

## Design Compliance

### Administrative

***Q: Can IHDA accept electronic files greater than 25mb? Can IHDA accept a DropBox, BOX, FTP Site, or Share link?***

A: IHDA is unable to connect to an external file transfer or cloud-based storage communicator. For files greater than 25 mb, please send a request for a Sectrans link which can be used to transfer the files. For files smaller than 25 mb, please send them via email.

***Q: When should the Plan Review package be submitted to meet the Initial closing of the project?***

A: It takes a minimum of 60 days to coordinate the efforts of the Plan review and comment exchange. Drawings are primarily prioritized on a first-received basis of a complete submittal package. If a complete submittal package is received earlier than 60 days, it will be placed into the queue on a first-received basis. Note that project status might have a bearing on the review sequence.

### Mandatory Checklist

***Q: On the Architectural Standards, Universal Design and Amenities Certification form, Universal Design section, how do we differentiate between the requirements required by code and those that are not?***

A: The Architectural Standards, Universal Design and Amenities Certification form applies to multiple construction scopes; new construction, rehabilitation, and new addition projects. Based on applicable code requirements, some of the Universal Design features will not be applicable to all projects. Universal Design features that are required by code for the entire project cannot be selected. Where a Universal Design feature applies only to accessible or adaptable units, these features can be selected if they are to be applied universally to 100% of the units in the project.

***Q: On the Architectural Standards, Universal Design and Amenities Certification form, Amenities section, if a project is a scattered site project, where the buildings will be several blocks apart, can the Amenities features be applied across these buildings?***

A: Amenities can be shared between multiple buildings if all tenants across the project have access to them. Access to these selections needs to be convenient and maintained throughout the agreement period. Please contact IHDA during the design process to review the validity of the shared concept.

### Document Reviews

***Q: Why is the civil engineering contract required for review even though it is included in the architect's scope of services?***

A: Because the civil engineering contract can be held by the owner, IHDA has established separate fee limits, and it is therefore reviewed independently from the architect's contract. Architectural fee limits include fees for engineering services (structural, mechanical, electrical, plumbing, fire protection, and information technology), and fees for landscape design services. However, if landscape design services are included in the civil engineering contract, the landscape design fees will be evaluated under the civil engineering fee limits.

## Design, Construction & Regulatory Compliance

### Frequently Asked Questions (supplement to DCR Compliance Requirements)

**11.21.23 UPDATED**

***Q: Can IHDA start a plan review with only the architectural drawings?***

A: No, to perform a comprehensive review of the drawings, all disciplines must be submitted.

***Q: Can IHDA review Design Development phase drawings, prior to the full plan review?***

A: Yes. Since this review is not compulsory, a request from the Development team needs to be initiated. Upon request, IHDA will provide the checklist of documents necessary to conduct the DD review.

***Q: What does IHDA expect to see in a 90% set of Construction Documents?***

A: **For New Construction:** Complete Civil Engineering, Landscape, Architectural, Structural, Mechanical, Plumbing, Electrical, Fire Protection and Data (IT) Engineering Drawings, Coordinated set of Specifications.

Architectural information shall also include a:

Cover sheet, including index, project data, location map, building code and zoning information, table indicating unit schedule which includes unit Matrix to minimally include, Unit Number, Unit Area, Number of Bedrooms, Number of Bathrooms, Matrix shall identify units designated to Accessible, Section 504 (UFAS), Type A, Type B/Adaptable and Hearing and Visually Impaired units.

Interior Kitchen and Bath elevations, as well as other interior elevations required to identify areas receiving special design consideration. Including allowable space above range/stove to combustible surfaces and coordinated location of accessibility features. Cutsheets for all Appliances. Any proposed modifications to comply with the applicable accessibility requirements.

Wall Sections and enlarged details. Large scale drawings shall be provided at all exterior openings depicting where architectural elements must be installed to prevent air, water, and pest intrusion.

**For All Rehabilitation and Adaptive Reuse projects:**

Complete Civil Engineering (as required), Landscape, Architectural, Structural (as needed), Mechanical, Plumbing, Electrical, Fire Protection and Data (IT) Engineering Drawings, Coordinated set of Specifications.

Architectural information shall also include a:

Cover sheet, including index, project data, location map, building code and zoning information, table indicating unit schedule which includes unit Matrix to minimally include, Unit Number, Unit Area, Number of Bedrooms, Number of Bathrooms, Matrix shall identify units designated to Accessible, Section 504 (UFAS), Type A, Type B/Adaptable and Hearing and Visually Impaired units.

Interior Kitchen and Bath elevations, as well as other interior elevations required to identify areas receiving special design consideration. Including allowable space above range/stove to combustible surfaces and coordinated location of accessibility features. Cutsheets for all Appliances. Any proposed modifications to comply with the applicable accessibility requirements.

Wall Sections and enlarged details. Large scale drawings shall be provided at all exterior openings depicting where architectural elements must be installed to prevent air, water, and pest intrusion.

## **Design, Construction & Regulatory Compliance**

### **Frequently Asked Questions (supplement to DCR Compliance Requirements)**

**11.21.23 UPDATED**

***Q: Are interior elevations always required for review?***

A: Yes, interior elevations or sections are required to demonstrate compliance with the required vertical locations of various components, such as cabinets and electrical devices, identified on the floor plan.

***Q: Are reflected ceiling plans always required for review?***

A: Yes, reflected ceiling plans are required to demonstrate that the drawings have been fully coordinated. The reflected ceiling plan should clearly delineate fixture and device locations to avoid conflicts and allow a reference for device coordination. Soffits needed to hide utilities and associated elevations are to be represented within this plan.

***Q: What is needed on the Plans when Davis-Bacon wages are mandated?***

A: A statement denoting that Davis-Bacon wages are required for the project shall be clearly shown on the Coversheet or in the Project Manual.

### **Design Requirements**

***Q: For rehabilitation projects, can surface mounted wire management such as Wiremold be used when installing new wiring?***

A: Yes, in limited applications such as in back-of house areas and utility rooms. Best efforts shall be made to conceal new wiring in a manner which complies with all applicable codes. A Pre-design review is recommended for locations where it is technically challenging to accomplish concealment.

***Q: Will IHDA allow sprinkler piping to be installed exposed?***

A: No, sprinkler lines are considered a utility and therefore need to be concealed in all construction endeavors. Exposed lines are at risk of damage from tenants and their guests.

***Q: What is expected for the playground equipment that is required for non-elderly and Permanent Supportive Housing (PSH) developments?***

A: The playground equipment shall be commercial-grade fixed components surrounded by the obligatory fall zone targeting ages 2-12 years old. The quantity shall be based on the population and unit mix of the development. Best practice is expected when sizing the equipment for the target population. Not all pieces of equipment need to be accessible, however a minimum of 30% per Federal guidelines shall be ADA compliant.

***Q: Does IHDA have a minimum refrigerator size for units?***

A: A minimum of ~14 CF for a 1 bedroom to serve 1-2 occupants and a minimum of ~17 CF for 3 or more occupants.

***Q: Universal Design and Amenities Checklist item #1.3 Accessible Landscaping for at least one side yard and rear yard. What is expected for this selection?***

A: A side and rear yard shall have a firm wheelchair accessible surface along planting beds or varied planter elevations complying with reach heights defined within IAC 2018. This will allow the user to interact with the growing media and allow them to garden if they choose. The side and rear access don't need to be contiguous if the site design limits the path. A common hose bib shall also be provided which complies with IAC 2018. All planting areas, materials and paths of travel shall be resilient which can be sustained and maintained throughout the loan agreement. If the project is a scattered site, be sure each unit has their own dedicated access/ allocation that is not shared or comingled.

## Design, Construction & Regulatory Compliance

### Frequently Asked Questions (supplement to DCR Compliance Requirements)

11.21.23 UPDATED

***Q: IHDA standards require a cooktop and oven in a Community Room. Some jurisdictions require a commercial hood with fire suppression and black-iron ducting. Can the cooktop and oven be waived to avoid the need to include a commercial hood with fire suppression and black-iron ducting?***

A: No, however the cooktop and oven requirement can be substituted with a microwave/oven appliance such as the oven utilizing GE Advantium Technology or equivalent.

***Q: For a rehabilitation project, where space is limited, does bulk storage need to be provided per IHDA requirements?***

A: Yes, however a pre-design review with IHDA should be scheduled to determine the feasibility of including bulk storage on rehabilitation projects. Projects are expected to provide accessible, if structurally feasible, bulk storage units, in-unit or elsewhere in the building. If determined feasible, bulk storage units, conforming to IHDA requirements, should be identified on enlarged plans.

***Q: What is considered within the umbrella of FFE (Furniture Fixtures and Equipment) that the project can be reimbursed?***

A: **Furniture** are items used by the residents, their guests, and staff for living and operating the project. Examples include beds, desks, chairs, couches, office file cabinets, etc. **Fixtures** are items, which were once personal property, but due to permanent attachment are now considered as being part of the real estate. Examples include window blinds, built-in cabinetry, etc. **Equipment:** Items having a contributory association with the operation of the project. Equipment is usually considered personal property as it's not readily attached to the real estate. Examples include computers, laundry equipment, appliances, snow blowers, etc. **Supplies:** Items considered general purpose items and not eligible for reimbursement from the FF&E budget. Examples of supplies are hand and power tools, mops, cleaning solutions, trash cans, garden utensils, portable sports equipment, computer ink and paper, etc. Other related items that could be removed from the designated shop or location are considered supplies.

### Accessibility Review

***Q: Which Accessibility standards do I need to comply with?***

A: For residential projects with Federal funds, compliance with Section 504, which follows UFAS guidelines, is required. For projects with Illinois state funds, compliance with the Illinois Accessibility Code is required. For most projects, compliance with Federal Fair Housing is required. For all projects, regardless of funding source, all publicly accessible spaces shall follow ADA 2010 Guidelines. For projects in the City of Chicago, approval by the Mayor's Office for People with Disabilities (MOPD) might be required. For projects with multiple funding sources, compliance with the most stringent of all applicable standards is required.

***Q: Our project is in a jurisdiction that has no guidance on Accessibility? What should we use for guidance to adhere to IHDA funding expectations?***

A: If there is no guidance from a jurisdiction or code elements are not clearly defined in the IAC, EBA, FFHA, then the ICC ANSI A117.1 latest version shall be used for guidance.

***Q: Can a towel bar be installed above a required accessible grab?***

A: No. If a towel is on the towel bar it will obstruct the use of the grab bar.

## **Design, Construction & Regulatory Compliance**

### **Frequently Asked Questions (supplement to DCR Compliance Requirements)**

**11.21.23 UPDATED**

***Q: How are the required accessible calculations adjusted? Are they to be rounded up or down?***

A: The required value for any accessible calculation shall be adjusted up to the next whole number.

***Q: For a rehabilitation project, when it is infeasible to comply with all requirements of the Illinois Accessibility Code (IAC), can IHDA provide a waiver for these requirements of the IAC?***

A: No, IHDA cannot waive code required components or processes. For IAC decisions, contact Felicia Burton at the Capital Development Board for an official interpretation. All written communications must be submitted to IHDA for record.

***Q: When accessibility codes and standards required by various entities conflict, what requirement should the project comply with?***

A: In the event of a conflict between building codes and standards, the most stringent requirement shall apply to the project.

***Q: What information should be included in the required unit matrix?***

A: The required unit matrix should, at minimum, include the following: unit number or series, unit area, number of bedrooms, number of bathrooms, and designation of accessible unit types (Section 504 (UFAS) for individuals with mobility impairments, Section 504 (UFAS) for individuals with sensory impairments, Type A, Type B/adaptable).

### **Sustainability Review**

***Q: Can IHDA waive the Mandatory Enterprise Green Communities (EGC) 5.1b requirement?***

A: No, the Mandatory EGC 5.1b cannot be waived entirely. Specific components of the requirement can be reviewed and evaluated on their own merit. Provide the mandatory report plus the waiver form to begin the review process. The waiver form is available on IHDA's website.

## Construction Compliance

### **Project Estimate of Probable Construction Cost**

***Q: Clarify the intent of the requirement for an independent third-party construction cost estimate at the time of application.***

A: As a supplement to the estimate provided by the GC at the time of the Application for Multifamily Financing, IHDA requires applicants to secure an estimate of probable cost ("estimate") by an independent third-party consultant.

***Q: What if there is a difference between the independent third-party consultant's construction cost estimate and the GC's?***

A: If the estimate by the independent third-party consultant differs by 10% or greater from the estimate by the GC, a narrative must be provided to reconcile the two estimates.

***Q: Clarify the required qualifications of the consultant providing the project estimate of probable construction cost.***

A: The consultant, having an office in the State of Illinois, shall be certified by one of the following organizations: as a cost engineer by the Association for the Advancement of Cost Engineering (AACE), as a certified professional estimator by the American Society of Professional Estimators (ASPE), as a certified cost estimator/analyst by the International Cost Estimating and Analysis Association (ICEAA) or having a chartered status issued by the Royal Institution of Chartered Surveyors (RICS).

### **Wage Compliance: Section 3 & Davis Bacon**

***Q: Provide an overview of the Section 3 Requirements.***

A: See below.

The Illinois Housing Development Authority (the Authority) administers funds from federal sources for housing development activities. The Authority and the recipients of these funds must ensure that all applicable Section 3 requirements are followed.

The purpose of Section 3 of the Housing and Urban Development Act of 1968, 24 CFR 75 recognizes that employment, job training and contract opportunities are generated by U.S. Department of Housing and Urban Development (HUD) programs designed to aid housing, urban planning, and community development. Section 3 is a mandate to target these economic opportunities flowing from the HUD assisted projects to lower income residents and businesses in those jurisdictions and areas where HUD is investing public resources. Through HUD regulations, participants in HUD's assistance programs (recipients, contractors, and subcontractors) must demonstrate good faith efforts to meet regulatory requirements and to provide "to the greatest extent feasible" opportunities to Section 3 area residents and Section 3 business concerns.

Essentially Section 3 is intended to ensure that when employment or contracting opportunities are generated in a covered activity which requires the employment of additional persons or the awarding of contract for work, preference must be given to low and very-low-income persons or business concerns residing in the community where the Section 3 project is located.



## Design, Construction & Regulatory Compliance

### Frequently Asked Questions (supplement to DCR Compliance Requirements)

#### 11.21.23 UPDATED

A recipient that receives community development or housing assistance covered by Section 3 for which the amount of assistance exceeds \$200,000. Section 3 requirements apply to **all** contractors and subcontractors performing labor on federally funded projects.

Section 3 covered federal funding sources include HOME Investment Partnership (HOME), Risk Share (HUD insured), National Housing Trust Fund, Neighborhood Stabilization Program (NSP) which is funded through the Community Development Block Grant (CDBG) and included in the Housing and Community Development Act of 1974 as amended (HCDA).

**Section 3 Covered Project:** the construction, reconstruction, conversion, or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with housing or community development assistance.

**Section 3 Business Concern:** a business concern, as defined in this section— Businesses that meet one of the following criteria (documented in the last 6 months):

- 1) At least 51% are owned and controlled by low-income or very low-income persons.
- 2) Over 75% of labor hours performed for the business over the prior 3-month period are performed by Section 3 Workers (low or very low-income persons).
- 3) At least 51% owned and controlled by current residents of public housing or Section 8 assisted housing.

**Section 3 Worker:** any worker who currently fits or when hired within the past five years fit at least one of the following categories, as documented:

- 1) The worker's income for the previous or annualized calendar year is below the income limit established by HUD.
- 2) The worker is employed by a Section 3 business concern.
- 3) The worker is a YouthBuild participant.

**Targeted Section 3 Worker:** The proposed priorities are:

- (1) Employed by a Section 3 business concern, or currently meets or when hired, met at least one of the following categories as documented within the past five years;
- (2) Living within the service area of the neighborhood of the project; or
- (3) Is a YouthBuild participant.

Targeted Section 3 workers would be low or very low-income workers residing within a one-mile radius of the Section 3 project. If fewer than 5,000 people live within that one-mile radius, the circle may be expanded outward until that population is reached.

#### **Section 3 Benchmarks:**

- 1) 25% of total labor hours worked by Section 3 workers.
- 2) 5% of total labor hours worked by "Targeted Section 3 workers."

## **Design, Construction & Regulatory Compliance**

### **Frequently Asked Questions (supplement to DCR Compliance Requirements)**

**11.21.23 UPDATED**

#### **Reporting Labor Hours:**

Track and report on labor hours rather than new hires, promote employee retention, consistent with existing business practices (i.e., Davis-Bacon and payroll systems).

- The total number of labor hours worked.
- The total number of labor hours worked by Section 3 workers.
- The total number of labor hours worked by Targeted Section 3 workers.

***Q: Should the Section 3 Workers/Targeted Section 3 Workers report be submitted with each payroll?***

A: Yes, the US Department of Housing and Urban Development (HUD) requires tracking the total labor hours for three categories of workers: all workers, Section 3 Workers, and Targeted Section 3 Workers, including workers of a Section 3 Business Concern.

***Q: Should the subcontractor complete the Exhibit B form if Section 3 workers are not involved with the project?***

A: If the subcontractor indicates on Exhibit A that Section 3 Workers are not involved, then Exhibit B does not need to be completed. If the subcontractor indicates on Exhibit A that Section 3 Workers are involved, then those employees are required to complete Exhibit B, employee self-certification.

***Q: Does the wage decision rate replace the contractor hourly rate?***

A: Yes, the wage decision rate would replace the contractor hourly rate if the contractor hourly rate is less than the wage decision rate being used for the project.

***Q: Should the work classification from the wage decision be used, instead of the journeyman, on certified payroll?***

A: Yes, the work classification from the wage decision is what should be reflected on the certified payroll.

#### **Construction Contract**

***Q: What are IHDA's requirements regarding an early start to construction, prior to initial closing?***

A: Work started prior to initial closing is solely the responsibility of the Sponsor. IHDA shall not be responsible for payment or compensation to the contractor if funding is lost because of unauthorized activity. Upon initial closing, IHDA reserves the right to inspect work completed prior to closing, including any removal of previously installed components to properly confirm compliance with IHDA's Requirements and the approved plans and specifications.

***Q: Are pre-construction services provided by the General Contractor allowed to be reimbursed through the construction contract?***

A: When performing pre-construction services, the General Contractor shall be considered to be acting as a construction consultant to the Developer/Sponsor. All direct costs and fees associated with this service are viewed as consultancy and therefore are paid through the Developer Fee as defined in the QAP.



## **Design, Construction & Regulatory Compliance**

### **Frequently Asked Questions (supplement to DCR Compliance Requirements)**

**11.21.23 UPDATED**

***Q: Are other forms of contract allowed by IHDA or is the AIA A102 the only acceptable format?***

A: The AIA A102 will be the only acceptable format for GC contracts where IHDA is providing financing. The only exception will be for those projects where HUD is providing direct financing, and their requirements would supersede IHDA's if more stringent. Also, the AIA A201 General Conditions shall also be a required accompaniment to the contract documents for all projects.

#### **Construction Pay Applications**

***Q: Will IHDA allow advance draws for material deposits and design-build payments at initial closing?***

A: See 2.1 of the IHDA DCR Requirements. All requests for deposit payments must be substantiated by an invoice issued by the supplier or subcontractor requesting the deposit and included with the draw in which the request is made.

***Q: Can a project use contingency for winter conditions?***

A: The construction budget shall include any costs resulting from anticipated scheduling delays or seasonal constraints such as winter conditions, water extraction from recent rains, etc. These items are not considered unforeseen and will be determined to be an error and omission when presented to the Authority for CO Determination as defined in Section 18, Change Orders and Contingency Funds below.

#### **Construction Close Out**

***Q: For rehabilitation projects, do we need to provide an as-built ALTA/NSPS survey for final closing?***

A: An as-built ALTA/NSPS survey, is required for rehabilitation projects with site work which has altered the physical hardscape or reconfigured a surveyable component, i.e., parking stalls or an addition of ground level condensing units.

## Regulatory Compliance

### Environmental Review

***Q: Why is a Part 58 review completed?***

A: The Part 58 review is completed to ensure all projects funded with federal funds comply with all applicable federal laws and authorities identified in Title 24 CFR Part 58.

***Q: Who is responsible for completing a Part 58 review?***

A: IHDA, as the Responsible Entity (RE), will assume the US Department of Housing and Urban Development's (HUD) National Environmental Policy Act (NEPA) responsibilities and serve as the Federal Agency on behalf of HUD.

***Q: What is a Request for Release of Funds (RROF)?***

A: The Notice of Intent to Request Release of Funds is submitted to HUD once IHDA has completed the Part 58 review. The document notifies HUD that Part 58 has come back with a "Finding of No Significant Impact".

***Q: What is the Authority to Use Grant Funds (AUGF)?***

A: The AUGF is provided by HUD upon the completion of their project review. Once IHDA receives the AUGF, funds can be committed to the project and a project may close.

***Q: How long is a Phase I report valid?***

A: A Phase I report is valid for up to one year. Once the Phase I report is over one year old, a new Phase I report is required. A Phase I report that is over six months old would only need to be updated.

## Insurance

***Q: When does IHDA review insurance?***

A: IHDA reviews insurance for all projects in which IHDA is providing financing during construction (i.e., loans/grants).

***Q: What types of certificates of insurance forms does IHDA accept?***

A: Accord 25 (Certificate of Liability) and Accord 28 (Evidence of Commercial Property Insurance).

***Q: Where should insurance documents be submitted?***

A: Submit insurance documents to [mfinsurance@ihda.org](mailto:mfinsurance@ihda.org).

## **Subsidy Layer Review (SLR)**

***Q: When does IHDA conduct an SLR?***

A: IHDA conducts SLR on new construction and rehabilitation projects which receive an allocation of Low-Income Tax Credits (LIHTCs) financed by IHDA and Section 8 Project-Based Voucher (PBV) Housing Assistance. The process and procedures pertain to PBV SLRs occurring after completion of the project underwriting and before execution of the Agreement to Enter into Housing Assistance Payments (AHAP) contract.

***Q: What information is required to complete an SLR?***

A: The SLR instructions and template can be found at IHDA's Developer's Resource Center, <https://www.ihda.org/developers/dev-resource-center/>.

***Q: What is the process to submit an SLR?***

A: All required documentation should be submitted to the Public Housing Authority (PHA), issuing the PBVs, for review. The PHA reviews the submission package and submits the reviewed SLR submission package to [slr@ihda.org](mailto:slr@ihda.org) for final review and approval.

## **ADDITIONAL QUESTIONS**

For questions not covered in this FAQ, please email your question to [MFDDesignConstruct@IHDA.org](mailto:MFDDesignConstruct@IHDA.org) and someone will reply within 24 hours during weekdays.