



DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

THOMAS M. MENINO, MAYOR

SHEILA A. DILLON, CHIEF AND DIRECTOR

NOTICE OF FUNDING AVAILABILITY (NOFA)

FOR THE FAIRMOUNT CORRIDOR ACQUISITION LOAN FUND

MAY 28, 2013



ADVERTISEMENT

CITY OF BOSTON

DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

FAIRMOUNT CORRIDOR ACQUISITION LOAN FUND (FCALF)

The City of Boston's Department of Neighborhood Development (DND) announces the availability of One Million Four Hundred Twenty-Four Thousand Dollars (\$1,424,000.00) in the Fairmount Corridor Acquisition Loan Fund (FCALF), provided by the U.S. Department of Housing and Urban Development's Office of Sustainable Housing and Communities (HUD OSHC). Zero or low interest loans are offered to developers seeking to acquire privately owned parcels within ½ mile of the Fairmount Indigo Rail Corridor for the development of affordable and/or mixed income residential, and/or commercial projects.

DND's FCALF is part of the efforts to plan for future growth along the Fairmount Corridor, and prioritizes community-supported development of privately owned parcels that may be enhanced by the addition of adjacent City-owned properties. The loans are available to qualified private for profit and non-profit developers.

An applicant conference is scheduled for Thursday, June 13, 2013 at 10:30 AM in the Bill Buckley Conference Room, 11th Floor, 26 Court Street, Boston, MA 02108.

The Notice of Funding Availability will be available beginning May 28, 2013 at the Bid Counter, Department of Neighborhood Development, 26 Court Street, 10th Floor, Boston, MA 02108 or you may download the package by registering on line at <http://www.cityofboston.gov/dnd/rfp/>.

Applications will be accepted on a rolling admission basis until the earlier of February 28, 2014 or until funds are committed. Questions can be directed to Christine O'Keefe, Senior Development Officer at 617-635-0351 or by email, cokeefe.dnd@cityofboston.gov.

Sheila A. Dillon
Chief and Director
Department of Neighborhood Development

PLEASE NOTE: DND Bid Counter hours of Operation are: Monday – Friday 9:00 AM to 12:00 Noon and 1:00 p.m. to 4:00 PM. Please plan accordingly.

**CITY OF BOSTON
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT
FAIRMOUNT CORRIDOR ACQUISITION LOAN FUND (FCALF)
NOTICE OF FUNDING AVAILABILITY (NOFA)**

I. Fund Overview

The Department of Neighborhood Development (DND) announces its **\$1,424,000 Fairmount Corridor Acquisition Loan Fund (FCALF)**, funded through Boston's 2011 Community Challenge Grant from the US Dept. of Housing and Urban Development, Office of Sustainable Housing & Communities (OSHC). The FCALF will facilitate the production and/or preservation of affordable housing, mixed use and economic development opportunities along the Fairmount Corridor, within a half-mile radius of the Fairmount commuter rail line (**See Exhibit 1 for a Map of the Corridor**) by offering **very low or no interest** acquisition loans to assist developers in acquiring key parcels along the Fairmount Corridor, as defined under **Loan Terms** on page 2. Community Challenge Grant requirements are reflected in this NOFA.

In addition, the Boston Local Initiative Support Corporation (LISC) and the Community Economic Development Assistance Corporation (CEDAC) have each set aside \$1M to be used in conjunction with FACALF loan funds.

Eligibility and Use of Funds

DND has established basic threshold eligibility criteria that must be achieved upon submission of an application for an acquisition loan. These criteria are described in detail in Section III of the NOFA. DND will also evaluate each proposed development as to its financial feasibility and consistency with the FCALF priorities outlined in *Section IV*.

Eligible Applicants include financially stable for-profit and non-profit developers with proven track records for producing affordable housing, commercial or mixed-use developments.

Eligible uses for these loan funds include 1) site acquisition and 2) pre-development costs associated with the acquisition of properties within ½ mile of the Fairmount commuter rail line, including but not limited to cost of appraisal, environmental testing, costs related to securing an Option to Purchase. Development priority uses are listed in *Section IV*.

Eligible acquisition transactions: Acquisitions must be at arm's length, with no identity of interest between seller and buyer.

Residential Affordability Requirements

Residential or mixed use developments may include 100% affordable units, or may include a mix of affordable and market rate units. The mortgage and promissory note at the time of acquisition closing shall stipulate the percentage of affordable units and level of affordability required. Ultimately, affordability will be secured through a covenant and recorded at the Suffolk County Registry of Deeds when the development reaches construction/financial closing:

Rental units: At least 40% of units within a development must be affordable and rented to households at or below 60% of Area Median Income for the Boston area (AMI) OR at least 20% of residential units must be made affordable to households below 50% of AMI. DND requires that all affordable rental units maintain affordability in perpetuity.

Homeownership units: At least 30% of units within a development must be affordable and sold to households at or below 80% of AMI. DND requires that all proposed affordable homeowner units maintain affordability for a period of no less than 30 years, with a 20 year extension at the city's option.

Commercial and Light Industrial Development Requirements

Commercial/Light Industrial acquisition proposals must include attainable job creation goals. Minimum use period must be at least 5 years.

Funding Limits

Acquisition loan requests shall not exceed \$500,000 per project or 70% of the acquisition/predevelopment costs, whichever is less. Note that applicants must combine FCALF with other loan or equity resources. In order to provide support to as many priority developments as possible, DND will prioritize proposals that require less than the maximums. Specifics of this and all other priorities are described in *Section IV* of this NOFA.

Loan Terms

- Loans will be secured by a mortgage and will be due in full at the time of construction/ financial closing.
- Terms for parcels that are proposed for residential or mixed-use projects:
 - Up to 5-year deferred loans at 0% interest
 - At the end of term, or at financial/construction closing (whichever occurs first) loan must be repaid except:
 - At the option of DND, loans may be extended if the development is making sufficient progress
 - At the option of DND, loans may at construction closing be converted to permanent financing
- Terms for parcels that are proposed for commercial or light industrial uses only:
 - 5 year deferred loans at 2% interest, compounded monthly
 - Loans must be repaid at the end of 5 years or at loan closing, whichever occurs first
 - At the option of DND, loans may be extended beyond 5 years; in such cases interest rates may, at the discretion of DND, be increased to 5% and regular monthly payments may commence.
- If a property is re-sold the Loan will be due in full, including any accrued interest at the time of sale.

Community Challenge Grant Requirements

URA Acquisition Requirements: All applicants must agree to comply with **URA** regulations outlined in 49 CFR 24.101-102, as well as in the Community Challenge Grant Program Policy Guidance OSHC-2011-08 and OSHC-2013-01 (see **Exhibit 2**). **Note that the Uniform Relocation Act governs the both potential relocation of tenants (commercial or residential) and acquisition of properties (either vacant or occupied).** It is therefore imperative that developers consult with DND staff prior to

proceeding with the application or the acquisition. Forms and letter formats are included in **Exhibit 4, Form H. Uniform Relocation Act Forms and Instructions.**

Environmental Review: Proposed developments must receive HUD Environmental Clearance prior to commitment of loan funds. See OSHC Guidance and Environmental Data and Project Information Form in **Exhibit 3**. DND staff will work with awardees to ensure a complete environmental submission to HUD upon conditional award.

Option to Purchase: A Purchase & Sales format may not be used. An Option to Purchase (OP) may be used to remove the property from the market for a period of time, provided it is made conditional upon clearance of HUD Environmental Review and other loan conditions. The OP should include the following language:

“Buyer’s willingness to proceed with the acquisition of the property is contingent upon the completion of HUD environmental review and the lifting of loan conditions as required by the US Department of HUD.”

Because of the time required to achieve Environmental Clearance, the Option to Purchase should be for a period no less than 120 days. The cost of the OP shall be limited to less than 10% of the acquisition cost, and must be reviewed by DND staff prior to execution.

II. Application Process

Applicant Conference

There will be an FCALF Applicants’ Conference on **June 13, 2013 at 10:30 AM** in the Bill Buckley Conference Room, 11th Floor, 26 Court Street, Boston, MA. Prospective applicants are strongly encouraged to attend the Conference so that DND can review the requirements of the NOFA and answer questions about the application process.

Meet with DND Staff

Developers interested in applying for funding should contact Christine O’Keefe at DND (Tele: 617-635-0351; Email: COKeefe.dnd@cityofboston.gov) before beginning your application to confirm that the project is eligible and that funds are available. A DND Staff person will be assigned to the development once this contact is made, and will arrange to meet with the Development Team. DND staff is available to provide technical assistance throughout the application process to help ensure that prospective applicants understand and comply with all requirements of this NOFA.

Application Availability

The NOFA and Application materials will be available on **May 28, 2013** at the Bid Counter, Department of Neighborhood Development, 26 Court Street, 10th Floor, Boston, MA 02108, or you may download the package by registering at <http://www.cityofboston.gov/dnd/rfp/>

DND Bid Counter hours of operation are Monday-Friday, 9:00 AM – 12:00 Noon and 1:00 PM to 4:00 Pm. Please plan accordingly.

Application Submission

Applications will be accepted on a rolling basis through **February 28, 2014** or until all funds are expended, whichever occurs first. Applications must be sealed and labeled "Fairmount Corridor Acquisition Loan Fund".

Applicants must submit one (1) original and two (2) copies of their application with all required forms/exhibits.

Site Visits

If not previously conducted, DND staff will conduct site visits within two weeks of receiving an application submission.

Disclaimer

The City of Boston will attempt to communicate to applicants any changes/addenda to this application package; however, it is the responsibility of the applicant to check the Department's website regularly for any updates, corrections, or information about funding availability.

Application Review Process, Tentative Awards and Loan Commitments:

Notification of Conditional Awards

Conditional awards under this NOFA will be made on a rolling basis, within **30** days of application submission. Loan application review process is further described in Section V. of this NOFA. All applicants will be notified by e-mail and by first class mail of the award. The award letter will outline all conditions that must be satisfied prior to Loan Commitment. These conditions will include:

- URA compliance
- Environmental review and release of grant conditions
- Good standing with DND and the City of Boston
- Other Policies and Regulations as appropriate
- Commitment of all other acquisition/pre-development funding sources
- Other conditions specific to the property and/or project may also be included

Other Pre-development Assistance to Awardees

Awardees will be eligible for monetary assistance for pre-development activities related to acquisition, including but not limited to appraisal, option for purchase, environmental testing and reports, legal fees. Monetary assistance will be provided on a reimbursement basis and secured as part of the acquisition loan.

In addition, DND staff will work closely with awardees to provide technical assistance so that all award conditions may be met.

Commitment Process

Once all award conditions are met, and upon receipt of commitment of other acquisition funding sources, DND acquisition loan funds will be committed. The project sponsor/developer will work with the assigned DND Development officer to ensure that award conditions have been satisfied and that

the project is in compliance with program requirements prior to commitment. Please note that if conditions for Loan Commitment are not satisfied within 120 days, the loan award may be rescinded.

Further Information

Any questions regarding this RFP should be submitted in writing to: Christine O'Keefe, Senior Development Officer, by fax at 617-635-0383 or by e-mail, COKeefe.dnd@cityofboston.gov.

III. Threshold (Eligibility) Criteria

Applicants must meet **ALL** of the following criteria when submitting an application to DND: If the proposal does not meet all of the Threshold Criteria, it will not be eligible for an award of funds.

Completeness of Submission

Applications must be complete. A checklist of required submission materials is provided in *Section VII. Submission Requirements and Forms*, and detailed requirements and Forms can be found in **Exhibit 4**.

Application Deadline

Applications will be reviewed on a rolling basis, but must be received no later than **February 28, 2014** in order to be considered for a loan. Applicants who received a loan award, but are unresponsive and do not advance towards a loan closing in a timely manner may have their award terminated at any time during the loan approval process.

Applicant Eligibility

Non-profit and for-profit developers with relevant development experience are eligible to apply.

Property Eligibility

Property must be located within ½ mile of the Fairmount Indigo Rail Corridor. See Map in Exhibit 1. Loans will not be approved for City-owned properties, or for properties conveyed by the City within the past 10 years.

Eligible Uses

Proposed developments must include residential and/or commercial uses. Affordability requirements for residential uses are outlined in **Affordability Requirements** on page 1. Open space may be considered as part of the development, but may not be the majority use.

Appraisal and Correspondence with Owner

Applicants must agree to comply with URA and program acquisition requirements. These requirements are included in Exhibit 2. Applicants must outline the status of negotiations with the seller at the time of application and document compliance with these requirements.

Community Support

At the time of application to DND, the applicant must demonstrate the following:

- (1) The project has strategic importance to the community

- (2) A planning effort with the neighborhood/ community has begun. Summary documentation needs to be provided as to dates, location and attendance at meetings
- (3) There is substantive support from neighborhood organizations as demonstrated in support letters.
- (4) There is support from other stake holders. These may include elected officials, CAG, WAG, community councils, historic boards, or larger city-wide organizations

Amount of Request and Additional Loan sources

Loan application is limited to the lesser of \$500,000 or 70% of the acquisition cost. Applicants must have a letter of interest from additional loan sources, and/or must demonstrate sufficient equity to cover the balance of acquisition costs. Boston Local Initiative Support Corporation (LISC) and the Community Economic Development Assistance Corporation (CEDAC) have each set aside \$1M to be used in conjunction with FCALF loan funds.

IV. Acquisition Loan Fund Priorities

- Station Area, Use and Site Priorities: There are five (5) priority station areas along the Fairmount Corridor. In each area, the priorities for sites and proposed uses will vary depending upon zoning, context and local community development strategies. The matrix below identifies areas and development priorities within those areas. See the map in Exhibit 1 for location detail.

| Station/Cross-roads Area | Description of Acquisition Priorities |
|---|--|
| Upham’s Corner/ Newmarket | <ul style="list-style-type: none"> • Industrial and commercial land development between Upham’s Corner and Newmarket Stations • Underutilized residential and commercial land and buildings in the Uphams Corner area. |
| Columbia Rd (proposed station) | <ul style="list-style-type: none"> • Acquisition of land and buildings to support the current redevelopment activities within the Quincy Corridor Choice Neighborhood Initiative. |
| Four Corners | <ul style="list-style-type: none"> • Commercial-zone and/or residential-zoned parcels adjacent to surplus city land suitable for commercial, housing, or mixed use development • Site assembly of key parcels of land in the three Main Street Districts to encourage community-based development. |
| Talbot | <ul style="list-style-type: none"> • Acquisition of buildings and land for mixed-use projects. |
| Blue Hill/ Cummins Hwy (proposed station) | <ul style="list-style-type: none"> • Residential land and buildings adjacent to city-owned properties to strengthen the existing residential community and the Mattapan Square commercial district. |

- Proximity to City-owned vacant properties: Priority will be given to properties that are adjacent to city-owned land, where development would be enhanced by the inclusion of that land.
- Uses: Priority uses include housing (affordable and/or mixed income), commercial or mixed use (housing & commercial) and light industrial uses. Because appropriate uses will vary by neighborhood or street, proposed uses for a property must also demonstrate consistency with the following:
 - Zoning uses and/or existing uses in the surrounding neighborhood
 - documented community demand or interest

- market viability as demonstrated through recent planning or site development studies or market studies (see Section V.3. below)
- **Loan Request:** Applications for loans that are below the stated funding caps will be given priority. Evidence must be provided that demonstrates the additional funds will be secured in a timely manner.

V. Loan Application Review

The Department of Neighborhood Development's Neighborhood Housing Development Division will assign Development Officers to work with applicants and review applications. Development Officers will first determine that a loan request meets the threshold requirements, and then evaluate the proposals based upon the following:

1. Organization Review

DND will review the development experience of the applicant organization and team members.

2. Developer Capacity

DND recognizes that the development proposal will be very preliminary. Therefore, the review will focus on the financial capacity of the developer and the quality of the overall approach to development of the site.

3. Market Need

DND will look for evidence that the proposed development proposal is sound and that there is a reasonable market for the type of housing and/or non-residential uses proposed. The developer will need to provide market data that demonstrates the demand for such uses within similar properties and locations. Developer may use data being collected through the Fairmount Indigo Planning Initiative, Main Streets studies, or other data sources as they become available. DND will provide any available data and information upon request.

4. Funding Priorities

DND will review each application to determine consistency with the Acquisition Loan Fund Priorities outlined in Section IV. The extent to which applications address these priorities within the overall feasibility analysis of the proposals will be factored into DND's recommendation for award of loan funds under this NOFA.

DND will review each proposal with respect to the criteria stated to select those proposals which best meet the goals of the City's Community Challenge Grant and accomplish the objectives of this NOFA.

5. Conditional award decisions

Once the Development Officer completes an application review s/he will provide a written Review Package to the Acquisition Loan Review Committee. The Committee, which includes senior DND staff members and representatives from CEDAC and LISC, will review the package and make a loan award recommendation to the Director of DND. The Director shall make the final determination of awards.

Conditional award letters will outline conditions that must be met prior to Loan Commitment (see Section VI).

6. Loan Commitment

Once all conditions for Loan Commitment are met, and all other pre-development and acquisition funding sources are committed, DND staff shall prepare a loan commitment package for the Acquisition Loan Review Committee. The Committee shall make a final recommendation on the loan commitment to the Director for final approval.

VI. Conditions for Loan Commitment

Awardees will be subject to the following reviews and must satisfy the following requirements prior to loan commitment. In the event that they do not satisfy these requirements the City may elect to rescind the loan award.

Good Standing

Applicants must be in good standing with DND, Tax Title, the Boston Water and Sewer Commission and the Fair Housing Commission and ISD. The Applicant must complete and submit the Property Affidavit included in this RFP as part of their application, which shall be reviewed as follows:

- **Tax Delinquency Review**
The City of Boston's Office of the Collector-Treasurers Office will conduct a review of the Proposer's property tax history. The Proposer cannot be delinquent in the payment of taxes on any property owned within the City of Boston. A selected Proposer must cure such delinquency prior to award of a contract with the City. However, any Proposer who has been foreclosed upon by the City of Boston for failure to pay property taxes will be deemed ineligible to be awarded a contract unless such Proposer, promptly causes the Decree(s) or Judgment(s) of Foreclosure to be vacated by the Land Court, and the City of Boston made whole; DND, in its sole discretion, shall determine the timeliness of the Proposer's corrective action in this regard and will disqualify the Proposer if the vacation of the tax title foreclosure is not prosecuted expeditiously and in good faith, so as to avoid undue delay in the awarding of funds.
- **Water and Sewer Review**
The City of Boston Water and Sewer Commission will conduct a review of the Proposer's water and sewer account(s). Proposers cannot be delinquent in the payment of water and sewer charges on any property owned within the City of Boston and must cure such delinquency prior to the award of funds pursuant to this Request for Proposals.
- **DND/City of Boston Prior Participation Review/Outstanding Obligations**
The City will review the Proposer's current and past participation in any, DND programs; Proposers not fulfilling DND program requirements will not be awarded fund pursuant to this Request for Proposals. Further, Proposers must be current with all monies owed to DND, in order to be awarded funds.
- **Property Portfolio Review**
The City will review the Proposer's portfolio of property owned in the City of Boston to ascertain whether there are Inspectional Services Department (ISD) code violations. No

funds will be awarded to any Proposer with outstanding ISD Code Violations or outstanding fines.

- **Employee Review**

Neither the proposer, nor any of the Proposer's immediate family, nor those with whom s/he has business ties, may be currently or have been within the past twelve months, an employee, agent, consultant, officer, or an elected or appointed official of the City of Boston's Department of Neighborhood Development. An "immediate family member" shall include parents, spouse, siblings or children, irrespective of their place of residence. A Proposer who does not satisfy the Employee Review requirements will be deemed ineligible and their proposal will not be considered.

- **Fair Housing Commission Review**

The Boston Fair Housing Commission will screen Applicants. Applicants must not have any unresolved housing discrimination complaints or convictions for violating fair housing laws or their application shall be declared non-eligible.

- **Creditworthiness**

The City of Boston reserves the right to deny funding to any applicant, principal or partner, whom it determines is not creditworthy and not bankable. In general, the Applicant will be considered not creditworthy if (1) debt obligations are not current and/ or (2) public filings (e.g., liens, judgments) are outstanding.

- **Homeless Set Aside Compliance**

Developers who own and/ or manage properties previously subject to a homeless unit set aside restriction must be in compliance with that restriction prior to receiving an award of new funds from DND. Developers may submit a remediation plan for corrective action during the DND review period, and, if acceptable to DND, will be eligible for an award of funds.

Compliance with URA requirements and OSHC Guidance for Acquisition

Correspondence and negotiations between prospective seller and buyer must be in compliance with URA and OSHC guidance. Applicant must agree to comply with these requirements throughout their negotiations with the seller. See Exhibit 2 and Exhibit 4 Form H.

HUD Environmental Review

Unlike HOME and CDBG funded projects, the FCALF loan applicant projects will be reviewed by HUD's Environmental Office. DND staff will work with the developer to assemble the documentation and information required to be sent to HUD's Office of Environmental E for review. The Environmental Data and Project Information Form is provided in Exhibit 3.

Compliance with Other Policies and Regulations

The acquisition must comply with the following Federal and City policies and regulations, where appropriate:

- HUD Lead Hazard Control Program Requirements
- Uniform Relocation Act

Applicants whose project financing plan includes HOME or CDBG or other public funding should also review DND development policies that can be found on the City web-site:
<http://www.cityofboston.gov/dnd/>

The above list is not a comprehensive list of all federal, State and City laws and regulations that govern affordable housing projects within the City of Boston. For further questions and guidance on development and construction requirements at the City or at the Department level, please contact the Neighborhood Housing Division.

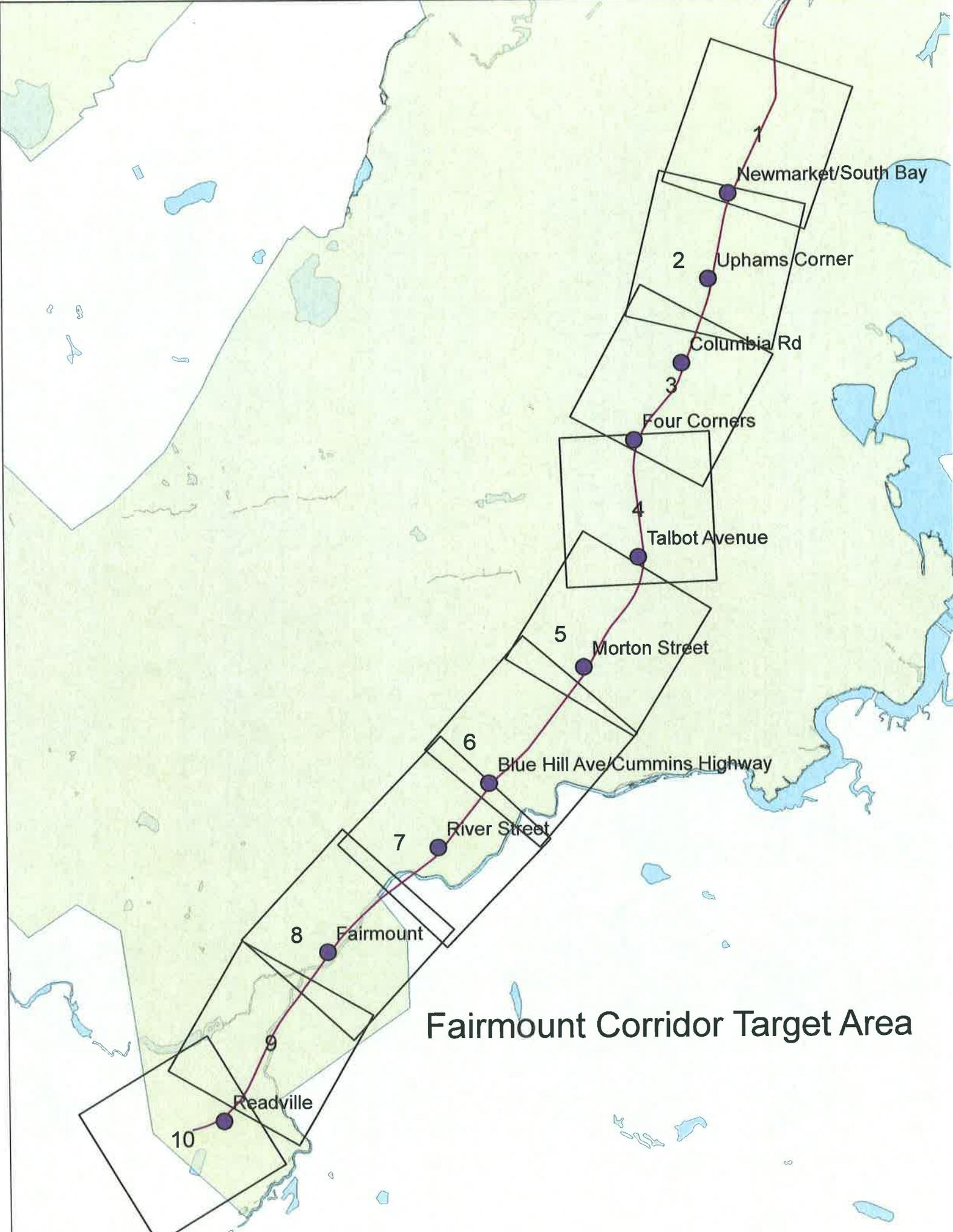
VII. Submission Requirements and Forms

See **Exhibit 4** for detail on Submission Requirements and all Form. The proposal(s) should be submitted in the following order:

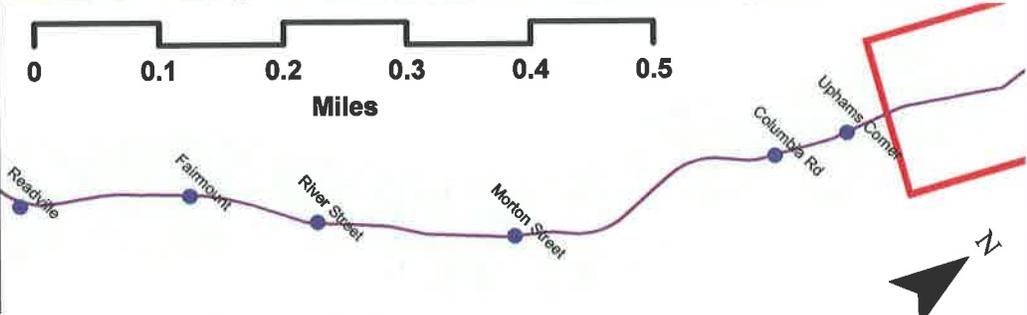
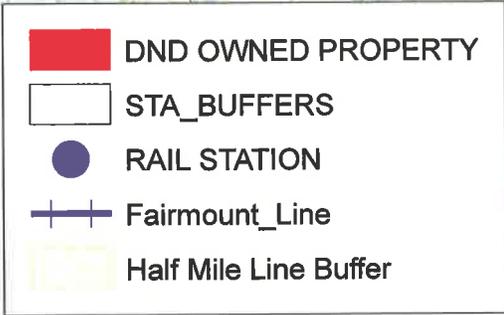
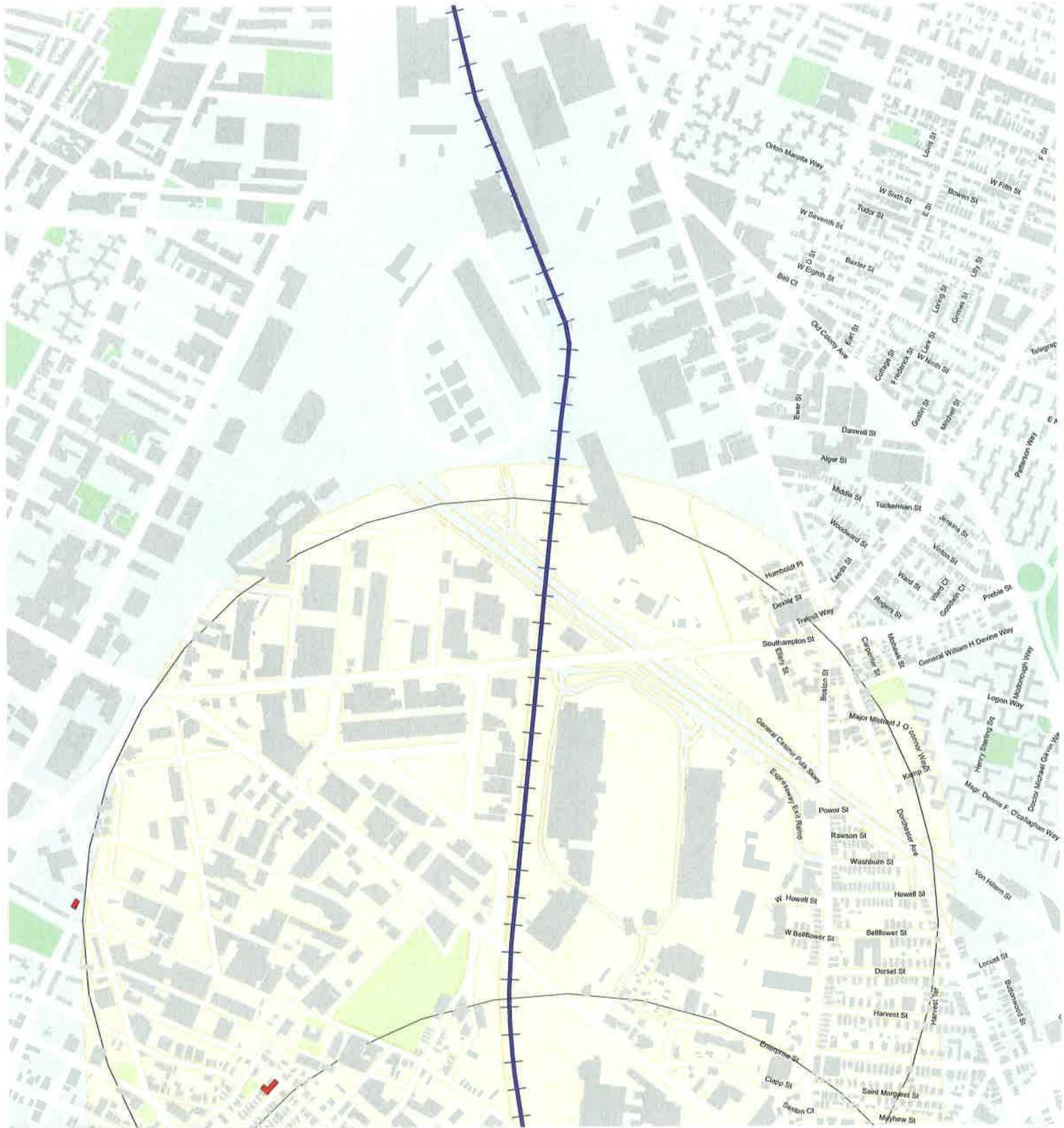
- A. Application Checklist - This list serves to assist both the Applicant and DND in assessing the completeness of the submission.
- B. Project Narrative – Applicants must submit a narrative of the project and the specific funding request. The narrative is intended to give the Applicant an opportunity to present additional information that may not be captured either in the application or in supporting submission documentation.
- C. Application **Fillable** Form and attachments –Complete all portions of the application (See Application Form Section VII for list and description of required attachments). We will accept the form filled in by hand or electronically. To fill out the form electronically, please use the Fillable form within the electronic version of this NOFA. *The NOFA is available for download at http://www.cityofboston.gov/dnd/rfp_list.asp. You will need to register electronically in order to access the NOFA and the form.*
NOTE: TO USE THE FILLABLE FORM, YOU WILL NEED TO HAVE ADOBE READER XI installed. (You can open the document with an earlier version of Reader, but it will not save the document with the information.) If you need to install the reader, you can do so here: <http://get.adobe.com/reader/>.
- D. Developer’s Affidavit of Eligibility – Complete and sign the affidavit
- E. Disclosure of Property Owned and Affidavit – Complete and sign the affidavit
- F. Conflict of Interest Affidavit – Complete and sign the affidavit
- G. City of Boston Jobs & Living Wage Ordinance – Complete and sign forms B-1 and B-3
- H. Uniform Relocation Act Forms and Instructions—Including standard Acquisition letter format

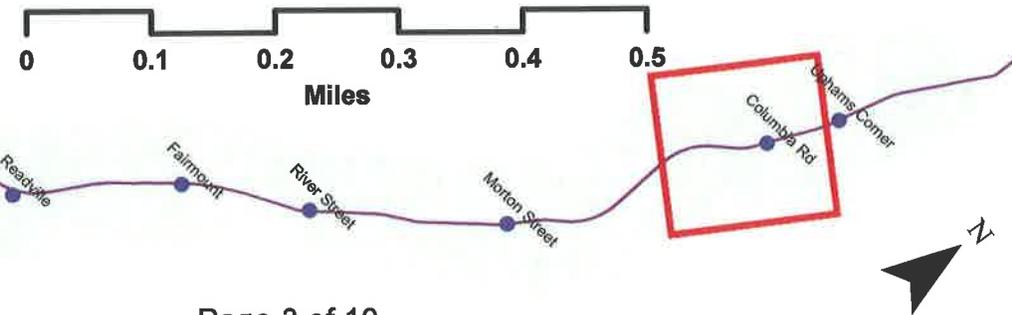
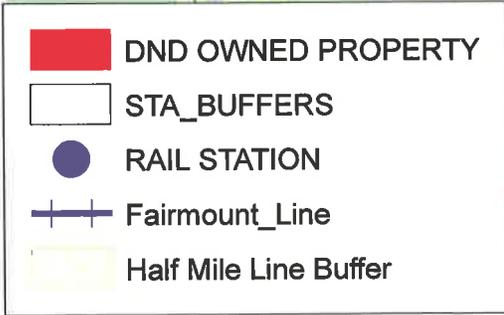
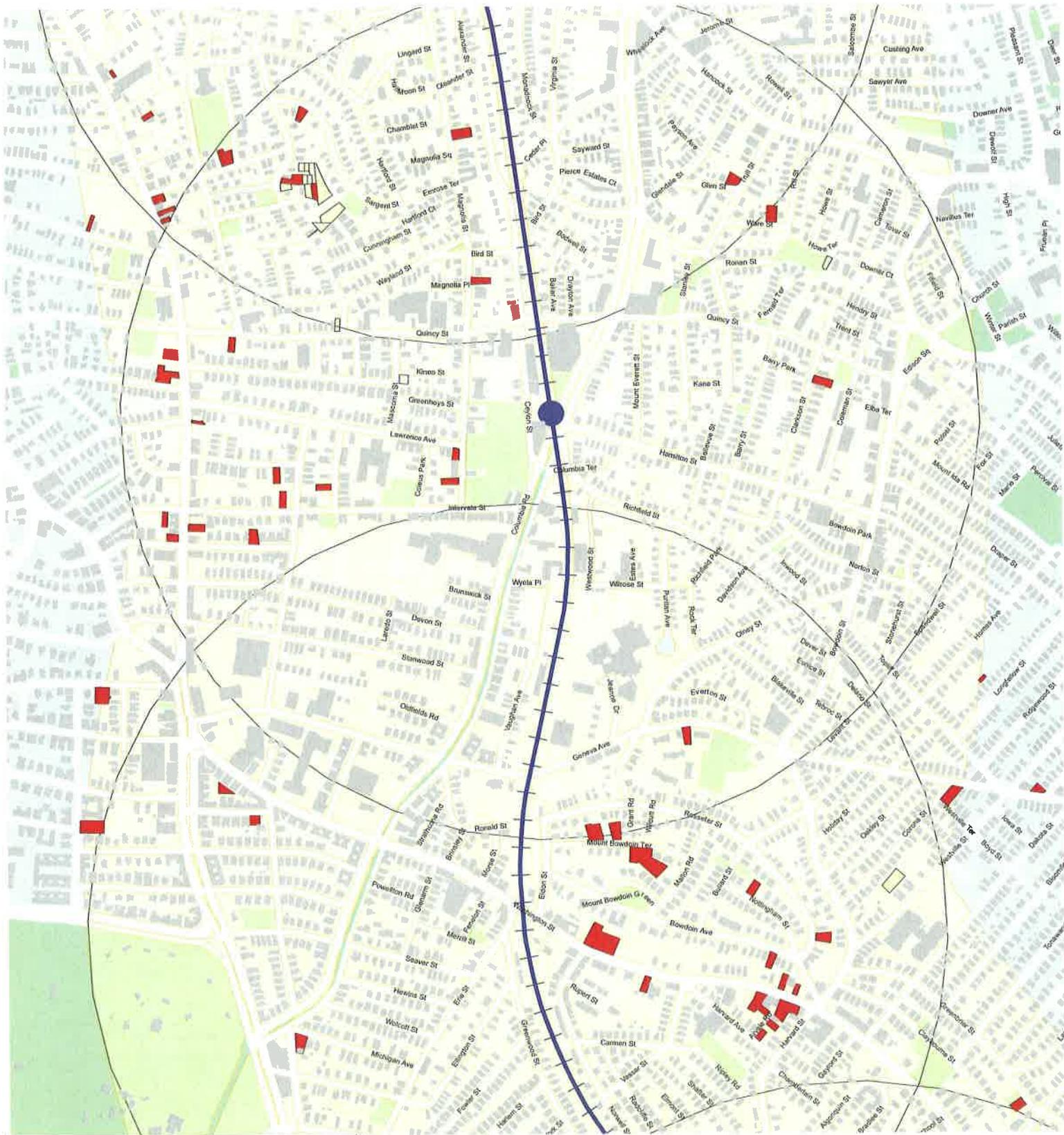
Thank you for your interest and we look forward to receiving your proposal.

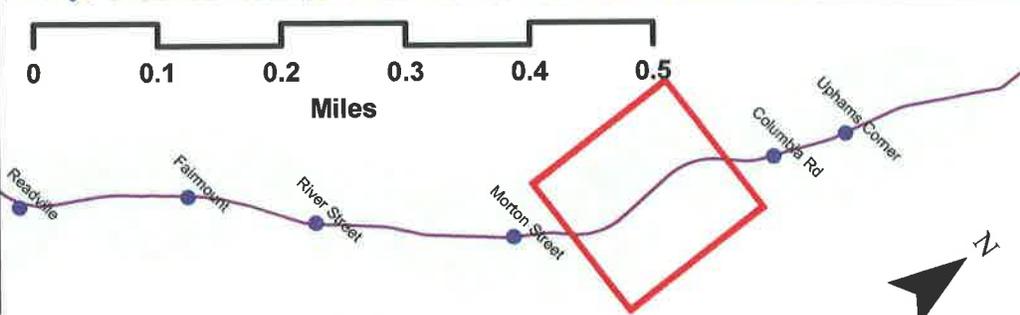
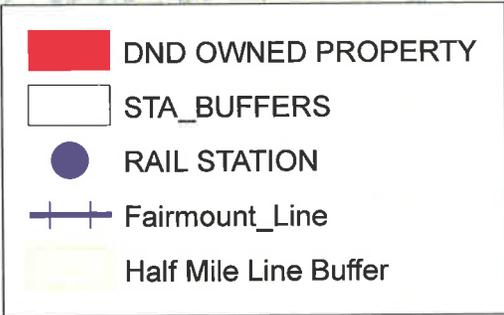
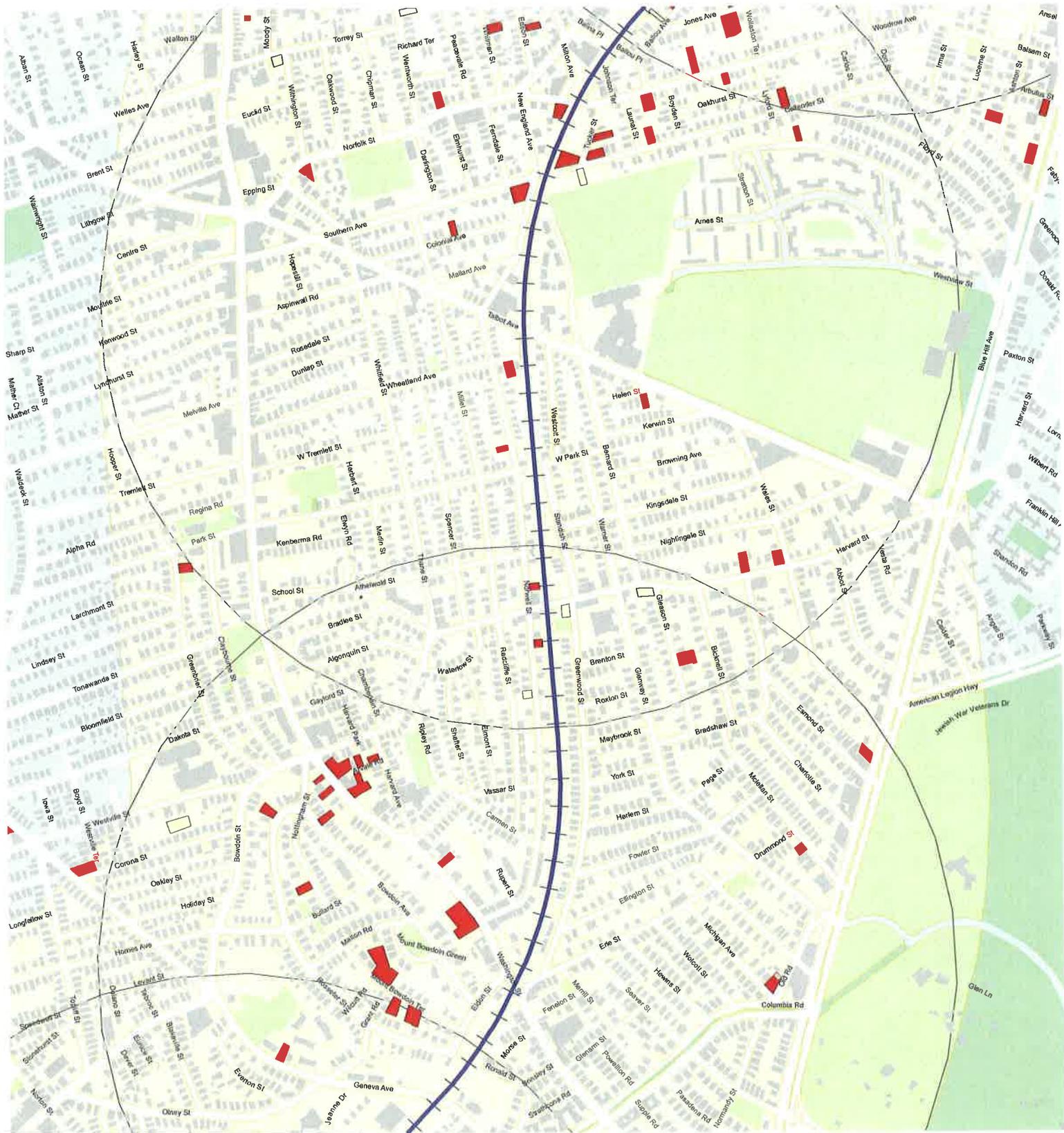
Exhibit 1
Corridor Map

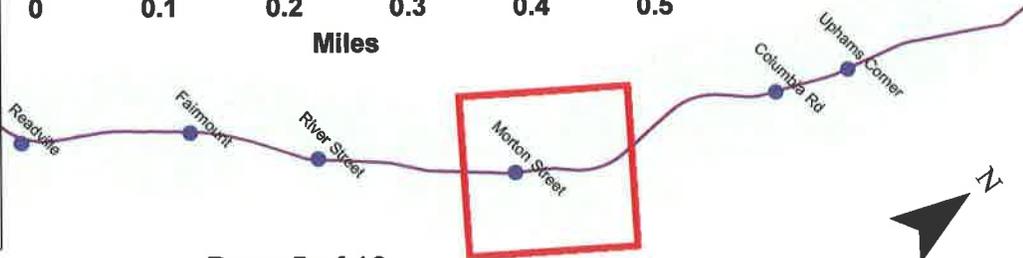
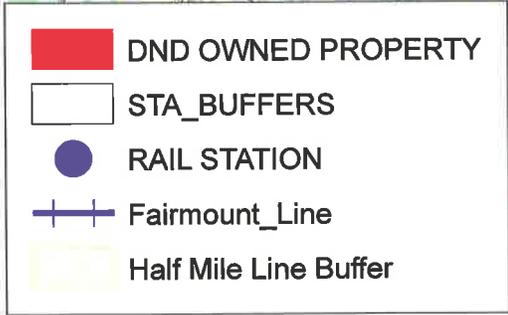
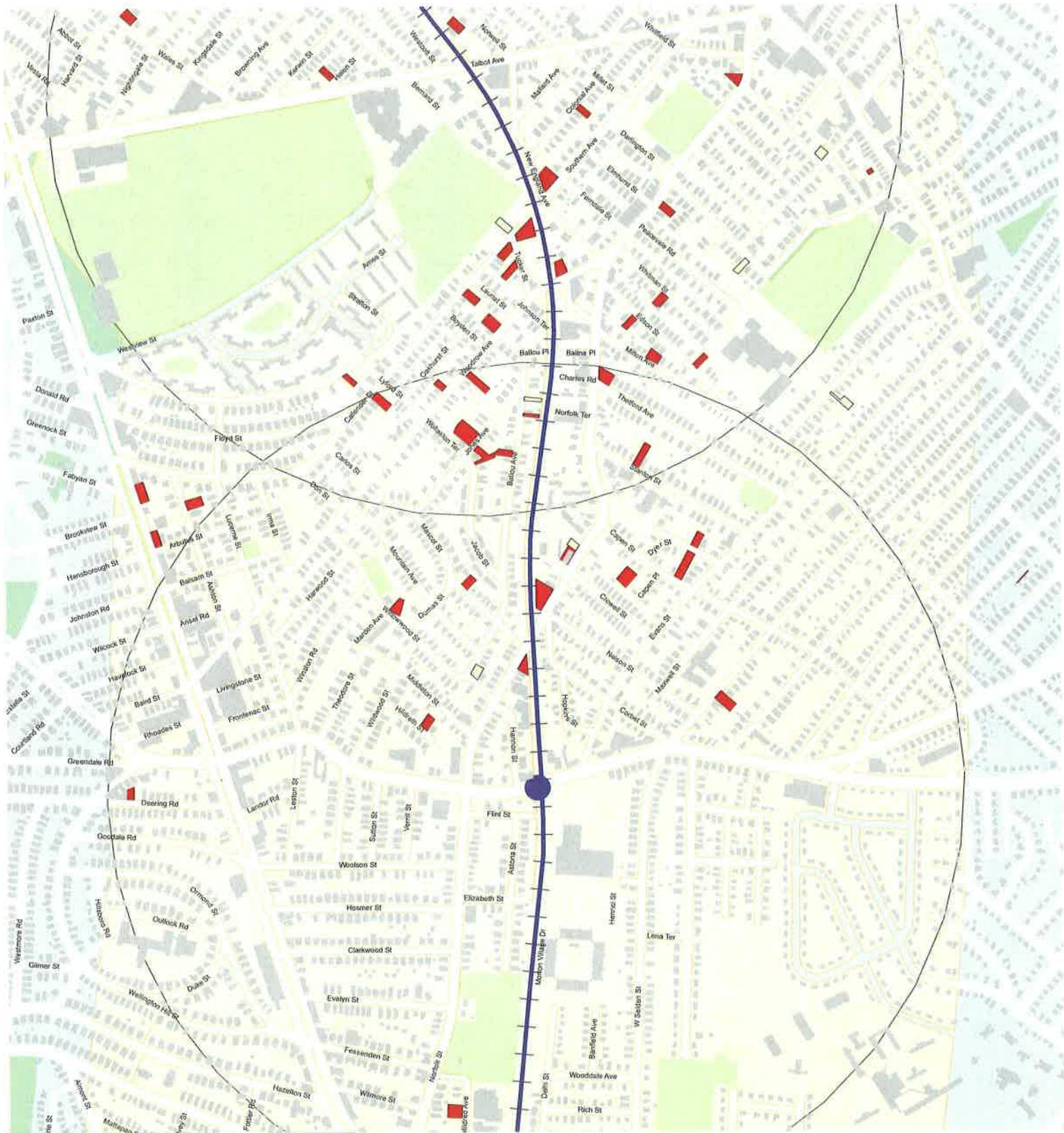


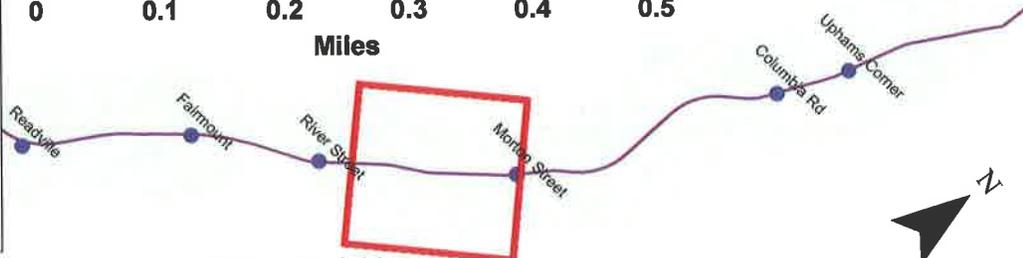
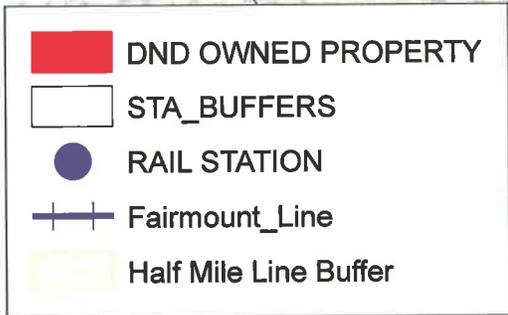
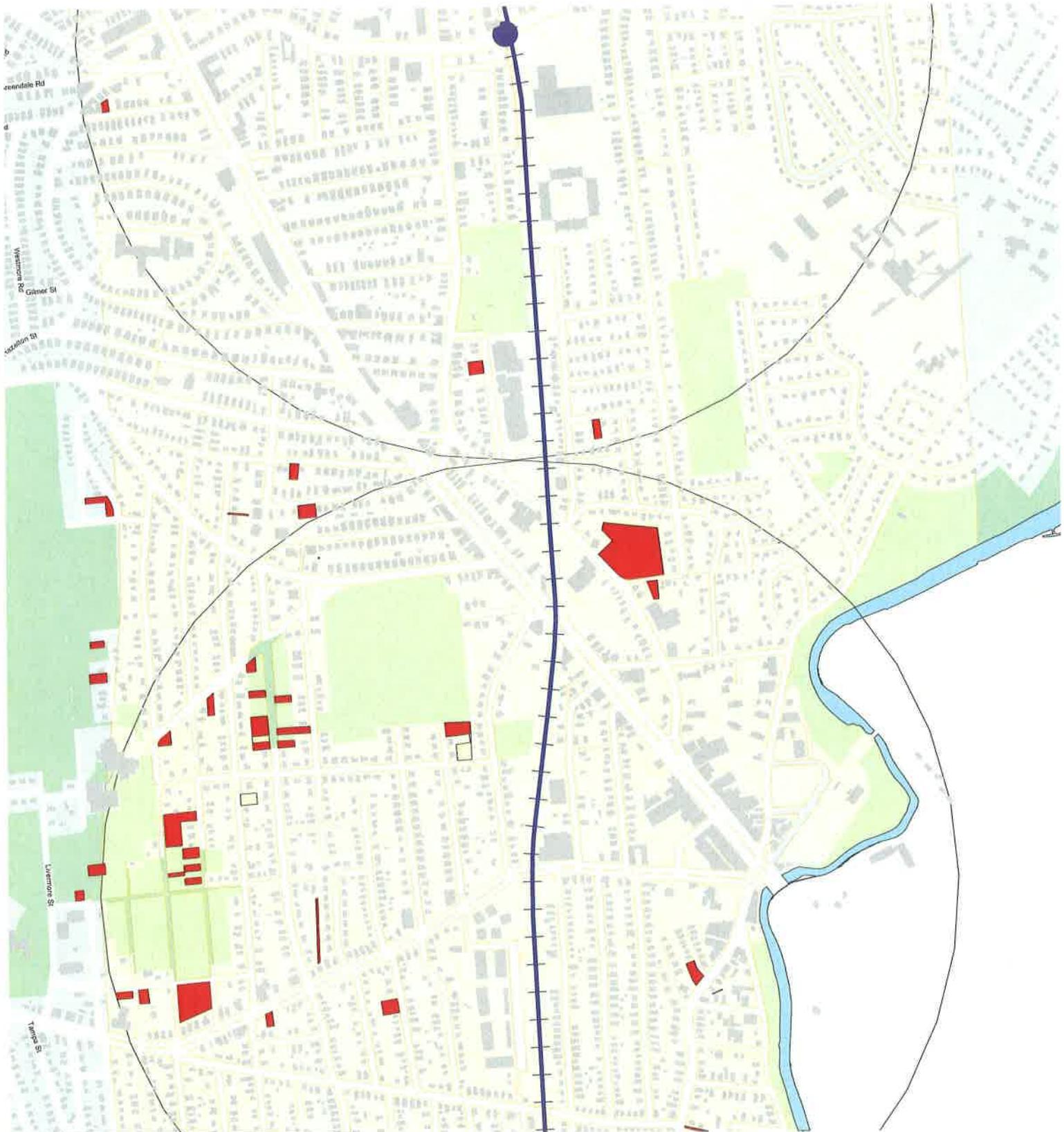
Fairmount Corridor Target Area

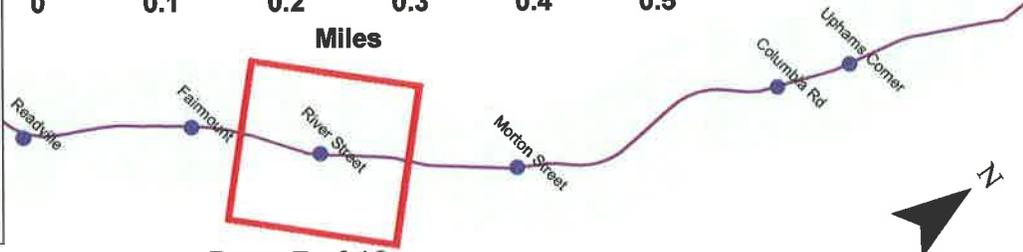
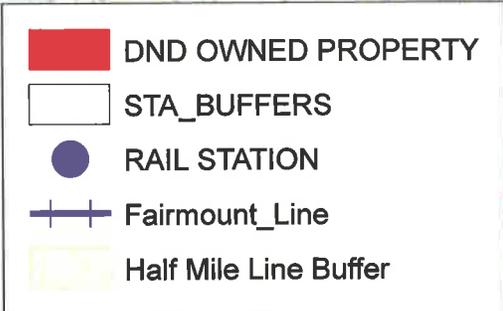
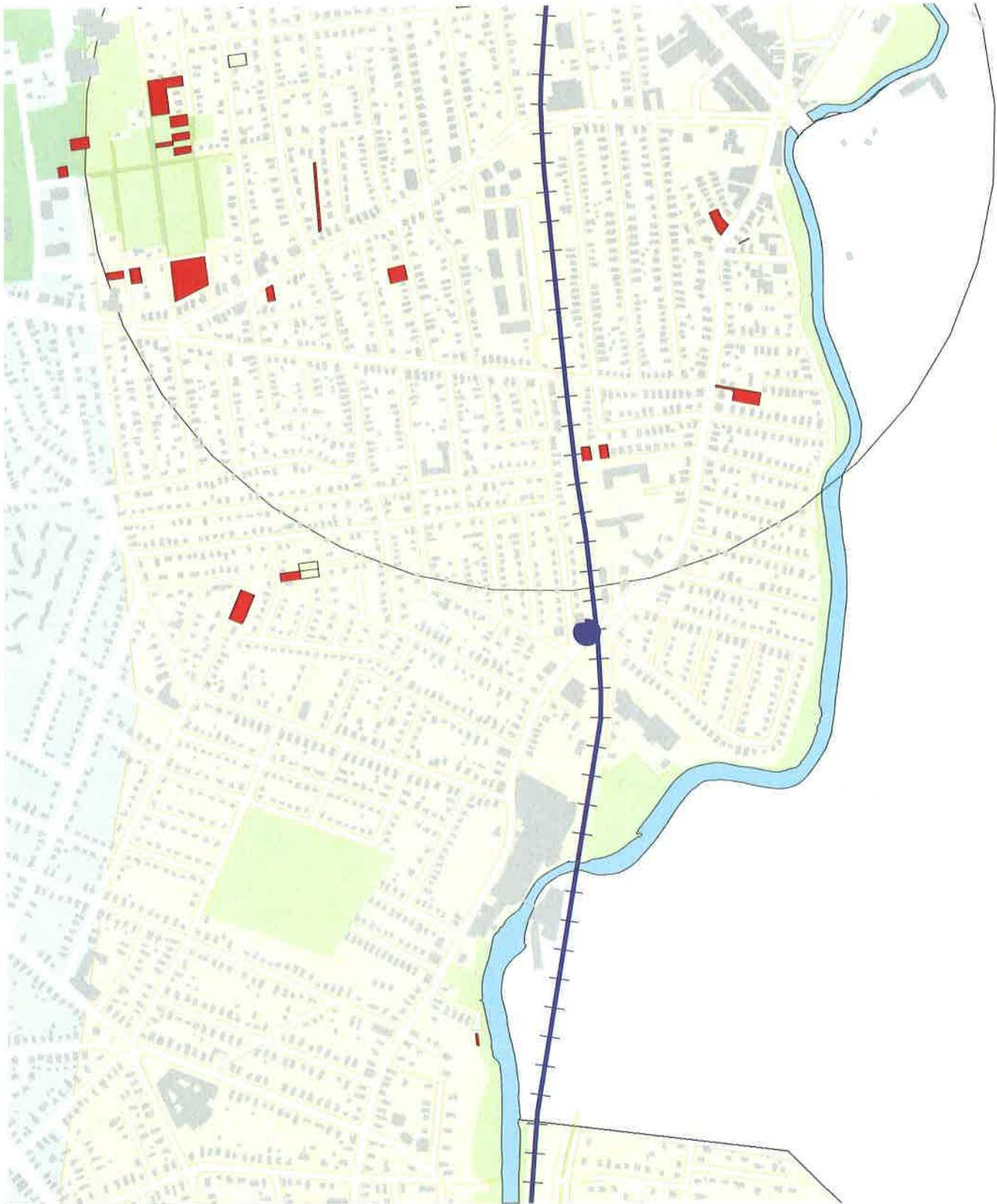


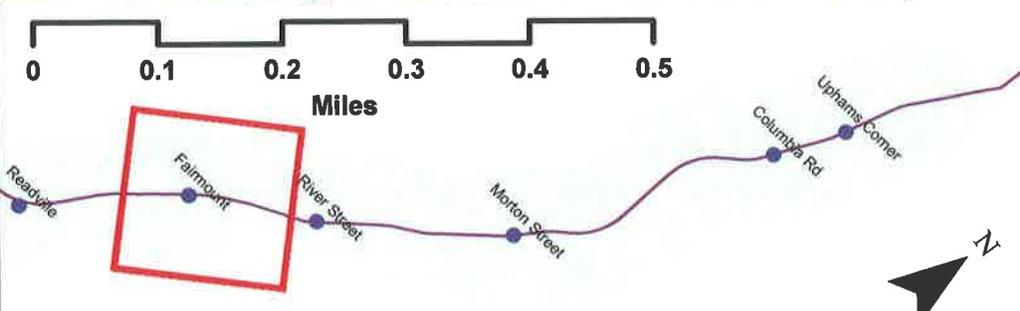
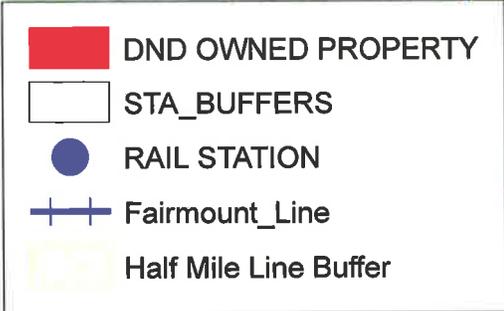
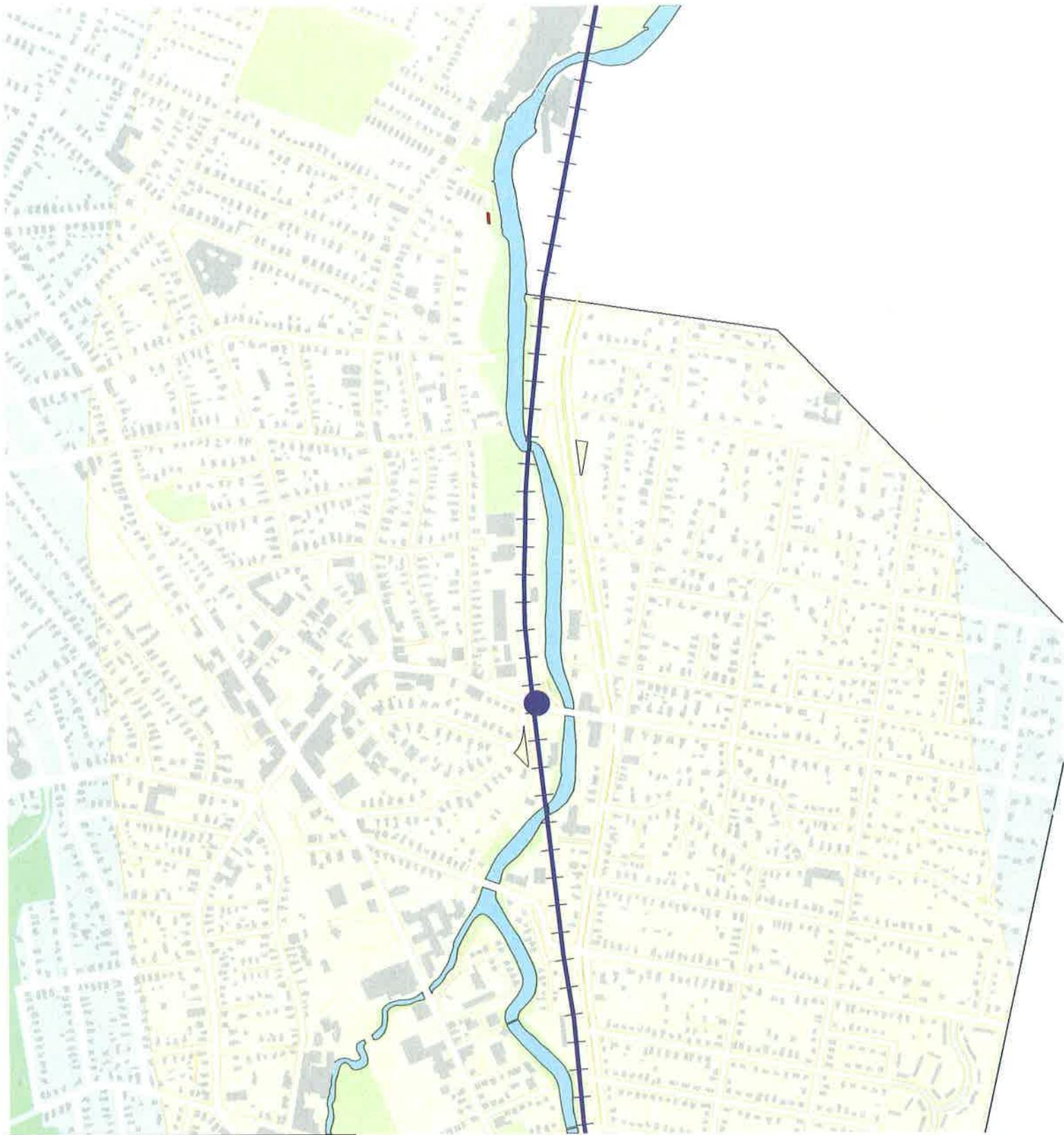


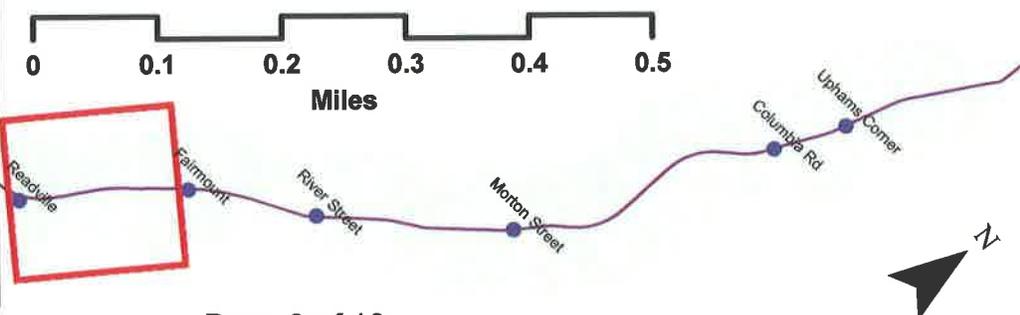
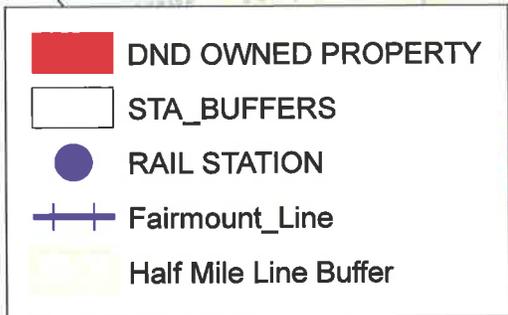
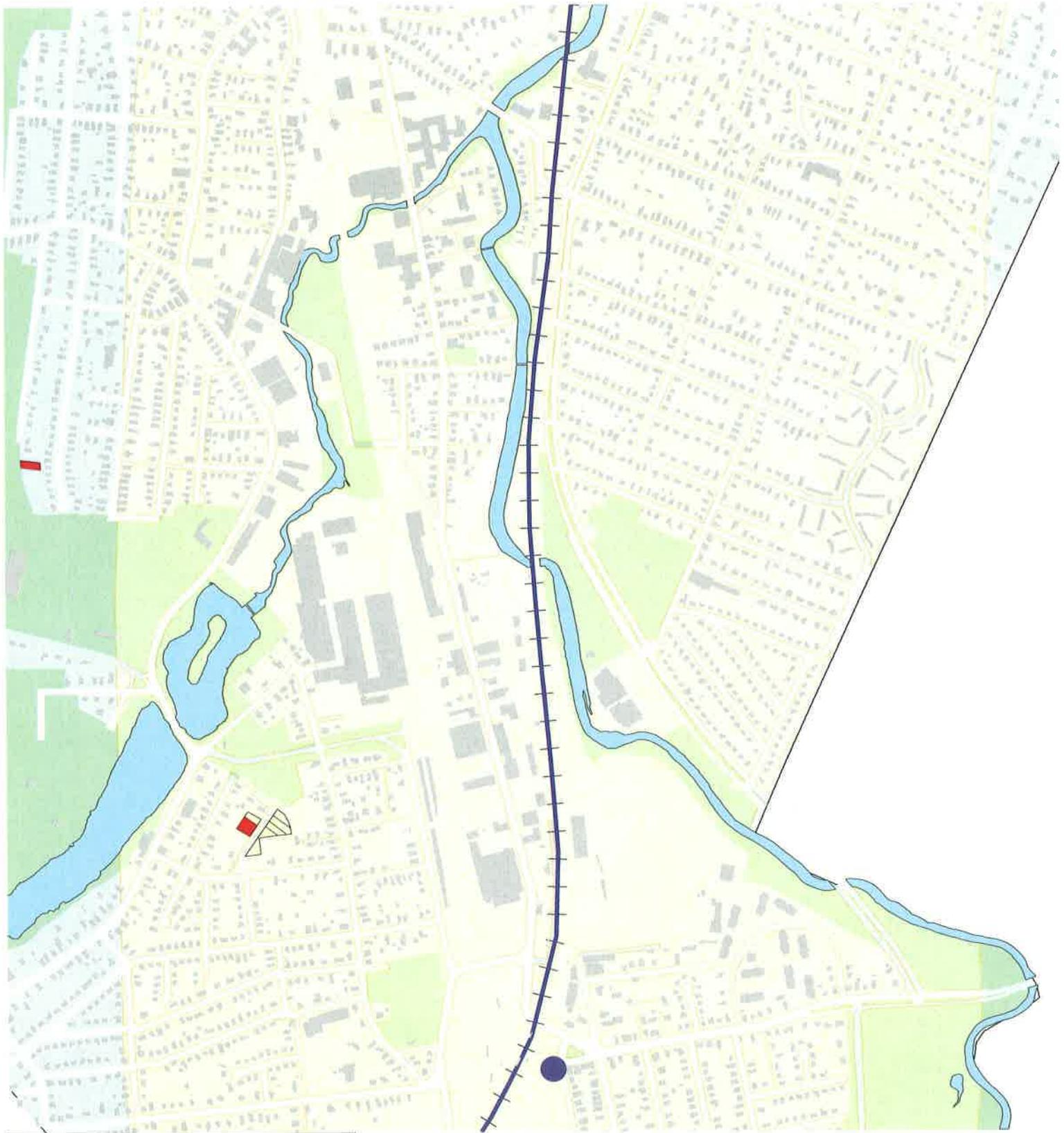












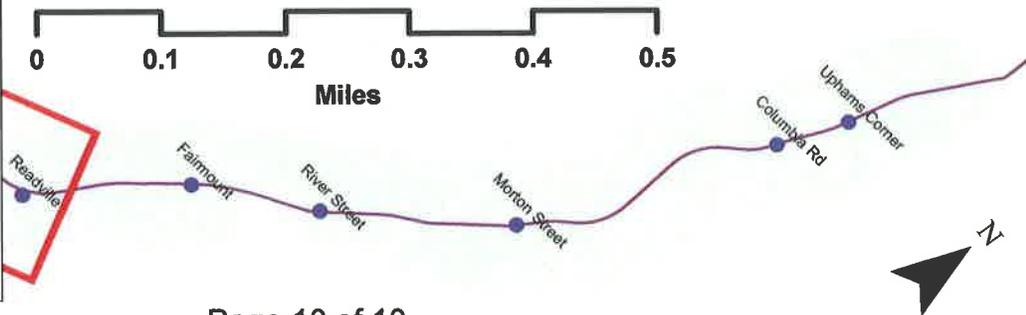
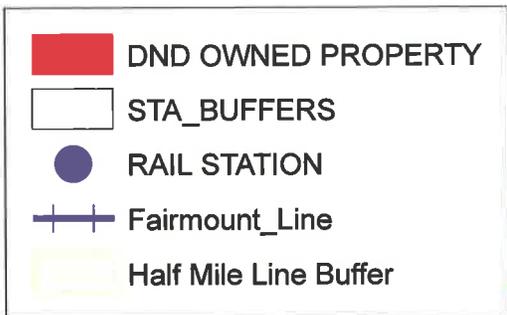
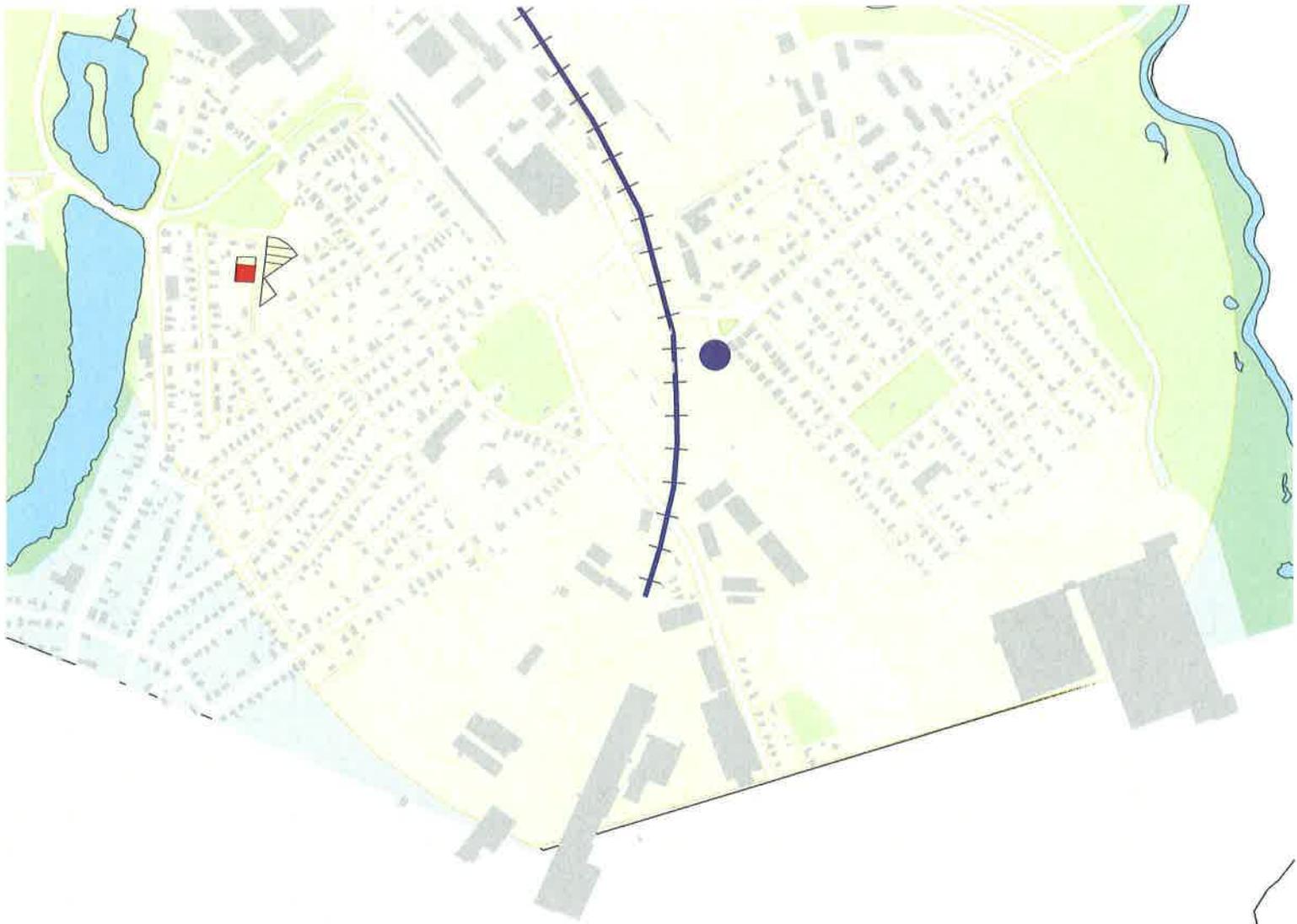


Exhibit 2

Community Challenge Grant Policy Guidance OSHC-2011-08

Community Challenge Grant Policy Guidance OSHC-2013-03



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Sustainable Housing and Communities
WASHINGTON, DC 20410-0050

| |
|--|
| Program Policy Guidance OSHC-2011-08 |
| Date: August 23, 2011 |
| Subject: Real Property Acquisition Requirements |
| Status: Current |
| Applicability: All OSHC Regional Planning and Community Challenge Grantees |
| Related Guidance: PPG 2011-05 Documentation to Submit for Environmental Clearance |
| Comments: |

Dear Sustainable Communities Regional or Community Challenge Grantee:

The Office of Sustainable Housing and Communities will require certain information in order to approve real property for acquisition using HUD grant or leveraged funds by a Sustainable Communities Regional Planning or Community Challenge grantee. A grantee may not sign a contract offering to purchase any real property until the property has been approved by the GTR unless the final sales contract is contingent on such approval. The information required includes:

1. Basic information about the property, including the address, the offer price, what portion of the price will be paid with HUD funds and leveraged funds;
2. A description of the property and the current and planned use of the property;
3. A certified appraisal of the property by a state-certified appraiser;
4. A draft of the deed restriction that will be placed on the property to ensure it will be used for the planned use, including the number of years the deed restriction will remain in place; and
5. A detailed explanation of how the purchase will advance the Livability Principles and the intent of your Regional Plan for Sustainable Development or the plan developed with your Community Challenge grant.

The Office of Sustainable Housing and Communities will only approve a property for purchase if the following conditions are met:

1. The property must be within the planning area.
2. The location of the property and its intended use must advance the Livability Principles and the plan developed under the Sustainable Communities grant.
3. The purchase price must be no more than the market price, demonstrated through a certified appraisal of the property by a state-certified appraiser.
4. A deed restriction is recorded on the property to ensure it will be used for the planned use.

In addition, the grantee must provide all the information requested in and conditions detailed in Program Policy Guidance Number 2011-05, Documentation to Submit for Environmental Clearance Before Purchasing Real Property with Grant or Leverage Funds.

Please note: In certain situations, a GTR will require additional information or additional restrictions on the property before approval.

If the property is later sold for development, the following guidelines apply:

1. The deed restriction recorded on the property must remain on the property.
2. The sale price must be no more than the purchase price when the grantee purchased the property. However, grantees are not required to recoup the entire purchase price. Any income from the sale should go toward activities that further the purpose of the planning grant in the project area.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Sustainable Housing and Communities
WASHINGTON, DC 20410-0050

| |
|---|
| Program Policy Guidance OSHC-2013-03 |
| Date: March 5, 2013 |
| Subject: Real Property Acquisition; Housing Affordability and Other Information |
| Status: Current |
| Applicability: All OSHC Regional Planning and Community Challenge Grantees |
| Related Guidance: PPG 2011-08 Real Property Acquisition Requirements PPG-2012-09 Requirements for Housing Trust Funds and Other Funds Related to Real Property Acquisition |
| Comments: |

Dear Sustainable Communities Regional or Community Challenge Grantee:

This guidance supplements PPG 2011-08, Real Property Acquisition Requirements, and PPG-2012-09, Requirements for Housing Trust Funds and Other Funds Related to Real Property Acquisition, by providing additional information regarding housing affordability requirements and other matters related to property acquisition. The policies set forth below will apply to both grant funds and matched or leveraged funds (i.e., "program funds").

Deed Restriction Requirements

A deed placed on property acquired with program funds on which the development of residential rental units is contemplated shall include the following elements:

- **Income Restrictions:** At least 20 percent of the units shall be reserved for households with incomes of 50 percent or less than the area median income (AMI) OR at least 40 percent of the units shall be reserved for households with incomes of 60 percent or less than the AMI.
- **Period of Affordability:** Shall be no shorter than 30 years.

Grantees contemplating the use of program funds to acquire properties for the use of for-sale residential units should contact their GTR to discuss applicable requirements.

Grantees that intend to acquire property using program funds to be developed as a use other than housing, will need to place a deed restriction on the property committing to a minimum use period of at least five (5) years. Subsequent use of the property should also be consistent with program objectives.

A grantee may request a waiver for the above requirements from its Grantee Technical Representative (GTR). The GTR may grant a waiver if the GTR finds there is a reasonable basis to grant such a waiver that is consistent with program objectives.

Pre-Development Costs

The use of program funds for pre-development expenses is an eligible activity. Program funds may be used for pre-development costs for future developments on a property that will ultimately be acquired with either program or non-program funds. If the property will be acquired with non-program funds and program funds will only be used for pre-development costs, a grantee is not required to place a deed restriction on the target property. However, the use of program funds for pre-development costs does require a limited 24 CFR Part 50 environmental review for the target property. The environmental reviews for acquisition activities will consider all related components of a project and not just the acquisition (see Program Policy Guidance 2013-03 on Environmental Clearance.) Grantees should contact their GTRs for further information on the environmental review process in connection with pre-development activities.

Examples of allowable pre-development or pre-construction expenses include, but are not limited to the following:

- Architectural, engineering, or related professional services required to prepare plans, drawings, specifications, or work write-ups.
- Legal fees
- Property Surveys
- Relocation expenses
- Environmental reviews

Relocation

The relocation requirements under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601) covers any person who moves permanently from real property or moves personal property from real property as a direct result of acquisition, rehabilitation, or demolition for a program or project receiving HUD assistance.

Information and resources pertaining to real property acquisition and relocation for HUD-funded programs and projects are available on HUD's Real Estate Acquisition and Relocation website at <http://www.hud.gov/relocation>. The website contains applicable laws and regulations, policy and guidance, publications, training resources, and a listing of HUD contacts to answer questions or otherwise provide assistance.

Clarification on Eligible Use of Funds

Program funds will not be allowed for any uses outside of predevelopment costs, a purchase option or acquisition. Grantees will not be allowed to escrow program funds.

Grant funds are considered expended at the point at which the Housing Fund strategy has been approved by the GTR and the fund established. Every effort should be made to complete acquisition(s) of property prior to the end of the period of performance under the OSHC grant.

Exhibit 3

Community Challenge Grant Policy Guidance OSHC-2013-02

DND Environmental Data & Project Information Form for FCALF



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Sustainable Housing and Communities
WASHINGTON, DC 20410-0050

| |
|--|
| Program Policy Guidance OSHC 2013-02 |
| Date: March 4, 2013 |
| Subject: Documentation to Submit for Environmental Clearance Before Purchasing Real Property with Grant or Leverage Funds |
| Status: Current |
| Applicability: All OSHC Grantees |
| Related Guidance: Replaces Policy Guidance 2011-05 |
| Comments: |

Dear Sustainable Communities Regional or Community Challenge Grantee:

This guidance document describes the documentation grantees must submit for environmental clearance before purchasing property with grant or leverage funds. Before HUD approval of the property, grantees may not undertake any activities on the proposed property that have a physical impact or limit the choice of alternatives (such as executing a legally binding agreement to purchase the property). **Any such activities on or regarding the property before approval will prohibit the grantee from spending any grant or leverage funds on the property in the future.**

It is permissible for a grantee to enter into an "option agreement" with the seller of a property prior to environmental clearance. Execution of an option agreement signifies the seller's willingness to remove the property from the market for an agreed period of time, and the agreement *must* stipulate that the grantee's willingness to proceed with acquisition of the property is subject to a determination by the grantee on the desirability of the property for the project as the result of the completion of the environmental review. The finding of the review must show the property is desirable for its intended use by the grantee. The cost of the option must only be a nominal amount of the purchase price.

Information to Submit

Grantees need to provide the following information before HUD can approve the purchase of real property with grant or leverage funds:

1. Property Name and Location.

2. Description of the Property and Existing Conditions and Trends. Include the current use of the property, the current condition of the property, its surroundings, and trends in the surrounding area likely to continue if the proposed project is not implemented. In describing the current condition of the property please make note of factors such as whether the land is

developed, where there has been previous significant ground disturbance, and if any brownfields are involved.

3. Estimated Total Cost of Project. Please provide a rough estimate of the total cost of the project. At a minimum, include the amount of grant funds and the cost of the activities associated with acquisition. Also, provide the amount of any additional funding for the project, to the extent known.

4. Project Description and Subsequent Use. Describe what the project entails. Towards what is the funding going? What is envisioned for the project? What actions does the project involve? If a physical activity is involved, please provide a physical description of the project including what will be built (location, size, depth, etc.). Include, to the extent known, all actions within the entire project scope, including any known reuse. The entire project, including the reuse will be considered in the environmental review. Factors that indicate that the future site reuse can reasonably be considered to be known include the following:

- (a) Private, Federal, state, or local funding for the site reuse has been committed;
- (b) A grant application involving the site has been filed with the Federal government or a state or local unit of government;
- (c) The Federal government or a state or unit of local government has made a commitment to take an action, including a physical action, that will facilitate a particular reuse of the site;
- (d) Architectural, engineering, or design plans or other planning documents for the reuse exist that go beyond preliminary stages;
- (e) The proposed reuse of the property is part of a design, plan, or strategy, along with other projects or activities, that accomplishes a single goal.

If any of the above is true, please explain or describe and provide the relevant documentation for review. In addition, please explain if (a) other projects or activities are necessary for implementing the proposed reuse of the property, (b) completion of the reuse will result in redevelopment of or have significant impacts upon other areas, or (c) the reuse is linked to other actions.

5. Statement of Purpose and Need. [40 CFR 1502.13] The underlying purpose and need to which the grantee is responding in proposing the proposed action and its alternatives. Describe how the proposed action is intended to address housing and/or community development needs.

6. Direct and Indirect Effects of Purchase. Direct effects are those caused by the purchase and subsequent use, and occur at the same time and place. Indirect effects are those caused by the purchase and subsequent use, and are later in time or farther in distance, but still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

7. Analysis of Cumulative Impacts. The impact on the environment which results from the incremental impact of the purchase when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person

undertakes such other actions. Cumulative impacts result from individually minor but collectively significant actions taking place over time.

8. Alternatives to the Proposed Purchase.

a. *Alternatives and Project Modifications Considered.* Identify other reasonable actions considered and not selected, such as another site, design modifications, or another use of the site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.

b. *No Action Alternative.* Discuss the benefits and adverse impacts to the human environment of not purchasing the proposed property.

c. *Recommended Mitigation Measures.* Recommended feasible ways in which the proposal should be modified to minimize adverse environmental impacts and restore or enhance environmental quality.

9. Any Additional Studies Performed.

In addition, the grantee must submit documentation that the project complies with the following authorities:

10. Coastal Zone Management (Coastal Zone Management Act, § 307(c)&(d)).

Federal assistance to grantees for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved state Coastal Zone Management Act plans. The grantee should provide one of the following types of documentation:

a. A general location map or statement establishing there are no coastal zone management areas in the community or state;

b. A map or a statement from the local planning department or state coastal commission or district as evidence the project is not in a coastal zone management area; or

c. A "Federal Consistency Determination" from the state coastal commission or district.

11. Coastal Barrier Resources System (Coastal Barrier Resources Act 16 USC 3501)

HUD funds cannot be used for activities proposed in the Coastal Barrier Resource System.

Grantees must verify their projects are not located in an area that is part of the Coastal Barrier Resources System and must provide one of the following types of documentation:

a. The grantee states that its program operates in an area or community that does not contain any shores along the Atlantic Ocean, Gulf of Mexico, or the Great Lakes or

b. The grantee provides HUD with a finding made by a qualified source based upon the official maps issued by the U.S. Fish and Wildlife Service (FWS) or the flood insurance rate maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) stating that the grantee's proposed property or project is not located within designated coastal barrier resources. The grantee must cite the map panel number.

12. Floodplain Management (24 CFR Part 55, E.O. 11988) The grantee should provide one of the following types of documentation:

a. Evidence showing that the proposed action is not within a special flood hazard area mapped by FEMA. The project location must be indicated on an official FEMA map;

b. If the proposed action is within a special flood hazard area mapped by FEMA, but the decision making process does not apply because of an exception, documentation that the decision making (8-step) process is not applicable (see 24 CFR 55.12 (b) or (c)).

c. If the proposed action is within a special flood hazard area mapped by FEMA, and the decision making process applies, HUD will have to perform this process, which involves two public comment periods. Please work with HUD early on to avoid delays.

13. Historic Preservation (36 CFR Part 800).

Federal law and regulations require that projects receiving federal financial assistance, permit or license undergo a review to assess the impact of the project on historic properties. Known as Section 106 review, the process is a collaborative consultation that aims to avoid, minimize, or mitigate possible adverse effects to historic properties (historic buildings, districts, archeological sites, and/or historic properties of religious and cultural significance to Indian tribes and Native Hawaiian organizations). The consulting parties in the review include the grantee and State Historic Preservation Officers (SHPOs), and may also include Tribal Historic Preservation Officers (THPOs) and tribal leaders, local governments, historical groups, other parties with demonstrated interest, the general public, and the federal Advisory Council on Historic Preservation. HUD delegates the responsibility to conduct the Section 106 review to grantees, with the exception of tribal consultation. Under a few circumstances, outlined in the delegation memo, HUD reenters the consultation process, including when a project will have an adverse effect on historic properties. A grantee may hire a qualified preservation professional to help plan a project and/or conduct the Section 106 review.

The Section 106 process consists of four steps: 1) Initiate consultation; 2) Identify and evaluate historic properties; 3) Assess effects; and, 4) Resolve adverse effects. The Section 106 process is described at

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/atec.

At each stage, the grantee makes a finding and seeks concurrence from consulting parties. The grantee should build consultation timeframes (which may stretch to many months in a project with adverse effects) into the project schedule. And if archeological properties are anticipated, the grantee may need to conduct an archeological survey.

If a project involves new construction or other ground disturbance, or potential impacts to cultural properties of significance to Indian tribes, consultation with Indian tribes is required. HUD will initiate consultation with tribes based on information provided by the grantee, and it may take months to complete. Grantee should provide HUD with information on previous ground disturbance and known archeological sites (obtained from SHPO and/or local sources.) If a project will occur on or affect lands owned by federally-recognized Indian tribes, consult with HUD environmental staff for additional guidance.

The Section 106 process results in one of three possible findings and the grantee should provide the relevant type of documentation as outlined below.

a. "No Historic Properties Affected." A letter from the State Historic Preservation Officer (SHPO) that concurs with the grantee's finding that there are "no historic properties affected"

based on the grantee's description of the project and the Area of Potential Effect (APE), steps taken to identify historic properties, and the basis for determining that no historic properties are present or affected. If the SHPO has not responded to the grantee request for concurrence within 30 days, document the date the SHPO received the request;

b. "No Adverse Effect." A letter from the SHPO that concurs with the grantee's finding of "no adverse effect on historic properties," based on the documentation in (a), as well as the project's effects on historic properties, why the adverse effect criteria were not applicable, and copies or summaries of any views provided by consulting parties and the public;

c. "Adverse Effect." A letter from the SHPO that concurs with a finding of "adverse effect," based on the grantee's description provided in the documentation described in (a) and (b). If the grantee determines that a Memorandum of Agreement (MOA) must be executed by HUD and consulting parties to resolve adverse effects, provide a draft copy of the MOA to HUD with the documentation leading to that conclusion and evidence of consultation and consult further with HUD to finalize the MOA.

Any time there is disagreement among the consulting parties in the Section 106 process, the grantee shall seek assistance from HUD environmental staff and provide them with the reasons for the disagreement(s), including all of the information the grantee sent to the SHPO.

14. Noise Abatement (24 CFR Part 51 Subpart B). The grantee should provide one of the following types of documentation:

- a. Documentation that the project is not within 1,000 feet of a major roadway, 3,000 feet of a railroad, or 15 miles of a military or FAA-regulated civil airfield;
- b. If the project is new construction or rehabilitation within the distances in (a),
 - noise assessment showing the noise level is "Acceptable" (at or below 65 DNL), including data sources and calculations;
 - if within the distances in (a) and the noise level is "Normally Unacceptable," a noise assessment with mitigation calculations;
- c. Documentation that the project is within the distances in (a) but is an existing structure or structures with no planned rehabilitation;
- d. If the project is rehabilitation within the distances in (a) and the noise level is "Unacceptable," documentation that converting the property to a non-residential use compatible with high noise levels was considered.
- e. If the project is new construction within the distances in (a) and the noise level is "Unacceptable," an Environmental Impact Statement (EIS) must be written by HUD. The grantee shall provide all data, documentation, and any necessary studies to complete the EIS. The anticipated timeline for completion of an EIS is 18 months.

(Note: a waiver of the EIS may be granted at the discretion of the Assistant Secretary for Community Planning and Development if there are no outdoor, noise-sensitive uses and no other environmental issues. The grantee shall provide sufficient documentation to prove the waiver criteria have been met. The structure must provide sufficient attenuation to achieve the interior goal of 45 dB. The anticipated timeline for an EIS waiver is 3 months.)

15. Hazardous Operations (24 CFR Part 51 Subpart C). The grantee should provide one of the following types of documentation:

- a. Documentation from local authorities and/or aerial photos that show no stationary aboveground storage tanks containing flammables or combustibles are within one mile of the project; or
- b. If tanks are within one mile, and project does not meet the Acceptable Separation Distance in accordance with the regulations standards, documentation should include that there is an effective barrier (natural or man-made), the calculations that support (if that is the case) an acceptable separation distance, using HUD calculation methodology (using the procedures set forth in the Regulation or in the ASD Guidebook), for people and buildings, or a detailed description of the mitigation design to protect people and buildings; or
- c. A statement that the project does not involve rehabilitation/modernization or new construction, or involves only rehab that will not result in an increased number of people being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable.

16. Airport Hazards (24 CFR Part 51 Subpart D). It is HUD policy to apply standards to prevent incompatible development around civil airports and military airfields. Projects within 15,000 feet of a military airport or 2,500 feet of a civilian airport should be evaluated for the potential for airport hazards. Special restrictions apply to projects located within Runway Protection Zones/Clear Zones (RPZ/CZ), areas immediately beyond the ends of runways as defined by FAA regulations, and Accident Potential Zones (APZ), areas at military airfields beyond the Clear Zones as defined by Department of Defense. The grantee should provide the following documentation:

- a. A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport;
- b. If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so;
- c. If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ/CZ or a letter from the airport operator stating so;
- d. If the site is in a designated APZ, documentation of consistency with DOD Land Use Compatibility Guidelines; or
- e. If the site is in a designated RPZ/CZ, a signed copy of Notice to Prospective Buyers. HUD assistance may NOT be used at this location if project involves substantial rehabilitation or activities that would significantly prolong the physical or economic life of existing facilities that will be frequently used or occupied by people. HUD assistance may be used for existing properties proposed for acquisition or lease with or without minor rehabilitation or repair. Written notice must be provided to prospective buyers to inform them of potential hazards. (See Sample Notice to Prospective Buyers.)

17. Protection of Wetlands (E.O. 11990). New construction in wetlands will not be approved. The grantee should provide one of the following types of documentation:

- a. Evidence the project does not include new construction or expanding the footprint of an existing building or other improvements such as a parking lot; or

b. Evidence any new construction will not occur in a designated wetland or expand the footprint of a building or other improvements into a wetland or result in adverse impacts to a wetland (e.g. grading that drains the wetland or directs contaminated runoff toward the wetland).

18. Toxic Chemicals & Radioactive Materials (24 CFR 50.3(i)). The grantee must provide:

- a. A Phase I ESA, prepared in accordance with the ASTM Standard E 1527-05, as amended.
- b. If the Phase I ESA concludes that recognized environmental conditions are present, a detailed Phase II ESA by an appropriate professional. If the Phase II ESA reveals site contamination, the grantee should contact HUD for further discussion and guidance.

19. Other § 50.4 authorities (e.g., endangered species, sole source aquifers, farmlands protection, wild and scenic rivers, environmental justice).

- a. **Endangered Species:** A list of threatened and endangered species in the project area, an explanation of the project's potential effects on listed species, if any, and a recommendation as to the project's effects on listed species: No Effect, Not Likely to Adversely Affect, or Likely to Adversely Affect. (*Note: If consultation with the U.S. Fish and Wildlife Service is required, it must be done by HUD, and it could lengthen the time it takes for HUD to complete the environmental review.*)
- b. **Sole Source Aquifers (SSA)** (Sole Source Aquifers 40 CFR Part 149): Aquifers are underground geological formations that yield a significant amount of water to a well or spring used for drinking water. The U.S. Environmental Protection Agency (EPA) defines a sole or principal source aquifer as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. The grantee should provide one of the following types of documentation:
 - i. A copy of the EPA "Designated Sole Source Aquifer" map showing the project is not within the boundaries of an SSA;
 - ii. Documentation from EPA that the project is not a regulated activity within the boundaries of an SSA; or
 - iii. Documentation that EPA has reviewed and commented on the proposed action within an SSA.
- c. **Wild and Scenic Rivers:** Evidence the project is not within one mile of a designated Wild, Scenic, or Recreational river, or documentation that the grantee made contact with the Federal or state agency that has administrative responsibility for management of the river and that the proposed action will not affect river designation or is not inconsistent with the management and land use plan for the designated river area.
- d. **Farmland Protection:** Evidence that the proposed site is already in or committed to urban development, evidence that the proposed site is not "Important Farmland" regulated under the Farmland Protection Policy Act, or Form AD-1006, "Farmland Conversion Impact Rating." Complete Parts I, III, VI, and VII of form AD-1006. The Natural Resources Conservation Service (NRCS) will complete Parts II, IV, and V of the form. Part VII combined scores from sections I, II and III that are over 160 points require the evaluation of

at least one alternative project site. NRCS has 45 days to make a determination. NRCS will return form AD-1006 to you.

- e. **Environmental Justice** (E.O. 12898). The grantee must provide one of the following:
- i. Evidence the project will not create an adverse environmental impact or aggravate an existing impact;
 - ii. If the project creates an adverse impact, evidence that the project is not in an Environmental Justice (EJ) Community of Concern, meaning
 - The median income of the neighborhood exceeds 60 percent of the Area Median Income, AND
 - The residents of the neighborhood do not consist of minorities in an appreciably higher percentage than the minority population of the jurisdiction as a whole;
 - iii. If the project has an adverse impact and is in a Community of Concern, evidence that the project does not disproportionately affect the minority or low-income residents; or
 - iv. If the finding is that the project site is in a Community of Concern and that there will be a disproportionate, adverse impact on the residents, documentation on how the adverse impact will be eliminated or that the project will be moved to a site that will not raise environmental justice concerns;

20. In addition, the proposed property and its use must align with the plan developed or being developed in the Regional Planning or Community Challenge planning process. The grantee must provide a letter stating that the proposed property and its use aligns with the plan.

Please note: In certain situations, a GTR or Environmental Officer will require additional documentation.

Exhibit 4

Submission Requirements and Forms

A. APPLICATION CHECKLIST

- (A) Application Checklist
- (B) Project Narrative
- (C) Application Form and Attachments (*see Application Form Section VII for full detail on attachments listed below*)
 - (C-1) Attachment 1 – Project Overview
 - (C-2) Attachment 2 – Feasibility/Marketability
 - (C-3) Attachment 3 – Acquisition Information
 - (C-4) Attachment 4 – Development Team Information
 - (C-5) Attachment 5 – Sources of Funds
- (D) Developers Affidavit of Eligibility
- (E) Disclosure of Property Owned and Affidavit
- (F) Conflict of Interest Affidavit
- (G) City of Boston Jobs & Living Wage Ordinance
 - Form B-1
 - Form B-2
 - Form B-3
- (H) Uniform Relocation Act Forms & Instructions

B. Project Narrative

(Developer to Submit)

C. Application Form

**C. APPLICATION
FOR
FAIRMOUNT CORRIDOR
ACQUISITION LOAN FUND**

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V. DEVELOPMENT SCHEDULE

VI. DEVELOPMENT TEAM

- Development Team Members
- Development Team Resumes
- Consultant Selection Process (for predevelopment loans only)

VII. ATTACHMENTS

I. APPLICATION INSTRUCTIONS

Please keep the following in mind when applying for DND's Fairmount Corridor Acquisition Loan Funds:

- Please talk with a DND project manager about your project **before** beginning your application to be sure that the proposed property is eligible for funding. Contact Beverly Estes-Smargiassi, Assistant Director for Housing Development, Neighborhood Housing Division (617-635-0362) to indicate that you intend to apply and need
- If you have already done the **One-Stop**, you may send this in lieu of the DND pre-development application. However, please include the following along with the One-Stop:
 1. The **cover page** and all certification forms from the DND application
 2. All applicable **attachments** listed in the Attachments section of the DND application; and
 3. Acquisition and predevelopment **budget**.
- Acquisition loan applications are being accepted for review on a rolling basis, through **February 28, 2014**, or until all funds are expended, whichever occurs first. Applications will be reviewed and preliminary award letters issued within 60 days of receipt.
- **Three (3) years of developer's audited financials, plus its most recent Quarterly Financial Statement must be provided as part of Attachment 4.**

II. COVER PAGE

APPLICANT INFORMATION

Name of Applicant Organization:

Address:

Contact Person:

Title:

Phone #:

Fax #:

E-mail:

PROJECT INFORMATION

Name of Project:

Address:

Total Units:

No./% Affordable:

Est. \$

TDC/Unit:

TDC:

Project Description: *Please provide a brief narrative project description including proposed development program and the community and public benefits.*

PREDEVELOPMENT BUDGET AND FCALF LOAN REQUEST

| Budget Items: | FCALF Request | Other loan/equity | Total Budget |
|---------------------------------------|---------------|-------------------|--------------|
| Acquisition | | | \$ |
| Architectural/Engineering | | | |
| Environmental | | | |
| Legal Fees | | | |
| Appraisal | | | |
| Application Fees: | | | |
| Zoning | | | |
| Financing | | | |
| Option to Purchase | | | |
| Other | | | |
| Other | | | |
| FCALF Request & Tot Budget | | | |

➔ *Please attach letters of interest from lenders and/or equity sources as part of Attachment 3.*

CERTIFICATION:

I hereby certify on behalf of _____, the applicant organization, that the attached application contains a full and accurate representation of the information requested, and that no relevant information has been deleted, modified, or withheld; that the applicant organization is devoting a substantial part of its efforts to activities intended to contribute to the redevelopment and economic well-being of target areas and to increase or retain primary employment and capital in target areas, or to activities intended to preserve existing or create new units of affordable housing; that the proposed project will preserve existing or create new units of affordable housing; that the project will conform to all applicable environmental, zoning and building laws; that the benefits of the project include the addition or retention of primary employment and of capital in the project's target area or the creation/preservation of affordable housing; that the alternative sources, including other agencies and subdivisions of the Commonwealth and of the federal government, for technical assistance have been sought and are either insufficient or unavailable to meet the needs of the project; that the assistance being requested is essential to the success of the project; that provision has been made for the active participation of residents of the target area in the project, and the applicant organization will comply with all requests for reports and information from the City of Boston about the project, the manner in which the Acquisition/Predevelopment Loan is used and the extent to which it achieves is intended results.

BORROWER/APPLICANT

Signature of Authorized Signatory

Title

III. PROJECT NARRATIVE

Please provide a Project Narrative that includes the following:

PROJECT OVERVIEW

1. Site Description:

Please describe the property including the site’s appropriateness for the proposed development program. For buildings include information on the number of buildings, number of floors, square footage and type of construction. For vacant lots include information on square footage.

2. Zoning:

Does proposed project conform to existing zoning? If not, provide information related to the necessary variances.

3. Acquisition Loan Fund Priorities:

The FCALF seeks to assist applicants that plan to create or preserve affordable and mixed income housing, mixed use and commercial developments that meet some or all of the priorities that are set forth in the Fairmount Corridor Acquisition Loan Fund NOFA. Please identify the priorities that this proposal will meet and provide detail in your narrative.

Acquisition Loan Fund Priorities:

1. Project is located within ½ mile of one of the following five priority station areas:
 - Upham’s Corner/Newmarket
 - Columbia Rd
 - Four Corners
 - Talbot
 - Blue Hill/Cummins Hwy
2. Property is adjacent to city-owned vacant land and would be enhanced by its inclusion in the development
3. Loan request is below funding cap: the lesser of \$500,000 or 70% of APV
4. Uses are consistent with:
 - Existing Zoning and/or area uses
 - Community support
 - Market viability

4. Residential Unit/Commercial Mix:

Please provide detail of existing units/commercial uses (if applicable) and all proposed uses. Use the chart format provided below:

| | Existing | | Proposed | | | | | Total |
|-------------|----------|----------|---------------------------|--------------------------------|--------------------------------|--------------------------------|-----------------------|-------|
| | Vacant | Occupied | Very Low Income Below 30% | Low Income Below 50% of Median | Low Income Below 80% of Median | Market Rate Over 80% of Median | Other* (define below) | |
| SRO | | | | | | | | |
| 0 Bedrooms | | | | | | | | |
| 1 Bedroom | | | | | | | | |
| 2 Bedrooms | | | | | | | | |
| 3 Bedrooms | | | | | | | | |
| 4+ Bedrooms | | | | | | | | |
| Total | | | | | | | | |

Commercial sq. ft. Existing: _____ Proposed: _____ Projected Jobs: _____

Number Handicapped Accessible Units: Existing Proposed/Required

5. Environmental:

Identify environmental reviews/assessments to be undertaken.
Please attach site assessments performed (if available)

6. Project Scope:

Briefly describe the scope of the project including the following, as applicable:

- Interim repairs to existing buildings
- Plans for additional Land Development
- Concept
- Plan for site assembly
- Special features/adaptations for special needs clients
- Other

7. Acquisition and Pre-development Cost Estimate:

Please explain how cost estimates were derived and what they are based on.

8. Relocation (if applicable):

If any residential or commercial tenants of existing buildings will be permanently displaced, please describe reasons.

PROJECT FEASIBILITY/MARKETABILITY

1. Site Control:

Because URA and HUD acquisition regulations must be followed in order to use these funds, we do not expect site control to have been secured. Please describe plan to acquire site control—timing etc.

2. Identity of Interest:

Certify that there is no identity of interest between buyer and seller and that the transaction is arm's length.

3. Financing Plan:

Please describe funding sources you will be seeking for this project, the status of each funding source, when you plan to apply, and a backup plan if any.

4. Market Analysis:

Please describe the market/need for this type of housing and/or commercial use in this location. Please provide market data and reference sources as part of Attachment 2.

5. Community Process:

Please describe any anticipated or completed community process surrounding the project. Identify particular areas of anticipated or identified support/opposition.

IV. ACQUISITION INFORMATION

Proposed Purchase Price:

| | |
|-----------------------|----|
| Land/Buildings | \$ |
| Municipal Obligations | \$ |
| Other Liens | \$ |
| Total | \$ |

Please explain any outstanding municipal obligations or other liens.

Justification of Proposed Purchase Price:

→ *If available, please attach appraisal as part of Attachment 3. Please refer to the Acquisition Loan Program NOFA for additional information on submission requirements.*

Interim Operating Costs:

| | |
|------------|----|
| Taxes | |
| Insurance | |
| Utilities | |
| Security | |
| Interest | |
| Relocation | |
| Other: | |
| Other: | |
| Total | \$ |

Sources (please explain how you propose to pay the interim operating costs):

Title Survey:

Has a title rundown been conducted for the property? (yes or no)

→ *If yes, please attach a statement identifying any title flaws or encumbrances on the property and describe the planned remedy as part of Attachment 3*

Development Team member
Name
Address
Contact Person
Telephone/Fax
E-Mail Address

| | |
|-----|---------|
| | |
| | |
| | |
| () | Fax () |
| | |

Development Team member
Name
Address
Contact Person
Telephone/Fax
E-Mail Address

| | |
|-----|---------|
| | |
| | |
| | |
| () | Fax () |
| | |

Development Team member
Name
Address
Contact Person
Telephone/Fax
E-Mail Address

| | |
|-----|---------|
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| | |
| | |
| () | Fax () |
| | |

Development Team member
Name
Address
Contact Person
Telephone/Fax
E-Mail Address

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|-----|---------|
| | |
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| | |
| () | Fax () |
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Development Team member
Name
Address
Contact Person
Telephone/Fax
E-Mail Address

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Development Team member
Name
Address
Contact Person
Telephone/Fax
E-Mail Address

| | |
|-----|---------|
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| | |
| | |
| () | Fax () |
| | |

VII. ATTACHMENTS

Attachment 1 - Project Overview

- Detailed Site Map
- Environmental Site Assessments

| Attached | Not Available | Not Applicable |
|----------|---------------|----------------|
| | | |
| | | |

Attachment 2 – Feasibility/Marketability

- Market Analysis/Documentation

| | | |
|--|--|--|
| | | |
|--|--|--|

Attachment 3 - Acquisition Information

- Letters/correspondence with seller per URA Regs.
- Justification of Proposed Purchase Price- Appraisal
- Other Acquisition information (title issues, etc.)

| | | |
|--|--|--|
| | | |
| | | |
| | | |

Attachment 4 - Development Team

- Borrower Information
- Articles and By Laws
- List of Directors and Officers
- Description of Organizational Mission/Target Area
- Description of Organizational Experience/Track Record
- Audited Financial Statements/Current Operating Budget
- Development Team Resumes
- Consultant Selection Statement

| | | |
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| | | |

Attachment 5 - Sources of Funds

- Letters from Funders

| | | |
|--|--|--|
| | | |
|--|--|--|

D. Developers Affidavit of Eligibility

DEVELOPER'S AFFIDAVIT

Developer's Name:

Any person submitting an application for Neighborhood Housing Trust Linkage or HOME funds under this RFP must truthfully complete this Affidavit and submit it with their application.

1. Do any of the principals owe the City of Boston any monies for incurred real estate taxes, rents, water and sewer charges or other indebtedness?

2. Are any of the principals employed by the City of Boston? If so, in what capacity? (Please include name of principal, name of agency or department, and position held in that agency or department).

3. Were any of the principals ever the owners of any property upon which the City of Boston foreclosed for his/her failure to pay real estate taxes or other indebtedness?

5. Have any of the principals ever been convicted of any arson-related crimes, or currently under indictment for any such crime?

6. Have any of the principals been convicted of violating any law, code, statute or ordinance

regarding conditions of human habitation within the last three (3) years?

Signed under the pains and penalties of perjury this

_____ day of _____, 20 ____

SIGNATURE: _____

TITLE: _____

ORGANIZATION: _____

ADDRESS: _____

E. Disclosure of Property Owned and Affidavit

**City of Boston – Department of Neighborhood Development
Property Affidavit**

Instructions: List all City of Boston properties currently owned, or previously foreclosed upon for failure to pay real estate taxes or other indebtedness, by the applicant or by any other legal entity in which the applicant has had or now has an ownership or beneficial interest. For any additional properties that do not fit on this form, attach a spreadsheet. (Do not use another loops form. Only one signature page should be submitted.) **Entries in this form should be typewritten.**

Applicant: _____

| List Addresses of Boston Properties Owned: | WARD | PARCEL | SUB-PARCEL |
|---|------|--------|------------|
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |
| (Additional properties are identified on attached spreadsheet.) | | | |
| Boston Properties Previously Foreclosed Upon by COB: | | | |
| _____ | | | |
| _____ | | | |

I declare under penalties of perjury that the foregoing representations are true, accurate, complete and correct in all respects.

Print Name _____ Authorized Representative's Signature _____ Date _____
 Applicant Contact (if different from above) _____ Telephone Number _____

OFFICIAL USE ONLY: Delinquency Reported (If Y Include Amount):

Boston Water & Sewer Commission Y\$ _____ N
 Signature & Date: _____
 Notes: _____

Dept. of Neighborhood Development Y\$ _____ N
 Signature & Date: _____
 Notes: _____

Inspectional Services Department Y\$ _____ N
 Signature & Date: _____
 Notes: _____

Treasury Department Y\$ _____ N
 Signature & Date: _____
 Notes: _____

DND Contact, Division, & Project _____

F. Conflict of Interest Affidavit

Conflict of Interest Affidavit

The undersigned hereby certifies, under the pains and penalties of perjury, that neither they, nor those with whom they have business ties, nor any immediate family member of the undersigned, is currently or has been within the past twelve months, an employee, agent, consultant, officer or elected or appointed official of the City of Boston Department of Neighborhood Development or Public Facilities Department. For purposes of this affidavit "immediate family member" shall include parents, spouse, siblings, or children, irrespective of their place of residence.

I declare under penalties of perjury that the foregoing representations are true, correct, accurate, complete and correct in all respects.

WITNESS:

BORROWER:

THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

_____ 20__

Then personally appeared the above named _____, (title) of (organization) and executed the foregoing instrument and acknowledged the foregoing instrument to be (his/her) free act and deed as (title) aforesaid and the free act and deed of (organization), before me.

Name:
Notary Public

My Commission Expires:

A. City of Boston Jobs & Living Wage Ordinance

Form B-1, B-2, B-3 & LW-10A



CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

BENEFICIARY AFFIDAVIT

Any for-profit Beneficiary who employs at least 25 full-time equivalents (FTE) or any not-for-profit Beneficiary who employs at least 100 FTEs who has been awarded Assistance of \$100,000 or more from the City of Boston must comply with the **First Source Hiring Agreement** provisions of the Boston Jobs And Living Wage Ordinance.

If you are submitting a Request for Proposal, Request for Qualification, or Invitation for Bid, or negotiating a loan, grant, or other financial Assistance that meets the above criteria, you must submit this Affidavit along with your proposal. If you believe that you are exempt from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance, complete Section 4: Exemption: First Source Hiring Agreement provisions, or if you are requesting a General Waiver, please complete Section 5: General Waiver Reason(s).

IMPORTANT: Please print in ink or type all required information. Assistance in completing this Form may be obtained by calling The Living Wage Administrator, The Living Wage Division of the Office Of Jobs And Community Services, telephone: (617) 918-5259, facsimile: (617) 918-5299.

Part 1: BENEFICIARY OF ASSISTANCE INFORMATION:

Name of Beneficiary: _____

Contact Person: _____

Address: _____
Street City Zip

Telephone #: _____ Fax #: _____

E-Mail: _____

Part 2: ASSISTANCE INFORMATION:

Name of the program or project under which the Assistance is being awarded:

Awarding Department: _____

Bid or Proposal Amount: \$ _____

Date Assistance Documents Executed: _____ Award End Date: _____

Duration of Award: 1 year 2 years 3 years Other: _____ (years)

PART 3: ADDITIONAL INFORMATION

Please answer the following questions regarding your company or organization:

1. Your company or organization is: *check one*:

For Profit Not For Profit

2. Total number of employees whom you employ: _____

3. Total number of employees who will be assigned to work on the above-stated Award: _____

4. Do you anticipate hiring any additional employees?

Yes No

If yes, how many additional F.T.E.s do you plan to hire? _____

PART 4: EXEMPTION FROM FIRST SOURCE HIRING AGREEMENT PROVISIONS OF THE BOSTON JOBS AND LIVING WAGE ORDINANCE

Any Beneficiary who qualifies may request an Exemption from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance by completing the following:

I hereby request an exemption from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance for the following reason(s): Attach any pertinent documents to this Application to prove that you are exempt. Please check the appropriate box(es) below:

The construction contract awarded by the City of Boston is subject to the state prevailing wage law; and

Assistance awarded to youth programs, provided that the award is for stipends to youth in the program. "Youth Program" means any city, state, or federally funded program which employs youth, as defined by city, state, or federal guidelines, during the summer, or as part of a school to work program, or in other related seasonal or part-time program; and

Assistance awarded to work-study or cooperative educational programs, provided that the Assistance is for stipends to students in the programs; and

Assistance awarded to vendors who provide services to the City and are awarded to vendors who provide trainees a stipend or wage as part of a job training program and provides the trainees with additional services, which may include but are not limited to room and board, case management, and job readiness services, and provided further that the trainees do not replace current City funded positions.

Please give a full statement describing in detail the reasons you are exempt from the First Source Hiring Agreement provisions the Boston Jobs And Living Wage Ordinance (attach additional sheets if necessary):

PART 5. GENERAL WAIVER REASON(S)

I hereby request a General Waiver from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance. The application of the First Source Hiring Agreement provisions to my Assistance violates the following state or federal statutory, regulatory or constitutional provision or provisions.

State the specific state or federal statutory, regulatory or constitutional provision or provisions, which makes compliance with the First Source Hiring Agreement provisions unlawful:

GENERAL WAIVER ATTACHMENTS:

Please attach a copy of the conflicting statutory, regulatory or constitutional provisions that makes compliance with this ordinance unlawful.

Please give a full statement describing in detail the reasons the specific state or federal statutory, regulatory or constitutional provision or provisions makes compliance with the First Source Hiring Agreement provisions unlawful (attach additional sheets if necessary):

PART 6: BENEFICIARY OF ASSISTANCE AFFIDAVIT:

I, (print or type) _____, the Beneficiary, certify and swear/affirm that the information provided on this *Beneficiary Affidavit* is true and within my own personal knowledge and belief.

Signed under the pains and penalties of perjury.

SIGNATURE: _____ DATE: _____

TITLE: _____



CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

NOTICE TO BENEFICIARIES

Requirements Of The Boston Jobs And Living Wage Ordinance

All City of Boston Departments awarding Assistance must provide Beneficiaries with a copy of this Notice.

IMPORTANT NOTICE: Beneficiaries are required to comply with the First Source Hiring Provisions of the Boston Jobs and Living Wage Ordinance. Beneficiaries are not required to comply with the Living Wage Provisions of the Ordinance.

- BENEFICIARIES:** Any for-profit employer who employs at least 25 full-time equivalents (FTE) or any not-for-profit employer who employs at least 100 FTEs who has been awarded Assistance of \$100,000 or more from the City of Boston must comply with the **First Source Hiring Agreement Provisions** of the Boston Jobs And Living Wage Ordinance. FTE is defined in the Living Wage Ordinance as a formula to calculate the number of employee work hours that equal one full-time position. For the purposes of this Ordinance, full-time shall mean the standard number of working hours, between 35 hours and 40 hours per week that is used by the Beneficiary to determine full time employment.
- DEFINITION OF ASSISTANCE:** Assistance shall mean any loan, grant, tax incentive, bond financing, subsidy, or other form of Assistance of \$100,000 or more realized by or through the authority or approval of the City of Boston, including, but not limited to Industrial Development Bonds, Community Development Block Grant (CDBG) loans and federal Enhanced Enterprise Community designations. Leases and subleases are not Assistance.
- BENEFICIARY AFFIDAVIT REQUIRED:** All Beneficiaries receiving an award from the City of Boston of \$100,000 or more, must file a **BENEFICIARY AFFIDAVIT, (FORM B-1)**, along with their submission to the Awarding Department.
- FIRST SOURCE HIRING AGREEMENT:** All Beneficiaries who are awarded Assistance from the City of Boston shall sign a **First Source Hiring Agreement (Form B-3)** with one or more Referral Agencies or One-Stop Career Centers.
- THE LIVING WAGE DIVISION:** The Living Wage Division of the Office of Jobs and Community Services is the agency responsible for overall implementation, compliance and enforcement of the Ordinance. They are located at 43 Hawkins Street, Boston, MA, 02114. If you need assistance or further information contact the Living Wage Administrator at (617) 918-5259; fax: (617) 918-5299.
- IMPORTANT TAX INFORMATION/EARNED INCOME CREDIT:** Certain employees who earn less than \$50,000 per year **may** be eligible for certain federal and/or state tax credits called **EARNED INCOME CREDIT**. Your payroll clerk is required to keep on hand the appropriate Internal Revenue Service forms, (Federal Form W5), information and instructions in the event any of your employees requests assistance in this matter.



CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

FIRST SOURCE HIRING AGREEMENT Beneficiaries of Assistance

Under the Boston Jobs and Living Wage Ordinance and Regulations, all Beneficiaries (hereinafter referred to as "the Employer" for the purposes of this Agreement) are required to sign a First Source Hiring Agreement with a Referral Agency or Boston One-Stop Career Center (The Employer may sign additional First Source Hiring Agreements with as many Referral Agencies or Boston One-Stop Career Centers as it chooses.) For a complete list of approved Referral Agencies and Boston One-Stop Career Centers, see the attached Form LW-10A.

INSTRUCTIONS FOR BENEFICIARIES OF ASSISTANCE: You are not required to complete this form until after your Assistance has been awarded. After your Assistance is awarded, you are required to do the following:

1. Complete the portions of this agreement that are applicable to you (Parts 1,2 and 5A)
2. Within five (5) business days after your documents are executed, deliver this agreement (or fax) to a **REFERRAL AGENCY OR BOSTON ONE-STOP CAREER CENTER** of your choice.

INSTRUCTIONS FOR REFERRAL AGENCIES AND BOSTON ONE-STOP CAREER CENTERS: Upon receipt of this Agreement, you are required to do the following:

1. An authorized person of the Referral Agency or Career Center must complete Part 3 of this Form and sign the Agreement in Part 5B.
2. Submit this Agreement within two (2) days of receipt to:

**LIVING WAGE ADMINISTRATOR
LIVING WAGE DIVISION
OFFICE OF JOBS AND COMMUNITY SERVICE
43 HAWKINS STREET
BOSTON, MASSACHUSETTS, 02114**

NOTE: All parties to this Agreement should carefully read **Part 4: AGREEMENT OF PARTIES** If you have any questions telephone the Living Wage Administrator at (617) 918-5259.

Part 1: EMPLOYER INFORMATION:

Name of Employer: _____

Contact Person: _____

Address: _____
Street City Zip

Telephone #: _____ Fax #: _____

E-Mail Address: _____

Part 2: NAME AND IDENTIFICATION NUMBER OF THE PROGRAM OR PROJECT UNDER WHICH THE ASSISTANCE WAS AWARDED:

Part 3: REFERRAL AGENCY OR BOSTON ONE-STOP CAREER CENTER INFORMATION:

Agency Name: _____

Contact Person: _____

Address _____
Street City Zip

Telephone #: _____ Fax #: _____

E-Mail Address _____

Part 4: AGREEMENT OF PARTIES

The Employer and the Referral Agency or Boston One Stop Career Center signing this agreement agree to the following terms and conditions:

1. Prior to announcing or advertising an employment position for work which shall be performed as a result of Assistance created either as a result of a vacancy of an existing position or of a new employment position, the Employer shall notify the Referral Agency and/or Career Center about the position, including a general description and the Employer's minimum requirements for qualified applicants for such position. The notification shall also contain the words: **BOSTON JOBS AND LIVING WAGE ORDINANCE POSTING**, prominently displayed at the top of the first page of the notification.

2. The Employer shall not make such public announcement or advertisement for a period of five (5) business days after notification to the Referral Agency and/or Career Center of the availability of such position. Such five (5) day period is hereinafter referred to as the *Advance Notice Period*. The Referral Agency or Career Center may make public announcements or advertisements of the job position at any time. Any posting, public announcement or advertisement shall clearly state that only Boston residents may be referred for such job opportunities during the Advance Notice Period.
3. The Referral Agency or Career Center shall post any **BOSTON JOBS AND LIVING WAGE ORDINANCE JOB OPPORTUNITY NOTICE** within the first business day after receipt of the Notification from the Employer in a prominent location for a period of at least the five (5) business days. (*Advance Notice Period*). The Referral Agency or Career Center shall provide information on such job opportunities to all Boston residents who receive services. The Referral Agency or Career Center may refer qualified candidates to the Employer. The Referral Agency or Career Center shall maintain a database of such job opportunities.
4. The *Advance Notice Period* shall be waived if the Referral Agency and/or Career Center has no qualified candidates to refer to the Employer.
5. The Referral Agency or Career Center shall institute a tracking system and record the job postings referred by Employers, the number of applicants referred to jobs during the *Advance Notice Period*, which applicants were interviewed, which applicants were not interviewed, and which applicants were hired for the positions or any other information deemed relevant by the Living Wage Administrator. The Referral Agency or Career Center shall forward this information to the Living Wage Administrator, monthly, in a manner prescribed by the Living Wage Administrator.
6. The Agreement does not require the Employer to comply with these procedures if it fills the job vacancy or newly created position by transfer or promotion from existing staff or from a file of qualified applicants previously referred to the Employer by the Referral Agency and/or Career Center.
7. The Agreement shall not require the Employer to hire any applicant referred under the terms of this Agreement.
8. Beneficiaries who receive Assistance from the City in the amount of one million dollars (\$1,000,000) or more in any twelve month period shall be required to comply with the first source hiring provisions of the Boston Jobs And Living Wage Ordinance for five years from the date such assistance reaches the one million (\$1,000,000) threshold. Beneficiaries receiving less than one million dollars but at least one hundred thousand dollars (\$100,000) of Assistance in any twelve-month period shall be required to comply with the first source hiring provisions of the Boston Jobs and Living Wage Ordinance for one year.

PART 5: SIGNATURES

An owner or officer of the Employer as well as the Referral Agency or Boston One-Stop Career Center must sign this Agreement.

A. SIGNATURE

On behalf of _____ (Employer), I agree to comply with the terms and conditions of this First Source Hiring Agreement.

| | |
|-----------------|-----------|
| _____ | _____ |
| PRINT/TYPE NAME | JOB TITLE |
| _____ | _____ |
| SIGNATURE | DATE |

B. REFERRAL AGENCY OR BOSTON ONE-STOP CAREER CENTER AUTHORIZED SIGNATURE

On behalf of the REFERRAL AGENCY OR BOSTON ONE-STOP CAREER CENTER named in Part 3 of this Agreement, I agree to provide services in accordance with the terms and conditions of this First Source Hiring Agreement

| | |
|-----------------|-----------|
| _____ | _____ |
| PRINT/TYPE NAME | JOB TITLE |
| _____ | _____ |
| SIGNATURE | DATE |



CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

CERTIFIED REFERRAL AGENCIES AND BOSTON ONE-STOP CAREER CENTERS

All Covered Vendors and Beneficiaries of Assistance shall sign a First Source Hiring Agreement with one or more Referral Agencies or one or more Boston One Stop Career Centers. Please note that the following entities have been certified by the Living Wage Division of the Office of Jobs and Community Services to meet the First Source Hiring Agreement Requirements of the Boston Jobs And Living Wage Ordinance.

BOSTON CAREER LINK

c/o Morgan Memorial
1010 Harrison Avenue
Boston, MA 02119
TEL: (617) 536-1888
FAX: (617) 536-1987
TTY: (617) 867-4687
Contact: Stella Mereves x 788

SOUTH BOSTON RESOURCE CENTER

489 East Broadway
South Boston, MA 02127
TEL: (617) 635-0771
FAX: (617) 635-0775
Contact: Edward Downs

JOBNET

210 South Street
Boston, MA 02111
TEL: (617) 338-0809
FAX: (617) 338-2050
TTY: (617) 338-4311
Contact: Ed Crognalo x 215

ROXBURY EMPLOYMENT RESOURCE CENTER

2201 Washington Street
Roxbury, MA 02119
TEL: (617) 989--9100
FAX: (617) 989-9125
Contact: Alan Gentle x162

THE WORKPLACE

29 Winter Street, 4th Fl
Boston, MA 02111
TEL: (617) 737-0093
FAX: (617) 428-0380
TTY: (617) 428-0390
Contact: Debra Garrett x 118

ALLSTON BRIGHTON RESOURCE CENTER

367 Western Avenue
Brighton, MA 02135
TEL: (617) 562-5734
FAX: (617) 562-5737
Contact: Cathy Snedeker

H. Uniform Relocation Act Forms & Instructions

GUIDEFORM
- VOLUNTARY ACQUISITION -
- Informational Notice -
(Agencies Without Eminent Domain Authority)

Grantee or Agency Letterhead

(date)

Dear _____:

(Name of Agency/Person) _____, is interested in acquiring property you own at (address) _____ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD).

Please be advised that (Name of Agency/Person) _____ does not have authority to acquire your property by eminent domain. In the event we cannot reach an amicable agreement for the purchase of your property, we will not pursue this proposed acquisition.

We are prepared to offer you (\$) _____ to purchase your property. We believe this amount represents the current market value of your property. Please contact us at your convenience if you are interested in selling your property.

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), owner-occupants who move as a result of a voluntary acquisition are not eligible for relocation assistance.

If you have any questions about this notice or the proposed project, please contact (name) _____, (title) _____, (address) _____, (phone) _____.

Sincerely,

(name and title) _____

NOTES.

1. The case file must indicate the manner in which this notice was delivered (e.g., certified mail, return receipt requested) and the date of delivery.

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Appendix 31

2. Tenant-occupants displaced as a result of a voluntary acquisition may be entitled to URA relocation assistance and must be so informed per 49 CFR 24.2(a)(15)(iv) – Initiations of negotiations, and 49 CFR 24 Appendix A - 24.2(a)(15)(iv).

- 3 . This is a guideform. It should be revised to reflect the circumstances .

I. PROJECT INFORMATION FORM: RELOCATION PLAN –for Exhibit 13

APPLICANT ASSURANCES AND CERTIFICATION

FORM 1A 11.2.11

PROJECT: _____ Date of Submission: _____

Location (addresses): _____

Applicant: _____

Contact Person: _____ Tel: _____

Property Manager: _____ Tel: _____

Does your project involve one or more of these URA-triggering activities?

(a) acquisition of the subject property(s) (b) rehabilitation (c) demolition (d) None of these activities

Initial application

Revision, as of (date) _____

How many buildings are involved in the project? _____

If more than one building, are all of the buildings located within a four-block area?

Yes No

| | | | |
|----------------------------------|----------------------------|------------------------------|---|
| Total # Residential Units: _____ | # vacant Res. units: _____ | # occupied Res. units: _____ | # occupied Res. units 3 months ago: _____ |
|----------------------------------|----------------------------|------------------------------|---|

| | | | |
|--------------------------------------|--------------------------------|----------------------------------|---|
| Total # Non-Residential Units: _____ | # vacant Non-Res. units: _____ | # occupied Non-Res. units: _____ | # occupied Non-Res. units 3 months ago: _____ |
|--------------------------------------|--------------------------------|----------------------------------|---|

Will the project result in a reduction in the total number of units in the building or complex?
Yes No

If yes, what is the total number of bedrooms in the building or complex today? _____

If yes, how many units will there be upon project completion? _____

What will the total number of bedrooms be upon project completion? _____

If the proposed project goes forward, will any tenants be displaced permanently?

Yes No

If yes, how many? _____

If the proposed project goes forward, will any tenants need to move temporarily during the construction period? Yes No

If yes, how many? _____

I. PROJECT INFORMATION FORM: RELOCATION PLAN –for Exhibit 13

APPLICANT ASSURANCES AND CERTIFICATION

FORM 1A 11.2.11

PROJECT: _____ Date of Submission: _____

If temporary relocation is required for any tenants in the project, do you plan to provide temporary housing units elsewhere in the building or complex, or in off-site locations?

On-site (elsewhere in the complex) Off-site Combination of on-site/off-site

Short-term temporary relocation only (less than one week), e.g., hotel accommodations

Approximately how long will tenants need to be housed in temporary units during the construction period? _____

Will tenants be housed temporarily off-site for more than 12 months? Yes No

Approximately how many non-English speaking tenant households reside in the project? _____ What languages do they speak? _____

Approximately how many tenants with disabilities will require modified URA notifications? _____ Modified temporary relocation arrangements? _____

What factors are *likely* to cause permanent displacement (if any) in your project? Check all that apply.

Tenants will be temporarily relocated for more than one year.

Over-income tenants

Under-housed tenants

Reduction in total number of housing units

Conversion from rental to cooperative or homeownership units

Rent increases that are necessary to make the project financially feasible

Other factors: _____

(new requirement) Attached to this application is a separate list of all tenants residing in the building(s) three months prior to the date of application.

What efforts have you made to minimize permanent displacement in your project?

Who is the current property manager for this project & phone?

I. PROJECT INFORMATION FORM: RELOCATION PLAN –for Exhibit 13

APPLICANT ASSURANCES AND CERTIFICATION

FORM 1A 11.2.11

PROJECT: _____ Date of Submission: _____

Who will represent the project as relocation agent?

_____ Tel # _____ Email _____

If there is a tenant association in the building or complex, identify the group and provide the name and telephone number of the group's contact person.

_____ Tel # _____ Email _____

II. APPLICANT ASSURANCES AND CERTIFICATION.

- 1) The applicant understands and accepts that if the above-named project is awarded federal CDBG or HOME funds by the City of Boston Department of Neighborhood Development (DND), the project must comply with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended (URA), and regulations promulgated thereunder at 49 CFR Part 24; with Section 104(d) of the Housing and Community Development Act of 1974, as amended (where applicable); HUD program anti-displacement and relocation regulations; and the relocation policies, procedures and directives of DND, Neighborhood Housing Division (NHD).
- 2) The applicant understands and accepts that any and all tenant assistance and temporary relocation benefits made available to non-displaced tenants of the project must be consistent with NHD policy, and that the project is prohibited from providing other forms or levels of assistance without prior written approval from NHD.
- 3) The applicant understands and accepts that tenants displaced as a direct result of the project must receive relocation assistance in accordance with URA and where applicable, Section 104(d).
- 4) The applicant understands and accepts that the project will maintain records in sufficient detail to demonstrate compliance with URA, Section 104(d), HUD program regulations and NHD policies, and that the project must provide periodic reports and compliance documentation in accordance with NHD policies, or upon request from NHD.
- 5) The applicant understands and accepts that the project's failure to submit timely reports and documentation requested by NHD may result in delayed or suspended loan disbursements, and that recurring or serious performance deficiencies will require corrective action at the project's expense. In addition, the applicant understands and accepts that NHD will disallow unreasonable, undocumented or unauthorized relocation costs.
- 6) The applicant understands and accepts that NHD reserves the right to place special conditions and/or additional performance requirements on the award of funds for the project, and that all such conditions or requirements must be addressed to NHD's satisfaction prior to the execution of a loan commitment letter.
- 7) The applicant assures and certifies that the project will comply with all of the foregoing requirements.

I. PROJECT INFORMATION FORM: RELOCATION PLAN –for Exhibit 13

APPLICANT ASSURANCES AND CERTIFICATION

FORM 1A 11.2.11

PROJECT: _____ Date of Submission: _____

Signed by: INDIVIDUAL AUTHORIZED TO ACT ON BEHALF OF THE APPLICANT

Signed: _____ DATE: _____

Name and Title (Please Type):

III. Required attachments to project information form to be included as Exhibit 13 of One Stop application

- Master Tenant Lists:
 1. Residential Relocation Management Report (RRMR)
 2. Non-Residential Relocation Management Report (NRMR)
 - if occupied non-residential units exist in the project
- List of Tenants Occupying Property 90 days before application date
- General Information Notice: provide a sample copy of such notice sent to tenants (in all foreign language certified ATA-translations), and evidence of delivery in person or by certified mail, return receipt requested. (Copies of the original individual notices are required to be submitted if project is awarded)
- Estimated Relocation Budget (Detailed Breakdown)
- Copy of Guideform Voluntary Acquisition Informational Notice- If property is to be acquired using federal funds-

INSTRUCTIONS AND EXPLANATION OF RRM/R

Please do change formatting, do not reduce the number of, height or width of rows. Do not reduce the size of the page to print it.

You may add extra pages with the signature area moved to the last page.

Each Unit has a Case Number which should be kept the same throughout the project's lifespan.

DND requires at least 3 editions of this RRM/R form to be submitted by the Developer:

RRM/R #1 At Project Application

RRM/R #2 At Commitment of Funds (Date of Eligibility)

RRM/R #3 At Project Completion

Note: Green section is used only for PERMANENTLY DISPLACED TENANTS

As projects may take years to complete please update RRM/R every six months, & file the most recent Early Move Letters and Move-In Notices. with each RRM/R. Updated RRM/Rs are not numbered.

RRM/R #1: Each case number in the first column (column A) identifies a unit and should run sequentially so that the last number on the last line of the last page of the RRM/R reflects the total number of units in the project

Do not leave out vacant units. Include them and state they are vacant.
DND must have proof of service of and copies of the GINS

RRM/R #2: For each unit that has a different tenant in it since the FIRST RRM/R start a second row for that unit. Put the original occupant on the first line and the subsequent occupant on the next line.
The Case Number in the first column should have the same number for both of these tenants.

Explain the circumstances of vacancy of the original tenant and whether the second tenant or each successive tenant signed the Move-In Notice to Prospective Tenant form in the remarks column using the NO code as applicable.

The **Date of Eligibility**** is the date of the commitment of federal funds, when DND and applicant sign the grant or loan agreement, or commitment letter.

This date is known as the **ION (Initiation of Negotiations)** under URA

For any RRM/R after the first one submitted put dates of vacancy of any original tenants and move-in dates of new tenants in Column.

RRM/R #3: List additional occupants or vacancies accordingly, similar to the Second RRM/R.

RRM/R #3 is the final Last RRM/R must show the complete occupancy history of the unit for ALL TENANTS occupying the unit from application date to project completion date.

Do not remove the names of any tenants that were entered on RRM/R #1 or #2.

Note: Racial Ethnic Classification and Columns for Permanent Displacement are required

ONLY for the original occupant living in the unit at the time of the application.

This form last updated April 2011.

GUIDEFORM GENERAL INFORMATION NOTICE – RESIDENTIAL TENANT
(for tenants that will not be displaced)

(date)

Dear _____,

Address: _____ Unit No.: _____

(Neighborhood) _____ Zip: _____

_____ (developer's name) is interested in rehabilitating the property you currently occupy at the above address for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the (e.g.HOME ,CDBG, etc.) _____ program.

On _____ (date) , _____ (property owner/developer) submitted an application to the City of Boston's Department of Neighborhood Development for such assistance to rehabilitate the building you occupy at the above address.

The purpose of this notice is to inform you that you will not be displaced in connection with the proposed project.

If the project application is approved and federal financial assistance provided, you may be required to move temporarily so that the rehabilitation can be completed. If you must move temporarily, suitable housing will be made available to you and you will be reimbursed for all reasonable out of pocket expenses, including moving costs and any increase in housing costs. You will need to continue to pay your rent and comply with all other lease terms and conditions.

Upon completion of the rehabilitation, you will be able to lease and occupy your present apartment or another suitable, decent, safe and sanitary apartment in the same

building/complex under reasonable terms and conditions. *

If federal financial assistance is provided for the proposed project, you will be protected by a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). One of the URA protections for persons temporarily relocated is that such relocations shall not extend beyond one year. If the temporary relocation lasts more than one year, you will be contacted and offered all permanent relocation assistance as a displaced person under the URA. This assistance would be in addition to any assistance you may receive in connection with temporary relocation and will not be reduced by the amount of any temporary relocation assistance previously provided. You will also have the right to appeal the agency's determination, if you feel that your application for assistance was not properly considered. It is important for you to know that we as developer/owner of the project may not ask you to waive any of your rights under the URA.

(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child. All persons seeking URA relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.) We urge you not to move at this time. If you choose to move, you will not be provided relocation assistance.

Please remember:

- This is **not** a notice to vacate the premises.
- This is **not** a notice of relocation eligibility.

You will be contacted soon so that we can provide you with more information about the proposed project. If the project is approved, we will make every effort to accommodate your needs. In the meantime, if you have any questions about our plans, please contact: (name) _____, (title) _____, (address) _____, (phone) _____.

or Jim Creamer, Relocation Specialist, City of Boston Department of Neighborhood Development, 26 Court Street, 8th fl, Boston, MA 02118 at (617) 635-0442
 jcreamerdnd@cityofboston.gov.

Sincerely,

(name and title) _____

Tenant(s) Signature to confirm receipt: _____

This signature line should be used when notices are delivered by hand.

Print Tenant Name(s) _____

Enclosure

=====

NOTES. (include only a. or b. below on General Information Notice where asterisk is located in body of the notice above.)

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
2. This is a guideform. It should be revised to reflect the circumstances.

Based on the applicable HUD program regulations, if "reasonable terms and conditions," are defined, one of the following statements or other language may also be required in this Notice. Insert a. or b. depending on funding source.

- a. ******Under HOME at 24 CFR 92.353(c)(2)(C)(1):* “Your new lease will be for a term of not less than one year at a monthly rent that will remain the same or, if increased, your new monthly rent and estimated average utility costs will not exceed: 1) If you are low income, the total tenant payment as defined by HUD (*under 24 CFR 5.628*), or (2) 30% of the monthly gross household income, if you are not low income.”

- b. ******Under CDBG at 24 CFR 570.606(b)(2)(D)(1):* “Your monthly rent will remain the same or, if increased, your new rent and estimated average utility costs will not exceed 30% of the household’s average monthly gross income.”

- c. ******Under Section 221 Mortgage Insurance Programs under 24 CFR 221.795(i):* “Your monthly rent and estimated average utility costs will not exceed the amount approved by HUD.”

relocation eligibility you will not be eligible to receive relocation assistance. It is important for you to contact us before making any moving plans.

Again, this is not a notice to vacate the premises and does not establish your eligibility for relocation payments or assistance at this time. If you are determined to be displaced and are required to vacate the premises in the future, you will be informed in writing. In the event the proposed project does not proceed or if you are determined not to be displaced, you will also be notified in writing.

This letter is important and should be retained. You will be contacted soon. In the meantime, if you have any questions about our plans, please contact (relocation agent name), (title), at (phone), (address) or contact (Project Manager name), at (phone), (address) at City of Boston Department of Neighborhood Development, 26 Court Street 8th fl, Boston, MA 02118 at (617) 635-_____ or Jim Creamer, Relocation Specialist, Department of Neighborhood Development, at (617) 635-0442..

Sincerely,

(name and title) _____

Enclosure

Tenant(s) Signature to confirm receipt: _____

This signature line should be used when notices are delivered by hand.

Print Tenant Name(s) _____

=====

NOTES

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
2. This is a guideform. It should be revised to reflect the circumstances.

NONRESIDENTIAL RELOCATION MANAGEMENT REPORT (NRMR)
FORM 1D

Project Name: _____

STATUS AS OF _____

(date) Page 1 of _____

| Case Number | ADDRESS A | NAME OF OCCUPANT(S) B | (T)ENANT / (O)WNER C | TYPE OF OPERATION* D | DATE GENERAL INFORMATION NOTICE ISSUED E | DATE OF ELIGIBILITY F | NOTICE ISSUED TYPE** G | DATE H | NUMBER OF REFERRALS I | 90-DAY NOTICE ISSUED J | NOTICE TO VACATE ISSUED K | DATE MOVED L | PERMANENT DISPLACEMENT ONLY | | | REMARKS CODES | |
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I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS ACCURATE

Developer / Applicant _____

Signature of developer representative _____

Print Name _____

Date _____

Title _____

Office Use Only:

DATE RECEIVED _____

NAME _____

PROJECT NUMBER _____

*Type Operation Type** E - Notice of Eligibility for Relocation Assistance
 (B)Business (F)arm
 (N)Non-Profit N - Notice of Nondisplacement

RELOCATION EXPENSES

CASE CLOSED (check) P

REMARKS CODES

V-Vacant when Project began?
 OE- Occupant Evicted?
 OMV- Occupant Moved Voluntarily?
 OTR-Occupant Temporarily Relocated?
 NO- New Occupant in Premises since Project Began?
 OPD- Occupant Permanently Displaced?
 Dates and Documentation Provided?
 Q

GUIDEFORM GENERAL INFORMATION NOTICE
NONRESIDENTIAL TENANT NOT DISPLACED-FORM 1G

(date)

Dear _____:

(City, County, State, Public Housing Authority (PHA), other) _____, is interested in rehabilitating the property you currently occupy at _____ (address) _____ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the _____ program.

The purpose of this notice is to inform you that you will not be displaced in connection with the proposed project.

If the project application is approved and federal financial assistance provided, you may be required to move temporarily so that the rehabilitation can be completed.

If federal financial assistance is provided for the proposed project, you will be protected by a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). One of the URA protections for nonresidential tenants (businesses, non-profit organizations, or farms) temporarily relocated is that if your operation will be shut down for any length of time due to the rehabilitation project, at our option, you may be: 1) Temporarily relocated and reimbursed for all reasonable out of pocket expenses; *or* 2) determined to be displaced and eligible for relocation assistance and payments as a displaced person under the URA.

(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child. All persons seeking URA relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.)

We urge you not to move at this time. If you choose to move, you will not be provided relocation assistance.

Please remember:

- This is not a notice to vacate the premises.
- This is not a notice of relocation eligibility.

You will be contacted soon so that we can provide you with more information about the proposed project. If the project is approved, we will make every effort to accommodate your needs. In the meantime, if you have any questions about our plans, please contact:
(name) _____, (title) _____,
(address) _____, (phone) _____.

Sincerely,

(name and title) _____

Enclosure

Tenant(s) Signature to confirm receipt: _____

This signature line should be used when notices are delivered by hand.

Print Tenant Name(s) _____

NOTES.

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
2. This is a guideform. It should be revised to reflect the circumstances.

relocation eligibility you will not be eligible to receive relocation assistance. It is important for you to contact us before making any moving plans.

Again, this is not a notice to vacate the premises and does not establish your eligibility for relocation payments or assistance at this time. If you are determined to be displaced and are required to vacate the premises in the future, you will be informed in writing. In the event the proposed project does not proceed or if you are determined not to be displaced, you will also be notified in writing.

If you have any questions about this notice or the proposed project, please contact (name) _____, (title) _____, (address) _____, (phone) _____.

Sincerely,

(name and title) _____

Enclosure

Tenant(s) Signature to confirm receipt: _____
This signature line should be used when notices are delivered by hand.
Print Tenant Name(s) _____

=====

NOTES

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
2. This is a guideform. It should be revised to reflect the circumstances.