

Attachment C

Procedures required to request a waiver of HFA 111.12 Identity of Interest (IOI)

- A) The rule prohibiting construction contracts between parties sharing an identity of interest may be waived by the Executive Director in their discretion pursuant to HFA 117.07(a)(1) A. viii. Waiver requests shall be submitted pursuant to HFA 117 and the HFA 117 Waiver Requests Procedure Standards policy.
- B) Requests for a waiver of the IOI prohibition shall include the following:
1. A written description and organizational chart or relationship diagram demonstrating the shared IOI and all other applicable and necessary positions.
 2. A written description of the ownership and the management structure of each entity including identification of any shared officers, directors, or key employees.
 3. Copies of all related party agreements.
 4. A contractor statement of qualifications that includes, without limitation, relevant project experience including at least one multifamily development of similar size, other project experience, bonding capacity, staffing description and staff résumés.
 5. 3 years of audited or reviewed financial statements from the proposed contractor.
 6. Such other information as may be requested by the Executive Director or their designee.

(If you are requesting a waiver of the IOI prohibition and you are not planning to go out to bid for construction management, then you should mention in your IOI wavier that you will also be requesting a waiver of the construction management procurement rule requirement (HFA 111.08))

- C) In the case of an approved IOI contract, NH Housing requires the following:
1. 100% Performance and Payment Bond. Other forms of surety outlined in HFA 111.15 will not be accepted.
 2. The contractor's overhead, profit, and general conditions shall be consistent with competitively bid, similar projects as determined by NH Housing.
 3. Require open book construction management process.
 4. Lien waivers from all subcontractors and suppliers.

D) In the case of an approved IOI contract, NH Housing may require the following:

1. The payment of additional inspection or oversight fees to be paid directly to NH Housing from non-project resources.
2. Enhanced scrutiny of subcontractor bidding.
3. Personal and/or corporate guaranty of construction loan.
4. Increased construction budget contingencies.
5. Monthly budget-to-actual reports.
6. Updated completion cost forecasts every draw.
7. NH Housing's ability to replace the contractor during construction.
8. Such other contractual requirements as NH Housing may require.

Effective Date

This guidance is effective as of June 8, 2026

Questions

Questions regarding this guidance may be directed to Multifaminfo@nhhfa.org