

# **Erie Redevelopment Authority**

## **Commercial Façade Renovation Program Program Information**

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## **Introduction**

Updated and attractive storefronts are an important part of the success of retail and commercial districts. As the Erie Redevelopment Authority seeks ways to revitalize and rebuild neighborhoods, it encourages business owners to improve their storefront exteriors. Renovated facades can stabilize property values and leverage new investment in neighborhoods.

Currently, there are three geographic areas of focus for the Façade Renovation Program: the Downtown Improvement District, Parade Street between 26<sup>th</sup> & 28<sup>th</sup> Streets, and Peach Street between 24<sup>th</sup> & 29<sup>th</sup> Streets. The Erie Redevelopment Authority will work with the applicant to insure that proposed improvements are consistent with the character of the existing district.

The maximum amount of funding available for a single project is \$50,000. Owners/applicants are required to contribute matching funds representing at least 50% of the total project cost.

Applicants will be required to utilize the services of a Pennsylvania Registered Architect or Professional engineer to prepare construction plans and specifications. Design fees are eligible as credit towards the applicant's matching funds.

## **Project Eligibility**

Elements that are eligible include, but are not limited to:

- Exterior painting
- Removal of inappropriate or incompatible exterior finishes and materials (false fronts such as aluminum panels)
- Restoration of exterior finishes and materials
- Installation of safety glass
- Reconfiguration of existing doors and entrances
- Repair or replacement of existing storefront window systems
- Signage (new, repair, replace, or remove)
- Exterior lighting (building, signs, display areas)
- Awnings ( new, repair or replacement of existing)

Ineligible elements include:

- Sidewalks
- Lightposts
- Streetscape features (plantings, benches, etc.)
- Roof replacement (Mansard roof excepted)
- Parking
- Signage not connected to the building

## Eligible Areas

The Commercial Façade Renovation Program provides assistance to business owners and/or property owners within the current target area -

- Downtown Improvement District which contains the area between Holland Street and Sassafra Street from the Bayfront to 14th Street.
- Peach Street between 24<sup>th</sup> & 29<sup>th</sup> Streets
- Parade Street between 26<sup>th</sup> & 28<sup>th</sup> Streets

The Redevelopment Authority will not consider projects located outside the target area at the present time.

## Project Selection

Due to the popularity of the Façade Renovation Program, the application process is highly competitive. Applications will be reviewed by ERA staff for completeness and eligibility then a committee will rank projects and award grants. While there is no deadline, applicants are urged to submit proposals early in the fiscal year.

## Program Requirements

Property owners will have to provide proof that real estate taxes, Munisco bills, and mortgage payments are current. Successful applicants will also have to deposit the project match in an escrow account.

The program funding is in the form of a deferred payment loan which becomes a grant after five years if all program requirements are met. These include retaining ownership of the improved property five years from date of completion.

## How to Apply

Interested applicants should submit a grant application and letter of intent with a drawing and explanation of the proposed renovation. The application/proposal does not have to be drawn by an architect but must include details about any proposed improvements. An architect will be required to write specifications, prepare construction drawings, and approve invoices.

# Application

## Erie Redevelopment Authority

### Commercial Façade Renovation Program

1. Applicant Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

2. Property Address: \_\_\_\_\_

3. Owner of Record (Name on Deed): \_\_\_\_\_

4. EIN#: \_\_\_\_\_ DUNS#: \_\_\_\_\_

5. Approximate Date of Construction: \_\_\_\_\_

6. Do you own the building? \_\_\_\_\_

(Provide copy of current lease along with written permission if you do not own the building)

7. Number of Stories: \_\_\_\_\_

8. Number of Businesses located in building: \_\_\_\_\_

9. Number of Apartments located in building: \_\_\_\_\_

10. Current Use: \_\_\_\_\_

11. Current Tenants: \_\_\_\_\_

12. Other current uses or tenants: \_\_\_\_\_

13. Identify the scope of the work, each type of work to be completed, and estimated cost. Include storefront, signage, lighting, painting, windows, doors, brickwork, etc. Attach separate sheet if necessary.

\_\_\_\_\_  
\_\_\_\_\_

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14. Attach photographs of the building's exterior.

15. Attach preliminary sketch of proposed renovations.

16. When would the project begin and what is the estimated duration of the work?

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Letter of Intent

To: Erie Redevelopment Authority  
626 State Street, Rm. 107  
Erie, PA 16501

Please be informed that I, as \_\_\_\_\_ property owner or \_\_\_\_\_ business owner intend to begin and complete a façade renovation project.

A. Project Location

\_\_\_\_\_

B. Major Façade Improvements

- \_\_\_\_\_ Historic Building
- \_\_\_\_\_ Corner Building
- \_\_\_\_\_ Non- Historic

It is my understanding that the rehabilitation shall be based upon a proposed design, mutually agreeable to the Erie Redevelopment Authority and myself. If I do not own the building, I will receive written permission from the owner to make any improvements on the property.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Phone

## INFORMATIONAL STATEMENT & CERTIFICATION

### Commercial Façade Renovation Program

#### I. GOALS

- A. The Erie Redevelopment Authority and the City of Erie, in utilizing HUD Community Development Block Grant (CDBG) Funds, have developed a Commercial Façade Renovation Program that involves improvements to the exterior image of a building and in doing so, fulfills the objectives of the program to revitalize the commercial properties of a particular neighborhood and/or “activity area”.
- B. The improvement of facades of commercial structures shall be processed through an "Incentive Deferred Loan/Grant" financial assistance program available to property owners in designated areas. The funding is a deferred payment loan that becomes a grant, after five (5) years if all program requirements are met.

The Erie Redevelopment Authority will administer the implementation of the Program on behalf of the City of Erie.

The target areas have been revised to cover most of the Community Development target area:

- Downtown Improvement District which contains the area between Holland Street and Sassafra Street from the Bayfront to 14th Street.
- Peach Street between 24<sup>th</sup> & 29<sup>th</sup> Streets
- Parade Street between 26<sup>th</sup> & 28<sup>th</sup> Streets

See description of eligible and ineligible buildings in Section IV, Parts A and B.

- C. Funding assistance for qualified projects is limited to 50% of total eligible costs to a maximum of \$50,000 (which may be a combination of deferred loan/grant and a conventional loan).
- D. The use of a PA Registered Architect or Professional Engineer is highly encouraged. Licensed design professionals may be required if the building is deemed to be of historic interest by the State, or if the proposed changes will require approval by the PA Department of Labor & Industry. Fees for professional services may be accounted for as a portion of the private matching funds required for each project.

#### II. REQUIREMENTS

ERA has provided a separate two (2) page checklist to help applicants through the process.

- A. Each property owner must demonstrate ownership by fee simple title to the property, and document that they are current in the payment of all real estate taxes and municipal utilities (sewer, water, and garbage). In place agreements and good faith payments on same may be acceptable. Properties scheduled for rehabilitation must be adequately insured as evidenced by a current policy provided to ERA. ERA shall be added to the policy as a mortgage lien payee. The owner must disclose all liens against the real estate and the amounts due thereunder. If the property has received improvements to its facade within ten (10) years through ERA or the City of Erie, it shall generally be ineligible for this program.
- B. Commercial units may be improved by either the owner and/or a tenant. When the applicant is a tenant, ERA must be provided documentation that the property owner authorizes the tenant to act on their behalf and that the owner consents to the proposed improvements. The owner will be required to execute the promissory, mortgage, and agreement.
- C. Applicants must obtain all necessary State and local permits, approvals and/or clearances prior to start of work.
  - 1. Prior to initiating design, applicants shall contact the City Zoning and Building Office concerning design standards and permits. The design professional retained to prepare the specifications must ensure that Commercial Code Requirements are met, and that any applicable requirements for building access, under the Americans With Disabilities Act are met (see Title 3 of Act). The contractor will be required to obtain all necessary building permits. When applicable, plan reviews may be required by the PA Department of Labor and Industry (PaDLI) under the Fire and Panic Regulations. This review will be the responsibility of the owner/applicant and the design professional. Typically, improvements that are "cosmetic" in nature do not require approval of PaDLI.
  - 2. Prior to final project acceptance by ERA, ERA will submit photos and data on the property to the State Historic Preservation Office (SHPO) so that it may be determined if the property is deemed historic or significant, or of interest.
  - 3. Facade improvements must comply with standard design review established by the City of Erie Department of Economic and Community Development (DECD) staff and the Redevelopment Authority of the City of Erie, in conjunction with the appropriate community or business district. The DECD staff and the Redevelopment Authority of the City of Erie will review all facade designs to ensure that they are consistent with the area and program, and all facade work on buildings deemed of interest by SHPO must be in compliance with the U.S. Secretary of the Interior's Standards for Rehabilitation where applicable. If a property is deemed to be historic or significant, then the standards will be strictly enforced. If deemed historic, compliance will be determined through submittal of plans to the State Historic Preservation Office and Advisory Council on Historic



Preservation (prior to proceeding with construction or improvements), by the City of Erie, as well as the architect's Certification of Compliance with the Secretary of the Interior's Standards, upon completion. The Secretary of Interior's Standards will be utilized as a general guideline for all non-eligible buildings, and designs must be submitted to the City of Erie DECD staff for review. A copy of the Secretary of Interior's Standards for Rehabilitation can be obtained from the Redevelopment Authority or the City of Erie.

4. Federally-funded projects are subject to environmental reviews to determine whether the project will have any adverse effects on the environment or surrounding area. Determination of an appropriate environmental clearance will be made by the City of Erie and/or ERA before a project may proceed.

#### D. EXTENT OF IMPROVEMENT; ELIGIBLE WORK

1. Funding under this program is intended the eligible façade(s) on an existing building. This includes the restoration of street-front facades and side areas on corner buildings. ERA may also determine that other facades visible from target streets will require improvement at the same time. Any variance from this requirement must be pre-approved by the Redevelopment Authority of the City of Erie, and by the Department of Economic and Community Development.
2. The eligible restoration work includes proper chemical cleaning of painted or unpainted masonry buildings and proper repainting when specified; stabilization of facade features including the re-pointing of masonry, the treatment or replacement of wood or tin architecture features including windows, doors and their framing; replacing signage to result in an appropriate building presentation (except as in 3. below); the placement or replacement of awnings and the restoration/replacement of storefronts. Owners are strongly encouraged to make ground floor commercial space handicapped-accessible in accordance with the Americans With Disabilities Act. Accessibility improvements on an eligible facade are an eligible cost.
3. Ineligible Items - Pointing and/or painting of a building, by itself, may not be considered a complete treatment of the facade, and therefore may not be eligible. Interior renovations or roof repairs/replacement are not eligible. Improvements that specifically benefit government or religious uses are not eligible for facade funding. Tenant signage is generally not eligible.

Sidewalks, paved areas, and streetscape improvements are not eligible under this program; however other funding for these types of improvements may be available through the City of Erie DECD.

4. If a structure has residential space along with façade-eligible space, it may be necessary for certain work items to involve lead paint control, per Federal HUD

(and PaDLI) requirements. The Redevelopment Authority staff shall clarify this per project.

### III. PROCEDURES

- A. The owner/applicant shall engage an architect to prepare the necessary sketches for the structure that will be reviewed with the applicant.
- B. Applicant shall submit a "Letter of Interest" to the Redevelopment Authority of the City of Erie along with an acknowledged copy of these Guidelines, the Disclosure Statement (conflict of interest) form, and preliminary sketches showing the building and proposed improvements.
- C. If the SHPO deems that the property has historic interest, the owner (architect) shall provide a detailed scope of work, details as to replacement items, and other relevant information so that ERA may submit these for additional historic review.
- D. When ERA is satisfied that the project can successfully proceed, ERA will issue a written funding commitment and the applicant's design professional can prepare detailed plans and specifications for bidding purposes.
- E. City of Erie DECD staff will review all designs, specifications, and proposed materials.
- F. The applicant, architect, and ERA shall meet, prior to letting for bid, with the Equal Employment Labor Compliance Officer for the City so that the Davis-Bacon Wage Rate requirements may be explained, along with the required paperwork. The owner or architect must supply data on what trades will be used during the construction project. The Labor Compliance Officer will obtain the wage rates and provide them to the other parties. These wage rates shall be made known to the bidders in the specifications.

NOTE: The owner should be aware that Davis-Bacon Act requirements could also apply to other improvements at the project site, even when not part of the assisted facade improvement project. The owner should discuss any questions on this issue with the EEO Officer.

- G. Upon approval of the project by the Department of Economic and Community Development, ERA will notify applicant that bids can be sought for the proposed work.

ERA has a required boilerplate section to be included in the specifications regarding ERA/owner/contractor relations, processes (including contract forms).

Advertising for bids is required. Applicant is to pay 100% of cost of advertising. The solicitation of advertisement must also address Davis-Bacon Wage Rate requirements.

NOTE: The following language must be included in the advertisement:

*This is a Federally Assisted Project and is subject to coverage under the Davis-Bacon and related Acts when applicable, 40 D.S.C., 276A to 276-5. Also, provisions relating to Equal Employment, specifically Executive Order 11246, as amended.*

The appropriate forms applicable to the above shall be completed and supported by documentation or the bid or offeror shall be deemed non-responsive. All bid packages must disclose the Davis-Bacon requirement and the actual rates applicable to this project.

- H. Potential conflicts of interest between any involved parties, including contractors, ERA, the City of Erie Department of Economic and Community Development staff, elected City Officials, and the applicant must be reviewed.

- I. **ELIGIBLE CONTRACTORS/BIDDING**

Contractors shall respond to the advertisement, or invitation to bid. ERA will not condone subterfuge to avoid competition. ERA has a continuing responsibility to promote competition even if a few contracts are not bid upon. All contractors (and applicants as contractors) must sign the Statement of Disclosure (conflict of interest) forms.

The contractor must carry comprehensive public liability insurance of not less than \$500,000 for all damages arising out of bodily injury, including death, at any time resulting therefrom, sustained by any one person in any one accident; and a limit of liability not less than \$1,000,000 for any such damages sustained by two or more persons in any one accident. Insurance shall be written with a limit of liability of not less than \$500,000 for all property damage sustained by any one person in any one accident; and a limit of liability of not less than \$1,000,000 for any such damage sustained by two or more persons in any one accident. As well as evidence of workmen's compensation insurance.

The contractor must provide a performance bond or an irrevocable letter of credit for projects where an individual contractor contract equals or exceeds \$30,000 (possible exception if building owner acts as contractor).

The applicant may also submit a bid (as a contractor), along with other contractors, but only if ERA accepts this applicant as having adequate experience, resources. Also, the owner must demonstrate the ability to complete the work in a timely manner. The owner must demonstrate adequate cash to cover costs until delayed reimbursement by ERA may occur. He must receive bids for subcontracts, and provide that information to ERA. The applicant shall not be reimbursed for his own labor, but may be reimbursed for materials and verifiable costs of employees. The applicant may be paid for the materials and labor of subcontractors.

ERA shall receive, and open bids publicly.

ERA shall review the bids with the applicant, architect and contractor, and review bids as to eligibility, and whether the bids are all responsible bids. ERA shall indicate the low bidder, and all bids, and amounts to the applicant. ERA staff shall review bidder's prior work for acceptability.

- J. Applicant shall submit to ERA his check in the full amount of its share or the total cost, as approved by ERA at the closing (before the contract is signed and work can begin).

ERA shall deposit in a CDBG Facade Renovation escrow account the applicant's check covering applicant's share of the total costs (interest does not accrue to the applicant). The CDBG funds covering the public share of the costs may only be drawn down from HUD, as the project proceeds. There is a 2 to 3 week delay in public money payments, once the EEO Office signs to permit payment. The private (applicant's) escrow funds shall be expended before public funds.

The owner must sign a promissory note and mortgage, as prepared by ERA, in the amount of the CDBG funds, prior to project commencement. The mortgage will be filed within the public records of Erie County. Owner(s) shall agree to retain ownership of subject property for a period of five (5) years, commencing on the date the final funds are disbursed by ERA for the CDBG Facade Program. However, in the event the structure is sold prior to expiration of the five (5) year period commencing on the date the final funds were advanced by ERA, the owner(s) must repay that pro-rated remaining portion of the original loan based on the days remaining within the five (5) year period.

Payment to the contractor may only be made if owner (or designee), ERA, and EEO Office sign off on payment. (Payment can also be made if a court order authorizes payment, and ERA and EEO Office sign off on payment).

No changes may be made to the design or specifications without ERA approval (as necessary, ERA may confer with DECD and/or the SHPO prior to approving any changes).

The facade must be maintained in good condition for five (5) years. There shall be an inspection of the facade. The owner must sign a mortgage and note for a deferred payment loan. If all conditions are met, the loan becomes a grant. All other necessary documents must be signed. ERA shall file a mortgage on the public record.

- K. Formal contractual agreements shall be signed by and between the applicant and the contractor selected, with a copy to ERA, before the project may begin. ERA's boilerplate documents must be used. The contractors must submit a bond or letter of credit for the value of the contract if the contract(s) with a specific contractor (including an owner acting as general contractor) has a value that equals or exceeds \$30,000 (possible exception if building owner acts as contractor). The agreement or scope of work may not be modified unless full procedures are followed and ERA permission is granted.

A Pre-Construction Conference shall be held between the Labor Standards Officer (EEO Officer), the applicant, contractor, architect, and ERA to review Davis-Bacon Wage Rates, and other EEO requirements. The contractor and/or owner must obtain building permits, and submit copies to ERA, prior to start of work.

L. ERA shall issue a "Notice to Proceed Order" to the applicant. Applicant shall issue a "Notice to Proceed Order" to contractor with copy to ERA, only after ERA has a copy of the contracts, building permits etc.

M. Contractor shall submit payment requests for actual work performed to the applicant's architect (or to applicant), which must be approved by the architect and applicant prior to submittal to ERA. Progress payments may be made only after 25%, 50%, 75% completion. All progress payments will be subject to a 10% retainage until final project completion. Payments to the contractor will be made first from the private funds prior to the expenditure of CDBG funds. Upon final completion – the work will be subject a final inspection by ERA, the owner, and architect. The contractor must certify to ERA that all laborers, suppliers and subcontractors have been paid before ERA will authorize final payment. This is to protect the applicant and subject property from liens and disputes. There shall not be more than four (4) payments to contractors by ERA per project.

NOTE: ERA shall only participate in the original contract amount. In the event the final contract amount is greater, ERA is responsible for only its share of the original contract amount, and the applicant is responsible for all costs exceeding said contract amount. In the event the final contract amount is less than the original contract amount, ERA will be responsible for only its share of the final contract amount.

N. If the project is not completed, or ERA determines that work is contrary to that approved by ERA (or is contrary to SHPO requirements if SHPO is involved), ERA will not be obligated to make further payments from public funds. Also, in that case, all public funds are immediately due as repayable to ERA by the applicant.

O. Owner's architect or other design professional shall:

1. Review and approve estimates and bids, and submit same to ERA for its approval.
2. Prepare specifications and approve all change orders, and submit same to ERA for its approval. All design, specification, and cost changes are subject to ERA approval.
3. Make periodic and final inspections and approve work items completed. Architect shall ensure that completed work complies with approved specifications. ERA personnel shall also periodically check the work site to ensure conformance to the work outlined in the application.

4. Review and approve final payment and submit AIA forms G102, G103, G104 to ERA for its approval of the payment. Copies of all bills, and lien waiver sign-offs by all subcontractors/contractors, must also be submitted. ERA shall then review the final work and costs. If the property is deemed historic, architect also must certify that all work meets the Secretary of the Interior's Standards.
- P. The applicant, architect and contractor must ensure that payroll certifications are filed in a timely manner by the contractor to ERA who will forward the certifications to the City's EEO Officer. The EEO Officer must sign-off on payments in order for payment to be made by ERA. There may be a two to three week delay, after EEO sign-off, before public funds are paid.
- Q. ERA shall only be able to make payments, subject to CDBG (HUD), City, and Urban Redevelopment Law requirements and restrictions. ERA only commits to make payments using CDBG funds under City contract for this activity, and ERA is in no way obligated to use any other funds to make payment (except the applicant's private escrow funds).

#### IV. PROGRAM PARTICIPATION WITHIN THE DESIGNATED AREAS

- A. Eligible buildings include those used in whole or in part of the ground floor (except those as stated in B. below) as retail/wholesale trade/service establishments, including professional services (e.g. doctors, lawyers, accountants, architects, etc.), personal services (e.g. dry-cleaners, laundries, beauty/barber shops, etc.), certain repair services (e.g. office equipment, radio/television, bicycle, furniture, locksmith, etc.), business services (e.g. advertising, office management, printing, etc.), institutional building and mixed use (including a commercial use stated above) multi-unit residential. Inclusion of other properties not described herein requires approval by the Department of Economic and Community Development. If a building has vacant first floor commercial space, but no eligible commercial tenant, then they may participate only with the requirement that an eligible commercial tenant must occupy the space within one year of facade loan/grant closing. Buildings with ground floor uses such as industrial, warehouse, storage, or vehicle repairs are eligible if in a business district which has C-1, C-2, or C-3 zoning, and the subject building also has that zoning.
- B. Ineligible buildings - Banks, savings and loan associations and gasoline service stations are not eligible to participate under the Program. Religious, political, and lobbying activities or organizations may not directly benefit from CDBG funds. Purely residential buildings may not participate. Improvement specifically for the conduct of general government is ineligible.
- C. If there are more applicants than funds, then each application shall be analyzed for its impact on the community under CDBG objectives and goals, plus:
  1. Extent of work on subject property, and perceptible change.

2. Proximity to other redeveloped facades in the program.
3. Proximity to other reinvestment in the neighborhood.
4. The benefits of jobs and housing for low and moderate-income individuals.
5. Extent of rehabilitation of commercial structures in close proximity.
6. Elimination of slums and blight in close proximity.
7. Extent of economic development of commercial areas in close proximity.

D. For more information and/or assistance, please contact

Scott Henry  
Redevelopment Authority of the City of Erie  
626 State Street Room 107  
Erie, PA 16501  
Telephone: 814-870-1543

E. PUBLIC FUNDS PER PROJECT

Only CDBG funds under specific contract with the City of Erie shall be made available from ERA. CDBG funds may only be used to cover costs of eligible facade improvements.

There shall not be more than one (1) facade loan/grant per building which fronts on a target street.

If the applicant desires any variance from the stated requirements, any change is subject to DECD and ERA approval.

The City of Erie and the Redevelopment Authority of the City of Erie do not discriminate on the basis of age; sex; religion; national origin; physical handicap, including impaired vision or hearing; or political or union affiliation. No person, solely on the basis of any of the above factors, shall be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under the loan and grant programs operated by the Redevelopment Authority of the City of Erie. Requirements regarding conflicts of interest shall be adhered to.

This document shall have no effect until the Redevelopment Authority of the City of Erie receives an original signed copy.

I acknowledge that I have read and understand this Informational Statement and Certification for the CDBG Commercial Facade Renovation Program and the Secretary of the Interior's Standards for Rehabilitation. If I participate in this program, I certify that I will and must comply with the guidelines stated herein. Completion of this form does not guarantee that the applicant shall receive program funding. The applicant may be provided with deadlines for certain activities. Conditional commitment may be made. Full commitment shall be made in writing by ERA.

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Signature(s) of Property Owner(s)

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Name of (Property Owner) Applicant (typed or printed)

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Address of Building to be in Facade Program

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Mailing Address

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Telephone Number

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Signature of Applicant(s) if not Property Owners

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Separate Signature of Spouse of Property Owner if not on Deed (due to Commonwealth rights of Spouse)



## The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR Part 67.7) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**FIVE-YEAR OWNERSHIP AGREEMENT FOR THE CITY OF ERIE CDBG  
FAÇADE PROGRAM**

This Agreement entered into between (a) the Redevelopment Authority of the City of Erie as under Contract and acting on behalf of the City of Erie, hereinafter called the City of Erie, and (b) the participant of the City of Erie CDBG Commercial Facade Renovation Program, hereinafter called the OWNER, is to ensure that any building rehabilitated/restored with CDBG Funding will be owned by the Applicant for a period of not less than five (5) years from the original grant award and local match payment. It is understood by the OWNER that a pro-rated share of the loan/grant amount received for improvements will be forgiven each year over the five (5) year period until a zero balance is reached at the end of the fifth year. Under the Agreement, if the OWNER sells the property before the end of the fifth year, any balance remaining based on a pro-rated share would have to be paid back to the City within one (1) month from the date of the sale. This requirement can be waived only in the case of business financial hardship or death. In the case of financial hardship where the property is sold within five (5) years from the original local match payment/grant award, the OWNER will be required to show mitigating circumstances and/or financial hardship causing the sale, along with financial records showing no profit above the local dollar matching requirement has been made through the sale of the rehabilitated/restored property. In cases where there is a profit made beyond this amount (original local match), then the property owner will be required to repay any balance of the grant award remaining based on the depreciation schedule, and pro-rated from the date of the sale.

In accordance with HUD Community Development Block Program regulations and conditions listed under this Agreement, as owner of the building located at \_\_\_\_\_, I agree to maintain ownership or the property for a period of not less than five (5) years from the date of my first local grant match payment which was \_\_\_\_\_, and will inform the Redevelopment Authority of the City of Erie of any plans for early sale of the above listed property due to financial hardship.

\_\_\_\_\_  
Address of Realty Being Assisted

\_\_\_\_\_  
Realty Owner (Type or Print Name)

\_\_\_\_\_  
Signature of Realty Owner

\_\_\_\_\_  
Redevelopment Authority of the City of Erie  
Scott Henry

### Disclosure Statement

Please state below if you are related by family or household, or have any business relations with the staff or Board of Directors of the following agencies.

1. Redevelopment Authority of the City of Erie (you must also answer relative to persons who left within one year)

\_\_\_\_\_ No  
\_\_\_\_\_ Yes, Please Explain\_\_\_\_\_

2. City of Erie Department of Economic and Community Development

\_\_\_\_\_ No  
\_\_\_\_\_ Yes, Please Explain\_\_\_\_\_

3. City of Erie, including elected officials

\_\_\_\_\_ No  
\_\_\_\_\_ Yes, Please Explain\_\_\_\_\_

4. Pennsylvania Department of Community and Economic Development (DCED)

\_\_\_\_\_ No  
\_\_\_\_\_ Yes, Please Explain\_\_\_\_\_

5. U.S. Department of Housing and Urban Development (HUD)

\_\_\_\_\_ No  
\_\_\_\_\_ Yes

I herby certify that the above information is true and correct to the best of my knowledge.

\_\_\_\_\_  
Applicant/Owner

\_\_\_\_\_  
Applicant/Owner

This is a federally assisted project and must comply with provisions relating to Equal Employment specifically Executive Order 11246 as amended, Section 3 of the Housing and Urban Development Act of 1968 as amended, 12 U.S.C. 1701u, Executive Order, 11625 Minority Business Enterprise Participation and Executive Order 12138 Women Business Enterprise Participation.

All contractors and/or subcontractors are reminded that work to be performed on this project is subject to coverage under the Davis-Bacon and related Acts when applicable and wages must be paid as predetermined by the Secretary of Labor. Reference – 40 U.S.C. 276 A to 276 A-5.

Prior to signing of a contract, the successful bidder must comply with requirements concerning Section 3 covered projects to provide a preliminary statement of work force needs (skilled, semi-skilled, unskilled labor and trainees by category) where known; where not known, such information shall be supplied prior to the signing of any contract between contractors and subcontractors. In addition, subcontractors have the same obligation. All contractors bidding on this project must utilize their best efforts to carry out and comply with the City of Erie's Minority Business Enterprise Policy as authorized by Executive Order 11625 and the Women Business Enterprise Policy as authorized by Executive Order 12138. Specifically, the successful contractor- must utilize to the greatest extent feasible minority and female subcontracts/ business concerns and certify the same with the City's Labor Compliance Officer.

The following parts are included as if written and shall be a part of all solicitations for Offerors and Bids on all federal and federally assisted construction contracts or subcontracts in excess of \$10,000.00 and are applicable to all contractors and subcontractors.

“41 CFR- Part 60-4, Construction Contractors- Affirmative Action Requirements. Section 60-4.2 Solicitation and Section 60-4.3, Equal Opportunity Clause.”

In addition, the Offeror's or Bidder's attention is called to the goals and timetables for minority and female participation, expressed in percentage terms for the contractor's aggregate work force in each trade on all construction work in the covered areas as follows: Minority Participation 2.8%, Female Participation 6.9%

**Commercial Facade Checklist for Applicants Reference  
(To be completed by the Erie Redevelopment Authority)**

\_\_\_\_\_   
Address of building

\_\_\_\_\_   
Owner Name

If applicant is a tenant and not the realty owner, the realty owner must still sign all legal documents including the agreement, note, mortgage, and agree to the work specifications

Applicant's name \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_

Realty owners, if the applicant is not realty owner Applicant's

Name \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_

- \_\_\_\_\_ Original signature of all owners listed on the deed (unless authorized rep. of: corp. or limited partnership) on the Informational Statement and Applicant Certification
- \_\_\_\_\_ Original signature by realty owner's spouse listed on informational statement if spouse is not on the deed. Complete and return the Statement of Disclosure and state if any part owner is related
- \_\_\_\_\_ Disclose names of all part owners in partnerships, corporations
- \_\_\_\_\_ Statement of Disclosure, ERA seeks opinions on clearances
- \_\_\_\_\_ Copy of current deed (fee simple\title)
- \_\_\_\_\_ Proof taxes are current
- \_\_\_\_\_ Proof Munisco bills are current
- \_\_\_\_\_ Proof of fire insurance
- \_\_\_\_\_ Disclosure of filed liens, mortgages on realty and amounts
- \_\_\_\_\_ Disclosure of liens other than filed liens
- \_\_\_\_\_ Owner must hire a licensed architect if property is deemed historic by SHPO, or if real changes are to be made to the structure

Architect \_\_\_\_\_  
Firm \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

List the type(s) of use. (Retail, office, wholesale, warehouse, industrial, residential)

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Does the building also have apartments or residential space?

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Would the facade work include window or door work near the apartments?

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Would the facade work include scraping, sanding, or cleaning of exterior paint?

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ERA takes photos of building, submits to PHMC/SHPO for state historic review -- State response may take 30 days.

Date Sent to PHMC \_\_\_\_\_

Date response received \_\_\_\_\_

If SHPO deems the property to be of interest, owner's architect prepares design and reviews specs as to compliance with Secretary of the Interior's Standards.

If SHPO has interest, ERA submits architect's design and specs to SHPO and others for review. (Adjustments might be required)

If SHPO has interest, architect certifies that work progress and final work meet SHPO requirements

\_\_\_\_\_ Owner's plans and specs (bid package) given to the ERA  
\_\_\_\_\_ Date of Submittal by ERA  
\_\_\_\_\_ Response by City  
\_\_\_\_\_ Meeting with EEO Officer to seek Davis-Bacon wage rates for construction

\_\_\_\_\_ ERA approval of specifications  
\_\_\_\_\_ ERA has section to place in specs regarding funder, owner, contractor relations, how project will proceed, and requirements of contractor, work requirements, payment requirements  
\_\_\_\_\_ ERA issues notice to proceed to advertise bids  
\_\_\_\_\_ Contractor proof of insurance (required by ERA)  
Comprehensive public liability insurance of not less than \$300,000/ \$500,000 for bodily injury, death, \$50,000/ \$100,000 in the event of property damage arising out of contractor's work;  
\_\_\_\_\_ Workmen's compensation insurance

\_\_\_\_\_ Contractor bonding requirement if job over \$30,000  
\_\_\_\_\_ Potential conflict of interest/ clearance for contractor?

\_\_\_\_\_ Advertise for bids  
\_\_\_\_\_ Bid opening  
\_\_\_\_\_ ERA staff reviews bids and acceptability of prices  
\_\_\_\_\_ ERA added to fire insurance as mortgage lien payee  
\_\_\_\_\_ Contractor bond or letter of credit for full value of contract  
\_\_\_\_\_ Proof of contractor insurance  
\_\_\_\_\_ Closing  
\_\_\_\_\_ All owner funds (match) placed in ERA escrow account  
\_\_\_\_\_ Owners sign 5-year note and ownership agreement, mortgage, and other documents  
\_\_\_\_\_ ERA files mortgage at Courthouse  
\_\_\_\_\_ Pre- construction meeting on EEO, Davis- Bacon with City  
\_\_\_\_\_ ERA and City issues notice to proceed

- All work done must be per specs approved by ERA and all work must comply per EEO or ERA shall not fund and ERA can recover any public funds disbursed.

\_\_\_\_\_ Architect inspects work, approves contractor payment, submits AIA forms, work done to spec contractor pays out before reimbursement, provides proof

\_\_\_\_\_ Architect certifies work as being done to spec and to historic standards if SHPO showed interest in property

- ERA pays only for work actually completed
- ERA staff inspects and reviews billings also and signs off and building owner does the same

\_\_\_\_\_ EEO Officer signs off before payment is made

\_\_\_\_\_ ERA pays using owners' funds first

Note: when payment is with CDBG funds, expect possible 3 week delay after EEO sign off and 20% retainage held back on progress payments.

Architect or building owner approves change orders, but all change orders are contingent on ERA final approval.

Final payments require 100 % completion, lien waiver sign offs by all subs, sign offs by architect and architect historic compliance sign off, building owners, ERA staff, EEO sign off

Building owner remains owner for 5 years or repays CDBG funds, also maintains the property. If facade space was vacant, ERA checks to see an eligible use moves in within one-year (or owner defaults).