

CITY OF LOWELL
DOWNTOWN DEVELOPMENT AUTHORITY
HANDICAPPED ACCESS IMPROVEMENT GUIDELINES

I. PROGRAM OVERVIEW

1. The Handicapped Access Improvement Program (HAIP) of the Lowell Downtown Development Authority (DDA), an Authority operating under Part 2 of Public Act 57 of 2018, as amended, (the Act), provides partial reimbursement for eligible handicapped access improvements for buildings located within the Downtown Development District. The intent of the Handicapped Access Improvement Program is to strengthen the economic viability of downtown Lowell by providing financial incentives for improving handicapped accessibility to existing buildings. The program promotes this intent by focusing on this reimbursement program as a business recruitment and retention tool.
2. All design plans for handicapped accessibility improvements shall be reviewed and approved by the DDA Board of Directors. Projects will be considered by the DDA on a first-come first-served basis.
3. Site plans for the improvements must first receive approval from the Professional Code Inspections (PCI), the City of Lowell's Building Officials before being considered for reimbursement funding.
4. HAIP funding is subject to annual budget appropriations. Applicants will receive disbursement of approved HAIP funds after the project is completed and given final approval by the DDA. Reimbursements available for the program come exclusively from funds controlled by the DDA Board and may only be used in a manner consistent with the Act, and with the DDA Board's approved policies and plans.

II. ELIGIBLE AMOUNTS

1. A proposed façade improvement plan must have a minimum total "out-of-pocket" project cost of \$2,500 to be eligible for HAIP funding.
2. If the applicant is proposing "out-of-pocket" project costs between \$2,500 and \$50,000 in eligible improvements, the DDA may reimburse up to 50% of the total façade improvement cost, not to exceed \$10,000, upon approval by the DDA.
3. These maximum amounts will be reviewed annually and may be adjusted according to funds available for the program.
4. The applicant may obtain the private match portion of the financing from any source however, the applicant must pay all contractors in full prior to reimbursement from the Handicapped Accessibility Improvement Program and the applicant may not pay for project costs by bartering goods and services or self-work.

III. ELIGIBLE APPLICANTS

1. Eligible applicants include owners and tenants of structures located in the following areas of the Downtown Development Authority District:

- a. Commercial buildings with façades facing Main Street between Alden Nash and Division Street.
 - b. Commercial buildings with façades facing Bowes Road between Main Street and the west entrance to Key Heights Mobile Home Community.
 - c. Commercial buildings with façades located on the Bowes Road between Valley Vista and West Street.
 - d. Commercial buildings with façades facing Foreman between Gee Drive and Beech Street.
2. If a tenant is an applicant, the building owner must consent to the application and agree to be bound by the terms of the applicant's agreement with the DDA.

IV. ELIGIBLE BUILDINGS

1. Any existing building located in the area identified in section III is eligible for HAIP funds.
2. To be eligible for HAIP funds, the building must be in compliance with all City of Lowell codes and ordinances. The applicant also shall not be in default to the City.
3. Property tax for building must be captured by the Downtown Development Authority.

V. ELIGIBLE IMPROVEMENTS

1. Expenses for materials and labor, as well as architectural, engineering and design services for the following types of publicly visible improvements to the front, rear or sides of buildings, are eligible for funds.
 - a. Handicapped ramp
 - b. Railings
 - c. Electronic door openers
 - d. Any required landings
2. Other similar improvements may be eligible for HAIP as determined by the DDA in its discretion.

VI. INELIGIBLE IMPROVEMENTS

1. Ineligible expenses include but are not limited to the following:
 - a. Façade improvements
 - b. Interior improvements
 - c. Interior decorator or interior design fees
 - d. Personal property (e.g., furnishings and trade fixtures)
 - e. Appraisers and attorney fees
 - f. Building permit or sign permit fees
 - g. Property acquisitions
 - h. Loan fees, mortgage or land contract financing
 - i. Any expense paid in goods and services
 - j. Work that is determined by the DDA to be scheduled maintenance repairs
 - k. Expenses incurred prior to DDA Board of Director approval
 - l. Site improvements in conjunction with a City Special Assessment District

- m. Labor costs for work performed by the applicant or relatives of the applicant
- n. Any improvement covered by insurance

VII. TIMETABLE

1. Applicants of approved projects shall sign an "Agreement to Comply with the Commencement and Completion Timetable" as a condition of approval for any HAIP funding.
2. The commencement and completion dates will be based upon reasonable estimates that are mutually acceptable to the applicant and the DDA Board of Directors.
3. If funding for a project is approved, work shall commence within 60 calendar days of the DDA funding commitment date.
4. If funding for a project is approved, work shall be completed within one (1) year of the DDA funding commitment date.
5. The funding commitment date is the date on which the DDA Board of Directors approves the project.
6. In the event that actual physical construction on a project has not commenced within 60 calendar days of the DDA funding commitment date, or if a project has not been completed and has not been granted a Certificate of Completion within one year from the DDA funding commitment date, the DDA Board of Directors will re-evaluate the status of the project, and at its sole discretion, may cancel or extend the commitment.
7. Factors the DDA may consider when deciding whether to extend the commitment include, but are not limited to, unusual weather or labor issues, shortage of building materials.

VIII. OTHER PROGRAM GUIDELINES

1. All property owners or lessees must seek and obtain project approval from the DDA Board of Directors prior to beginning work
2. All funding will be reimbursed only upon completion of the project and approval of the DDA.
3. No property owner or lessee shall be in default to the City prior to HAIP approval or at the time of HAIP reimbursement funding.
4. No property owner or lessee shall be in non-compliance with any zoning or regulatory ordinances of the City prior to approval of a HAIP grant or at the time of reimbursement.
5. If a property owner or lessee is in non-compliance with any zoning or regulatory ordinance of the City at the time of application for HAIP funding, but is considered by the City to be a lawful, pre-existing, non-conforming use, the applicant must bring the building into compliance with the current zoning and regulatory ordinances of the City to the extent possible prior to receiving approval for HAIP funds.
6. All work for an improvement project must be bid by two (2) licensed contractors. Those bids and the identification of the selected bid must be submitted to the DDA prior to approval. The DDA Executive Director and/or representatives of the DDA may interview the selected contractor prior to work beginning.

7. By signing the Handicapped Access Improvement Program application, the building owner and any tenants grant the City the right to use any and all images of the building in promotional and marketing material (e.g., "before and after" photographs).
8. At the DDA's sole discretion, an exception to any HAIP guideline may be granted in the event of special conditions or situations. Examples include an extraordinary property owner investment in a specific area the DDA seeks to improve or reconstruction after a fire or natural disaster which might not otherwise be feasible without DDA assistance.
9. Prior to reimbursement, a City building official will inspect the work to ensure compliance with the submitted plans. If the building official does not approve the work and/or the materials used as complying with the plans approved during the application process, no reimbursement will be made. The applicant may withdraw from the handicapped access improvement program or the applicant may appeal the decision of the building official. If the applicant chooses to appeal:
 - a. The DDA will have an architect inspect the site and determine if the completed work was as submitted in the plans.
 - b. The inspection will be at the applicant's expense and the applicant will escrow with the City sufficient funds as determined by the DDA to cover the cost of the architect before the appeal process begins.
 - c. If it is determined that the completed work matches the submitted plans, the DDA will pay the cost of the architect, shall return the applicant's escrowed funds, and will reimburse the applicant as originally contemplated.
 - d. If the architect determines the work does not comply with the submitted plans, the applicant will forfeit the escrowed funds and shall receive no HAIP reimbursement funds.
10. If a building is eligible for federal or state tax credits as a result of the building being listed on the National and/or Michigan Register of Historic Places, the applicant is still eligible to receive a grant from HAIP.

IX. APPLICATION & SUBMISSION

1. Upon request to the DDA's Executive Director, an applicant shall receive the following:
 - a. Handicapped Improvement Guidelines and Application (available online)
 - b. Site Plan Review application, if required.
2. An applicant shall complete all required applications and submit them to the City of Lowell for an Administrative Site Plan determination and review. The application must be accompanied by three (3) copies of all the following:
 - a. Building plans, signed and sealed, if required
 - b. Building elevations
 - c. Site plans
 - d. Product drawings
 - e. Official cost estimates from contractors, vendors or architects.

3. Additional specifications and installation details may be required throughout the application process.
4. An applicant shall establish an Administrative Site Plan Review Escrow Account with the City and pay all necessary fees. Escrow fees may be partially reimbursed through the program.
5. All submitted documents will be reviewed by city and appropriate consultants.
6. If preliminary approval is not granted by the city, review comments will be prepared and returned to the applicant requesting additional information and possibly a revised application to address outstanding issues.
7. Upon obtaining preliminary approval of the city, all submitted information will be reviewed and approved by the DDA Executive Director.
8. Upon approval by the DDA Executive Director, all submitted information will be presented to the DDA Board. The applicant or a representative must attend the DDA meeting to make a presentation and review the application with the board.
9. The DDA Board of Directors will review the written report, take into consideration the funds available and approve, approve with modification or reject the applicant's HAIP application.
10. Upon approval of the DDA Board of Directors, the applicant shall sign an "Agreement to Comply with the Commencement and Completion Timetable" as noted above.
11. Construction may begin upon issuance of all necessary building permits.
12. During construction, no changes to the approved scope of work shall occur without prior approval by the DDA Board of Directors. However, the DDA Executive Director may approve changes necessitated by unforeseen conditions occurring during construction that are minimal in nature and that will not materially change the approved site plan.

X. PAYMENT PROCEDURE

1. Applicants will receive reimbursement after project completion, final City inspections and approvals (including architect's approval if necessary), submittal of copies of paid invoices for approved work, submittal of Waivers of Lien, and submittal of Form W-9 to the DDA Executive Director.
2. The DDA Executive Director will, with the assistance of the City Attorney as needed, review submitted invoices for compliance with the Act, and with DDA's policies and plans, and notify applicant when payment is approved for eligible expenditures.
3. The applicant will receive and agrees to file a Form 1099 with the IRS for the tax year in which HAIP funds are received.

QUESTIONS?

Contact the City of Lowell
Downtown Development Authority
(616) 897-8457

**CITY OF LOWELL
DOWNTOWN DEVELOPMENT AUTHORITY**

HANDICAPPED ACCESS IMPROVEMENT APPLICATION

I. APPLICANT INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone Numbers: _____

II. BUSINESS OWNER INFORMATION

Building's Historic or Common Name: _____

Name of Business Owner: _____

Building Address: _____

Phone Number: _____

III. BUILDING OWNER INFORMATION

Building Owner's Name: _____

Mailing Address: _____

Phone Numbers: _____

IV. PROPERTY/BUILDING INFORMATION

Property Identification (Sidwell) No: _____

Date Building was originally constructed: _____

Date(s) of known past building improvements/modifications: _____

Current Use: _____

Proposed Use: _____

V. ARCHITECT/CONSULTANT INFORMATION

Name of Architect/Consultant: _____

Firm: _____

Specialty: _____

Mailing Address: _____

Phone Numbers: _____

VI. PROJECT INFORMATION

Total Project Cost: _____

Proposed Start Date: _____

Proposed Completion Date: _____

Project Financing: _____

Bank Name: _____

What is your project budget? (Please Circle)

Less than \$10,000 \$10,000-\$20,000 \$20,000-\$50,000

\$50,000-\$100,000 Over \$100,000

Is your project funding in place to implement the work? YES NO

VII. REQUIRED SUPPLEMENTAL INFORMATION

Note: This application must be completed and approved prior to project commencement. Please read eligibility information attached.

The Applicant is required to submit with this form the following:

- Official quotes, including the cost breakdowns by major categories (i.e., architectural fees, engineering fees, repair, carpentry, materials, etc.).
- Current and proposed photos.
- Three (3) copies of building plans, building elevation, site plans, product drawings, specifications and installation details as required by the DDA Board of Directors; 3 of these copies must be submitted as signed and sealed plans.

- Three (3) copies of photographs of existing building depicting the areas of proposed improvement.
- If Applicant is Lessee, attach a copy of Lease.
- Prior to reimbursement by the DDA, the intended recipient must provide a W-9 form to the City of Lowell before reimbursement occurs. **(This does not need to be supplied until the project is approved by the Downtown Development Authority)**

I, the applicant, have read and understand the HANDICAPPED ACCESS IMPROVEMENT GUIDELINES and hereby submit the application and required attachment to the City of Lowell Downtown Development Authority.

Applicant Signature: _____ Date: _____

Owner Signature, if different: _____ Date: _____

Submit Application with attachments to:

Downtown Development Authority City of Lowell 301 E. Main Street Lowell, MI 49331
4877-7595-7596 v3 [60857-994]