Disabilities Act

A. Applicability. The American with Disabilities Act guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services and telecommunication. It is divided into five titles. Two of which are primarily applicable to multifamily housing agencies.

Title II. Public Services, which include state and local government instrumentalities, cannot deny people with disabilities from participating in programs or activities which are available to people without disabilities.

Title III. Prohibits disability based discrimination and requires privately owned places of “public accommodation” to be designed, constructed, and altered in compliance with certain accessibility standards.

Under the 2003 Qualified Allocation Plan, the ADA is applicable to all new construction projects that are selected for funding. In Rehabilitation projects, existing facilities must comply to the extent readily achievable. Please note that generally the requirements of the ADA are not as restrictive as the requirements under section 504. Therefore, if you follow the design criteria set forth in the UFAS, you will satisfy the criteria of the ADA as it pertains to common area and facilities. Projects financed through an allocation of 4% or 9% tax credits, need to closely review the requirements of the ADAAG or UFAS as it pertains to these areas of public accommodation.

B. Basic ADA Requirements

For all DCA new construction projects the following requirements are applicable:

- Public accommodations does not include portions of privately owned rental housing used exclusively as residents, but does not include areas within such facilities that are available to the general public such as rental offices and community rooms for rental by non residents.
- Social Service programs operated by a housing provider that are available to non-residents would be considered public accommodations and must be accessible under Title III.

Design, Construction, or alteration of facilities in conformance with the UFAAS or with the ADA Accessibility Guidelines (ADAAG) shall be deemed to comply with requirements of the Act. For rehabilitation projects, the following requirements are applicable to those areas covered by the ADA:

- All architectural barriers in existing facilities must be removed where such removal is readily achievable that is easily accomplished and able to be carried out. This would include adding grab bars, ramping a few steps and lowering telephones. If barrier removal is not readily achievable then services must be made available through alternative methods.

NOTE: Any project that claims a required modification is not readily achievable must submit documentation from the project architect outlining the basis for the exception. Supporting documentation regarding the achievability of the modification must also be submitted. DCA may also request the Owner to provide a legal opinion that the project falls with the requirements of the Exception. DCA's acceptance of such documentation should not be construed as conclusive that the project meets the legal requirements of the exception. Each Project Owner should consult their own attorney to make that determination.

VI. Layered Properties

In many projects, multiple sources of funding may mean the projects must meet both the Fair Housing and Section 504 new construction requirements. Where two or more accessibility standards apply, the Project Owner is required to follow and apply both standards so that maximum accessibility is obtained. The US Department of Housing and Urban Development has provided the following examples illustrating how these requirements would apply:

- A project building with an elevator constructed with HOME funding would be required to have 5% of its dwelling units meet the Section 504 accessibility requirements. The remaining 95% of its units would be required to comply with the Fair Housing design and construction requirements.
- A newly constructed 100 unit two story garden apartment development with no elevator construction with HOME assistance with half (50) of its dwelling units on the ground floor and half (50) on the second floor would be required to have 5 of its ground floor dwelling units built to comply with Section 504 accessibility requirements and the remaining 45 ground floor dwellings built to comply with the Fair Housing Act design and construction standards.
- A development consisting entirely of multistory rental townhouses constructed with Federal financial assistance is not a covered multifamily dwelling for purposes of the design and construction requirements of the Fair Housing Act. It would still have to meet the Section 504 5% accessibility requirements.

VI. Additional Resources

The below referenced links may be used to access different accessibility standards and information:

Fair Housing Accessibility Guidelines (FHAG):

<http://www.hud.gov/fhe/fhefhag.html>

Uniform Federal Accessibility Standards (UFAS):

<http://www.access-board.gov/ufas/ufas-html/ufas.htm>

ADA Accessibility Guidelines for Buildings and Facilities (ADAAG):

<http://www.access-board.gov/adaag/html/adaag.htm>

Disability Guidelines and Legal resource

www.disabilityfirst.com

Disability Legal and Advocacy information

www.bazelon.org

ADA Information Center

adainfo@transcen.org

Disability Rights Council

rights@erols.com

Please note that DHCD does not endorse any of the above sites, but provides them as an additional resource only. Please consult with your Project Architects, Engineers, Contractors and Attorneys to determine how the requirements of each standard will be met.

EXHIBIT Z-2:

Section 504 Program Certification Form

ATTACHMENTS

- ☐ Section 504 Certification Form
- ☐ Section 504 Checklist
- ☐ Information on Section 504



Section 504

(For Information Purposes ONLY)

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against persons with disabilities in the operation of programs receiving Federal financial assistance. It states, "No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service".

The U.S. Department of Housing and Urban Development (HUD) regulations, at **24 CFR Part 8**, sets a mandate for the DC Department of Housing and Community Development (DHCD) to monitor projects funded with federal funds for compliance with various federal regulations.

DHCD requires that the accessibility requirements of Section 504 be incorporated into the design and construction of all new construction and/or rehabilitation projects funded under the 2003 Notice of Funding Availability (NOFA) and Request for Proposals (RFPs). ***The Uniform Federal Accessibility Standards (UFAS) are the appropriate standards required under Section 504.***

NEW CONSTRUCTION (RESIDENTIAL)

DHCD requires ***all*** newly ***constructed*** developments (***built after July 1988***) to have a minimum of **5%** of the total dwelling units or at least one unit, whichever is greater, accessible for persons with mobility impairments. An **additional 2%** of the units must be accessible for persons who have hearing or vision impairments [24 CFR 8.22]. Accessible units to the maximum extent feasible must be distributed throughout the project. HUD may prescribe a higher percentage of units be accessible based upon the need for accessible units in the geographic area.

SUBSTANTIAL ALTERATIONS/ REHABILITATION (RESIDENTIAL)

Developments that undergo substantial alterations are required to have a minimum of 5% of the dwelling units wheelchair accessible. The definition of Substantial Alterations (or rehabilitation) covers properties with 15 or more units when the cost of the alteration is 75% or more of the replacement cost of the completed property [See 24 CFR 8.23(a)]. Replacement cost is the current cost of construction and equipment for a newly constructed housing facility of the size and type being altered. Construction and equipment costs do not include the (1) cost of land, (2) demolition, (3) site only improvements, (4) non-dwelling facilities, and (5) administrative costs for project development activities. NOTE: The requirements for New Construction apply if substantial alterations are undertaken.

Cont.: Definitions of Laws/504

OTHER ALTERATIONS/REHABILITATION/ MODIFICATIONS (RESIDENTIAL)

Section 504 requires that if a development (regardless of the number of units) is making modifications which go beyond normal maintenance, but which do not fall into the category of substantial alterations (either because of cost or the development has less than 15 units) then the requirements of 24 CFR 8.23(b) - **Other Alterations** apply. Under this section, alterations to dwelling units shall, to the maximum extent feasible, be made readily accessible to and usable by individuals with disabilities. ***Alterations are required to be accessible, to the maximum extent feasible, up until a point where at least 5% of the units in a project are accessible.*** If alterations to single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, the entire unit shall be made accessible. Alteration of an entire unit is considered to be when at least all of the following individual elements are replaced:

- -renovation of whole kitchens, or at least replacement of kitchen cabinets; and
- - renovation of the bathroom, if at least bathtub or shower is replaced or added, or a toilet and flooring is replaced; and
- - replacement of entrance door jambs.

When the entire unit is not being altered, 100% of the single elements being altered must be made accessible until 5% of the units in the development are accessible. However, HUD and DHCD strongly encourage a recipient to make 5% of the units in a development readily accessible to and usable by individuals with mobility impairments, since that will avoid the necessity of making every element altered accessible, which often may result in having partially accessible units which may be of little or no value for persons with mobility impairments. It is also more likely that the cost of making 5% of the units accessible up front will be less than making each and every element altered accessible. Alterations must meet the applicable sections of the UFAS which govern alterations.

TENANT REQUESTS FOR MODIFICATIONS

With tenant requested modifications, when an applicant or tenant requires an accessible feature to accommodate a disability, the owner must provide such feature ***at his/her own expense*** unless doing so would result in a fundamental alteration in programs and/or an undue financial or administrative burden imposed on the operation of the program or facility.

NON-HOUSING FACILITIES

All of Section 504's nondiscrimination, program accessibility, and reasonable accommodation requirements that apply to housing facilities also apply to the operation of non-housing facilities and programs. New non-housing facilities must be designed and constructed to be readily accessible to and usable by persons with disabilities.

NOTE: Each applicant must sign and submit with the application the "Section 504 Certification Form" indicating the agreement to comply with the regulations, to be subject to DHCD monitoring for compliance, and to accept any applicable penalties for noncompliance. After reviewing the information in this document please review the Section 504 attachment and fill out the Certification Form

Cont.: Definitions of Laws/504

REASONABLE ACCOMMODATIONS

To determine if a funding recipient needs to make the necessary accommodations to an individual with a disability, courts use what is referred to as the balancing test where the reasonable accommodation must be made unless doing so would impose an unreasonable administrative and financial burden on the operation of the program. However, even if the decision by the court is made where there is too much of a burden then the funding recipient would have to take other steps to guarantee that individuals with handicaps receive the benefits of their service.

The accommodations required may vary depending on what aid is requested by those with the handicap, requests that could lead to changes in a program could include:

- Housing accommodation request
- Course substitution
- Modification requests in other programs, including transportation services and medical programs

Types of disabilities may vary as well which can include:

- Hearing impairments
- Learning disabilities and attention deficit/hyperactivity disorder
- Mobility and manual impairments
- Psychological disabilities and substance abuse problems
- Visual impairments

The funding recipient also has to accommodate those who would need assistance animals such as:

- Guide dog, which are used by people with visual impairments
- Hearing dogs
- Signal dogs
- Seizure-response dogs
- Service dogs, which help people with physical disabilities with such tasks as opening doors and picking up dropped items

Fundamental alterations to the funding recipient's program are not required in order to accommodate the disabled but the recipient is required to modify the program for people with disabilities to have an equal opportunity to participate.

Section 504 requires program accessibility in existing facilities, as opposed to mandating that all buildings be accessible, which is required only for new or altered facilities. Alterations include:

- Redesigning equipment
- Reassigning classes or other services to accessible buildings
- Assigning aides to beneficiaries
- Delivering services at alternative accessible sites
- Providing auxiliary aides

All elements of a program or activity need not be accessible to meet Section 504's requirements and offer persons with disabilities opportunities for full participation.

Cont.: Definitions of Laws/504

GENERAL ARCHITECTURAL REQUIREMENTS:

The level accessibility of the program receiving federal funds for a facility differs under the type of work being done.

Non-housing facilities under new construction have to be designed with the intent of making them accessible to and usable by the handicap.

Non-housing facilities receiving alterations have to be made accessible to and usable by the disabled to the maximum extent feasible; however, recipients have a little room to maneuver for compliance depending on the financial and administrative burden imposed by making the facility accessible and usable to the maximum extent feasible. Yet the recipient(s) must come up with some means to make the project accessible.

Existing non-housing facilities -When the recipient receiving federal funds has an existing non-housing facilities they have to make sure that their program is readily accessible and usable by the handicap; but they do not have to make each of their non-housing facilities accessible and usable, where there is a concern for historic preservation the recipient is not required to make the facility accessible if it disrupts important historic features of the property, and recipients do not have to take any action that significantly change the program being undertaken or results in unnecessary financial and administrative burdens yet they must find other means to make their program accessible and usable by the handicap.

Housing facility-when a housing facility is undergoing new construction, new multi-family housing has to be made readily accessible and usable by the handicap. Either five percent (5%) or at least one (1) unit in the multifamily housing project whichever number is greater must be made handicap accessible. Additionally two (2%) percent or at least one (1) unit in the dwelling has to be accessible for people with vision or hearing impairments. HUD is authorized to increase the percentage under the request of an affected recipient or any state or local government agency after it is demonstrated that there is a need for an increased percentage of units that should be made accessible to the handicap based on census data, any other current data including a currently effective Housing Assistance Plan or Comprehensive Homeless Assistance Plan, or due to a need for evidence for a higher percentage or number from any other manner. In these types of instances HUD takes into account the needs of those with and without handicaps.

When dealing with alteration on existing housing there are two categories to consider:

1. Substantial alteration- where alterations occur on a project that has fifteen or more units and the cost of the alteration is 75 percent or more of the replacement cost of the completed facility then they must following the guidelines of construction as if it was a new housing facility and take the necessary measures to make it the facility handicap accessible.
2. Other alterations- where there is a multifamily dwelling (including public housing), it has to be made to the maximum extent feasible handicap accessible. If a single dwelling is altered the entire dwelling has to be made handicap accessible. When five percent of the dwellings in a multifamily project are made accessible and usable to the handicap then no more units have to be made, but areas that are of common use the facility have to be made usable and accessible by the handicapped as well. HUD has the same authority as it has with new construction to make changes in the percentage of the number of units that are to be made accessible and usable by the handicap.

Cont.: Definitions of Laws/504

Existing housing

Facilities that receive federal financial assistance has to be accessible and usable by the handicap but there are limitations. Those recipients do not have to make each of its existing facilities accessible and usable by the handicap. The recipient is also not required to make substantial alterations that would result in unnecessary administrative and financial burdens yet the recipient would still have to guarantee that handicap individuals are able to receive the benefits of the program or activity.

If there is other means to make a program accessible except through structural changes than the recipient must do so.

Barrier Removal

Recipients must remove architectural and communications barriers in existing facilities if possible. This includes communication barriers that are an integral part of the physical structure of a facility such as:

- Barriers posed by permanent signs or alarm systems
- The failure to provide adequate sound buffers
- The presence of physical objects that impede the passage of sound waves

To determine if the removal of the barriers is possible one must look at all the factors involved like:

- The nature and cost of the action needed; and the overall financial resources of the site(s) involved in the action,
- The number of persons employed at the site, the effect on expenses and resources, legitimate safety requirements necessary for safe operation, including crime prevention measures, or the impact of such action on the operation of the site
- If applicable, the geographic separateness and the administrative or fiscal relationship of the site(s) in question to any parent corporation or entity
- If applicable, the overall financial resources of any parent corporation or entity, the number of employees of the parent corporation or entity, and the number, type, and location of its facilities
- If applicable, the type of operation(s) of the parent corporation or entity, including the composition, structure and functions of the workforce of the parent corporation or entity.

Standards for barrier removal in existing facilities differ from those in new construction, given the cost of making facilities accessible to those with disabilities. Due to the cost of renovating existing facilities less accessibility is required; however, newly constructed or altered facilities have more stringent requirements because the accessibility that is federally necessary can be implemented during the design and construction stages of development which would not be as costly.

The primary issue with accessibility is physical access to facilities (e.g. getting through the door from public sidewalks). After physical accessibility is attained then people must be able to have access to where the goods and services are made available to the public. The third priority is to make the restrooms accessible. The final priority is to removal of any other barriers.

Cont.: Definitions of Laws/504

ALTERING EXISTING STRUCTURES (PRIMARY FUNCTION AREAS)

Section 504 requires an accessible path of travel to areas undergoing substantial alterations, which cost 50 percent or more of the building's value. An accessible entrance and restrooms also are required by Section 504 when there are alterations. This specifically pertains to the areas in the facility that are of common use such as telephones, restrooms, and drinking fountains.

HINTS ON TO ACHIEVING 504 COMPLIANCE (CONSTRUCTION)

- New facilities whether housing or non-housing have to be designed and constructed in order for them to be readily accessible to those with a handicap
- Alterations are different for housing and non-housing facilities. Alterations to housing with fifteen or more units and where the cost of alterations is 75 percent or more of the replacement cost than the compliance to 504 is to occur under the guise of it being new construction. Non-housing facilities with alterations have to be made readily accessible to the maximum extent feasible
- Existing facilities that are not being altered only have to meet the standards for programmatic accessibility
- Alteration to sites that are labeled historic must occur without disrupting the integrity of the site where the sentimental value is diminished; however, if this cannot occur then they must move the program to another site that is accessible

Ways to assist those with a handicap include removing communication and architectural barriers like the following:

- With those with mobility impairments: install ramps; make curb cuts in sidewalks and entrances; reposition shelves; rearrange table, chairs, vending machines, display racks, and other furniture; reposition telephones; widen doors; install offset hinges to widen doorways; eliminate a turnstile or provide an alternative accessible path; install grab bars in toilet seats; rearrange toilet partitions to increase maneuvering space; insulate lavatory pipes under sinks to prevent burns; install raised toilet seats; install a full-length bathroom mirror; reposition the paper towel dispenser; create designated accessible parking spaces; install a paper cup dispenser at a water fountain; remove high pile, low density carpeting; and install vehicle hand controls
- With those with visual impairments add raised marking on elevator control buttons
- With those with hearing impairments install flashing light alarms

EXHIBIT Z-3

AFFIRMATION FAIR HOUSING MARKETING PLAN

ATTACHMENTS

- ☐ Affirmative Fair Housing Marketing Plan (AFHMP)
- ☐ Instructions on Completing the AFHMP

EXHIBIT Z-4

SECTION 3 PROGRAM CERTIFICATION & CHECKLIST

ATTACHMENTS

- ☐ Section 3 Program Certification & Checklist for construction/rehab/acquisition:
Housing and non-housing projects
- ☐ Section 3 Certification for Business Concerns Required Checklist
- ☐ Section 3 Clause and Information

Section 3 Clause

All Section 3 covered contracts must include the following clause in its entirety:

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted project covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low- income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment practices can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected, but before the contract is executed, and (2) with persons other than those to whom the regulation of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
- F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD-assisted contracts.
- G. With respect to work performed in connection with Section 3 covered Indian housing assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).¹

¹ This paragraph (G) is not applicable to the HOME Program; nonetheless, the regulations require that the Section 3 clause be included verbatim in all contracts subject to the requirements of Section 3.
DHCD Section 3 Strategy & Plan



(Information ONLY – Do NOT remit back to DHCD)

SECTION 3

Section 3 of the HUD Act of 1968, as amended (12 U.S.C. 1701u), 24 CFR, PART 135 (Section 3) requires HUD funding recipients to ensure that employment and other economic and business opportunities generated by HUD's financial assistance, to the greatest extent feasible, be directed to public low- and very-low income persons, particularly recipients of government housing assistance, and business concerns that provide economic opportunities to low- and very-low income persons.

POLICY STATEMENT

The D.C. Department of Housing and Community Development (DHCD) abides by all federal and local funding regulations which endorse equal employment opportunity of low and very low income District residents (Section 3) through its funded projects without regard to race, color, religion, sex, national origin, disability, marital status.

DHCD implements this policy through: (1) projects funded by and through DHCD which awards funding grants to developers and its contractors; (2) partnerships to facilitate or create training opportunities; and (3) creation of employment and business opportunities for residents of and other qualified low- and very low-income persons residing in the funded project area.

The policy shall result in a reasonable level of success in the grantees recruitment, employment, and utilization of low- and very low-income residents and other eligible persons and business interests by funded developers working on contracts partially or wholly funded with the U.S. Department of Housing and Urban Development (HUD) monies.

DHCD shall evaluate and consider a developer's potential for success in providing employment and business opportunities to low- and very low-income residents prior to acting on any proposed contract award.

CONTRACTING POLICY AND PROCEDURE

The D.C. Department of Housing and Community Development will ensure that the appropriate and HUD mandated Section 3 language is written into all grant award contracts generated by the Department where HUD funding is used.

All contractors/businesses seeking Section 3 preference must, before being awarded a DHCD grant award, complete a Section 3 plan and be certified as a Section 3 Business interest (exhibit 2), as appropriate, as acknowledgement of the contracting and employment provisions required by this Section 3 section. The certifications shall be adequately supported with appropriate documentation as referenced in the applicable form.

This policy and procedure contains goal requirements for awarding contracts to Section 3 Business Concerns (Exhibit 3).

WHO IS A SECTION 3 RESIDENT?

A Section 3 resident: ADC public housing resident, or an individual who lives within the District of Columbia and whose income falls within the guidelines for low- or very low income.

Very low-income person: Families (including single persons) whose income do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median for the area on the basis of HUD's findings that such variations are necessary because of unusually high or low family incomes.

PROVIDING PREFERENCE EMPLOYMENT OF SECTION 3 RESIDENT ORDER OF PRIORITY

When considering the employment of a Section 3 resident, contractors and subcontractors are required to follow the order of priority as outlined in 24 CFR 135.32:

- 1) **Category 1 – Section 3 Resident**
Residents of or in the area of the DHCD funded project development who meet the low and very-low income limits.
- 2) **Category 2 – Section 3 Resident**
Residents of public housing developments managed by the DC Housing Authority
- 3) **Category 3 – Section 3 Resident**
Participants in HUD Youthbuild program being carried out in the project boundary area.
- 4) **Category 4 – Section 3 Resident**
Residents of Section 8 of the DC Housing Authority as well as all other residents residing in the District who meet the income guidelines for Section 3 preference (refer to Section 3 Income Limits).

In all cases, applicants must meet the minimum qualifications for the position. In no instance shall it be construed that preference is given to Section 3 residents who do not meet these minimum qualifications.

RESIDENT HIRING REQUIREMENTS

In view of DHCD's desire to ensure employment opportunities to Section 3 residents and low and very-low income neighborhood residents, the following scale is a guide for contractors to ensure resident hiring in the execution of their DCHD grants (construction, service contracts, and professional services) which contain a "labor" component:

TOTAL LABOR DOLLARS Use Total Contract Amount for Service Contracts	RESIDENT AS A % OF TOTAL LABOR DOLLARS
At least \$25,000, but less than \$100,000	10% of the labor dollars
\$100,000, but less than \$200,000	9% of the labor dollars
At least \$200,000, but less than \$300,000	8% of the labor dollars
At least \$300,000, but less than \$400,000	7% of the labor dollars
At least \$400,000, but less than \$500,000	6% of the labor dollars
At least \$500,000, but less than \$1 million	5% of the labor dollars
At least 1 million, but less than \$2 million	4% of the labor dollars
At least 2 million, but less than \$4 million	3% of the labor dollars
At least \$4 million, but less than \$7 million	2% of the labor dollars
\$7 million or more	1 – 1/2% of the labor dollars

With this sliding formula, it is expected that an appropriate number of Section 3 District residents and with particular qualifications or willingness to begin unskilled labor will be able to participate in contracted labor efforts. A prime contractor, through its subcontractor(s), may satisfy Section 3 resident hiring requirements set forth above.

SECTION 3 CERTIFICATION

Any Developer seeking Section 3 preference in the awarding of contracts with DHCD shall complete the Certification for Section 3 Business Concerns, which can be obtained from the Office of Program Monitoring – Fair Housing Division at DHCD.

The business seeking Section 3 preference must be able to provide adequate documentation as evidence of eligibility for preference under the Section 3 Program.

Certifications for Section 3 preference for business concerns must be submitted to DHCD along with the grant submission. If a business concern who is 51% owned by Section 3 residents, previously received a Section 3 Certification and none of its qualifications have changed to place them outside of the certification status* then the approved certification can be submitted along with the proposal for funds.

***Income and ownership verification will be conducted**

Certifications are provided on a yearly or per grant basis, whichever is more. However, section 3 employee percentages and new subcontractor information must be kept current to maintain the certification (multi-year grants will be updated on a yearly basis).

If a business was certified ONLY for the duration of a previous grant, that contractor must submit a new certification request for new grant awards.

WHAT IS A SECTION 3 BUSINESS CONCERN?

Business Concern— a business entity formed and licensed in accordance with District law to engage in the type of business activity for which it was formed.

A Section 3 Business Concern is a business concern, as defined in this section—

1. That is fifty-one percent (51%) or more owned by Section 3 residents; or
2. Whose permanent, full-time employees include persons, at least thirty percent (30%) of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; or
3. That provides evidence of a commitment to subcontract in excess of twenty-five percent (25%) of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in items (1) or (2) above.

Note: A business concern seeking to qualify for Section 3 shall certify and submit evidence that the business meets one of the guidelines stated above. (Refer to Certification for Business Concerns Seeking Section 3 Preference in Contracting and Demonstration of Capability Form – Exhibit 1)

Subcontractor – any entity (other than a person who is an employee of the contractor) which has a contract with the DHCD funded Developer and it's general contractor to undertake a portion of the general contractor's obligation for the performance of work arising in connection with a Section 3 covered project.

Section 3 Covered Contracts— a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work arising in connection with Section 3 covered projects.

Section 3 covered contracts do not include contracts awarded under HUD's procurement program, which are governed by the Federal Acquisition Regulation (FAR). Section 3 covered contracts also do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

Section 3 Covered Project - the construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with housing or community development assistance.

**ORDER OF PREFERENCE
FOR SELECTING A SECTION 3 BUSINESS CONCERN**

When more than one Section 3 business concern is being considered for an award, to the greatest extent possible, awards shall be made in the following order of priority:

1. A Section 3 business concern that is fifty-one percent (51%) or more owned by resident(s) of the public housing development in which the work is directed, or whose full-time, permanent employees include at least thirty percent (30%) of the residents of the public housing development in which the work is directed;
2. A Section 3 business that is majority owned by resident(s) of the DC Housing Authority or low and very-low income residents not necessarily living in the housing development in which the work is directed, or whose full-time, permanent employees include at least thirty percent (30%) residents of the DC Housing Authority or are low and very-low income residents of the District but not the housing development in which the work is directed;
3. HUD Youthbuild programs that are being carried out in the City in which the Section 3 covered assistance are expended.
4. A Section 3 business concern that is majority owned by a Section 3 resident who is not a public housing resident or whose permanent, full-time workforce includes no less than thirty percent (30%) Section 3 residents who are not public housing residents or that subcontract in excess of twenty-five percent (25%) of the total amount of subcontracts to Section 3 business concerns.

Note: A Section 3 business concern seeking any of the above preferences shall submit evidence that it meets the guidelines of that preference.

WHAT IF MY BUSINESS DOES NOT QUALIFY AS A 'SECTION 3' BUSINESS?

DHCD will, to the greatest extent feasible, offer contracting opportunities to Section 3 business concerns. However, in the event no Section 3 business bids on a contract, or bids but is not able to demonstrate to DHCD's satisfaction that it has the ability to perform successfully under the terms and conditions of the proposed contract, then that contract will be awarded to a non-Section 3 business concern that can meet the terms and conditions of the proposed contract through the competitive bidding process.

That business concern must meet, as all business must (including Section 3 businesses), the general conditions of compliance (refer to Section 3 Clause [Construction Contracts] and Section 3 Clause [Non-Construction Contracts]).

This will include:

1. Submitting a list of all positions necessary to complete contract, name of employees who will fill those positions, names of all other employees.
2. Posting notices of any vacant positions, including training and/or apprenticeship positions, qualifications for positions, place where applications will be received and starting date of employment.
3. Making available, to the greatest extent possible, vacant positions, including training and/or apprenticeship positions, to Section 3 residents (all categories) in order to priority.
4. As positions are vacated during completion of contract, following guidelines enumerated in numbers 2 and 3 above.
5. Submitting Compliance Reports as required.
6. If notified of non-compliance, correcting non-compliance within allowable time period.

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.

The Addendum is structured in two parts: Requested Information – to be provided as a part of responding to this RFP; and Requirements – to identify the requirements that the potential Borrower will be responsible for if the proposal is selected for underwriting.

REQUESTED INFORMATION

1. How old is the property? _____
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 8 residing at the property? Y/N____
11. Has there been previous testing 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 laws and regulations.

II. *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. It is due prior to the Final 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.

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

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

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 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 reoccupancy. 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, 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.

III. 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 eight resides, is expected to reside, or regularly visits
3. Any zero bedroom unit, such as an efficiency or a single-room occupancy unit
4. Lead-free properties

IV. 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. The first two are due with the Application if the presence of lead is known, and the property is occupied. Items 3, 4 and 5 are due after selection for underwriting. Items 6 and 7 are due prior to closing.

1. Disclosure: Evidence that disclosure has been made to residents if the building is occupied and LBP is present.
2. Evidence that the owner/manager has provided tenants a copy of the pamphlet “Protect Your Family from Lead in Your Home”.
3. Risk Assessment
4. Notice of Lead Hazard Evaluation (risk assessment) provided to tenants following the risk assessment – if the building is occupied.
5. “Selected Lead Hazard Reduction Options for Project Scope of Work”
6. Occupant Protection Plan.
7. Temporary Safe Housing Plan and notice required to date.

V. 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. 24 CFR 35.1325 and EPA 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

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 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 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 regardless of whether it 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 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

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.

⁵ 24 CFR 35.1345(a)(2)(iv).

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

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. The requirements will phase in over several years, beginning with public buildings, followed by publicly financed buildings and ending with private construction. Additional information on green building may be found in Section 6 of the RFP Reference Guidebook.

Any application submitted in this RFP round is required to complete and submit the Intended Method of Satisfying Green Communities Criteria and the Green Development Plan.

ATTACHMENTS (Electronic files available on CD)

- ☐ Exhibit GB-1: Intended Method of Satisfying Green Communities Criteria (sample)
- ☐ Exhibit GB-2: Green Development Plan (sample)