



NY Rising Housing Recovery: Condo/Co-op Program and Rental Property Program Before Starting Repairs

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FOR ALL PROJECTS THAT ARE CURRENTLY UNDER CONSTRUCTION, ALL CONSTRUCTION SHOULD STOP AS OF THE DATE YOUR APPLICATION IS SUBMITTED. CONSTRUCTION SHOULD NOT RECOMMENCE UNTIL THE REQUIRED ENVIRONMENTAL REVIEW IS COMPLETED. THE PROGRAM CANNOT PROVIDE ASSISTANCE FOR ANY WORK COMPLETED BETWEEN THE DATE OF SUBMISSION OF THE APPLICATION AND THE DATE THE ENVIRONMENTAL REVIEW IS COMPLETED.

FOR PROPERTIES, OF 8 UNITS OR MORE, THE NY RISING HOUSING RECOVERY PROGRAM (PROGRAM) WILL ALSO REVIEW CONSTRUCTION CONTRACTS FOR ALL AWARD-RELATED CONSTRUCTION WORK. THE PROGRAM MAY REQUIRE YOUR CONTRACTOR TO RECEIVE COMPLIANCE TRAINING, AS APPLICABLE.

To help minimize any major issues with your repair, elevation, or reconstruction project and to ensure compliance with Federal and State Law, it is important to establish regular communications with your design professional and general contractor. Ask them to address any concerns you may have early in the design process and before construction begins. Have them review the design and construction process with you, including permits and certification timeframes. Additional steps to take before and during construction include:

- Verify that your design professional, general contractor and their subcontractors (electrical, plumbing, etc.) have the appropriate licenses to work in your municipality by clicking [here](#).
- Any design professional and/or construction contractor hired must be properly licensed by the State of New York, if so required, and must not be on the federal debarment list.
- Review the scope of work with your design professional to ensure it includes all of the items in the Estimated Cost of Repairs (ECR) provided by the Program, and that the proper materials are provided and incorporated into the work. It is important to separate the Program's allowable materials from any luxury items contained in the scope.
- Conduct a pre-construction conference with the general contractor to go over all of the requirements of the contract, and review all of the documentation required by the Program for project closeout. These include a Certificate of Occupancy where applicable; lead asbestos and other environmental assessment and clearance documents; an Elevation Certificate; designer certification that the project meets NY Rising program guidelines; Green building and New York State Energy Conservation Construction Code (ECCCNYS 2010); and mechanical, electrical and plumbing certificates, among others. Your Customer Representative will provide you with a full list of required documents.



- Discuss the schedule and anticipated crew size with your general contractor prior to the start of construction to keep the project on track.
- As construction progresses, confirm that your general contractor has completed all required inspections for plumbing, electrical, mechanical, and for energy rating certifications and provide you with these documents. This should be done before the walls of the dwelling are sealed. These documents are required as part of the closeout process and for payment of the balance of your award.
- For 8+ unit properties, ensure that the Program-provided HUD Appendices are attached to the construction contract and wage-rate-related and program-assigned documentation is complete. The executed construction contract must be submitted to the Program prior to the start of construction-related work.
- For 8+ unit properties, ensure that Program-assigned technical assistance is completed by the applicant and/or the contractor where necessary. Confirm that the construction contractor is prepared and able to report on employee wages related to the construction contract, where necessary.
- NOTE FOR 8+ unit applicants: You and your contractor must comply with federal prevailing wage rates and reporting requirements. The Program will provide assistance to you to help you meet these requirements. Please contact your Customer Representative for additional information. Under section 110(a) of the Housing and Community Development Act of 1974, the Davis-Bacon Act (40 U.S.C. 3141 et seq.) applies to construction work over \$2,000, “financed in whole or in part” with CDBG-DR assistance. The Act requires that workers receive no less than the prevailing wages paid for similar work in the same area. Assuming that a determination has been made that Davis-Bacon wage rates are applicable:
 1. The contract for construction is the vehicle to ensure contractor compliance and prevailing wage enforcement. Therefore, the bid specifications and/or the contract for each project subject to Davis-Bacon wage rates must contain both a Davis-Bacon wage decision and its own labor standards clauses.
 2. The prevailing wage decision is a listing of various construction work job classifications (such as Carpenter, Electrician, Plumber, Laborer, etc.) and the minimum wage rates (and fringe benefits, where prevailing) that people performing work in those classifications must be paid.
 3. The labor standards clauses obligate the contractor to comply with assigned wage and reporting requirements and provide for remedies and sanctions should violations occur. HUD has standard forms that contain the labor standards clauses appropriate for different programs: the HUD-4010, Federal Labor Standards Provisions, for CDBG; These forms are available on-line at: www.hudclips.org/cgi/index.cgi
 4. Make certain the contractor understands its responsibilities for compliance with prevailing wage rates and reporting laws:



- a. The principal contractor (also referred to as the prime or general contractor) is responsible for the full compliance of all employers (the contractor, subcontractors and any lower-tier subcontractors) with the labor standards provisions applicable to the project.
- b. HUD has published a Contractor's Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects for this purpose which provides basic information and instructions to contractors concerning Davis-Bacon wage and reporting requirements.