

NSP REQUEST FOR PROPOSALS APPLICATION SUBMISSION PACKAGE – 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. One (1) copy of the application, including all applicable exhibits and attachments, must be sent in separate three-ring notebook binders with each exhibit tabbed and one (1) copy on a CD.

ATTACHMENTS

- Form 202 – DFD Financing Application (form attached separately – executed hardcopy mandatory (See Electronic Forms))

EXHIBIT B: SITE CONTROL

Applicants must have obtained sufficient site control to allow projects to move forward if they receive a reservation of funds.

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

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

Under the terms of the NSP-Request for Proposals, the applicant must develop properties located in specific target areas of the District. Check all that apply.

- Ward 5: Eckington (*Census Tract 87.01*)
- Ward 5: Ivy City/Trinidad (*Census Tracts 79.01, 79.03, 85, 88.02, 88.03, 88.04, 89.03, 89.04*)
- Ward 5: Woodridge (*Census Tracts 91.01, 94*)
- Ward 7: Deanwood (*Census Tracts 78.03, 78.06, 78.07, 78.08, 78.09, 99.04, 99.05, 99.06*)
- Ward 7: Ward-wide
- Ward 8: Historic Anacostia (*Census Tracts 75.03, 75.04, 76.01*)
- Ward 8: Congress Heights
- Ward 8: Ward-wide

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 (See Electronic Forms)

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 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. Any application submitted in this RFP round is required to complete and submit the 2011 Green Communities Criteria Exhibits: Intended Method of Satisfying Green Communities Criteria and the Green Development Plan. Additional information on the 2011 Green Communities Criteria can be found in Section 5 of the RFP Reference Guidebook.

ATTACHMENT

- Green Communities Exhibit 1 – Green Development Plan
- Green Communities Exhibit 2 – Green Communities Criteria Matrices

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.

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 or see electronic forms)

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] _____
[Name of Witness] (date)

[Signature of Representative] _____
[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 or see electronic forms)
 B. Development Team Member Current Workload
- Resumes
- Financial Statements
- References
- Certificate of Good Standing
- Dun & Bradstreet Report

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			<i>(not applicable to individuals)</i>				
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

Are there any unsatisfied judgments outstanding against the development entity or any of its principals or affiliates? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the development entity been a party to any litigation during the past five years? If yes, explain.								<input type="checkbox"/> Yes <input type="checkbox"/> No
CERTIFICATION								
The undersigned hereby certifies that he/she is the duly authorized representative of the Organization 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)								

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 or see electronic forms)

***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 (form attached or see electronic forms)
- 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"/> Limited Liability Corporation		
<input type="checkbox"/> 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>Number of Projects</i>	<i>Number of Residential Units</i>	<i>Average Percentage Management Fee</i>			
<i>Type of Project</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

<p>Has the management agent (or any of its principals or affiliates) participated in the development or operation of a project that experienced a default? If yes, provide the number of developments and explain (including the name and location of the development, circumstances surrounding each default, its cure, workout and mortgage modification arrangements, assignments, foreclosures, etc.).</p>								<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>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.</p>								<input type="checkbox"/> Yes <input type="checkbox"/> No
14. Contract Status								
<p>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 (including the name and location of the development, mortgagor and reason surrounding the termination).</p>								<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>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 (including the name and location of the development, mortgagor and reason surrounding the non-renewal).</p>								<input type="checkbox"/> Yes <input type="checkbox"/> No
15. Bankruptcy								
<p>Has a petition of involuntary bankruptcy ever been filed against the management agent? If yes, explain.</p>								<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Has the management agent ever filed a petition of bankruptcy? If yes, explain.</p>								<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Has the management agent ever made an assignment for the benefit of creditors? If yes, explain.</p>								<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

List developments managed by:

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"/>								
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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"/>								

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: DISTRICT OF COLUMBIA CERTIFIED 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, Certified Business Enterprises (CBEs) must submit a copy of their District certification.

ATTACHMENTS

- Description of Entity's Role
 - Resume
 - Letters of Intent
 - CBE 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

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 District ward and/or 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 the Council of the District of Columbia
- Resolution or letter of support from ANC

- 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 Monffatt	Chair	ANC – 6D	6D05@anc.dc.gov
Pride Hiatt	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 or see electronic forms)
- 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 (See Electronic Forms)
- Request For Costs That Exceed The Department's Standard (under Exhibit Y)

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 provided)

- Not Applicable.** If the project does not include the rehabilitation of existing buildings, a building evaluation report is not applicable.

BUILDING EVALUATION REPORT GUIDELINES

PRELIMINARY SCOPE OF WORK

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

- The existing conditions and systems
- 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

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 the entire 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).

- Exhibit Z: Monitoring Certification Form and Monitoring, Elements Guidelines and/or Requirements
- Exhibit Z-1: Fair Housing and Equal Opportunity (FHEO) Certification
- Exhibit Z-2: Section 504 Certification
- Exhibit Z-3: Affirmative Fair Housing Marketing Plan
- Exhibit Z-4: Section 3 Program Certification
- Exhibit Z-5: Lead Safe Housing Addendum

Department of Housing and Community Development

Monitoring Certification Form

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

- Community Development Block Grant (CDBG), including all applicable Office of Management and Budget (OMB) Circulars, such as A-110 and A-122
- Environmental Reviews - 24 CFR Part 85
- 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 _____
Project Address _____

Developer Name _____
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 and single-family projects)

Exhibit Z-2:

Section 504 Program Certification

ATTACHMENTS

- Section 504 Checklist
- Information on Section 504

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

ATTACHMENTS

- Section 3 Program Certification form
- Section 3 Fact Sheet
- Section 3 Opportunities Plan

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, and NSP, DHCD requires the same ongoing maintenance as 24 CFR 35 where there is a defined affordability period. DHCD requires a visual assessment for deteriorated paint and the failure of hazard reduction measures at unit turnover and every 12 months over the affordability period. All deteriorated lead-based paint must be stabilized, and failed hazard reduction methods corrected with interim controls, or permanent controls if originally required. Trained or certified workers must use safe work practices and the unit(s) must pass clearance. DHCD does not require re-evaluation for these programs.
Maintenance records per 24 CFR 35 must be retained by the landlord for all properties containing LBP.
11. Homeownership. For condominiums and cooperatives, **all** units will be paint tested, risk assessed, and cleared.

III. Exemptions

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.

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

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).

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

⁶ HUD Handbook 1378: Tenant Assistance Relocation and Real Property Acquisition
FY 2011

EXHIBIT Z-6: PROJECT MONITORING

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

Residential Projects

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

Initial Monitoring

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

Income Requirement – One hundred percent (100%) of the units in the property are subject to income restrictions which will require the units to be marketed to persons or households earning less than 30% of the Area Median Income (AMI).

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

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

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

The property owner, manager or developer must commit to ensuring that the income and rental requirements for each program-designated unit are maintained throughout a minimum 20-year retention period or the length of the loan, whichever is greater. Where there are specific program requirements (NSP) for affordability and retention, DHCD will use whichever regulation provides for the maximum affordability period.

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

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

The Lead-Based paint information is contained in a separate document.

Long-Term Monitoring

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

- **Income targeting/occupancy and rent controls.** Long-term monitoring is an important way to ensure that rental units assisted with its funds remain occupied by low-income households and that the rents charged to these tenants are affordable. Sustaining long-term affordability of units is particularly important in tight housing markets, with high housing costs.
- **Unit condition.** DHCD expects that when it invests its funds in a property, the property will remain in decent, standard condition for a period of time. This is important to ensure health and safety of the tenants, important for promoting neighborhood revitalization efforts, and important for protecting the city’s financial investment. Inspections are one way to ensure that owners and managers are adequately maintaining their properties.
- **Equal treatment of all applicants.** DHCD expects that all applicants will be treated fairly and without discrimination. Monitoring helps ensure that the city’s investment in affordable housing is available to all applicants irrespective of race, color, sex, age, religion, ethnic background, disability, or familial status.

Monitoring Rental Projects

Rental Projects

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

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

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

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

Compliance with Federal Laws, Rules and Regulations

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

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

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

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

EXHIBIT Z-6

NSP Occupancy and Rent Reporting Form and Certification

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

Project: _____
 Address: _____
 Date Submitted: _____

Total Percentage of units in project: _____
 Total Number of HPTF units: _____
 No. of Low NSP (HOME) Rent units: _____
 No. of High NSP (HOME) Rent units: _____

Affordability Period (year) # ____ of a ____ Affordability Period

Number of Fixed Units: _____
 Number of Floating Units: _____

Number of Section 504 units: _____

Unit #	# bed-rooms	Low or High HPTF Rent unit	Sec. 504 Unit	Fixed or Floating	Tenant	# in Hshld	Annual Income	Date determined	% AMI	Lease date	Lease rent ¹	Tenant-Paid utilities ²	Total rent plus utilities	Allowable rent & utilities ³	Comments

Attach additional sheets as needed.

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

Date: _____

PJ reviewer: _____ Date reviewed: _____

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