

CITY OF BOSTON
NEIGHBORHOOD HOUSING TRUST



REQUEST FOR PROPOSALS

Rental, Cooperative and Homeownership Housing

RFP Deadline: January 6, 2014

Thomas M. Menino, Mayor

Request for Proposals

Rental, Cooperative, and Homeownership
City of Boston
Neighborhood Housing Trust

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The Request for Proposals will be available on Tuesday, November 12, 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/>

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 deadline extensions

I. Program Overview

The City of Boston's Neighborhood Housing Trust (NHT) is authorized by Chapter 371 of the Acts of 1987 and is administered pursuant to a Declaration of Trust, dated September 3, 1987, and City Ordinance, dated June 6, 1986. The mandate of the NHT is to help create and retain the supply of housing for low and moderate income residents of the City of Boston.

In this Request for Proposals (RFP), the NHT is offering development funding to support the creation and preservation of rental, cooperative and homeownership housing. Applicants are encouraged to leverage NHT funds with other public and private funding sources available for affordable housing.

This RFP is structured to identify priority development and preservation proposals that support targeted housing goals. These priorities are distinct in purpose and are designed to direct funds to projects that:

- efficiently utilize subsidy dollars;
- locate new affordable housing opportunities in all neighborhoods of Boston, especially those where there is an under supply of affordable housing.
- serve a mix of incomes including extremely low income families and vulnerable populations, such as the elderly, as well as, moderate income households.
- provide a diverse selection of unit types for different size households, including individuals, young adults, small and large families, and the elderly.
- meet the preservation priorities of the Trust that support projects threatened with loss of affordability due to market pressures and/or have significant immediate needs for re-capitalization and rehabilitation.

Toward this end, the funds available through this RFP will target the production and preservation of affordable rental, cooperative and homeownership developments. In addition, this RFP targets projects that, but for the availability of NHT funds, would have significant financing gaps.

(A) HOUSING PRODUCTION

Housing production is defined as the creation of new housing units. This includes existing vacant buildings or newly constructed buildings. In this RFP, NHT offers grants to assist with the production of new rental, cooperative and homeownership housing developments. The NHT hopes to encourage innovative approaches to help meet the housing needs for a broad mix of

incomes and household sizes. NHT has established basic threshold criteria that must be achieved upon submission of an application for funding. These criteria are described in detail in **Section III** of the RFP. NHT will also evaluate each proposed development as to its financial feasibility and review in conjunction with the established NHT priorities.

(B) PRESERVATION

NHT recognizes the on-going challenge of preserving existing affordable housing units within the City of Boston. There is a large cohort of properties that have restricted mortgages due to mature and whose owners may “opt out” of continued affordability. If the owners opt out, the use restrictions will expire and vulnerable tenants may face sharp rent increases. For purposes of this RFP, “preservation projects” shall mean privately owned, currently occupied rental properties whose affordability is threatened due to financial and/or physical distress. Preservation threshold (eligibility) requirements and priorities are listed in **Section IV**.

Use of Funds

Eligible Applicants: Both for-profit and non-profit developers of affordable housing are eligible to apply for these funds.

Type of Proposals: NHT funds may be used to create or preserve affordable rental, cooperative and homeownership opportunities as established in this RFP.

Rental and Cooperative Housing assisted with NHT funds will primarily support developments that are affordable to households at or below 60% of the area median income, although NHT may support units affordable to households up to 80%. NHT requires rental or cooperative developments with more than 10 units in the development to set aside 10% of the units for homeless or formerly homeless households as defined by DND adjusted for household size. The developments are to provide for affordability in perpetuity. The NHT requirement applies to both new production and preservation units.

Homeownership Housing assisted with NHT funds will primarily support units that are affordable to households at or below 80% of the area median income. Developments must have a minimum of 15 affordable units. All affordable units will be subject to an affordable housing covenant that requires that they remain affordable for a term of 30 years with a 20 year extension at the City's option. Applicants will not be required to seek State subsidy funding as it is not available at this time. However, applicants are encouraged to leverage other subsidy resources.

Funding Requests: Applicants must clearly demonstrate a need for NHT funding.

- NHT funds should be considered “gap” funding, and all other reasonable sources of financing should be pursued and maximized in preparing a request to NHT.
- The Applicant’s request should not exceed \$750,000. . Priority will be given to proposals with the greatest number of affordable units and/or provide deeper affordability (i.e serve lower income households).
- NHT may award an amount different from the amount requested, based on the needs of the development.
- NHT will base this decision upon the availability of funds on deposit with the Trust and the established project funding priorities as identified in the RFP.

Projects that receive an award and which later significantly change in scope, cost, or financing sources may also be subject to a rescission of the NHT’s award.

II. Application Process

Bidders Conference

There will be an applicant's conference on **Tuesday, December 3, 2013 at 10:00 am in the Bill Buckley Conference Room located on the 11th Floor at 26 Court St.** Prospective applicants are **strongly encouraged** to attend this session so that the NHT may review the requirements of the RFP and answer any questions about the application process.

Letter of Intent

Applicants are **strongly encouraged** to submit a letter of intent by **Thursday, December 5, 2013 by 4:00 p.m.** The letter must indicate the name and address of the proposed project, the total and affordable number of units in the project, whether the project has been occupied by residential or non-residential occupants during the past six months, the name of the applicant, and the approximate amount of the funding request.

The letter should be faxed or delivered to the attention of **Christine O'Keefe, Senior Development Officer, DND, 8th Floor, 26 Court Street, Boston, MA 02108, fax: 617-635-0383 or cokeefe.dnd@cityofboston.gov.**

Submission Requirements

Applicants must submit one (1) original and four (4) copies of the application with all required exhibits, , a diskette of the OneStop application, and two (2) sets of plans (1/8"=1'-0 scale minimum). Applications must be tabbed and bound in a three ring binder, labeled on the spine with the name of the project and sponsor. Clearly indicate on the cover of the Binder that you are applying for NHT Funding. Binders must be in good working order. For Preservation Projects, the submission must also include one (1) Capital Needs Assessment. Double sided copying is encouraged.

Application Deadline

Applications are due no later than **4:00 pm on Monday, January 6, 2014.**

Deliver applications, in a sealed package with the label indicating the title, "**NHT Funds Application,**" directly to:

Bid Counter, 10th Floor
Department of Neighborhood Development
26 Court Street, 10th Floor
Boston, MA 02108

Absolutely no late entries will be accepted.

PLEASE NOTE: THE DND BID COUNTER HOURS OF OPERATION ARE: MONDAY - FRIDAY 9:00 AM to 12:00 NOON and 1:00 PM to 4:00 PM. PLEASE PLAN ACCORDINGLY.

Site Visits

If not previously conducted, NHT staff will conduct site visits within two weeks after the application deadline. The project manager and project architect should be available for these site visits. For purposes of efficiency, it is highly recommended that prospective applicants notify NHT as early as possible to enable a site visit to be scheduled prior to the application deadline. As many preservation projects involve multiple buildings, it is critical that sufficient time be allocated for these visits.

Relocation

Preservation projects, by their nature, often involve temporary relocation or permanent displacement. This will require a separate meeting at DND with an assigned Development Officer, the Applicant and, if appropriate, the applicant's Relocation Consultant. Prospective applicants are advised to schedule this meeting well in advance of the application deadline in order to meet all relocation notice requirements.

NHT requires all applicants requesting financial assistance to submit a Relocation Plan if their projects involve acquisition, rehabilitation or demolition of occupied residential or non-residential properties. This may include vacant properties if they were occupied within 90 days of the application date. For application purposes, the relocation plan consists of a three page project information form, applicant assurances and certifications, a master tenant list (RRMR or NRMR), a relocation budget, and evidence that General Information Notices (GIN'S) have been delivered to all tenants. All occupants must receive a GIN notice that describes the proposed project, their rights under URA, on or within 10 calendar days of submission of the proposal to NHT. Please provide an extensive narrative that clearly explains the staging, sequencing, and schedule associated with temporary relocation. **Development proposals must minimize permanent displacement of tenants. Failure to comply with URA at any point in the application or development process is grounds for rejection, suspension of payments or revocation of federal funds committed to the project.**

Notification of Awards

All applicants will be notified of funding decisions under this RFP by e-mail and by first class mail. The NHT reserves the right to reject any and all applications.

Organizational Documents

The organizational entity that is officially sponsoring the awarded project must be formed and finalized within 90 days of NHT's Funding Award. All appropriate organizational documents, including Certificates of Organization, Operating Agreements, Articles of Organization, By-Laws, Consents, Votes and Authorizations must be prepared, signed and filed (if necessary) and submitted to NHT during this time frame. *Failure to supply these documents in a timely manner may cause delay in closing and/ or payment of the first requisition.*

Further Information.

Any questions regarding the RFP must be submitted in writing to Christine O'Keefe, Senior Development Officer, by fax at 617-635-0383, by mail at DND 26 Court Street, 8th Floor, Boston, MA 02108 or by email at cokeefe.dnd@cityofboston.gov.

III. Threshold (Eligibility) Criteria – New Production

Applicants must meet **ALL** of the following criteria when submitting an application to NHT: 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 can be found in **Section VII. Submission Requirements and Forms**

Eligibility of Financing Sources

Projects must meet the eligibility requirements of the NHT.

Site Control

At the time of application to NHT, applicants must have proof of site control that may include: an accepted offer to purchase, an executed purchase and sale agreement, or a deed. An "as is" appraisal is required and should be included in the application.

Community Support

At the time of application to NHT, 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, CAC's, community councils, historic boards, or larger city-wide organizations

Readiness to Proceed

If City regulatory requirements for zoning apply at the time of application to NHT, the project must submit an application to the Inspectional Services Division within 30 days of submittal of NHT Application. If the project is "as of right", evidence of such should be submitted with this application. If Article 80 review and approval is required, then a Project Notification Form (PNF) must be filed with the BRA within 30 days of the submission of the NHT application.

Homeless Set Aside (Rental Projects Only)

Developments with greater than 10 units must set aside a minimum of 10% of the units for homeless or formerly homeless households. Developments with 5 or greater homeless units must submit a detailed service plan to support this population. The set aside applies to both new production and preservation proposals.

State Funding

If applicants are applying for State funding an application must be submitted to DHCD State's subsequent funding round. If DHCD requires a pre-application prior to this submission, please include this with the NHT application. Homeownership developments are not expected to apply to DHCD.

Funding Priorities (New Production)

- Developments that serve a diverse set of incomes, as well as provide a diverse set of unit sizes.
- Family Sized Development
65% or more of the units must be 2 bedroom or greater; at least 10% of all units shall be 3 bedroom and shall serve Very Low Income or Extremely Low Income.
- Deeper Affordability
More than 10% of the units will serve households who are Very Low Income or Extremely Low Income
- Location
Targeted Locations:
Within ¼ mile radius of the MBTA Fairmount Line stations
Utilization of City owned land

Neighborhood Locations:

The Trust seeks developments in all neighborhoods of Boston, with a priority for developments of new affordable housing opportunities located in areas where there is an under supply of affordable housing.

- Efficient Use of Subsidy Funding
Funding requests that do not exceed the RFP caps for both NHT and DHCD

IV. Threshold (Eligibility) Requirements – Preservation

Applicants must meet **ALL** of the following criteria when submitting an application to NHT: 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 can be found in **Section VII Submission Requirements and Forms**

Eligibility of Financing Sources

Projects must meet the eligibility requirements of the NHT.

Site Control

At the time of application to NHT, applicants must have proof of site control that may include: an accepted offer to purchase, an executed purchase and sale agreement, or a deed. An “as is” appraisal is required and should be included in the application.

Tenant Participation

At the time of application to NHT, a general tenant meeting will have been scheduled to inform current residents of the proposed rehabilitation plans. Resident input into planned improvements is encouraged.

Readiness to Proceed

If City regulatory requirements for zoning apply at the time of application to NHT, the project must submit an application to the Inspectional Services Division within 30 days of submittal of NHT Application. If the project is “as of right”, evidence of such should be submitted with this application. If Article 80 review and approval is required, then a Project Notification Form (PNF) must be filed with the BRA within 30 days of the submission of the NHT application.

Homeless Set Aside

Preservation proposals must commit to a minimum of 10% of units set aside for homeless households upon turnover of units.

Capital Needs Assessment

A 20 year capital needs assessment must be submitted with the application (as referenced in Appendix K)

Rehabilitation Strategy Including Energy Upgrades

An immediate needs and long term strategy must be submitted (as referenced in Appendix L)

Funding Priorities (Preservation)

- **Elderly or Special Needs Populations**
Developments primarily serving elderly, homeless, DMH, or DDS tenants whose incomes are less than 30% of AMI

- **Improved Livability**
Developments that propose to significantly improve living conditions, including unit sizing, significant rehabilitation, and utilities cost savings for tenants

- **Loss of Affordability (Within 5 Years)**
Provision of a narrative report that describes the current affordability and use restrictions and proposed modifications (as referenced in Appendix J)

V. Evaluation

Financing Strategy and Project Feasibility

Once it has been determined that the project proposal meets the threshold requirements, NHT will evaluate the development based upon the following:

1. Development Team

The applicant's team must demonstrate sufficient knowledge and experience to carry out the project. NHT will review the experience of the team which includes the sponsor, developer, architect, attorney, property manager, and service provider. For new production projects, if the development staff does not have experience with projects that are utilizing tax credits, NHT strongly encourages the hiring of a qualified development consultant as part of the development team.

2. Underwriting

NHT will conduct an analysis of the financial elements of the development. The applicant must demonstrate that the financial strategy is sound. This includes submission of letters of interest from established financial institutions to support equity and/or debt financing. It also must be reflected in the funding program(s) selected and the magnitude of subsidy loans as presented in the One Stop application. NHT will examine the development program and financing in terms of reasonableness of cost (acquisition, construction, development, reserves, and fee/overhead), rental income and long term operating performance. The developer must also demonstrate that while waiting for State funding, the pre-development costs associated with maintaining site control, carrying costs, and legal or architectural costs are available to enable advancement of the project.

3. Market Need

NHT will look for evidence that the proposed rental structure is sound and can be marketed at the proposed levels within the neighborhood market. The developer will need to provide sufficient market data that includes neighborhood based comparable rents as evidenced by demand for affordable housing within similar properties and locations.

4. Risk Analysis (For Preservation Projects Only)

Given the universe of preservation projects that currently need and will require local government subsidies to recapitalize, and, recognizing the financial limitations available for this purpose, NHT will assess the immediate needs of the property (financial and physical). A risk analysis will be conducted that includes a number of factors: loss of units due to market conversion; loss of units due to physical condition; loss of units due to financial distress; as well as a number of factors related to capital investment opportunities, including operating cost savings, energy efficiency upgrades, tenancy/ unit preservation, and rehabilitation cost/ efficiency considerations. NHT will utilize analysis and guidelines created by CEDAC to assist with this purpose.

5. Funding Priorities

NHT will review each application to determine consistency with the Funding Priorities outlined for New Production and Preservation projects. The extent to which applications address these priorities within the overall feasibility analysis of the proposals will be factored into NHT's recommendations for award of funds under this RFP.

NHT/DND reserves the right to change the number of affordable units and other aspects of the development program depending on the needs of the development and zoning, providing that the rights of other applicants are not prejudiced and best judgment is used to further our mission after accepting developer's application. NHT/DND will review each proposal with respect to the criteria stated to select those proposals which best meet the needs of the City and accomplish the objectives of this RFP.

VI. Conditions of Funding Award

Applicants need to be aware that the following conditions will be part of any funding award and, if necessary, should take corrective action within 30 days of submission for funding to NHT:

Good Standing

Applicants must be in good standing with NHT, 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; NHT, 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 NHT. Developers may submit a remediation plan for corrective action during the NHT review period, and, if acceptable to NHT, will be eligible for an award of funds.

Compliance with Other Policies and Regulations

The project, once submitted and funded, must comply with the following Federal and City policies and regulations, where appropriate:

- Boston Residents Jobs and Living Wage Ordinance and Regulations
- Federal Davis-Bacon Wage Rates
- Section 3 of the Housing and Urban Development Act of 1968
- HUD Lead Hazard Control Program Requirements
- Fair Housing and Affirmative Marketing
- Uniform Relocation Act
- Handicapped Accessibility Requirements
- HUD contractor debarred list clearance

Applicants should also review DND development policies that can be found on the City web-site:
<http://www.cityofboston.gov/dnd/>

- Bidding
- General Development Costs
- Acquisition Costs
- Developer Fee and Overhead
- Subsidy terms
- Homeless Units Set-Aside
- Affordability Term
- Relocation
- Design Review
- Design Guidelines
- Section 3

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

The proposal binder(s) should be submitted in the following order:

- A. Application Checklist - This list serves to assist both the Applicant and NHT in assessing the completeness of the submission.
- B. Project Summary Form – This form summarizes the housing unit mix and tenant income mix.
- C. Developer's Affidavit of Eligibility – Complete and sign the affidavit
- D. Disclosure of Property Owned and Affidavit – Complete and sign the affidavit
- E. Conflict of Interest Affidavit – Complete and sign the affidavit
- F. City of Boston Jobs & Living Wage Ordinance – Complete and sign forms B-1 and B-3
- G. 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 One Stop nor in supporting submission documentation.
- H. Supplemental Financial Information – Applicants must submit more detailed information concerning critical elements within the development budget.
- I. Mixed Use and Mixed Income Supplement – Where projects include either commercial development or market rate housing, applicants are expected to provide documentation in support of the financial feasibility of these components of the overall project. This includes neighborhood demand and identification of tenants; marketing strategy; estimated rents; and cash flow statement. A delineated sources/uses budget(s) should be provided. Each source for residential and commercial uses, and each source for affordable vs non-affordable units, should be identified and tied to the proposed uses. A total development sources/uses budget for the overall project should also be provided.

Development proposals that anticipate a commercial component as part of a mixed use development may be eligible to apply for HUD Section 108 loans through DND's Office of Business Development. Please contact Keith Hunt at 617-635-0418 (khunt.dnd@cityofboston.gov) to ascertain underwriting requirements. Please submit an extra One Stop Application with the commercial component included if a Section 108 request is forthcoming.
- J. Affordability/ Risk Narrative Form (For Preservation Projects Only) – Provide a narrative report that addresses the specific category of projects that this proposal falls within. The form provides the applicant with an opportunity to specifically describe in detail the current affordability and use restrictions and proposed modifications to the current debt

and operating subsidy contracts. It also allows the applicant to describe the strategy and basis for refinancing provisions, including possible forgiveness, waivers, or assumption of current debt.

- K. Capital Needs Assessment (For Preservation/ Rehab Projects Only) - Submit a 20 year Assessment prepared by a firm without an identity of interest or business association with the applicant, developer or owner of the property. Include an addendum as to existing or proposed tenant participation/ contribution to the capital needs plan. For developments with multiple buildings, include costs per building.
- L. Rehabilitation Strategy Including Energy Efficiency (For Preservation Projects Only) - Based upon the Capital Needs Assessment, provide a narrative summary of the owner's immediate and long term strategy to stabilize the property. Consideration of accessibility needs and green/ energy performance improvements should be included.

One Stop Application - Complete the following sections:

- Sections 1-7 and generated sections
- Exhibits: 1, 2, 3, 4, 5, 6, 7 (for mixed income and commercial) and 9
- Exhibit 13 (including RRMR, GIN, Occupant List, Relocation Budget)
- Exhibit 14 (preliminary resident services plan)
- Exhibit 15C (in perpetuity)
- Exhibit 16 and Exhibit 18
- Exhibit 19 (provide when completed)
- Exhibit 20, 21, 22, 23, 24, 25, 26, 27, 28
- Exhibit 30 (independent auditor's report for last fiscal year)

Appendix A

APPLICATION CHECKLIST

- (A) Application Checklist
- (B) Project Summary Form
- (C) Developers Affidavit
- (D) Disclosure of Property Owned
- (E) Conflict of Interest Affidavit
- (F) Living Wage Ordinance
Form B-1
Form B-2
Form B-3
Form LW-10A
- (G) Project Narrative
- (H) Supplemental Financial Information
- (I) Mixed Use and Mixed Income Supplemental Information
- (J) Affordability Risk Narrative (Preservation Projects Only)
- (K) “Green” Capital Needs Assessment (Preservation Projects)
- (L) Rehabilitation Strategy (Preservation Projects Only)

One Stop Application

- Sections 1-7
 - Generated Sections
- | <u>Exhibit</u> | <u>Description</u> | <u>NHT Requirement</u> |
|------------------------------------|--------------------------|---------------------------|
| <input type="checkbox"/> Exhibit 1 | Site Information | Required |
| <input type="checkbox"/> Exhibit 2 | Environmental Info. | Required (Phase 1 and 2) |
| <input type="checkbox"/> Exhibit 3 | Evidence of Zoning | Required |
| <input type="checkbox"/> Exhibit 4 | Evidence of Site Control | Required |

<input type="checkbox"/>	Exhibit 5	Evidence of Local Support	Required
<input type="checkbox"/>	Exhibit 6	Marketing and Value	Required
<input type="checkbox"/>	Exhibit 7	Marketing Plan Commercial Projects	Required for Mixed Income/
<input type="checkbox"/>	Exhibit 8	Affirmative Fair Housing	Not required at this time
<input type="checkbox"/>	Exhibit 9	Equal Opportunity	Required
<input type="checkbox"/>	Exhibit 10	Sales Prices/ Affordability	Not required
<input type="checkbox"/>	Exhibit 11	Construction Sources/Uses	Not required at this time
<input type="checkbox"/>	Exhibit 12	Tax-Exempt Information	Not required at this time
<input type="checkbox"/>	Exhibit 13	Relocation Plan	Required (occupied props.)
<input type="checkbox"/>	Exhibit 14	Resident Service Plan	Required
<input type="checkbox"/>	Exhibit 15	Certification- Affordability	15C only (in perpetuity)
<input type="checkbox"/>	Exhibit 16	Preliminary Plans/ Specs	Required
<input type="checkbox"/>	Exhibit 17	Commitment Drawings	Not required at this time
<input type="checkbox"/>	Exhibit 18	Soil and Structural Report	Provide info new constr.
<input type="checkbox"/>	Exhibit 19	Energy Budget	Required (unless in C.N.A.)
<input type="checkbox"/>	Exhibit 20	Construction Financing	Required
<input type="checkbox"/>	Exhibit 21	Permanent Financing	Required
<input type="checkbox"/>	Exhibit 22	Equity Financing	Required
<input type="checkbox"/>	Exhibit 23	Other Funding	Required
<input type="checkbox"/>	Exhibit 24	Rental Subsidies	Required
<input type="checkbox"/>	Exhibit 25	Developer's Profile	Required
<input type="checkbox"/>	Exhibit 26	Other Real Estate	Required
<input type="checkbox"/>	Exhibit 27	Architect's Resume	Required
<input type="checkbox"/>	Exhibit 28	Management Agent	Required
<input type="checkbox"/>	Exhibit 29	General Contractor	Not required at this time

- | | | | |
|--------------------------|-------------------|--------------------------------|----------------------------------|
| <input type="checkbox"/> | Exhibit 30 | Credit Release | Required |
| <input type="checkbox"/> | Exhibit 31 | Personal Financials | Not required at this time |
| <input type="checkbox"/> | Exhibit 32 | Individual Financials | Not required at this time |
| <input type="checkbox"/> | Exhibit 33 | Contractor's Financials | Not required at this time |

Appendix B
Project Summary

Project Name: _____

Project Street Address(es): _____

Developer: _____

Types of Units: Family___ Individuals ___Elderly ___Special Needs___

Other? (Describe) _____ Commercial ___Yes ___No

Number of Units _____ Number of Affordable Units _____ Homeless Units _____

Number of Units	SRO	Studio	1-Bdr	2-Bdr	3-Bdr	4-Bdr	Total
<30% AMI							
<60% AMI							
<80% AMI							
Market							

Rents	SRO	Studio	1-Bdr	2-Bdr	3-Bdr	4-Bdr
<30% AMI						
<60% AMI						
<80% AMI						
Market						

TDC: \$ _____

TDC Per Unit: \$ _____

Hard Cost/sf \$ _____

Hard Cost/unit \$ _____

Operating Exp/unit \$ _____

Reserves/unit \$ _____

Developer Fee and Overhead \$ _____

Funding Sources: (Check all that apply)

- | | | | | | | | |
|------------|--------------------------|-------------|--------------------------|-----------------|--------------------------|---------|--------------------------|
| DND – HOME | <input type="checkbox"/> | DHCD-HOME | <input type="checkbox"/> | DHCD-CIPF | <input type="checkbox"/> | Others: | <input type="checkbox"/> |
| LTW | <input type="checkbox"/> | DHCD-HSF | <input type="checkbox"/> | 9% LIHTC | <input type="checkbox"/> | _____ | <input type="checkbox"/> |
| NHT | <input type="checkbox"/> | DHCD-HIF | <input type="checkbox"/> | 4% LIHTC | <input type="checkbox"/> | _____ | <input type="checkbox"/> |
| IDP | <input type="checkbox"/> | DHCD-TOD | <input type="checkbox"/> | New Market TC | <input type="checkbox"/> | _____ | <input type="checkbox"/> |
| FHLB | <input type="checkbox"/> | DHCD-CATNHP | <input type="checkbox"/> | Historic TC | <input type="checkbox"/> | _____ | <input type="checkbox"/> |
| AHTF | <input type="checkbox"/> | DHCD-CBH | <input type="checkbox"/> | MA State TC | <input type="checkbox"/> | _____ | <input type="checkbox"/> |
| MTC Grants | <input type="checkbox"/> | DHCD-FCF | <input type="checkbox"/> | HUD-Section 202 | <input type="checkbox"/> | _____ | <input type="checkbox"/> |

APPENDIX C
Developer's Affidavit

Developer's Name: _____

Any person submitting an application for HOME or CDBG 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?

7. Please list all of the current attachments, liens and mortgages encumbering the subject premises and indicate all outstanding sums. Please indicate whether or not said outstanding sums are current or delinquent. Use additional pages if necessary.

8. Please indicate the type of business organization the entity is that holds title to the subject premises. Please indicate the status of any and all filings required by law to be submitted to any governmental agency or agencies so as to preserve and protect such business organizational status and please indicate whether or not there are any officers, board members or partners, either general or limited, who are conducting business as representatives of the same who are not listed with said appropriate governmental agency. Use additional pages if necessary.

9. Is the property currently occupied and if so are there any outstanding lease agreements, contracts or eviction proceedings presently underway or anticipated, if so, please explain.

10. Is any portion of the proposed project site the subject of any civil action, claim, lawsuit or litigation, including anticipated litigation, of any kind including, but not limited to: boundary line disputes, creditor claims, ownership disputes, tax titles, easement rights and the like and if so, please explain. Use additional pages if necessary.

Signed under the pains and penalties of perjury this

_____ day of _____, 20 _____

SIGNATURE: _____

TITLE: _____

ORGANIZATION: _____

ADDRESS: _____

Appendix D
Disclosure of Property Owned

Appendix E
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.

_____ 2012

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:

APPENDIX F

JOBS AND LIVING WAGE ORDINANCE



CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

NOTICE TO VENDORS

Requirements Of The Boston Jobs And Living Wage Ordinance

All City of Boston Departments awarding Service Contracts must provide vendors responding to Invitation for Bids (IFB), Request for Proposals (RFP) and Unadvertised Contracts with a copy of this Notice.

- 1. COVERED VENDOR:** Any for-profit or not-for-profit employer who employs at least 25 full-time equivalents (FTE) who has been awarded a Service Contract of \$25,000 or more from the City of Boston must comply with the provisions of the Boston Jobs And Living Wage Ordinance. FTE is defined in the Ordinance as a formula to calculate the number of employee work hours which 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 Covered Vendor to determine full-time employment.
- 2. COVERED SUBCONTRACTOR:** Any Subcontractor who is awarded a Subcontract of \$25,000 or more from a Covered Vendor and the Subcontract is paid from the funds of the City of Boston service contract, must comply with the provisions of the Boston Jobs And Living Wage Ordinance.
- 3. AFFIDAVIT AND AGREEMENT REQUIRED:** All vendors proceeding with IFBs, RFPs or Unadvertised Contracts for \$25,000 or more, must file a **VENDORS LIVING WAGE AFFIDAVIT**, (Form LW-8), and the **COVERED VENDORS LIVING WAGE AGREEMENT**, (Form LW-2) at the time a Covered Vendor is awarded a Service Contract or signs an unadvertised Service Contract with the City of Boston.
- 4. PAYMENT OF LIVING WAGE:** Covered Vendors subject to the Ordinance must pay the *Living Wage*, which is currently \$13.76 per hour to all employees who expend time on a Service Contract of a Covered Vendor or Covered Subcontractor. The *Living Wage* is subject to an annual adjustment on July 1 of each year.
- 5. MAINTENANCE OF PAYROLL RECORDS:** Each Covered Vendor shall maintain payrolls for all Covered Employees and basic records relating thereto for a period of three years. The records shall contain the name and address of each employee, job title and classification, number of hours worked each day, gross wages, deductions made, actual wages paid, a copy of the social security returns, and evidence of payment thereof, a record of fringe benefit payments including contributions to approved plans, funds or programs and/or additional cash payments, and such other data as may be required by the Living Wage Division from time to time.
- 6. EXAMINATION OF PAYROLL RECORDS:** Each Covered Vendor shall permit the Living Wage Administrator or his/her designee to observe work being performed upon the work site, to interview employees and to examine the books and records relating to the payrolls being investigated.

7. **COVERED EMPLOYEE FACT SHEET (FORM LW-4) AND POSTER:** All Covered Vendors shall provide each Covered Employee with a *Covered Employee Living Wage Fact Sheet (Form LW-4)* containing information about the Ordinance. In addition, all Covered Vendors shall hang a poster containing information about the Ordinance in a conspicuous location visible to all employees. The Living Wage Administrator shall provide the fact sheet and poster to Covered Vendors.
8. **QUARTERLY AND BIENNIAL REPORTS (FORMS LW-9, LW-9A):** Covered Vendors shall provide Quarterly or Biennial reports to the Living Wage Administrator of their employment activities. Not-for-profit vendors with 50 or more FTEs and all for-profit vendors shall be required to provide such reports quarterly. Not-for-profit vendors with less than 50 FTEs shall be required to provide such reports biannually.
9. **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 the **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.
10. **PENALTIES AND REMEDIES:** In the event the Director of the Living Wage Division determines, after notice and hearing, that any Covered Vendor has failed to pay the Living Wage or has otherwise violated the provisions of the Ordinance, the Director may order any or all of the following penalties and relief:
 - Fines in the amount of \$300 for each Covered Employee for each day that the Covered Vendor is in violation of this Ordinance;
 - The filing of a complaint with the pertinent State or Federal agency;
 - Wage restitution for each affected employee;
 - Suspension of ongoing contracts and subcontract payments; and
 - Ineligibility for future Contracts with the City for three years or until all penalties and restitution have been paid in full.
 - Any other action deemed appropriate and within the discretion and authority of the city.
 - None of the above remedies is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce the right granted under the Ordinance in a court of law. The Ordinance shall not be construed to limit an employee's right to initiate a court action for wrongful termination.
11. **FIRST SOURCE HIRING AGREEMENT (FORM LW-10):** All Covered Vendors and Covered Subcontractors who are awarded a contract shall sign a First Source Hiring Agreement (Form LW-10) with one or more Referral Agencies or One Stop Career Centers.
12. **DESIGNATED DEPARTMENT:** For the purposes of the Ordinance, The Living Wage Division of the Office of Jobs and Community Services is the City's Designated Department responsible for overall implementation, compliance and enforcement. The *Contracting Department* is the agency awarding the service contract. The Living Wage Division is located at 43 Hawkins Street, Boston, MA 02114, telephone: (617) 918-5259 or fax: (617) 918-5299. Any questions concerning the Ordinance, Regulations, or the current *Living Wage* amount, should be referred to the Living Wage Administrator.
13. **REGULATIONS:** The Jobs and Living Wage Regulations are available during normal business hours at the Office of the Living Wage Division.



CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

COVERED VENDORS LIVING WAGE AGREEMENT

At the same time the City of Boston awards a Service Contract through a Bid, a Request for Proposal or an Unadvertised Contract, the Covered Vendor must complete this Form and submit it to the City, agreeing to the following conditions. In addition, any Subcontractor of the Covered Vendor shall complete this form and submit it to the City at the time the Subcontract is executed, also agreeing to the following conditions:

Part 1: Covered Vendor (or Subcontractor) Information:

Name of Vendor: _____

Local Contact Person: _____

Address _____
Street City Zip

Telephone #: _____ Fax #: _____

E-Mail: _____

Part 2: Name of the program or project under which the Contract or Subcontract is being awarded: _____

Part 3: Workforce Profile of Covered Employees paid by the Service Contract or Subcontract:

A. List all Covered Employees' job titles with wage ranges (Use additional sheets of paper if necessary): Identify number of employees in each wage range.

JOB TITLE	< \$13.76 p/h	\$13.76 p/h- \$15.00 p/h	\$15.01 p/h- \$20.00 p/h	> \$20.01 p/h

B. Total number of Covered Employees: _____

C. Number of Covered Employees who are Boston residents: _____

D. Number of Covered Employees who are minorities: _____

E. Number of Covered Employees who are women: _____

Part 4: Covered Vendor's Past Efforts and Future Goals *(Use additional sheets of paper if necessary in answering any of these questions):*

Describe your past efforts and future goals to hire low and moderate income Boston residents:

Describe your past efforts and future goals to train Covered Employees:

Describe the potential for advancement and raises for Covered Employees:

What is the net increase and decrease in number of jobs or number of jobs maintained by classification that will result from the awarding of the Service Contract:

Part 5: Service Contracts:

List all Service Subcontracts either awarded or that will be awarded to vendors with funds from the Service Contract:

<u>SUBCONTRACTOR</u>	<u>ADDRESS</u>	<u>AMOUNT OF SUBCONTRACT</u>

NOTE: Any Covered Vendor awarded a Service Contract must notify the Contracting Department within three (3) working days of signing a Service Subcontract with a Vendor.

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 or your Contracting Department.

Part 6: The following statement must be completed and signed by an authorized owner, officer or manager of the Covered Vendor. The signature of an attorney representing the Covered Vendor is **not** sufficient:

I, (print or type) _____ (Authorized Representative of the Covered Vendor) on behalf of (print or type) _____ (name of Covered Vendor)

hereby state that the above-named, Covered Vendor is committed to pay all Covered Employees not less than the Living Wage, subject to adjustment each July 1, and to comply with the provisions of the Boston Jobs And Living Wage Ordinance.

I swear/affirm that the information which I am providing on behalf of Covered Vendor on this *Covered Vendor Agreement* is true and within my own personal knowledge. I understand that I am signing under the pains and penalties of perjury.

Signature Date

Position with Covered Vendor



CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

COVERED EMPLOYEE LIVING WAGE FACT SHEET

Covered Vendors shall provide each Covered Employee with a copy of this fact sheet.

1. **COVERED VENDOR:** Any for-profit or any not-for-profit employer who employs at least 25 full-time equivalents (FTE) who has been awarded a Service Contract of \$25,000 or more from the City of Boston must comply with the provisions of the Boston Jobs And Living Wage Ordinance. FTE is defined in the Boston Jobs And Living Wage Ordinance as a formula to calculate the number of employee work hours which 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 Covered Vendor to determine full time employment.
2. **COVERED SUBCONTRACTOR:** Any subcontractor who is awarded a subcontract of \$25,000 or more from a Covered Vendor and the subcontract is paid from the funds of the City of Boston service contract must comply with the provisions of the Boston Jobs And Living Wage Ordinance.
3. **LIVING WAGE:** As of July 1, 2013 the *Living Wage* is \$13.76 per hour for all employees who expend time on a Service Contract awarded by the City or the Subcontract awarded from the Service Contract. The *Living Wage* is subject to adjustment on July 1 of each year.
4. **OFFICE OF JOBS AND COMMUNITY SERVICES CONTACT:** All complaints and inquiries regarding the Boston Jobs And Living Wage Ordinance shall be directed to:

Living Wage Administrator
Living Wage Division
Office Of Jobs And Community Services
43 Hawkins Street
Boston Ma 02114
Phone: (617) 918-5259

5. **COVERED EMPLOYEE COMPLAINTS:** A person or an employee who believes that he or she is a Covered Employee or a person who is an applicant for a position to be filled by a Covered Employee and believes that his or her employer is not complying with requirements of the Boston Jobs And Living Wage Ordinance applicable to the employee, may file a Covered Employee Complaint (Form LW-3) with the Living Wage Division. Complaints by Covered Employees of alleged

violations may be made at any time. Statements written or oral, made by an employee, shall be treated as confidential and shall not be disclosed to the Covered Vendor without the consent of the employee.

6. **DISCRIMINATION AND RETALIATION AGAINST COVERED EMPLOYEES:** If a Covered Vendor discharges; reduces the compensation of; or discriminates against any Covered employee or any other person for making a complaint to the Living Wage Division, otherwise asserting his or her rights under the Boston Jobs And Living Wage Ordinance, participating in any of its proceedings, or using any civil remedies to enforce his or her rights under the Ordinance, the Covered Vendor shall be considered in violation of the Ordinance. The Living Wage Division shall investigate allegations of retaliation or discrimination.
7. **PENALTIES AND REMEDIES:** In the event that the Office Of Jobs And Community Services determines, after notice and hearing, that any Covered Vendor has failed to pay the Living Wage rate or has otherwise violated the provisions of this Ordinance, the Office Of Jobs And Community Services may order any or all of the following penalties and relief:
- Fines in the amount of \$300 for each Covered Employee for each day that the Covered Vendor is in violation of this ordinance;
 - The filing of a complaint with the pertinent State or Federal agency;
 - Wage restitution for each affected employee;
 - Suspension of ongoing contracts and subcontract payments; and
 - Ineligibility for future Contracts with the City for three years or until all penalties and restitution have been paid in full.
 - Any other action deemed appropriate and within the discretion and authority of the city.
 - None of the above remedies is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce the right granted under the Living Wage Ordinance in a court of law. The Boston Jobs And Living Wage Ordinance shall not be construed to limit an employee's right to initiate a court action for wrongful termination.
8. **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 employer's payroll clerk is required to keep on hand the appropriate Internal Revenue Service forms, (Federal Form W5), information and instructions in the event you request assistance in this matter. For more information, call the IRS at 1(800) TAX-1040.
9. **LIVING WAGE ADVISORY COMMITTEE:** The Boston Jobs And Living Wage Ordinance is overseen by a Living Wage Advisory Committee which meets quarterly. If you have any questions about this Ordinance, contact your employee representatives, Greater Boston Legal Services, Employment Law Unit at 617-603-1810 or the Greater Boston Labor Council at 617-723-2370 or New England United for Justice at 617-265-7100.



CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

VENDORS LIVING WAGE AFFIDAVIT

Any for-profit or any not-for-profit Vendor who employs at least 25 full-time equivalents (FTE) who has been awarded a Service Contract of \$25,000 or more from the City of Boston must comply with the provisions of the Boston Jobs And Living Wage Ordinance which requires any such Vendors to pay at least the **Living Wage which is \$13.76 per hour** to any employee who directly expends his or her time on the services set out in the contract. All Subcontractors whose subcontracts are at least \$25,000 are also required to pay the Living Wage.

If you are bidding on or negotiating a Service Contract that meets the above criteria, you should submit this Affidavit prior to the awarding of the contract. If you believe that you are exempt from the Living Wage Ordinance, complete Section 4: Exemption from Living Wage Ordinance, or if you are requesting a General Waiver, please complete Section 5: General Waiver Reason(s).

WARNING: No Service Contract will be executed until this Affidavit is completed, signed and submitted to the Contracting Department

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

Part 1: VENDOR INFORMATION:

Name of Vendor: _____

Contact Person: _____

Address _____
Street City Zip

Telephone #: _____ Fax #: _____

E-Mail: _____

Part 2: CONTRACT INFORMATION:

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

Contracting Department: _____

Start Date of Contract: _____ End Date of Contract: _____

Length of Contract: 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 "FTE" employees which you employ: _____

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

4. Do you anticipate hiring any additional employees to perform the work of the Service Contract?

- Yes
- No

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

PART 4: EXEMPTION FROM BOSTON JOBS AND LIVING WAGE ORDINANCE

Any Vendor who qualifies may request an Exemption from the provisions of the Boston Jobs And Living Wage Ordinance by completing the following:

I hereby request an Exemption from 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 from the Boston Jobs And Living Wage Ordinance. 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 or contracts awarded to youth programs, provided that the contract 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 or contracts awarded to work-study or cooperative educational programs, provided that the Assistance or contract is for stipends to students in the programs; and
- Assistance and contracts 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 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 Boston Jobs And Living Wage Ordinance. The application of the Boston Jobs And Living Wage Ordinance to my (check one):

- Service Contract
- Subcontract

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 Boston Jobs And Living Wage Ordinance 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 Boston Jobs And Living Wage Ordinance unlawful (attach additional sheets if necessary):

PART 6: VENDOR AFFIDAVIT:

I _____ a principal officer of the Covered Vendor certify and swear/affirm that the information provided on this Vendors Living Wage Affidavit is true and within my own personal knowledge and belief.

Signed under the pains and penalties of perjury.

SIGNATURE: _____ DATE: _____

PRINTED NAME: _____

TITLE: _____

File #: _____



CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

COVERED VENDORS QUARTERLY REPORT

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

The Boston Jobs and Living Wage Ordinance requires not-for-profit Covered Vendors with 50 or more FTEs and all for-profit Covered Vendors to provide quarterly reports of their employment activities to the Living Wage Division including:

PART 1: CONTRACT #: _____

PART 2: REPORTING PERIOD:

Please check the time period for which you are making this report:

- | | | | |
|--------------------------|-------------------|--------------------------|-------------------|
| <input type="checkbox"/> | Jan. 1 - March 31 | <input type="checkbox"/> | April 1 – June 30 |
| <input type="checkbox"/> | July 1 - Sept. 30 | <input type="checkbox"/> | Oct. 1 - Dec. 31 |

Year: _____

The Quarterly Report must be filed with the Living Wage Division of the Office Of Jobs And Community Services within 15 days of the end of each reporting period.

PART 3: COVERED VENDOR (OR SUBCONTRACTOR) INFORMATION:

Name of Vendor: _____

Contact Person: _____

Address: _____
Street City Zip

Telephone #: _____ Fax #: _____

E-mail Address: _____

PART 4: CONTRACT INFORMATION:

Contracting Agency: _____

Contract #: _____

Description of services provided under this contract or Name of Project:
(Please attach a 8 1/2 x 11 sheet if additional detail is needed)

PART 5: JOB POSITIONS CHARGED TO THE CONTRACT:

List all job titles of Covered Employees, i.e., personnel assigned to do any part of the work under above-named City of Boston Contract. List the number of employees next to each job title in the appropriate wage range:

JOB TITLE	< \$13.76 p/h	\$13.76 p/h- \$15.00 p/h	\$15.01 p/h- \$20.00 p/h	> \$20.01 p/h

PART 6: ADDITIONAL INFORMATION:

Total number of Covered Employees: _____

Number of Covered Employees who are Boston residents: _____

Number of Covered Employees who are Minorities: _____

Number of Covered Employees who are Women: _____

PART 7: SIGNATURE (An owner or officer of the Vendor must sign this Report.)

I certify the above information is correct and within my personal knowledge.

Signed under the pains and penalties of perjury:

PRINT NAME

DATE

SIGNATURE

JOB TITLE

PART 4: CONTRACT INFORMATION:

Contracting Agency: _____

Contract #: _____

Description of services provided under this contract or Name of Project:
(Please attach a 8 1/2 x 11 sheet if additional detail is needed)

PART 5: JOB POSITIONS CHARGED TO THE CONTRACT:

List all job titles of Covered Employees, i.e., personnel assigned to do any part of the work under above-named City of Boston Contract. List the number of employees next to each job title in the appropriate wage range:

JOB TITLE	< \$13.76 p/h	\$13.76 p/h-	\$15.01 p/h-	> \$20.01 p/h
		\$15.00 p/h	\$20.00 p/h	

PART 6: ADDITIONAL INFORMATION:

Total number of Covered Employees: _____

Number of Covered Employees who are Boston residents: _____

Number of Covered Employees who are Minorities: _____

Number of Covered Employees who are Women: _____

PART 7: SIGNATURE (An owner or officer of the Vendor must sign this Report.)

I certify the above information is correct and within my personal knowledge.

Signed under the pains and penalties of perjury:

PRINT NAME

DATE

SIGNATURE

JOB TITLE



CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

FIRST SOURCE HIRING AGREEMENT Covered Vendors and Subcontractors

Under the Boston Jobs and Living Wage Ordinance and Regulations, all Covered Vendors and Subcontractors (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 (An 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 Form LW-10A.

INSTRUCTIONS FOR COVERED VENDORS AND SUBCONTRACTORS: You are not required to complete this form until after your Service Contract or Service Subcontract has been executed. After your Assistance documents are executed, 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 Assistance 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 SERVICE CONTRACT OR SERVICE SUBCONTRACT 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 a Service Contract or Service Subcontract 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 WAVE 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. This Agreement covers the term of the Service Contract or Subcontract.

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) 541-1482
FAX: (617) 427-8657
TTY: (617) 442-3610
Contact: Mr. Maddrey Goode

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

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

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

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

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

APPENDIX G

PROJECT NARRATIVE

(Applicant Self-Generated Narrative)

Appendix H

SUPPLEMENTAL FINANCIAL SUBMISSION

The following information must be included in the relevant One Stop Exhibits, where appropriate, or provided on a separate sheet(s).

Acquisition

Explain how the acquisition cost was derived. All debt obligations must be described in detail, particularly those that include a proposed restructure or full or partial debt forgiveness. Please explain what parties and steps are involved in any proposed restructure and the anticipated timeline for decision-making. Note: "As-Is" appraisals must be provided to support acquisition costs.

Construction

Describe how the cost estimates in Section 3 of the One Stop were derived. Who, specifically, prepared the cost estimates? Costs must be broken down by building (if applicable). Commercial and Residential Sources and Uses must be clearly broken out within the One-Stop. (if applicable)

Environmental

Environmental hard costs must be reflected in the construction budget. Breakout these costs and explain who provided the cost estimate.

Soft Costs

- A&E: How was the architecture and engineering budget derived? Does it include all civil, MEP, structural, or other engineering (as applicable)?
- Survey and Permits: What specific items do these fees represent? Are building permit fees carried in this budget or contained within the construction contract pricing?
- Construction Financing: Is a letter of interest outlining interest rate included in the One Stop? What assumptions related to interest rate and schedule were used in calculating the construction loan interest? Is the construction loan for both residential and commercial (where applicable) costs?
- Permanent Financing: Bank letters of interest are required from all proposed lenders. Letters must include a term sheet that provides the banks' standard DSC requirements, fees, reserve requirements, term, and amortization. Where terms are not available, the proposal must separately explain what assumptions were used and how they were determined.
- Tax Credit Syndicators – must provide a strong letter of interest that includes raise.
- Legal: Breakout the legal fees total in terms of the various agency legal costs.

- Other Financing: Identify and breakout the costs associated with the various lenders, including construction, permanent, subsidy, and other third party fees. Explain how these costs were calculated.
- Construction Management: Identify who (if known) will provide clerk and management services on behalf of the owner and how this budget item was derived
- Consultant: If a consultant or consultants (eg., environmental, traffic, development) are being utilized, identify who they are and what services will be provided by each.
- Carrying Costs: Identify additional costs associated with the pre-development period, including pre-development loans/ interest, maintenance, insurance, taxes. Confirm the time period, both retroactive and prospective, that these costs support

Reserves

Identify the amount of operating or capital reserves that have been specifically required by either equity or debt lenders. How were these reserves determined and sized?

Developer Fee and Overhead

Confirm that the developer fee, overhead and consultant items in the budget reflect DND policy.

Sources

For each permanent financing source, identify the reasonableness of the request based upon program eligibility, limits, and/or per unit caps. Sources must be clearly defined for residential and commercial.

Rebates:

All projected rebates (e.g. EnergyStar, utility, etc.) should be itemized and included as a source of permanent funding in the One Stop.

Appendix I

Mixed Use and Mixed Income Supplement

For Market Rate and/ or Commercial Components of a Project:

- Summarize neighborhood demand and feasibility of the strategy (Market Study is required)
- Identify funding sources and uses (Breakout budgets)
- Provide an operating statement based upon projected rents and expenses
- Explain in detail how income and expenses were derived
- Identify the marketing strategy to be utilized
- Identify any gaps in funding

Appendix J

PRESERVATION AFFORDABILITY/ RISK NARRATIVE FORM

Identify the category of preservation that represents the project and provide an extensive narrative explanation that addresses the issues/ questions listed below:

1. Tax Credits – 15 Year Projects

These properties have received funds through the LIHTC (9%) or (4%) programs between 1987 and 1990 and have a limited affordability compliance period. They often involve Section 8 contracts and HUD mortgages.

Major Risk Factors:

MARKET RISK

At the end of the 15 year compliance period, these properties face the imminent loss of affordability restrictions. Exit strategies can be varied, including the purchase of the property by the General Partner of the Limited Partner interest. This strategy may involve re-syndication of the property, some form of refinancing, and other considerations that involve most prominently the payment of exit taxes. Loss of affordability in strong market neighborhoods is always a threat. Please describe the risk to affordability due to market conditions. Provide documentation as to the market assessment in conjunction with the One Stop submission.

PHYSICAL DISTRESS RISK

Year 15 LIHTC projects often require substantial capital investment due to severe physical condition challenges. Please describe the nature of the physical condition of the property that is supported by the Capital Needs Assessment and Rehabilitation Strategy.

FINANCIAL RISK

Please describe the current state of the property's financial status that can be substantiated by financial statements, vacancy history, property management statements and other related documentation.

Additional Project Information:

- (1) Provide a narrative describing the owner's history and involvement with the property.
- (2) Describe the restructuring plan
 - a. Identify the financial strategy that will provide for the long term stability of the property
 - b. Explain the rationale for the proposed financial strategy
- (3) Projects that involve Section 8 contracts or HUD loans should review the above "Expiring Use" information requests as pertain to these federal requirements

2. Federally Financed Expiring Use Projects

These are HUD financed properties that incorporate affordability restrictions into their financing. These include:

- Section 236 and Section 221(d)(3) financed projects with mortgages that are prepayable or will soon reach their 40 year maturity;
- Projects with ELIHPA restrictions that will soon expire;
- HUD project-based assistance contracts (Section 8) that serve very low and extremely low income tenants with contracts that will soon expire.

Major Risk Factors:

The major risk factor for these properties is that the owners can terminate the affordability restrictions in the near term. Under federal law, tenants who currently receive project based Section 8 assistance would receive “enhanced vouchers” at conversion, but some non-subsidized tenants may not be eligible for these vouchers. Additionally, these vouchers are of limited value in that they expire when eligible tenants move out.

MARKET RISK

Projects that are most “at risk” for conversion to market rate housing are those located in desirable locations and in areas with strong rental or condo markets. Please describe the risk to affordability due to market conditions. Please provide documentation as to the market assessment in conjunction with requirements listed in the One Stop application.

PHYSICAL DISTRESS RISK

Federally funded properties that have not reached mortgage maturity and/or expiration of their Section 8 contracts may be under physical distress. Consequently, poor physical conditions can pose a threat to sustaining these affordable units. Please describe the nature of the physical condition of the property that is supported by the Capital Needs Assessment and Rehabilitation Strategy

FINANCIAL RISK

Many of these properties have endured a long history of operating problems. Financial viability is in doubt and may be due to a range of causes, from current debt structure to inadequate replacement reserves to situational issues. Please describe the current state of the property's financial status that can be substantiated by financial statements, vacancy history, property management statements and other related documentation..

Additional Project Information:

- (1) Provide a narrative that explains the owner's history and involvement with the property.
- (2) Describe previous or current finance structure
 - a. Explain the status of the existing federal mortgage, origination date, term, and expiration date
 - b. Explain the nature and length of restrictions, notice requirements, and owner's right to pre-pay. Include information on programs such as ELIHPA, Section 121A, Land Disposition Agreement, etc.
 - c. Provide information as to the current private or public mortgages, with confirmation as to whether HUD has injured or holds a mortgage.
 - d. Describe any subsequent HUD mortgage financing (from the original structure) through a "flexible subsidy" program or "decoupling" where mortgages have been pre-paid, but the interest subsidy has been retained.
 - e. Identify whether or not the property has an MHFA financed SHARP loan. Can this loan be prepaid upon restructuring?
 - f. Describe any loan defaults and related actions where loan payments were not made
- (3) Describe proposed financial restructuring
 - a. Describe requests to HUD or other parties, including other public entities, that relies upon loan forgiveness or waivers of all or some portion of current debt; include on what basis this request can be supported
 - b. Provide an explanation as to any "rollovers" that are being proposed, terms and conditions, including pre-payments or re-payments
 - c. Describe discussions that have occurred with HUD or other lenders pertaining to this restructuring plan
 - d. Explain the type and term of the Section 8 contract and what renewal options are being considered/ proposed. Describe "mark up to market", "mark up to budget," or other upward adjustment program proposals.
In addition, explain the differential from current to future income, its terms and conditions.

3. Section 202 Refinance Projects (Originated between 1959 and 1991)

These properties are a special category of older federally financed developments that have previously been ineligible for refinancing. They typically were burdened with high interest HUD mortgages and have Section 8 contracts that are near expiration.

Major Risk Factors:

PHYSICAL DISTRESS AND FINANCIAL RISK

Older Section 202 projects will unlikely face a risk of affordability due to market conditions. These properties face the opportunity risk of not re-financing upon expiration of their Section 8 contracts and not re-capitalizing older properties in need of rehabilitation. Please describe the nature of the physical condition of the property that is supported by the Capital Needs Assessment and Rehabilitation Strategy

Additional Project Information:

- (1) Provide a narrative describing the owner's history and involvement with the property.
- (2) Describe previous or current finance structure
 - a. Explain the status of the existing federal mortgage, origination date, term, and expiration date
- (3) Describe the restructuring plan
 - a. Identify the financial strategy that will provide for the long term stability of the property
 - b. Explain the rationale for the proposed financial strategy
- (4) Describe how the renewed Section 8 contract will be able to service debt and pay operational costs.
- (5) Describe how services will be impacted by the restructuring plan

4. General Preservation Projects

These properties represent a range of rental properties that are currently not financed by any federal or other public funding source. However, they are a potential source of affordable housing.

NHT will consider funding a proposed project if long-term affordability can be secured for a significant portion of the tenants. The proposal must have a strong financing plan and a strong capital needs/ modernization plan with provisions for energy savings and increased accessibility, if needed. NHT will assess these type of projects on their own merits, recognizing that these are not typical preservation, without the risk factors as described above.

PLEASE NOTE THAT NHT WILL BE UTILIZING THE "PRIORITIZATION MATRIX FOR PRESERVATION PROJECTS" DEVELOPED BY CEDAC TO ASSIST IN ESTABLISHING PROJECT PRIORITIES.

ADVISORY:

PROJECTS OF THIS TYPE ARE EXTREMELY COMPLICATED AND CAN INVOLVE A MYRIAD OF UNFORSEEN TECHNICAL AND LEGAL ISSUES. ACCORDINGLY, NON-PROFIT OWNERS OR DEVELOPERS ARE STRONGLY ENCOURAGED TO CONTACT THE COMMUNITY ECONOMIC DEVELOPMENT ASSISTANCE CORPORATION (CEDAC) FOR TECHNICAL ASSISTANCE. FOR-PROFIT OWNERS/ DEVELOPERS ARE STRONGLY ENCOURAGED TO CONSULT WITH A QUALIFIED CONSULTANT TO DETERMINE BEST PRACTICES IN STRUCTURING 'EXPIRING USE' AND OTHER PRESERVATION FINANCING.

Appendix K

Capital Needs Assessment

Applicant Generated Document

Appendix L

Applicant Generated Document

Rehabilitation Strategy Including Energy Efficiency (For Preservation Projects Only)

Preservation project development teams are to provide NHT with a comprehensive rehabilitation strategy, which combines the established 20-year Capital Needs Assessment (C.N.A.) with practical green building and energy performance recommendations. Applicants are to provide a C.N.A. and the replacement reserve analysis which focuses on improving the quality of life of residents, ensuring the long-term stabilization of the building and protecting the health and safety of building occupants. Green building recommendations are to use LEED for Homes, Healthy Homes and Energy star as a basis and pay particular attention to improving poor indoor air quality, inadequate ventilation and other unhealthy interior conditions for residents. The energy performance assessment is to evaluate where improvements can be made to reduce operating costs by improving the energy and water efficiency of the building(s). Considerable improvements can be obtained by providing workshops to introduce conservation strategies and healthy homes measures to residents. Where unit layout or reconfiguration is proposed the rehabilitation strategy is to address these modifications.

Capital Needs Assessment

The C.N.A. is to project the potential capital costs over a 20-year period using a quantity inventory of building components (including the age and expected life of these components), data on their current cost, assumed rates of inflation and a schedule of replacement. The C.N.A. must have been conducted less than 2 years prior to the submission to this application for funding. Projects with multiple buildings must complete a C.N.A. for each building.

A complete C.N.A. will include a detailed 20-year capital needs worksheet. A report summarizing the existing property conditions with color photos, a description of projected needs as reflected in the C.N.A. and final replacement recommendations are to accompany the worksheet. In addition applicants are to provide the following:

- A chart or (bar) graph to summarize costs in each building system or major work category between year 1-20 as recommended by the C.N.A.
- A narrative summary of the following priority areas as reflected by the immediate replacement recommendations in the C.N.A. This narrative is also to focus on life safety upgrades required by code:
 - Building Stabilization – exterior envelope, structure, egress
 - Mechanical, Electrical, Plumbing & Fire Protection Systems
 - Hazardous Materials & De-leading
 - Ventilation, Indoor Air Quality – bath, kitchen, common area
 - Interior Quality & Finish – including healthy homes

Replacement Reserves

The replacement reserve analysis is to project the funds required for capital improvements over a 20-year period. The analysis should include the prior 3 to 5 years reserves. Each of the following documents is to include a chart or (bar) graph to illustrate the analysis. Also include capital costs with the chart or graph for comparison:

- A replacement reserve projection based on existing reserves.
- A replacement reserve projection based on the reserves proposed in the rehabilitation strategy.

Green Building/ Energy Performance

Operating expenses are to specifically include utility cost for gas, electricity and water. Maintenance costs are to be included as an operating expense, if repairs to fixtures, heating equipment, appliances, lighting, etc. can be quantified. An analysis of existing operating costs should include historical trends 3 to 5 years prior and an energy audit conducted by a qualified energy auditor or home energy rater. More extensive thermal imaging and deconstructive exploration is to be conducted when known deficiencies exist in the building envelope (roof, floors, exterior walls, etc.) Operating savings are to be determined from identifying where “energy” improvements have the greatest cost benefit (life cycle cost compared to payback period.) These operating savings are to be projected over a 20-year period based on the rehabilitation strategy.

A complete assessment will include a summary of the “green” and “energy” improvements with a description of expected resident benefits, operating cost reductions including utility savings. In addition thermal imaging, investigative photos & reports from the energy audit and detailed spreadsheets analyzing existing operating expenses and proposed operating savings (cost benefits) are to be provided. In addition applicants are to provide the following:

- A 20-year projection of operating cost savings based on the rehabilitation strategy.

Rehabilitation Strategy Summary Chart

A chart or (bar) graph, which combines operational savings, replacement reserves and capital, needs over a 20-year period in a single illustration. Capital needs improvements are to be broken into categories based on the rehabilitation strategy. This graph is to reflect an understanding of the fund allocation within the capital improvements in comparison to the funds/savings allocated to replacement reserves.

Accessibility and Relocation

Applicants are to clearly explain any need to modify the existing configuration of units for any reason including accessibility and life safety. Applicants are to determine whether the renovation scope of work (when compared to the building value) triggers compliance with accessibility regulations. A unit inventory listing the unit, unit square footage and number of bedrooms is to be provided in order to assess the impact of reconfiguration on the existing unit mix. Applicants are also to summarize temporary or permanent displacement caused by the reconfiguration of units (Note URA requirements in the Application Process).

Appendix M

Federal and City Policies and Regulations

Federal URA (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended) 42 USC §4601 et seq. , 24 CFR Part 24 and Section 104 (d) of the Housing and Community Development Act of 1974, as amended

URA: Federal law mandates adherence by the City of Boston (NHT) and therefore Applicants (sub-grantees) to the federal relocation statute and regulations, as well as policies, procedures and documentation requirements regarding temporary relocation or permanent displacement of residential or non-residential occupants in all HUD assisted programs and projects.

Section 104(d): Establishes requirements relative to the displacement of any lower income person as a result of demolition or the conversion of low/mod income housing to another use for a CDBG or HOME or certain other federally sponsored projects.

Note: Massachusetts State Relocation Act and Regulations, Mass General Law Chapter 79 A Regulations: 760 CMR 27 RELOCATION ASSISTANCE is triggered in the event a project requires acquisition or eminent domain taking of property by a government authority. Chapter 79A is triggered when a public agency causes a business and/or individuals to move as a result of state-funded real estate acquisitions or eminent domain takings. These displacing agencies are charged with providing relocation services to businesses and residential occupants who are displaced.

Boston Resident Jobs Policy as established by Chapter 30 of the Ordinance of 1983

The Boston Resident Policy requires the developer to ensure the following standards are met:

1. At least fifty (50) percent of the total employee worker hours in each trade shall be by bona-fide Boston Residents.
2. At least twenty-five (25) percent of the total employee worker hours in each trade shall be by minorities; and
3. At least ten (10) percent of the total employee worker hours in each trade shall be by women.

The Office of Boston Residents Jobs Policy can provide guidance regarding compliance and "best faith efforts." They may be reached at 617-918-5200.

Davis-Bacon Act Requirements

Projects of twelve (12) or more HOME-assisted units are subject to the Davis-Bacon Act. Projects of (eight) 8 or more units receiving CDBG funds are subject to the Davis-Bacon Act. Projects with existing federal operating subsidies may also be subject to the Davis-Bacon Act. If applicable, Developer or Sponsor shall comply or cause its contractors and subcontractors to comply with the Federal requirements of the Davis-Bacon wage laws in connection with any construction, alterations or improvement funded under this RFP. If applicable, developers should make certain their development budgets reflect Davis-Bacon wage rates.

Section 3 of the Housing and Urban Development Act of 1968

All projects receiving federal funds in excess of \$200,000 are subject to Section 3. Section 3 requires contracting and employment opportunities, to the greatest extent feasible, are given to low and very low income persons and to businesses, which provide economic opportunities for those persons. Section 3 does not require the creation of opportunity, but rather that when opportunities do arise, they be directed to Section 3 residents or businesses.

Fair Housing and Affirmative Marketing

Projects of five (5) or more new or vacant units are required to submit an Affirmative Marketing and Buyer/Tenant Plan to the Boston Fair Housing Commission (BFHC). The plan must be approved by the BFHC prior to final designation (in the case of City-owned land or buildings) or loan closing which involves public funds. Please make note that it can take up to six months from submittal of a Plan until approval. Owners are also required to list the availability of such housing with Metrolist.

Handicapped Accessibility Requirements

All projects are subject to the following regulations and laws governing accessibility:

- Boston Zoning Code
- Rules and Regulations of the Architectural Access Board (Massachusetts)
- Massachusetts Fair Housing Law, Chapter 722 Massachusetts Adaptability Statute
- Section 504 of the Federal Rehabilitation Act of 1973
- Federal Fair Housing Amendments Act of 1988

Boston Living Wage Ordinance

In accordance with The Boston Jobs and Living Wage Ordinance, and the provisions of the promulgated Regulations, any direct recipient ("Beneficiary") of at least \$100,000 of Assistance as defined by any grant, loan, tax incentive, bond financing, subsidy, debt forgiveness, 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 awarded after effective date of this Ordinance shall comply with the "First Source Hiring Agreement" provisions of said Ordinance. The Ordinance requires that all proposal submissions must include a completed Beneficiary Affidavit (Form B-1) and First Source Hiring Agreement (Form B-3). Forms B-2 and LW10A are for the applicant's reference.

Appendix N

Additional Guidance on Project Costs

Site Work.

Base the cost of site work and grading on all foreseeable (known) site dimensions, topography and visible ledge, including what is evidenced on site. Assume building site(s) will contain an old foundation(s) and fill debris when calculating site costs, unless you have accurate historical information that indicates there were no previous structures on the site.

Environmental Site Costs.

The developer shall include in the proposal sufficient funds to cover environmental remediation costs for typical urban sites (One Stop, Line 150). (The environmental allowance and Hard Cost contingency should be combined on Line 165, but broken out in the Comments field.) The soft cost budget (Line 170) shall include sufficient funds to cover all expected and unforeseen environmental testing. Fundamentally, the developer is responsible for typical urban site redevelopment costs and these costs must be clearly itemized and carried in the hard and soft cost budgets..

Roads and Walks, and Utilities.

Include all fees and costs associated with street and sidewalk reconstruction. It is essential to consult with the Public Works Department to determine the required scopes of work for all impacted sidewalks and streets, as well as for curb-cut and street opening permits. Costs of cutting and capping existing utility lines are also the responsibility of the developer.

Contingencies

Are limited to the following in accordance with NHT policy: The *hard cost contingency* amount shall be 5% of construction costs for new construction projects and 10% for rehabilitation projects. *Soft cost contingency* shall not exceed 2.5% of the total soft costs.

Construction Waste Management.

Diverting as much waste from landfills as possible is an important green building and environmental protection goal and, increasingly, due to the escalation in tipping fees, a financially prudent strategy as well. Your consultant should work with contractors to develop a construction waste management plan and to identify end markets for construction waste and debris. While this strategy may involve higher trucking costs, tipping fees for mixed debris will be reduced.

Appendix O

Rent and Income Limits

HUD Income Limits - Calendar 2013

Household Size	(1) 30% of median income	(1) 50% of median income	(1) 60% of median income	(2) CDBG Moderate Income: 80% of median income	(4) of 80% of median income	(4) of 95% of median income	(4) of 100% of median income	(4) of 110% of median income	(4) 120% of median income	(5) Inclusionary 80% Ownership limits	(5) Inclusionary 100% Ownership limits	(3) Inclusionary Rental limits
1 person	19,850	33,050	39,660	47,150	52,850	62,800	66,100	72,700	79,300	52,850	66,100	46,250
2 persons	22,650	37,800	45,360	53,900	60,400	71,750	75,500	83,050	90,600	60,400	75,500	52,850
3 persons	25,500	42,500	51,000	60,650	67,950	80,700	84,950	93,450	101,950	67,950	84,950	59,450
4 persons	28,300	47,200	56,640	67,350	75,500	89,700	94,400	103,850	113,300	75,500	94,400	66,100
5 persons	30,600	51,000	61,200	72,750	81,550	96,850	101,950	112,150	122,350	81,550	101,950	71,350
6 persons	32,850	54,800	65,760	78,150	87,600	104,050	109,500	120,450	131,400	87,600	109,500	76,650
7 persons	35,100	58,550	70,260	83,550	93,650	111,200	117,050	128,750	140,450	93,650	117,050	81,950
8 persons	37,400	62,350	74,820	88,950	99,700	118,400	124,600	137,050	149,550	99,700	124,600	87,250

(1) Issued by HUD effective March 15, 2013, and calculated in accordance with the IRS guidelines for consistency with HOME & LIHTC Programs. For FY 2013, Based on the "hold harmless" policy for MTS project after calendar year 2008.

(2) Income limits provided by HUD - December 11, 2012. The 2013 Median Income for the Boston Metro FMR Area has decreased to 94,400.

(3) Incomes set by the BRA for 2013

(4) Incomes calculated based on the HUD published median income for a family of four in the Boston area, adjusted for family size and rounded to nearest 50.

Monthly Rent Limits

Bedroom Size	Homeless Set-Aside (30% of median)	(1) Low HOME (60% of median)	(1) High HOME (65% of median)	LIHTC (50% of median)	LIHTC (60% of median)	(2) CDBG (50% of median)	(2) CDBG (80% of median)	(3) Section 8 FMR	Section 8 110% of FMR	(5) Inclusionary Rent Limits	(6) Maximum Rent NSP Limits
SRO	372	642	776			620	894	776	853		
0 BR/Eff.	496	856	1,035	826	991	826	1,179	1,035	1,139	1,024	2,054
1-BR	531	917	1,156	888	1,063	826 - 945	1,179 - 1,348	1,156	1,272	1,194	2,201
2-BR	638	1,101	1,408	1,062	1,275	945 - 1,180	1,348 - 1,684	1,444	1,588	1,365	2,642
3-BR	736	1,271	1,619	1,228	1,473	1,063 - 1,370	1,516 - 1,954	1,798	1,978	1,535	3,050
4-BR	821	1,418	1,786	1,370	1,644	1,275 - 1,559	1,684 - 2,224	1,955	2,151	1,707	3,403
5-BR	906	1,565	1,952	1,511	1,814	1,370 - 1,559	2,089 - 2,224	2,089	2,276	1,843	3,756
6-BR	935	1,711	2,118	-	-	1365+	2184+	2,339	2,573	1,980	4,106

(1) As issued by HUD May 2013, effective June 1, 2013

(2) As issued by City of Boston affordable rent statement

(3) As issued by HUD 8/3/12 effective 10/1/12

(5) as set by BRA dated 2013

(6) Maximum NSP Rents at 120% AMI

Utility Allowance - BHA Leased Housing Division, Effective 6/1/13

		SRO/0 BR	1BR	2BR	3BR	4BR	5BR	6+BR
Gas Heat	Single Family	32/42	57	68	86	97	113	130
	Duplex, 3 Decker	29/39	50	66	82	96	109	125
	Garden, Row/Townhouse	24/32	43	58	72	87	101	116
	Elevator/Highrise	25/33	37	44	54	61	76	88
Oil Heat	Single Family	107/142	193	231	291	329	382	440
	Duplex, 3 Decker	98/130	168	222	276	324	368	423
	Garden, Row/Townhouse	81/108	144	195	243	294	342	393
	Elevator/Highrise							
Electric Heat	Single Family	36/48	65	79	99	112	130	150
	Duplex, 3 Decker	33/44	57	76	94	110	125	144
	Garden, Row/Townhouse	28/37	49	66	83	100	116	134
	Elevator/Highrise	25/33	41	50	62	77	89	103
Water Heat	Gas	5/7	10	13	16	20	21	24
	Oil	17/23	30	40	49	61	66	75
	Electric	8/11	15	20	24	30	32	37
Water Use	Tenant Paid	37/49	71	92	120	136	158	179
Cooking	Gas Oven	5/6	8	10	13	16	17	20
	Electric Oven	5/7	9	12	14	18	19	22
Lights & Appliances		19/25	31	42	52	65	70	80
Refrigerator		2/3	3	3	5	5	7	7
Range		3/4	4	5	5	5	5	5

Inclusionary Development Price Limits 2013

BRA	80% AMI	0 BR	1 BR	2 BR	3 BR	4BR
	100% AMI	\$133,600	\$161,600	\$189,600	\$217,600	\$245,700
		\$175,700	\$210,800	\$245,700	\$280,700	\$315,800

HOME Purchase Price/Value Limits (as of 8/28/13)

Suffolk	1 Living Unit	2 Living Unit	3 Living Unit	4 Living Unit	Last Updated
Existing	285,000	365,000	442,000	547,000	8/28/2013
New	311,000	398,000	482,000	596,000	

Home Per Unit Subsidy Caps: Based on High Cost % effective 1/1/11

Boston	0 BR & SRO's	1 BR Units	2 BR Units	3 BR Units	4+ BR Units
	\$144,248	\$165,972	\$201,822	\$261,090	\$286,597

Appendix P

Additional Guidance on Resident Services Plan

NHT has been made aware of an increasing number of tenant evictions from projects that serve affordable households. While it is recognized that a Resident Services Plan may be preliminary at the initial funding application stage, applicants are encouraged to assess the general needs of all residents in addition to those with special needs. One goal is to minimize evictions through owner/ manager/ service provider interventions.

The Resident Services Plan should, as contained within Exhibit 14 of the One Stop, identify:

- Who will manage the property
- Prior experience managing similar properties and services
- Similar properties and services list
- Staffing plan
- On-site resident services coordination
- Management responsibilities as pertains to tenancy stabilization
- Special service needs
- Use of outside vendors and identification of potential vendors
- Specific service coordination responsibilities
- Physical plan of building(s) to enable provision of services
- Types of Services to be introduced (proposed)
- Other possible interventions, including tenant education and tenant participation