To: External Partners  
From: New York State Homes and Community Renewal  
Re: COVID19 External and Internal Controls for HCR Financed Projects  
Date: April 9, 2020

**APPLICABILITY**

New York State Homes and Community Renewal ("HCR," the “Agency”) wants to ensure that the developers and builders of projects receiving HCR funding are engaging in construction site safety practices in response to the Corona Virus outbreak. This guidance covers multifamily new construction, rehabilitation, weatherization, and preservation of affordable and supportive housing projects across New York State, as well as single family rehabilitation with emphasis on those projects performing work with tenants in place. This guidance takes effect immediately and will remain in place until further notice by HCR.

**OVERVIEW**

New York State recognizes construction on affordable housing as an essential business. It is imperative, however, that workers be protected from the spread of COVID 19. Therefore, developers must implement a General Guidance of Compliance at HCR funded sites currently under construction and provide a copy of this guidance to the Agency. Please review the chart below which provides an overview of the Agency’s guidance.

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1 This includes projects receiving funding as a 9% LIHTC project, a 4% Tax Exempt Bond Financing project, HCR capital, HTFC, programs funded by HOME, CDBG, Weatherization or the Affordable Housing Corporation.
### Section 1: CONSTRUCTION WORK FOR OCCUPIED APARTMENTS

Construction, rehabilitation, or weatherization work on sites where tenants remain in place must cease except for any construction or repairs that are already underway and necessary for health or safety. In circumstances where health and safety construction or repairs are already underway and must take place, the Development Team will provide assurances in writing to HCR that:

<table>
<thead>
<tr>
<th></th>
<th>New Construction</th>
<th>Rehabilitation/Weatherization</th>
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<tbody>
<tr>
<td></td>
<td>Standard Work</td>
<td>Life and Safety Work</td>
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<tr>
<td><strong>Tenant in place</strong></td>
<td>n/a</td>
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<tr>
<td><strong>Vacant Unit</strong></td>
<td>May continue under Governor’s EO. Please see Section 2 below for HCR guidance on site safety</td>
<td>n/a</td>
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1. Any work done in a tenant-in-place rehabilitation project is done and completed while the tenants are relocated completely off-site. If any tenants remain in residence in a building, interior construction site work cannot continue until the building is 100% vacant.

2. All of its new and existing surfaces must be fully cleaned and sanitized before the resident is allowed to re-enter. As applicable, proof will be provided that cleaning included any path and means of egress to and from the apartment including in the circumstance that a life and safety issue is identified in the future in an occupied unit, the owner/developer/grantee should consult with the relevant funding program at HCR.

Section 2: GENERAL GUIDANCE FOR DEVELOPER/CONTRACTOR COMPLIANCE

The Agency has directed all of its developers, inclusive of their respective builders, contractors, design professionals and consultants (the Development Team") to provide to the Agency their construction site policy for preventing the spread of the COVID 19 virus to the onsite workforce.

The Construction Site Policy, shall include but not be limited to:

1. Documentation to show that all personnel associated with construction sites are practicing the CDC defined means of responsible social distancing, maintaining to the best extent possible the recommended level of personal hygiene including frequent hand washing with soap and water and/or the use of alcohol hand sanitizers and the avoidance of touching their faces.

2. Assurances that all frequently handled items such as phones, tools, equipment etc., are also sanitized on an ongoing basis. Where applicable, machinery, power tools, stored materials and the jobsite in general must be cleaned throughout the day and at the end of the day, and kept clean to the best extent possible

3. Affidavits attesting that the prime contractors or construction managers are taking full responsibility for the actions of their workers and all personnel engaged in site activities to fully adhere to the above including wearing of Personal Protective Equipment (PPE) where applicable and that prime contractors are to direct their sub-contractors, suppliers, etc. accordingly.

4. Proof that all Jobsites have displayed the "NYSDOH Protect Yourself" poster prominently throughout the jobsite and that this policy has been discussed with the workforce at the beginning of each work day and with anyone entering the site.

5. Provision of the maintaining of a daily log of all personnel who entered and left the jobsite. This log will be a key resource should anyone associated with the site become infected with the virus and for determining who may have come in contact with them. The Development Team will assure the Agency that the log will list anyone entering the jobsite including the workforce and will note that they were asked if they, or anyone they came in contact with off the site, have
exhibited any symptoms of the virus. If anyone reports any symptoms or contact with a known infected person, they will not be allowed to enter the site and a notation will be made in the log that they were not permitted to enter the site and they were directed to engage in quarantine procedures. This will include proof, via the construction site log, that both the contractor and the worker contacting the local health department the project is located in.

6. Immediate notice shall be sent to the Agency (via your HCR Design & Construction staff contact) should any on-site worker develop the virus, with proof that the site supervisor notified the entire workforce and local health department of the potential exposure risk.

For Projects that are performing rehabilitative work while residents are in place, the Development Team will provide proof that they are following the above guidelines and as well as any additional protective measures established by the NYSDOH for residents in-place, especially those with medical needs.

In addition, the Development Team must provide evidence that they are working directly with the resident manager to ensure that the health and safety of the tenants affected by the work is being maintained and that tenant concerns are being documented and addressed.

Proof will be provided that any apartment which had undergone work had all of its new and existing surfaces fully cleaned and sanitized before the resident is allowed to re-enter. As applicable, proof will be provided that cleaning will include any path and means of egress to and from the apartment including lobbies, elevators and stairwells.

OVERVIEW FOR HCR FIELD STAFF

Projects being funded by HCR are generally inspected on scheduled, unscheduled and a cyclical basis to ensure that the construction work is being done in accordance with the contract documents and to certify that the monetary value submitted by the Development Team for payment is reflective and accurate of the actual work in place.

In order to prevent the spread of the virus and to protect HCR staff, the HCR Design, Construction & Environmental Services Unit has established a policy to conduct its due diligence via virtual and remote inspections and electronic submissions of support documentation.

Included in this process will be submissions of all documents which justify the payment requests to the assigned HCR monitor including trade payment breakdowns, material receipts and manpower reports, sign-offs from respective municipal entities, architects and engineers certifying applicable code compliance, and copies of inspection reports from independent entities such as bank monitors.
No payments will be made until the attached due diligence has been reviewed and completed in the same manner as if an actual physical field inspection had been conducted and all of the information submitted will be filed with the projects existing portfolios.