

**SUPPLEMENTAL BOARD BOOK  
OF  
December 10, 2020**



**Leo Vasquez III, Chair**  
**Leslie Bingham, Vice-Chair**  
**Paul Braden, Member**  
**Sharon Thomason, Member**  
**Ajay Thomas, Member**

Texas Department of Housing and Community Affairs

PROGRAMMATIC IMPACT

Fiscal Year 2019 (September 1, 2018, through August 31, 2019)

Owner Financing and Down Payment	
<ul style="list-style-type: none"> <li>30-year, fixed interest rate mortgage loans</li> <li>Mortgage credit certificates</li> <li>Down payment, closing cost assistance</li> <li>Homebuyer education</li> </ul>	
Programs:	
<ul style="list-style-type: none"> <li>Homebuyer Assistance Program (HBA)*</li> <li>Single Family Homeownership</li> </ul>	
Expended Funds:	\$1,693,834,604
Total Households Served:	9,605

Energy Related Assistance	
<ul style="list-style-type: none"> <li>Utility bill payment assistance</li> <li>Energy consumption education</li> <li>Weatherization for energy efficiency</li> </ul>	
Programs:	
<ul style="list-style-type: none"> <li>Comprehensive Energy Assistance Program (CEAP)</li> <li>Weatherization Assistance Program (WAP)</li> </ul>	
Expended Funds:	\$147,270,662
Total Households Served:	162,668

Multifamily New Construction	
<ul style="list-style-type: none"> <li>Affordable rental units financed and developed</li> </ul>	
Programs:	
<ul style="list-style-type: none"> <li>9% Housing Tax Credits (HTC)</li> <li>4% Housing Tax Credits (HTC)</li> <li>Multifamily Bonds</li> <li>Multifamily Direct Loan Program*</li> </ul>	
Expended Funds:	\$108,945,178
Total Households Served:	7,062

Homelessness Services	
<ul style="list-style-type: none"> <li>Shelter building rehabilitation, conversion, operations</li> <li>Essential services e.g., health services, transportation, job training, employment services</li> </ul>	
Programs:	
<ul style="list-style-type: none"> <li>Emergency Solutions Grant Program (ESG)</li> <li>Homeless Housing and Services Program (HHSP)</li> </ul>	
Expended Funds:	\$12,162,959
Total Individuals Served:	71,350

Multifamily Rehab Construction	
<ul style="list-style-type: none"> <li>Affordable rental units financed and rehabilitated</li> </ul>	
Programs:	
<ul style="list-style-type: none"> <li>9% Housing Tax Credits (HTC)</li> <li>4% Housing Tax Credits (HTC)</li> <li>Multifamily Bonds</li> </ul>	
Expended Funds:	\$56,792,063
Total Households Served:	2,503

Supportive Services	
Provides administrative support for essential services for low income individuals through Community Action Agencies	
Program:	
<ul style="list-style-type: none"> <li>Community Services Block Grant Program (CSBG)</li> </ul>	
Expended Funds:	\$31,103,729
Total Individuals Served:	561,906

Owner Rehabilitation Assistance	
<ul style="list-style-type: none"> <li>Home rehabilitation, reconstruction</li> <li>Manufactured housing unit replacement</li> <li>Accessibility modifications e.g., ramp, grab bar installation</li> </ul>	
Programs:	
<ul style="list-style-type: none"> <li>Homeowner Rehabilitation Assistance Program (HRA)*</li> <li>Amy Young Barrier Removal Program</li> </ul>	
Expended Funds:	\$11,384,025
Total Households Served:	251

Rental Assistance	
<ul style="list-style-type: none"> <li>Short, long term rent payment help</li> <li>Assistance linked with services</li> <li>Transitional assistance</li> <li>Security, utility deposits</li> </ul>	
Programs:	
<ul style="list-style-type: none"> <li>Tenant-Based Rental Assistance (TBRA)*</li> <li>Section 8 Housing Choice Vouchers</li> <li>Section 811</li> </ul>	
Expended Funds:	\$11,021,909
Total Households Served:	1,932

Single Family Development	
<ul style="list-style-type: none"> <li>Single family development, reconstruction, rehabilitation</li> <li>Do-it-yourself, "sweat equity" construction, rehabilitation</li> <li>Contract for Deed refinance</li> </ul>	
Programs:	
<ul style="list-style-type: none"> <li>Single Family Development Program (SFD)*</li> <li>Contract for Deed (CFD)</li> </ul>	
Expended Funds:	\$3,769,888
Total Households Served:	85

Total Expended Funds:	\$2,076,285,016
Total Households Served:	817,362
All FY2019 data as reported in TDHCA's 2020 State Low Income Housing Plan and Annual Report (SLIHP).	
Note: Some households may have been served by more than one TDHCA program.	

\* Administered through the federally funded HOME Investment Partnerships Program

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS  
GOVERNING BOARD MEETING

A G E N D A  
9:00 AM  
December 10, 2020

**Meeting Location:** In light of the March 13, 2020, disaster declaration by the Office of the Governor, and the subsequent waivers of portions of Tex. Gov't Code, Ch. 551\*, this meeting of the TDHCA Governing Board will be accessible to the public via the telephone and web link information, below. In order to engage in two-way communication during the meeting, persons must first register (at no cost) to attend the webinar via the link provided. Anyone who calls into the meeting without registering online will not be able to ask questions or provide comments, but the meeting will still be audible. A recording of the meeting will be made available to the public as soon as possible following the meeting.

**Governing Board Webinar registration:**

<https://attendee.gotowebinar.com/register/2236441146685562379>

**Dial-in number:** +1 415-655-0060, access code 311-803-933 (persons who use the dial-in number and access code without registering online will only be able to hear the Board meeting and will not be able to ask questions or provide comments). Note, this meeting will be proceeding as a videoconference under Tex. Gov't Code §551.127, as modified by waiver.

If the GoToWebinar terminates prior to adjournment of the meeting (i.e. if the webinar session "crashes") the meeting will be recessed. A new link to the meeting will be posted immediately on the TDHCA Board meetings web page (<https://www.tdhca.state.tx.us/board/meetings.htm>) along with the time the meeting will resume. The time indicated to resume the meeting will be within six hours of the interruption of the webinar. Please note that in this contingency, the original meeting link will no longer function, and only the new link (posted on the TDHCA Board meetings web page) will work to return to the meeting.

CALL TO ORDER

ROLL CALL

CERTIFICATION OF QUORUM

Leo Vasquez, Chair

*Pledge of Allegiance - I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.*

*Texas Allegiance - Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

\* The list of Open Meeting laws subject to temporary suspension effective March 16, 2020, is available at: <https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2020/Press/Open%20Meeting%20Laws%20Subject%20to%20Temporary%20Suspension.pdf>

## CONSENT AGENDA

Items on the Consent Agenda may be removed at the request of any Board member and considered at another appropriate time on this agenda. Placement on the Consent Agenda does not limit the possibility of any presentation, discussion or approval at this meeting. Under no circumstances does the Consent Agenda alter any requirements under Chapter 551 of the Tex. Gov't Code, Texas Open Meetings Act. Action may be taken on any item on this agenda, regardless of how designated.

### ITEM 1: APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:

#### EXECUTIVE

- a) Presentation, discussion, and possible action on Board meeting minutes summary for October 8, 2020

**Beau Eccles**  
General Counsel

#### ASSET MANAGEMENT

- b) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application

**Rosalio Banuelos**  
Director of Asset  
Management

17376                      The Bristol    San Antonio

- c) Presentation, discussion, and possible action regarding a Waiver and a Material Amendment to the Housing Tax Credit Application

19277                      Cielo Place    Fort Worth

- d) Presentation, discussion, and possible action regarding approval of a Material Amendment to the Land Use Restriction Agreement

531001                      Cedar Ridge II    Leander

- e) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Land Use Restriction Agreements

99004	Highland Village Apartments	Longview
99126	Villages at West Lake aka Sunset Arbor Townhomes	Abilene
00038	Ryan's Crossing (Pemberton Place)	Marshall
02029	North Grand Villas	Amarillo
03004	Rosemont at Lakewest	Dallas
03028	Mill Creek Village Apartments	Longview
03053	Millpoint Townhomes	Henderson
04246/07058	Wildwood Trails Apartments	Brownwood
04250	Knollwood Heights Apartments	Big Spring
05184	Palestine Hampton Chase Apartments	Palestine
05185	Market Place Apartments	Brownwood
05187	Valley Creek Apartment	Fort Stockton
060125	Country Club Apartments	Pecos
060128	Jacksonville Pines Apartments	Jacksonville
07115	Heights Apartments	Big Spring
07117	Deer Creek Apartments	Levelland
07118	Lakeside Apartments	Mount Pleasant
08207/150900-09927	Carpenters Point Senior Living	Dallas
08299/150900-09942	Southern View Apartments	Fort Stockton
09006/150900-09946	Avalon Park dba Cedar Street Apartments	Brownfield
09260/150900-09967	Mill Creek Terrace dba Millie Street Apartments	Longview
10103	Gateway Plaza Apartments	Midland
10107	Tenth Street Apts dba Adobe Ranch Apartments	Borger
10236	Stone Canyon	Amarillo
12221	Riverstone Trails	Sunnyvale

12243	Dunes Apartments	Seminole
13128	Winchester Arms Apartments	Comanche
13129	Rose Meadows	Levelland
14122	Riverside Park	Early

**MULTIFAMILY FINANCE**

f) Presentation, discussion, and possible action to adopt the 2021 Multifamily Programs Application Procedures Manual

**Marni Holloway**  
Director of  
Multifamily Finance

g) Presentation, discussion, and possible action regarding a Material Amendment of the Housing Tax Credit Application for La Grange Springs (HTC #20273)

**RULES**

h) Presentation, discussion, and possible action on an order proposing an amendment to 10 TAC §1.15, Integrated Housing Rule, and directing publication for public comment in the *Texas Register*

**Brooke Boston**  
Deputy Director  
of Programs

i) Presentation, discussion, and possible action on repeal of and proposed new 10 TAC Chapter 2 Enforcement, Subchapter B, Enforcement for Noncompliance with Program Requirements of Chapters 6 and 7, §2.201, Cost Reimbursement, and §2.202, Sanctions and Contract Closeout, to be published in the *Texas Register* for public comment

**CONSENT AGENDA REPORT ITEMS**

**ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:**

a) Outreach and Activities Report (November-December)

**Michael Lyttle**  
Director of  
External Affairs

b) Report on Activities Related to the Department's Response to COVID-19 Pandemic

**Brooke Boston**  
Deputy Director  
of Programs

c) Report on the Draft Computation of Housing Finance Division Total and Unencumbered Fund Balances and Transfers to the State of Texas Housing Trust Fund

**Joe Guevara**  
Director of Financial  
Administration

d) Housing Finance Activity Report

**Cathy Gutierrez**  
Director of

e) Report on the allocation of Program Year 2021 Community Services Block Grant awards

Texas Homeownership  
**Michael De Young**  
Director of  
Community Affairs

**ACTION ITEMS**

**ITEM 3: BOND FINANCE**

Presentation, discussion, and possible action regarding the Issuance of a Multifamily Note (Legacy Riverside Senior Living Community) Series 2020 Resolution No. 21-007, and a Determination Notice of Housing Tax Credits

**Teresa Morales**  
Director of  
Multifamily Bonds

**ITEM 4: MULTIFAMILY FINANCE**

a) Presentation, discussion, and possible action regarding the issuance of Determination Notices for 4% Housing Tax Credit Applications

**Teresa Morales**  
Director of  
Multifamily Bonds

20491	Ridgecrest Terrace	Dallas
20498	Gala at Waxahachie	Waxahachie
20495	Fawn Ridge Apartments	The Woodlands
20494	La Cima	Austin
20496	Marshall Apartments	Austin

- b) Presentation, discussion, and possible action regarding a waiver of 10 TAC §11.101(b)(1)(A)(ii) of the Qualified Allocation Plan (QAP) and the issuance of a Determination Notice for 4% Housing Tax Credits for Wildhorse Flats (#20488)
- c) Presentation, discussion, and possible action on a Determination Notice for 4% Housing Tax Credits and an Award of Direct Loan Funds (#20464, Pine Terrace, Mount Pleasant)
- d) Presentation, discussion and possible action regarding an Award of Direct Loan Funds from the 2020-1 Multifamily Direct Loan Notice of Funding Availability
  - 20329 Fishpond at Huntsville Huntsville
  - 20501 Samano Brownsville
  - 20504 Burnet Place Austin
- e) Presentation, discussion, and possible action regarding the approval for publication in the *Texas Register* of the 2021-1 Multifamily Direct Loan Notice of Funding Availability
- f) Presentation, discussion and possible action on a request for return and reallocation of tax credits under 10 TAC §11.6(5) related to Credit Returns Resulting from Force Majeure Events for Application 19315, Hammack Creek

**Marni Holloway**  
Director of  
Multifamily Finance

**ITEM 5: AUDIT**

- a) Report on the meeting of the Internal Audit and Finance Committee
- b) Presentation, discussion, and possible approval of the Annual Internal Audit Plan for Fiscal Year 2021

**Sharon Thomason**  
Chair of Audit & Finance  
Committee  
**Mark Scott**  
Director of Internal Audit

**ITEM 6: RULES**

Presentation, discussion, and possible action on the draft 2021 State of Texas Low Income Housing Plan and Annual Report; proposed repeal of 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.23 concerning State of Texas Low Income Housing Plan and Annual Report; proposed new 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.23 concerning State of Texas Low Income Housing Plan and Annual Report; and directing their publication for public comment in the *Texas Register*

**Elizabeth Yevich**  
Director of Housing  
Resource Center

**ITEM 7: TEXAS HOMEOWNERSHIP**

Presentation, discussion, and possible action on the Participating Lender List for the Single Family Mortgage Loan and Mortgage Credit Certificate Programs

**Cathy Gutierrez**  
Director of  
Texas Homeownership

**ITEM 8: COMMUNITY AFFAIRS**

- a) Presentation, discussion, and possible action regarding authorization to release a Notice of Funding Availability for 2021 Community Services Block Grant Discretionary funds for education and employment initiatives for Native American and migrant seasonal farm worker populations
- b) Presentation, discussion, and possible action regarding termination of Galveston County Community Action Council, Inc.'s Low Income Home Energy Assistance Program Comprehensive Energy Assistance Program contracts and future funding; award of 24.99% of the 2020 Comprehensive Energy Assistance Program awards for the service area covered by Galveston County Community Action Council, Inc., to alternate provider(s); and the authorization of staff to identify a provider(s), through release and subsequent award of a Request for Application or through a direct designation, to temporarily and permanently administer the Comprehensive Energy Assistance Program in Brazoria, Fort Bend, Galveston, and Wharton counties (the areas served by Galveston County Community Action Council, Inc.)

**Michael De Young**  
Director of  
Community Affairs

- c) Presentation, discussion, and possible action on initiation of proceedings to remove the eligible entity status of Galveston County Community Action Council, Inc. and terminate Community Services Block Grant contracts and future funding

**PUBLIC COMMENT ON MATTERS OTHER THAN ITEMS FOR WHICH THERE WERE POSTED AGENDA ITEMS**

**EXECUTIVE SESSION**

The Board may go into Executive Session (close its meeting to the public):

**Leo Vasquez**  
Chair

The Board may go into Executive Session Pursuant to Tex. Gov't Code §551.074 for the purposes of discussing personnel matters including to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;

Pursuant to Tex. Gov't Code §551.071(1) to seek the advice of its attorney about pending or contemplated litigation or a settlement offer;

Pursuant to Tex. Gov't Code §551.071(2) for the purpose of seeking the advice of its attorney about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Tex. Gov't Code Chapter 551; including seeking legal advice in connection with a posted agenda item;

Pursuant to Tex. Gov't Code §551.072 to deliberate the possible purchase, sale, exchange, or lease of real estate because it would have a material detrimental effect on the Department's ability to negotiate with a third person; and/or

Pursuant to Tex. Gov't Code §2306.039(c) the Department's internal auditor, fraud prevention coordinator or ethics advisor may meet in an executive session of the Board to discuss issues related to fraud, waste or abuse.

**OPEN SESSION**

If there is an Executive Session, the Board will reconvene in Open Session. Except as specifically authorized by applicable law, the Board may not take any actions in Executive Session.

**ADJOURN**

To access this agenda and details on each agenda item in the board book, please visit our website at [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us) or contact Michael Lyttle, 512-475-4542, TDHCA, 221 East 11<sup>th</sup> Street, Austin, Texas 78701, and request the information. If you would like to follow actions taken by the Governing Board during this meeting, please follow TDHCA account (@tdhca) on Twitter.

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Nancy Dennis, at 512-475-3959 or Relay Texas at 1-800-735-2989, at least five days before the meeting so that appropriate arrangements can be made. Non-English speaking individuals who require interpreters for this meeting should contact Elena Peinado, 512-475-3814, at least five days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Elena Peinado, al siguiente número 512-475-3814 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.

1f

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**DECEMBER 10, 2020**

Presentation, discussion, and possible action to adopt the 2021 Multifamily Programs Application Procedures Manual

**RECOMMENDED ACTION**

**WHEREAS**, the rules relating to multifamily program funding are contained in the Administration Rules, Housing Tax Credit Qualified Allocation Plan, Multifamily Housing Revenue Bond Rules, and the Multifamily Direct Loan Program Rules;

**WHEREAS**, pursuant to Tex. Gov't Code §2306.67022 the Board shall adopt a manual to provide information regarding the administration of and eligibility for participation in the housing tax credit program; and

**WHEREAS**, the Department has created the Multifamily Programs Application Procedures Manual (Manual) as a resource guide for applicants, and the Manual and its contents are not rules;

**NOW, therefore, it is hereby,**

**RESOLVED**, the 2021 Multifamily Programs Application Procedures Manual is hereby approved and the publication of the Manual on the Department's website; and

**FURTHER RESOLVED**, the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department to make such changes and conforming technical corrections as they may deem necessary to effectuate the foregoing, to revise the manual as required based on the final approved rules, and amend the manual from time to time as it deems necessary to provide guidance on the filing of multifamily related documents.

**BACKGROUND**

In concert with the annual rule-making process for multifamily-related programs, the Multifamily Finance Division revises the Manual. The purpose of the Manual is to provide guidance on the filing of a multifamily application and other multifamily program-related documents. Staff created this manual as a resource guide which includes references to the rules and examples of acceptable documentation or development plans based on the program rules and requirements.

The Board's action in approving the adoption of this manual allows staff the flexibility to provide more detailed instructions and amend the Manual as necessary in order to implement the Department's multifamily program rules effectively once such rules have been adopted and approved by the Governor. Additionally, from time to time staff may update the manual based on additional information that may become available or to correct inconsistencies or to clarify information contained therein.

Appropriate changes have been made to the draft Application and Manual. The Manual will be posted to the Department's website, and an email announcement will be sent out when it is available.



# 2021 Multifamily Programs Application Procedures Manual

Texas Department of Housing and Community Affairs

221 East 11<sup>th</sup> Street  
Austin, Texas 78701

**This manual is a resource made available to help Applicants prepare and submit accurate information for complete and compliant Applications.** Applicants should understand that this type of guidance is limited by its nature and that staff will apply the Qualified Allocation Plan (QAP), Multifamily Housing Revenue Bond (MHRB) Rules, Multifamily Direct Loan (MFDL) Rule, and any other applicable rules to each specific situation as it is presented. The Multifamily Programs Application Procedures Manual and the Application webinar are provided as good faith guidance and assistance, but in all respects the statutes and rules governing multifamily programs supersede these guidelines and are controlling. Furthermore, any staff guidance is subject to the Governing Board's right to be the final interpreter of its rules.

## Table of Contents

<b>Introduction to the 2021 Multifamily Uniform Application .....</b>	<b>7</b>
Programs .....	7
Pre-application Requirements.....	7
General Organization of the Application.....	8
<b>Instructions for Completing the 9% HTC Electronic Pre-application .....</b>	<b>9</b>
Pre-application Documentation and Assembly .....	9
Pre-application Delivery .....	13
<b>Instructions for Completing the Electronic Application .....</b>	<b>14</b>
Application Download .....	14
Completing Required Forms and Exhibits .....	15
Part 1 – Administrative Tabs .....	16
Part 2 – Development Site.....	18
Part 3 – Development Activities .....	33
Part 4 – Development Financing .....	40
Part 5 – Development Organization .....	45
Part 6 – Community Input Scoring Items .....	50
Part 7 – Third Party Reports .....	52
Part 8 – Tie-Breakers (10 TAC §11.7).....	55
Part 9 – Review Tabs .....	55
Instructions for Converting the Excel file to PDF.....	56
Inserting Documents into the PDF .....	57
Creating Bookmarks .....	58
Application Assembly Instructions .....	59
Application Delivery Instructions .....	60
4% HTC and Bond Applications .....	60
Multifamily Direct Loan Program Applications .....	60
9% HTC Applications.....	60
<b>Multifamily Direct Loan Program Information.....</b>	<b>61</b>
Application Delivery Instructions .....	61
Multifamily Direct Loan Program Information .....	62
CHDO Overview .....	62
<b>Supplemental Information .....</b>	<b>64</b>
Requests for Waiver and Staff Determinations.....	64
Appeals.....	64
Public Viewing of Pre-applications and Applications .....	<b>Error! Bookmark not defined.</b>
Applicable Rules and Reference Materials.....	66

## Using this Manual

The purpose of this manual is to provide a brief and general description of each tab in the Application, high level guidance as to the Department's submission requirements and what staff would generally view as acceptable supporting documentation. Guidance is also provided regarding actions that may be necessary in the course of Application review, such as waiver requests or appeals. While this guide cannot and will not contemplate all situations, we hope that the information provides a foundation upon which you may build your Application in accordance with the Rules. This manual provides limited examples of documentation that could be submitted to comply with a particular rule or requirement. In some instances the rule may allow for alternative documentation not specifically contemplated in this manual, and in those instances staff will review the documentation for compliance with and fulfillment of the substantive requirements articulated in the applicable rule.

Although the Department may compile data from outside sources in order to assist Applicants in the application process, **it remains the sole responsibility of the Applicant to perform independently all necessary due diligence to research, confirm, and verify any data, opinions, interpretations, or other information upon which an Applicant bases an Application or includes in any submittal in connection with an Application.**

All American Community Survey data must be 5-year estimates as published in the Site Demographics report posted to the Department's website, unless otherwise specified. The availability of more current data will be disregarded. Where other data sources are specifically required, such as Neighborhood Scout, the data available after October 1, but before Pre-application Final Delivery Date, will be permissible. For OnTheMap, only the 2017 data set will be used, unless a newer data set is posted to the US Census website on or before October 1, 2020. The Application must include a copy of the reports including the report date.

Any Application that staff identifies as having insufficient supporting information will be directed to cure the matter via the deficiency process. A deficiency unsusceptible to being resolved because documentation that existed prior to submission of the Application is not available or is not presented with the Application constitutes a Material Deficiency. Matters that are curable during the deficiency process constitute an Administrative Deficiency. (Note that in all matters discussed in this manual, determinations made by staff MAY be subject to rights of appeal to the Governing Board in accordance with applicable rules). Applicants are cautioned that this process may not be used to increase a scoring item's points or to change any aspect of the proposed Development, financing structure, or other element of the Application. The sole purpose of the deficiency process will, in accordance with Tex. Gov't Code §2306.6708(b), be to substantiate, correct, or clarify one or more aspects of the Application to enable an efficient and effective review by staff. Although a responsive narrative will be created after Application submission, all facts and materials to substantiate any item in response to such a deficiency must have already been clearly established at or prior to the time of submission of the Application. Failure to resolve a matter that began as an Administrative Deficiency may be determined to constitute a Material Deficiency. Multiple Administrative Deficiencies taken together may constitute a Material Deficiency. Material Deficiencies or lack of response to any deficiency notice may result in termination of the Application.

The Department staff always stands ready to assist in developing an understanding of the tax credit program and other sources of multifamily financing offered by the Department and the means by which an Application is to be presented. Application submission requires a thorough knowledge of the applicable program(s). The Department will offer limited direct assistance (subject to the strictures imposed by Tex. Gov't Code §2306.1113 including, without limitation, the provisions of §2306.113(a-2)(1)) to any individual that requires this service in the preparation of the multifamily application. However, the Department staff cannot and will not take responsibility for completing an Application package or any portion thereof, including issuing deficiency notices that ultimately serve as instructions to complete a materially incomplete and deficient Application. Applicants should refer to 10 TAC §11.1(b) Due Diligence and Applicant Responsibility regarding guidance received from staff.

Applicants who wish to request a Reasonable Accommodation request regarding their Application should consult 10 TAC §1.1 prior to submitting a request.

Where appropriate, information regarding questions asked during the recent application webinar has been added to this manual. The Department looks forward to your continuing interest in the Multifamily Finance programs and in the creation of safe, decent and high quality affordable housing for Texans.

# Introduction to the 2021 Multifamily Uniform Application

## Programs

All multifamily funding programs are subject to the Qualified Allocation Plan (QAP). Specific Applications may be subject to the Multifamily Direct Loan Program (MFDL) or Multifamily Housing Revenue Bond (MHRB) rules. The programs administered by the Multifamily Finance Division currently include:

- 9% Competitive Housing Tax Credits (9% HTC)
- 4% Housing Tax Credits
- Multifamily Direct Loan Program (MFDL)
  - HOME Investments Partnerships Program (HOME)
  - Tax Credit Assistance Program Repayment Funds (TCAP RF)
  - National Housing Trust Fund (NHTF)

Consistent with the Department's rules that govern the aforementioned programs, staff has updated the Multifamily Uniform Application and this Manual for 2021.

## Pre-application Requirements

An Applicant for 4% Housing Tax Credits and Tax Exempt Bonds **where TDHCA is the bond issuer** must submit a pre-application. Prior to submitting a pre-application, the Department will require the submission of the Pre-Inducement Questionnaire, properly and fully completed, which will give the Department a preliminary understanding of the proposed Development. The Pre-Inducement Questionnaire, the Multifamily Bond Pre-application Submission Procedures Manual, the Uniform Multifamily Application (parts of which constitute the Bond Pre-application) and the Multifamily Bond Pre-application Supplement can be found on the Department's website at: <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

Applicants for 9% HTC **may** submit a pre-application to be eligible for six (6) points on the Application self-score. The pre-application collects limited information and is divided into five (5) parts, listed below, each of which will be fully explained later in this Manual.

- Applicant Contact Information
- Development Information
- Notifications
- Self-Score
- Attachments and Certifications

If MFDL is paired with either the 4% or 9% program, the pre-application requirements of those programs must be met. In order to access points under 10 TAC §11.9(e)(1), applicants requesting MFDL as the only source of permanent financing for a 9% HTC Development must submit a Request for Preliminary Determination by February 12, 2021.

## General Organization of the Application

The 2021 Multifamily Uniform Application has incorporated each of the Multifamily Programs in one Application which is divided into nine parts. Certain parts of the Application are applicable to a specific Program. Applicants are cautioned that failure to complete all applicable parts will be considered a Material Deficiency and may result in termination. Each part will be briefly described in this section and fully explained later in this Manual.

- Administrative
- Development Site
- Development Activities
- Finance
- Organization
- Community Input (9% HTC only)
- Third Party Reports
- Tie-Breakers (9% HTC only)
- Review Tabs (for Department use only)

The **Administrative** section of the Application collects certain high level information about the proposed Development and the Applicant's contact information. In this section the Applicant must identify the program(s) for which the Application is being submitted and provide the completed Applicant and Developer Certifications.

The **Development Site** section of the Application requires information related to the physical location of the proposed Development Site, such as the development address, census tract number, and flood zone designation, as well as information about the schools that will serve the Development and elected officials in the community who must receive notifications.

The **Development Activities** section of the Application requires information about the proposed Development, including construction and services provided to the tenants. This section also includes the architectural drawings and information regarding existing structures on the Development Site.

The **Finance** section of the Application requires the identification of all sources and terms of financing, the development cost schedule, *pro forma* annual operating expenses, and the proposed rent schedule.

The **Organization** section of the Application requires certain information about the Development Owner, Developer, Guarantor, Affiliates, Development Team and Nonprofit entities involved with the Application, along with their Owners, managers, and members. It includes the organizational charts and evidence of experience as well as credit limit documentation. The information in this section is used for, among other things, conducting Previous Participation Reviews under 10 TAC §1.301.

The **Community Input** applies to scoring for the 9% HTC only. The section may include Local Government Support in the form of a resolution(s), State Representative letters, and letters and supporting documentation from Community Organizations.

The **Third Party Reports** section briefly identifies who performed the Environmental Site Assessment, Market Study, and Property Condition Assessment, as well as any other required reports.

The **Tie-Breakers** section collects information relevant to the tie-breakers for the 9% HTC program.

The **Review Tabs** section is used by Department staff to place application review documents in the posted Application. This section will not be used by the Applicant but must be included in the submitted application .pdf.

# Instructions for Completing the 9% HTC Electronic Pre-application

**Applicants for programs other than the 9% HTC may skip these instructions and this section.**

The 9% HTC pre-application will be submitted via an online form, a link to which will be posted on the Department's website on Monday, January 4, 2021. A courtesy PDF of the pre-application form, and a webinar showing how to complete the form, are available on the Department's website at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>. **The courtesy PDF is for planning purposes only and will not be accepted as the submitted pre-application.**

**The Pre-application Final Delivery Date is Friday, January 8, 2021, at 5:00 p.m. (Austin local time).**

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## What you will learn in this section:

- ✓ Pre-application Documentation and Assembly
- ✓ Pre-application Delivery

## Pre-application Documentation and Assembly

The 9% HTC pre-application is **not** mandatory; however, Applicants that provide a pre-application are eligible for six (6) points in the full Application (assuming all applicable requirements are met), and Applicants that do not submit a pre-application will not be eligible for those points.

For each pre-application, the Applicant will follow a link on the Department's webpage to initiate submission. Once opened, the link will require the Applicant to enter an email address and the name of the Development. This information will be used to create a unique URL to access the pre-application form. An email including a link to the form will be sent to the email address entered, so ensure that the address is one that the person that will complete the pre-application can access. The Applicant will use this link to initiate the pre-application.

The online pre-application is divided into six pages, as described below. There are certain fields marked with an asterisk, which are all required to be completed. The form will not allow the Applicant to move to the next page without completing these fields.

### ❖ Page 1: Contact Information

- This page identifies the persons responsible for responding to questions and deficiencies issued by staff regarding the pre-application. The information entered for the primary and secondary contacts is included on the pre-application Log.
- **This form must be completed and saved before an application number can be assigned.** Once the form is saved, an email including the assigned application number and a link to the form will be sent to the email address entered. The Applicant will use this link to complete and edit the pre-application prior to submission.

**TO AVOID HAVING TO RE-ENTER INFORMATION, APPLICANTS ARE ENCOURAGED TO "SAVE" THE DOCUMENT REGULARLY.**

- Depending on the next action desired, use the **“Save”**, or **“Save and Continue”** button.

#### ❖ **Page 2: Development Information**

- Enter the **Proposed Entity Name** and **Development Name**.
- Choose the appropriate **Development Type** from the drop down list, then the **Secondary Development Type** if applicable. Note that Applications proposing adaptive reuse must select “New Construction” as the construction type and select “Adaptive Reuse” as the secondary type. If applicable, enter the **Previous TDHCA #**. If the Development did not previously receive an award, you do not need to enter a number.
  - If **Acquisition/Rehab, Adaptive Reuse, or Rehab Only** is selected, enter **Initial construction year**.
  - If Reconstruction is selected, enter **Units Demolished** and **Units Reconstructed**.
- Enter a number (even if zero) for **Number of Noncontiguous Sites**.
- Enter **Number of Census Tracts**.
- Choose the applicable **Target Population** from the drop down list.
- Enter the Development’s **Address, City, ZIP Code, ETJ, County, Region** and **Rural/Urban** designation.
- Enter the 11-digit **Census Tract** number; the field will not allow less than 11 digits. If the Development Site is located within multiple census tracts, click “Add” for additional fields. If you add a row, you must complete it or delete it.

**IMPORTANT!! Double check that the census tract number is correct, as a change in census tract between pre-application and full Application may result in a loss of Pre-application Participation points!**

- Enter the **Total Low Income (LI) Units**, as well as the **Total Market Rate (MR) Units** (enter 0 if none). The form will calculate the Total Units.
- Enter the **Annual Housing Tax Credit Request**. Note that pursuant to 10 TAC §11.4(b), related to Maximum Request Limit, an Applicant may not request more than 150 percent of the credit amount available in the subregion based on estimates released by the Department, or \$1,500,000, whichever is less, or \$2,000,000 for Applications under the At-Risk Set-Aside. The amount entered should not exceed the maximum funding request/award limits posted in the “2021 HTC Award Limits and Estimated Regional Allocation” as of November 30, 2020.
  - The form will calculate the **pre-application fee due**. This fee is calculated without consideration for discounts related to Applications with a private nonprofit sponsor, so the actual fee may be less than what appears on this form. When submitting fees, ensure that each check is accompanied by a completed Multifamily Payment Receipt, which is available on the Apply for Funds webpage at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>. If the nonprofit discount applies, upload documentation of nonprofit status at the end of the form. The Applicant is responsible for calculating the correct amount of the fee due if requesting the nonprofit sponsor discount. Fees are refundable only if the pre-application is withdrawn. ***In order to protect your financial information, do not include a copy of the check in your Pre-Application.***
- If payment has already been submitted to the Department select “Yes” from the drop-down menu, and a box will appear where the **Check Name and Check #** can be entered.

***At the time of publication of the Manual, TDHCA offices are closed and checks cannot be submitted in person. Multifamily staff are not in the office to receive your Application payment, it must be sent via overnight or the Postal Service.***

- Check the boxes for the appropriate **Set-Aside Elections**.

- Depending on the next action desired, use the “**Save and Go Back**”, “**Save**”, or “**Save and Continue**” button.

### **Page 3: Notifications**

- Enter the U.S. Representative. The Department staff will notify the U.S. Representative, and the Applicant is responsible for all other notifications.
- Enter the State Senator and State Representative and the appropriate Districts.
- Enter the School District officers.
- Enter **ALL** of the Local Elected Officials. As with the Census Tract fields, click “Add” for additional fields. If you add a row, you must complete it or delete it.
- Answer the question, “Are there Neighborhood Organizations whose boundaries contain the Development Site?”
  - If the answer is no, read the certification. **When you submit the pre-application you are certifying to an understanding of the program requirements and the accuracy of the submission.** Depending on the next action desired, use the “**Save and Go Back**”, “**Save**”, or “**Save and Continue**” button.
  - If yes, then a space will appear allowing you to list the name of the organization and its address. As with previous items, click “Add” for additional fields. If you add a row, you must complete it or delete it.
- Depending on the next action desired, use the “**Save and Go Back**”, “**Save**”, or **Save and Continue**” button.

**IT IS THE APPLICANT'S RESPONSIBILITY TO IDENTIFY ALL NEIGHBORHOOD ORGANIZATIONS THAT MUST BE NOTIFIED. YOU SHOULD RETAIN RECORDS OF THE DUE DILIGENCE YOU PERFORMED TO IDENTIFY ALL OF THE ORGANIZATIONS**

### ❖ **Page 4: Self Score**

- Select points for each scoring item from the drop-down boxes. Subtotals and the total self-score will auto-populate. *Note that the score cannot change by more than four (4) points between pre-application and full Application in order to qualify for Pre-application Participation points.*
- The Local Government Support, Quantifiable Community Participation, Support from State Representative, Input from Community Organizations, and Concerted Revitalization Plan sections are not available for Applicants to Self-Score. While these scoring items will not be included in the calculation to determine eligibility for Pre-application Participation points in the full Application, **you MUST indicate points you intend to claim for these items.**

**Note:** There is a point adjustment field prior to the Final Self Score. This can be used to adjust a self-score based on a staff determination. For example, a scattered site Development may have an Opportunity Index score calculated to be six points, which is not an option on the drop-down menu for that scoring item. In this case, an Applicant may need to adjust the final self-score. Enter negative numbers to reduce the score. *This field must not be used for manipulation of the self-score in order to increase chances of being eligible for Pre-application Participation points* and Applicants entering information in this field must also upload their staff determination or request for such determination under the “Other Pertinent Information” section on the next page of the pre-application.

- Depending on the next action desired, use the “**Save and Go Back**”, “**Save**”, or **Save and Continue**” button.

❖ **Page 5: Attachments and Certifications**

- Read the certifications regarding the Electronic Filing Agreement. Multiple documents may be attached under each section as needed. Select the type of file to be uploaded from the drop-down menu and click the “Choose File” button to navigate to the document you wish to upload. The pre-application uploads should show up as hyperlinks. **Make sure the documents open and that they are complete.**

**Staff recommends that to ensure that the correct documents are uploaded, applicants should establish a “Final Documents” folder that includes ONLY the final documents to be uploaded, named to specify the type of document.**

- Attach **Site Control Documentation**. By attaching the document(s), the Applicant is certifying that the site control conforms to all applicable rules. Files should not be larger than 7 MB total.
- Attach a **Census Tract Map(s)**. You can find census tract maps here: [https://www.huduser.gov/portal/sadda/sadda\\_qct.html](https://www.huduser.gov/portal/sadda/sadda_qct.html). Make sure the map shows the entire census tract and the full tract number, **and identifies the Development Site**. If an information box showing the tract demographics and **full tract number** does not appear, **take a screen shot that shows the full tract number entered in the box above the map (“ctrl, PrtScn” on the keyboard, then paste to a blank document, format as needed, then pdf)**. The census tract map(s) will be verified against the census tract(s) entered on the Development Information Page. **Again – be sure to double check your census tract number(s)!** Files should not be larger than 5 MB total.
- **Neighborhood Risk Factors**. Upload information regarding the presence of Neighborhood Risk Factors per 10 TAC §11.8(b)(1)(l) as such factors are more fully described in 10 TAC §11.101(a)(3). Note that disclosure is required to be submitted with the pre-application. The remainder of the information required to be submitted with the Neighborhood Risk Factors Report may be submitted with the pre-application or with the full Application.  
**Remember: The Neighborhood Risk Factors related to crime and schools MUST be disclosed at Pre Application.** Elderly Developments, Developments encumbered by a TDHCA LURA on the first day of the Application Acceptance Period or date the pre-application is submitted (if applicable), and Supportive Housing SRO Developments or Supportive Housing Developments where all Units are Efficiency Units are exempt and are not required to disclose for schools at Pre-Application. If the Applicant wishes to have the Board make a determination of site eligibility prior to full Application, the request may be presented prior to the March 1, 2021 full Application deadline, allowing enough time for presentation to the Board. The Board will make a determination of site eligibility based on the information provided by the Applicant. The Neighborhood Risk Factors Packet on the TDHCA website provides a structure for submission of a complete request.
- **Other Pertinent Information**: For prospective developments that do not fit neatly within the pre-application, there is an attachment field that can be used to provide further information. For example, this field could be used to upload documentation of nonprofit status, or if an Application has more than 25 local officials, or to submit a staff determination. The vast majority of pre-applications will not need to attach anything in this field. Files should not be larger than 5 MB total.
- Read the notes related to uploads. Text is included below each upload section.
- The pre-application uploads should show up as hyperlinks. **Make sure the documents open and that they are complete. If they will not open for you, they will not open for us.**
- Depending on the next action desired, use the **“Back” or “Continue”** button.

**Any complete waiver request submitted with a pre-application will be taken to the February Board meeting. Anyone seeking a waiver should include any and all materials they will rely upon to argue that waiver.**

## Pre-application Delivery

- The Electronic Filing Agreement is incorporated into the pre-application form and does not need to be submitted separately. *No hard copies of signed certifications are required*, but **by submitting the pre-application, Applicants are certifying to an understanding of the program requirements and the accuracy and completeness of the submission.**
- It is strongly recommended that the Applicant use the **“Back”** button to review the entire pre-application before submission.

The browser will display a submission confirmation page, which includes a link to a printer-friendly version of the submitted pre-application. You can save a .pdf copy if you wish. In the event that an error is identified after submission, the Applicant can revoke the submission, edit the form, and then resubmit prior to the submission deadline. Review the posted pre-application webinar for more information.

**Applicants are encouraged to submit the pre-application well before the deadline as the ability to edit submissions will be disabled at 5:00 p.m. (Austin local time) on Friday, January 8, 2021. A last minute submission poses the risk of encountering computer malfunctions or other factors that could result in failure to complete submission before the 5:00 p.m. deadline. If the complete pre-application is not submitted by the deadline, the Applicant will be deemed to have not made a pre-application submission.**

**Applicants will not be able to access, edit or submit a pre-application after the deadline.**

# Instructions for Completing the Electronic Application

## What you will learn in this section:

- ✓ How to download the Electronic Application Materials
- ✓ How to complete the Excel Application
- ✓ How to convert the Excel Application to PDF
- ✓ How to insert documents into the PDF
- ✓ How to set Bookmarks
- ✓ How to submit the Application

**The Full Application Delivery Date for 9% HTC Applications is Monday, March 1, 2021 at 5:00 p.m., Austin local time.**

**Tax-Exempt Bond Applications may be submitted on the 5<sup>th</sup> of every month pursuant to 10 TAC §11.201(2).**

**For Direct Loan Applications, the Application Acceptance periods as well as Application Acceptance dates are listed in NOFAs.**

## Application Download

All Applicants are required to use the 2021 Multifamily Uniform Application, along with the applicable supplemental files provided by TDHCA located at the following link: (<http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>).

1. To download any of the electronic Application files, right-click on the link at the website provided above, select "Save Target As" and choose the storage location on your computer. The Excel file should be named in the following format -- <Application #\_Development Name>.xls (e.g. 19001\_Austin\_Crossing.xls). If an application number has not been previously assigned then the file should be named as follows -- <Development Name>.xls (e.g. Austin\_Crossing.xls).
2. Please do not transfer tabs from one Excel file to another, even if it is for the same Application. If you plan to submit more than one Application, please make additional copies of the 2021 Multifamily Uniform Application file **after** completing portions of the Application that are common to all of your Applications and **before** completing any portions that are not common to all of your Applications.
3. Any cell that is highlighted yellow is available to be manipulated by the applicant. All other cells (unless specifically stated) are for Department use only, have been pre-formatted to automatically calculate information provided, and are locked. Applicants may view any formulas within the cells. Applicants may not add additional columns or rows to the spreadsheets, unless otherwise stated.

4. All questions are intended to elicit a response, so do not leave out any requested information. If references are made by the Applicant to external spreadsheets those references must be removed prior to submission to TDHCA as this may hamper the proper functioning of internal evaluation tools and make pertinent information unavailable to TDHCA.
5. The electronic Application has been designed so that many of the calculations regarding development cost, eligible basis, and eligible point items will automatically compute once enough information has been entered. If you see a “#VALUE” or “DIV/0” in a cell these values should disappear upon data entry in other tabs.

**Tip – Complete the Development Narrative and the Rent Schedule in the Development Activities and Finance Parts of the Application first to take full advantage of the automated calculations.**

6. **Be sure to save the file frequently as you are filling it out to avoid losing work!**

If you have difficulty downloading files from the website, contact Jason Burr at (512) 475-3986, or [Jason.burr@tdhca.state.tx.us](mailto:Jason.burr@tdhca.state.tx.us).

### Completing Required Forms and Exhibits

**REMEMBER – For 9% HTC, if a pre-application was not submitted, the Applicant must separately submit the Electronic Filing Agreement form! For 9% HTC Applications the form is due by February 15, 2021.**

**For 4% Housing Tax Credit Applications, the Electronic Filing Agreement should be submitted 3-5 business days prior to the anticipated application submission date.**

**For Multifamily Direct Loans, if the application is submitted as part of a 4% or 9% HTC application, no additional Electronic Filing Agreement is required. Otherwise, the form should be submitted 3-5 business days prior to the anticipated application submission date.**

The 2021 Multifamily Uniform Application consists of eight (8) parts for the Applicant to complete. Complete all applicable parts. Any portion of the Application that the Applicant considers not applicable must be included in the Application with an indication that the Applicant believes that section to be “not applicable.” Those cells that require entry are highlighted yellow. Some of the required information for this form has been entered in a previous tab and will auto fill here as applicable. Where applicable, Applicants should mark boxes with an “x.” The use of a different symbol may result in misinformation in another part of the Application. Please review and ensure all information is accurate.

The Application must include any supporting documentation needed to evidence that the Application meets the specific requirements of the rules. Where supportive information has been published by the Department, e.g., information included in the Site Demographic Characteristics Report, the Application may refer to that information.

**REMEMBER – Pursuant to 10 TAC §11.9(a), Applicants that elect points where supporting documentation is required but fail to provide any supporting documentation will not be allowed to cure the issue through the Administrative Deficiency process.**

Applicants are cautioned that some parts of the Application are specific to certain fund sources and programs. For instance, parts of the Application are labeled “Direct Loan Only” and should only be completed if requesting that

funding source. However, where a specific funding source is not stated, Applicants must complete all other parts of the Application.

## Part 1 – Administrative Tabs

### ❖ Tab 1a –Certifications

**Due to multiple restrictions resulting from the COVID-19 pandemic, TDHCA has changed the Certification forms and method for their submission. A single .pdf of the Applicant Eligibility Certification, Development Owner Certification, Engineer-Architect Certification, and if applicable, Direct Loan Certification, should be submitted as a separate document. As part of their review, staff will move the Certifications packet to this tab, without the Unsworn Declaration pages.**

**DO NOT include the Certifications in the Application, as they have been in the past, because the Unsworn Declaration pages contain protected personal information.**

- The certification can be found in the 2021 Multifamily Uniform Application Certifications document posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>. The Application Certification must be signed by the Applicant or person with authority to execute documents on the Applicant's behalf and the required information provided for the Unsworn Declaration. ***No hard copy is required, only a LEGIBLE scanned copy within the PDF file. The Applicant must, however, retain the original and provide it to the Department on request.***

### ❖ Tab 1b –4% HTC-Bond Filing

The 4% HTC/Bond Application Filing form is required for 4% HTC Applications only. Select the yellow boxes associated with the application type (i.e. Lottery or Non-Lottery and applicable sub-boxes), select the targeted board meeting date and note the due date for the complete Application. **NOTE: A 4% HTC APPLICATION WILL NOT BE ACCEPTED BY THE DEPARTMENT UNLESS EVIDENCE OF A CERTIFICATE OF RESERVATION IS ATTACHED TO THE PAYMENT RECEIPT.** The Department will require at least 90 days to review an application. Applicants are cautioned that while the Department will make its best efforts to present the Application at the requested meeting, delays with reviewing and underwriting along with peak volume of applications being processed may result in the Application being presented at a subsequent board meeting.

### ❖ Tab 2 – Development Owner Certification

- ***Complete the yellow boxes on Tab 2 of the Application regarding disclosure of §11.101(a)(2), §11.101(a)(3), §11.202(1)(M), §11.202(1)(N), and §11.901(16) of the QAP, if applicable.***
- The certification can be found in the 2021 Multifamily Uniform Application Certifications document posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> and must be executed by the Development Owner. This certification addresses the specific requirements associated with the Development, and the Person executing the certification is responsible for ensuring all individuals referenced therein are in compliance with the certification.
- Applicants are encouraged to read the certification carefully as it contains certain construction and Development specifications that each Development must meet.
- Note that the certification includes the Applicant's understanding that all third party reports will be posted on the Department's website.

- Check the appropriate boxes on pages 3, 4, and 5 for any disclosures pursuant to the Multifamily Rules regarding Undesirable Site Features (10 TAC §11.101(a)(2)), Neighborhood Risk Factors (10 TAC §11.101(a)(3)), termination of a relationship in an affordable housing transaction (10 TAC §11.202(1)(M)), voluntary compliance agreements (10 TAC §11.202(1)(N)), Unused Credit Fee (10 TAC §11.901(16)), and Waiver of Rules (10 TAC §11.207).

**NEW: Applicants seeking a Waiver of Rules under 10 TAC §11.207 must indicate the section for which a waiver is requested, and provide all supporting information behind the tab. 9% HTC Applicants are reminded that waiver requests will not be accepted after the Application deadline. Applicants requesting a Direct Loan funds should also review §13.1(c).**

- Submit any relevant documentation behind the tab, **including mitigation for Undesirable Site Features and the Neighborhood Risk Factors Report, if applicable.** NOTE: Due to school closures as a result of COVID-19, mitigation for schools as described in 10 TAC §11.101(a)(3)(C) and 10 TAC §11.101(a)(3)(D) are not required for Applications submitted in 2021.
- **NEW: See instruction under Tab 1a regarding submission of the Certification. No hard copy is required, only a LEGIBLE scanned copy within the PDF file. The Applicant must, however, retain the original and provide it to the Department on request.**

#### ❖ **Tab 3 – Applicant Eligibility Certification**

- Complete the yellow boxes.
- The certification identifies the various criteria relating to eligibility requirements associated with multifamily funding from the Department and can be found in the 2021 Multifamily Uniform Application Certifications document posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.
- **The form must be executed by all individuals included on the organizational chart who are identified pursuant to 10 TAC §11.204(2) and who have the ability to exercise Control over the Development and if requesting Direct Loan funds Person, Affiliate, Principal, or Control as defined in 2 CFR Part 180.**
- **NEW: See instruction under Tab 1a regarding submission of the Certification** The submission may include one copy of the certification along with a copy of each signature page. A signed, dated, signature page with all information required for the Unsworn Declaration for each individual described above must be included. **No hard copy is required, only a LEGIBLE scanned copy within the PDF file. The Applicant must, however, retain the original and provide them it the Department on request.**

Remember: The requirement for individuals that must execute Certifications ties directly to the definition of Control at 10 TAC §11.1(d)(30). Except for Applicants requesting Direct Loan funds, if a board member is not able to exercise control over actions of the organization other than as a voting member, thus they may not have control that fits within the definition. If a Board member is able to execute contracts or take other actions on behalf of the organization, they likely will meet the definition of Control and should provide execution of the Certifications. If there is a question, the Applicant will be best served by having all parties sign the Certification.

#### ❖ **Tab 4 – Multifamily Direct Loan Certification** (if applying for Multifamily Direct Loan funds)

- Complete the yellow boxes.
- The certification can be found in the 2021 Multifamily Uniform Application Certifications document posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> and must be executed by the Development Owner. It addresses the specific requirements associated with the Development, and the Person executing the certification is responsible for ensuring all individuals referenced therein are in compliance with the certification. Applicants are encouraged to read the certification carefully as it contains certain statements regarding lead based paint, Section 3 requirements, environmental requirements, relocation requirements, and a general threshold certification.

- **NEW: See instruction under Tab 1a regarding submission of the Certification** The Development Owner must initial pages 5, 6, and 7. The form must be signed, dated, and all required information for the Unsworn Declaration complete. ***No hard copy is required, only a LEGIBLE scanned copy within the final PDF file. The Applicant must, however, retain the original and provide it to the Department upon request.***
- ❖ **Tab 5 – Applicant Information Page**  
Section 1 must include contact information for the person responsible for responding to Administrative Deficiencies. Note that this may not necessarily be the Development Owner or Applicant. The person listed here will be required to submit requested documentation within a relatively short time period, and should be generally available throughout the review process. The person listed here is also expected to be available primarily via email. Contact may include the persons listed in sections 2 and 3 as well.
- ❖ **Tab 6a (Competitive HTC Only) and 6b (MFDL Only or MFDL Layered with HTC) – Self-Score**
  - These forms completely auto-populate from information entered throughout the Application. As noted in the introduction, the Application has been divided into sections that more closely follow the development process than the selection criteria in the QAP. Near the beginning of each section of the Application is a form that reflects information related to a particular aspect of Development (e.g. site, finance, ownership), and that form may include statements or selections that result in the Application being eligible for points.
  - The self-score form contains hyperlinks that allow the Applicant to skip to the part of the Application that is relevant to that particular scoring item. For example, clicking on [“Financial Feasibility”](#) takes you to the Finance Scoring tab, where the Applicant can manipulate cells. As revisions are made to scoring items within the Application, the self-score will auto-populate and also produces a real-time self-score in the top right corner of the relevant tab. The Applicant can then click on [“Self Score Total”](#) at a number of different places in the Application and return to the self-score form. These internal links are designed to allow an Applicant is quickly toggle back and forth between the self-score form and the location in the Application where support documentation for that scoring item is required.
  - If the Self Score does not reflect points that the Applicant expects to receive, changes must be made on the appropriate linked tab; not on the self-score form.

## Part 2 – Development Site

The blue colored Development Site tabs (7-16) collect all information specific to the physical location of the Development Site.

- ❖ **Tab 7 – Site Information Form Part I**  
This form is divided into 4 parts, all of which should be completed by all Applicants. Complete the yellow highlighted cells in each part as applicable. Some portions of this form will make reference to supporting documents which are listed and collected in Tab 8.
  - **Part 1 – Development Address:** Enter the information in this section as indicated by the label for each of the boxes present. If there is no mailing address for the site, please do not use phrases such as, “1 mile east of the corner” or “approximately 300 feet from” but only indicate direction from an intersection. Shorten Street to St., Boulevard to Blvd., etc. Use acronyms for directional descriptions, such as “NEC” for “northeast corner”. For example, “NEQ of Hickory St. and Red River Dr.,” where NEQ stands for northeast quadrant. Also, avoid the use of all capital letters. Use the drop-down menu to indicate whether the site is within city boundaries, in the ETJ, etc.
  - **Part 2 – Census Tract Information:** Enter the **11-digit** 2010 census tract number with no dashes, commas, decimals, or spaces. Indicate whether or not the tract is a Qualified Census Tract (QCT). Each

of the subsequent highlighted cells further describing the demographics of the census tract will auto-populate. Applicants should exercise caution in identifying the correct census tract. Address searches generally yield approximate census tract matches and in some cases such searches are incorrect. It is the Applicant's responsibility to identify the correct census tract. Changes to the census tract between Pre-application and Application will result in the loss of Pre-application points.

**Remember: If the poverty rate in a census tract is greater than 40% for individuals (or 55% for Regions 11 and 13), mitigation may include a resolution submitted in lieu of a Neighborhood Risk Factors Report, as described in 10 TAC §11.101(a)(3)(D)(i).**

Applicants can double-check this information using the US Census Bureau's Fact Finder tool at <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>. Any clarifying notes about the address or census tract(s) can be entered in the space provided.

- **Part 3 – Resolutions:** Mark the appropriate box indicating whether or not a resolution is required in order to satisfy a requirement under 10 TAC §11.3 related to Housing De-concentration factors or 10 TAC §11.101(a)(3)(D).
  - **For Competitive HTC Applications pursuant to 10 TAC §11.3, these are due with the Application and must be included behind this tab.**
  - For Tax-Exempt Bond Applications, these resolutions must be submitted no later than the Resolutions Delivery Date described in 10 TAC §11.2(b).
  - For Tax-Exempt Bond Applications, the Resolution of No Objection to satisfy the requirement of 10 TAC §11.204(4) should be included behind this tab if available at the time of Application submission. Otherwise it must be submitted no later than the Resolutions Delivery Date in 10 TAC §11.2(b).
  - If no resolution is required, this section can be marked "Not Applicable".
- **Part 4 – Two Mile Same Year Rule (9% HTC Only):** This section collects information about the proposed Development Site and other applicable Development Sites. This information will help us to complete mapping of sites and sorting of applications sooner in the process.
  - **NOTE:** Per 10 TAC §11.3(b)(2), the Two Mile Same Year rule exempts certain municipalities with a population of two million or more where a federal disaster has been declared and the municipality is authorized to administer disaster recovery funds as a subgrant recipient for the disaster that has been declared, if the Development has been authorized by resolution.
- **Part 5 – Proximity of Development Sites:** This section collect information about the proposed Development Site and the proximity of any other Development Sites. This information will help us to complete mapping of sites and sorting of applications sooner in the process.
- **Remember: One Award per Census Tract Limitation:** Per 10 TAC §11.3(g), if two or more Competitive HTC Applications are proposing Developments **in the same census tract in an Urban subregion**, the lower scoring Application(s), including consideration of tie breakers, will be considered ineligible and will not be reviewed unless the higher scoring Application is terminated or withdrawn. **This rule does not apply to Applications submitted under the USDA or the At-Risk Set-Aside.**
- **Part 6 – Zoning and Flood Zone Designation:** For the Zoning Designation, enter the code or descriptive name of the Site's current zoning exactly as it is stated in the local zoning code. For Flood Zone Designation, enter the FEMA description exactly as it appears on the FEMA floodplain map that is included in the ESA. Determine if the Site is inside or outside the 100-year floodplain according to the FEMA description corresponding to the FEMA code for the Development Site that appears on the map. Requirements regarding the floodplain are specified in detail in 10 TAC §11.101(a)(1).
- **Farmland Designation:** to be completed if requesting Direct Loan funds.
- **Part 7 – Site and Neighborhood Standards (New Construction Direct Loan Only or Reconstruction if requesting Direct Loan funds:** Both boxes in this part must be checked if requesting Direct Loan funds and proposing new construction/reconstruction.
- **Part 8 – School Rating:** Include the TEA rating documents in the Application.

**Remember:** Elderly Developments, Developments encumbered by a TDHCA LURA on the first day of the Application Acceptance Period or date the pre-application is submitted (if applicable), and Supportive Housing SRO Developments or Supportive Housing Developments where all Units are Efficiency Units are required to disclose the presence of the Neighborhood Risk Factor for schools, and MUST complete all information on this form regarding schools, but are exempt or otherwise NOT required to provide mitigation for schools.

❖ **Tab 8 – Supporting Documentation for the Site Information Form**

Each of the applicable exhibits listed on this form must be included behind it. Some of the boxes on the Supporting Documentation page will auto-populate. Supporting documents must be included for any that auto-populate or the response that originated the automatically marked box must be corrected.

- **Street Map:** should indicate the location and approximate shape of the Development Site outlined on the map.
- **Census Tract Map:** must bear the full 11-digit number and indicate the location of the Development Site.
- **Resolutions:** sample resolutions are provided in the Multifamily Uniform Application Template file on the Department’s website. **Be sure to check the templates to see if an applicable resolution was revised. Do not rely on the Resolution Templates from previous years, as they may have changed.**
- **Evidence of Zoning or Re-zoning in process:** must exactly match the representation made in the Site Information Form. Acceptable evidence includes one of the following:
  - A letter from the local government official with appropriate jurisdiction stating that either there is no zoning or that the Site is appropriately zoned.
  - A letter from a local government official with jurisdiction over zoning matters that the Applicant or Affiliate is in the process of seeking a zoning change (may include an acknowledgement that a zoning application was received by the political subdivision) and that the jurisdiction received a release agreeing to hold the political subdivision and all other parties harmless.
  - For Rehabilitation Developments, documentation of current zoning and, if necessary, a letter from the local government official with appropriate jurisdiction addressing any overlays or issues of non-conforming uses. See 10 TAC §11.204(11)(D)
  - **NOTE: In instances where annexation of a Development Site occurs while the Application is under review, the Applicant must submit evidence of appropriate zoning with the Commitment or Determination Notice.**
- **Flood Zone Designation:** must be the FEMA flood map submitted in the Environmental Site Assessment that contains the development area or documentation that substantiates sufficient mitigation efforts the local government has undertaken. Refer to 10 TAC §§11.101(a)(1) and 11.305(b)(3). **NOTE: The Certification of Development Owner includes stipulations regarding the conformity of the Site with the Department’s rules regarding the floodplain.**
- **Farmland Designation: to be completed only if requesting Direct Loan funds.**
- **Site and Neighborhood Standards:** A statement from the Applicant regarding how the Development will promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons **AND DP-1 demographic Census data** must be submitted behind this tab if the Applicant for Direct Loan funds is proposing a New Construction or Reconstruction Development.
- **School Rating:**
  - The table allows you to identify up to five public schools, the grade levels served at those schools, and the school rating from TEA.
  - These schools may need to be combined to obtain the overall rating for each type of school (elementary, middle, or high school). Refer to 10 TAC §11.101(a)(3)(B)(iv) in order to determine what schools may need to be combined to meet TEA requirements.

- Complete the yellow box if the school district has no attendance zones **and provide evidence.** Complete the form for all schools for both years. Include supporting documentation behind the tab, including but not limited to printouts from the TEA website indicating school ratings. **If School Ratings are the only Neighborhood Risk Factor for the proposed Development, the Neighborhood Risk Factors Report is not required for 2021 Applications.**

#### ❖ **Tab 9 – Site Information Form Part II**

This form should be completed for Competitive HTC and Part 2 for Direct Loan Applications. All items on this form are related to scoring criteria and the selections made here will populate the self-score form.

**NOTE:** The **Concerted Revitalization Plan (CRP) packet** will be included in the Application behind Tab 10. The packet is posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

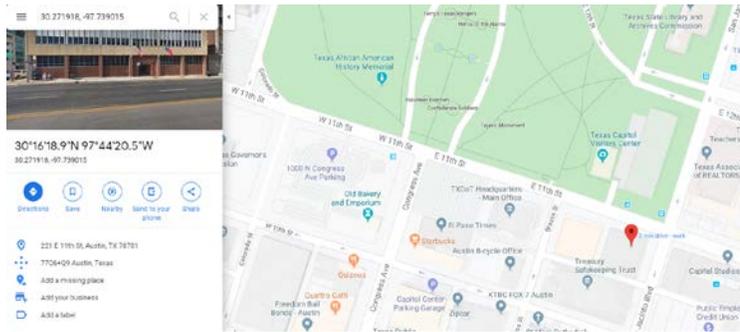
- If the amenities selected in this section are related to a Concerted Revitalization Plan and NOT to Opportunity Index, select yes in the first box and skip down to select amenities under Urban or Rural. Backup documentation for amenities must be included in the CRP Packet.
- Certify that no members of the Applicant or Affiliates had an ownership position in the amenity or served on the board or staff of a nonprofit that owned or managed that amenity within the year preceding the Pre-application Final Delivery Date.
- **Part 1 – Opportunity Index:**
  - Applications must meet one of the threshold requirements in order to score points for amenities.
  - Use the drop-down boxes to indicate items selected for points.
  - The Application must include one or more maps indicating the location of the Development Site and the related distance to the applicable facility.
  - Distances are to be measured from the nearest boundary of the Development Site to the nearest boundary of the property or easement containing the facility, unless otherwise noted. For the purposes of this section, all measurements will include ingress/egress requirements and any easements regardless of how they will be held.
  - Include backup documentation for ALL selections.
  - Certify that no members of the Applicant or Affiliates had an ownership position in the amenity or served on the board or staff of a nonprofit that owned or managed that amenity within the year preceding the Pre-application Final Delivery Date.
  - Select the Total Points Claimed from the drop-down box.
- **Part 2 – Underserved Area:** Select from the seven options available if requesting points for this item, and select the Total Points Claimed from the drop-down box.
  - **Remember:** the rule states “less than 15 years ago” and “less than 30 years ago”. Staff counts back 15 years from January 1 of the calendar year for that year's cycle. So, for the 2021 cycle, the 15-year time frame would count back 15 years from Jan. 1, 2021, to Jan. 1, 2006. Any award made after Jan. 1, 2006, makes the census tract ineligible for these points. The 30-year period would count back 30 years from Jan. 1, 2021, to Jan. 1, 1991. Any award made after Jan. 1, 1991, makes the census tract ineligible for these points.
  - If 10 TAC §11.9(c)(5)(E) is selected and there are more than six contiguous tracts, include a separate page in the pdf Application listing those tracts.
  - If an Application qualifies for points under Opportunity Index (10 TAC §11.9(c)(4)), then the Application is not eligible for points under the Colonia or Economically Distressed Area items (10 TAC §11.9(c)(6)).
- **Part 3 – Proximity to Job Areas: Applicants can score under only one option.**
  - **Proximity to the Urban Core:** Complete the applicable box if the Development Site is located within the required distance of the urban core.

- **Proximity to Jobs:** Complete the applicable box if the Development Site is located within one mile of the corresponding number of jobs.
- Select the Total Points Claimed from the drop-down box.

**Instructions for using the OnTheMap tool for Proximity to Jobs:**

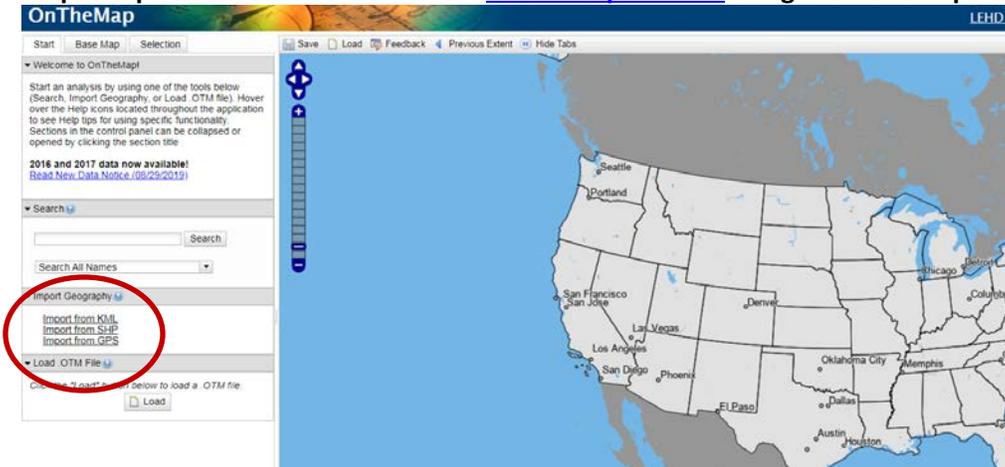
**Step 1: Provide the GPS coordinates that clearly fall within the boundaries of the Development Site.**

An Application may have coordinates on the survey provided to meet the requirements of 10 TAC §11.204(15)(D), however this is not required. Staff will accept Applicant verification of GPS coordinates through an online map like Google Maps or Google Earth, but it must be clear to staff that the GPS coordinates are tied to a spatial point that unequivocally falls within the boundaries of the Development Site.



If using Google Maps or Google Earth or a similar mapping program/software, evidence similar to what is seen above must be placed in the Application.

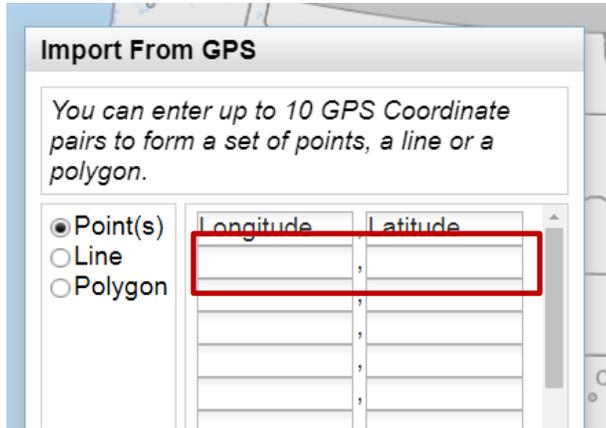
**Step 2: Input the Coordinates into the [OnTheMap website](#) using their GPS Import function.**



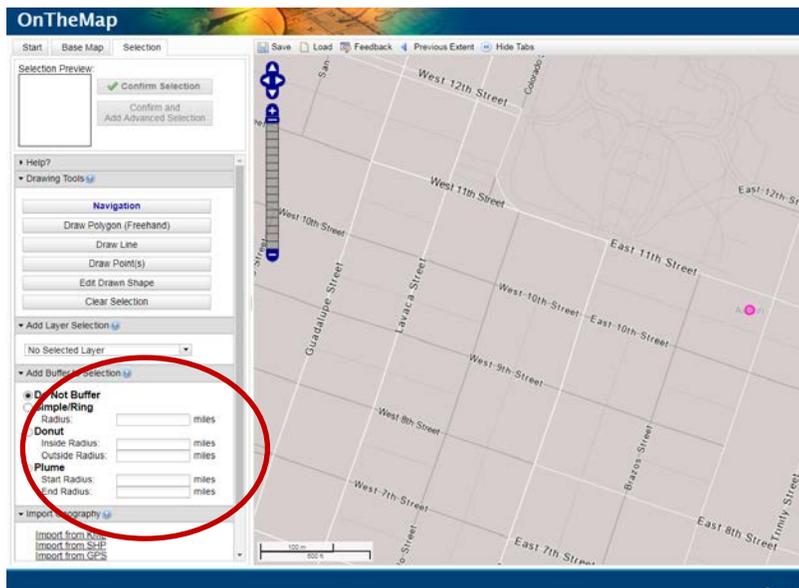
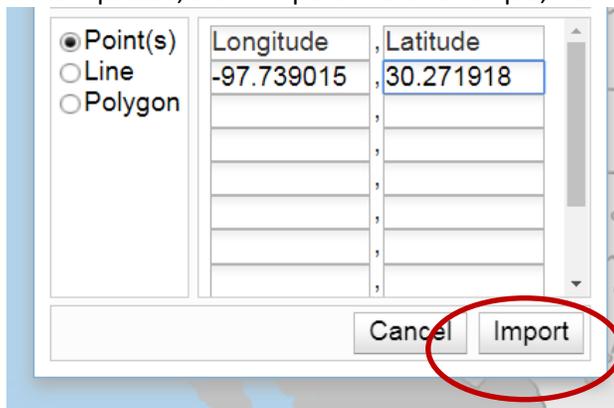
Click “Import from GPS” in the area circled above:



Input the Longitude and Latitude coordinates.



Once inputted, click "Import." As an example, here are coordinates for the TDHCA headquarters.



After clicking "Import," you will see a screen similar to above, with your GPS coordinates now represented as a spatial point. In the area circled above, you now specify that you will look at jobs within a 1 mile radius of the spatial point.

▼ Add Buffer to Selection

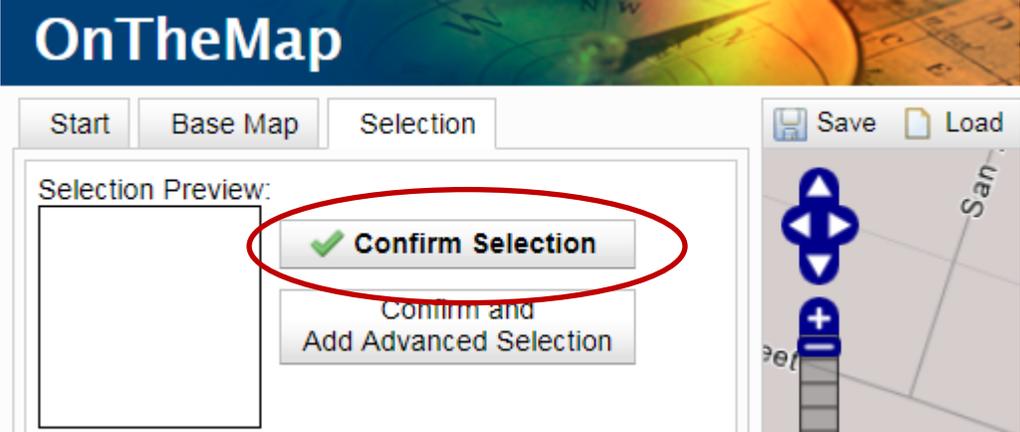
Do Not Buffer

Simple/Ring  
Radius:  miles

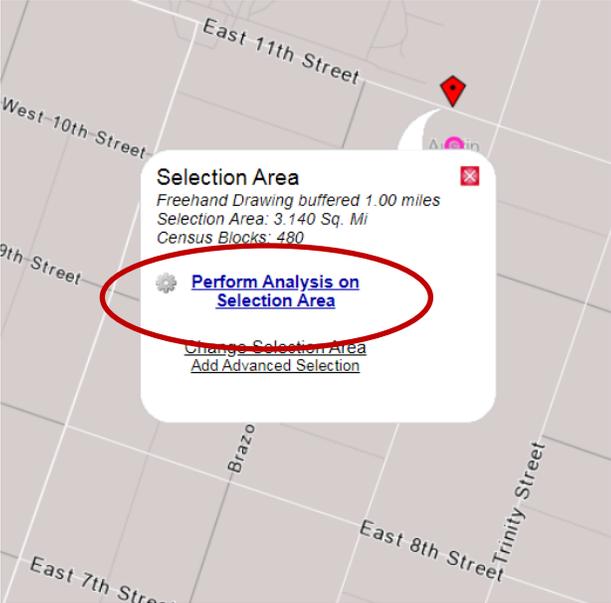
Donut  
Inside Radius:  miles  
Outside Radius:  miles

Plume  
Start Radius:  miles  
End Radius:  miles

After clicking "Simple/Ring" and inputting "1" for miles, click "Confirm Selection."



Then click "Perform Analysis on Selection Area"



Then check the following boxes for certain categories: "Work" in column 1; "Area Profile" and "All Workers" in column 2; "2017" in column 3; and "Primary Jobs" in column 4.

### Analysis Settings

**Area Profile Analysis in 2017 by Primary Jobs**

**Home/Work Area**  
Determines whether the selection area is analyzed on where workers live ("Home") or where workers are employed ("Work").

Home  
 Work

**Analysis Type**  
Determines the type of results that will be generated for the selected area.

**Area Profile**  
Labor Market Segment: All Workers

**Area Comparison**  
Areas to Compare: Places (Cities, CDPs, etc.)  
Labor Market Segment: All Workers

**Distance/Direction**

**Destination**  
Destination Type: Places (Cities, CDPs, etc.)

**Inflow/Outflow**  
Note: Home/Work choice does not affect results

**Year**  
Determines the year(s) of data that will be processed in the analysis.

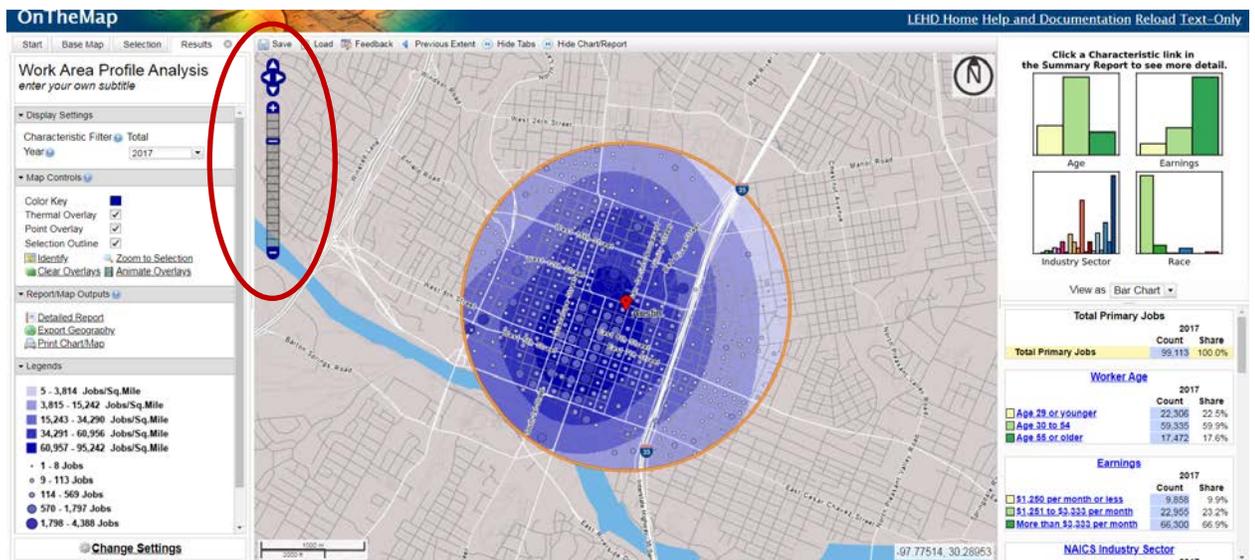
2017  
 2016  
 2015  
 2014  
 2013  
 2012  
 2011  
 2010  
 2009  
 2008  
 2007  
 2006  
 2005  
 2004  
 2003  
 2002

**Job Type**  
Determines the scope of jobs that will be processed in the analysis.

All Jobs  
 **Primary Jobs**  
 All Private Jobs  
 Private Primary Jobs

Cancel **Go!**

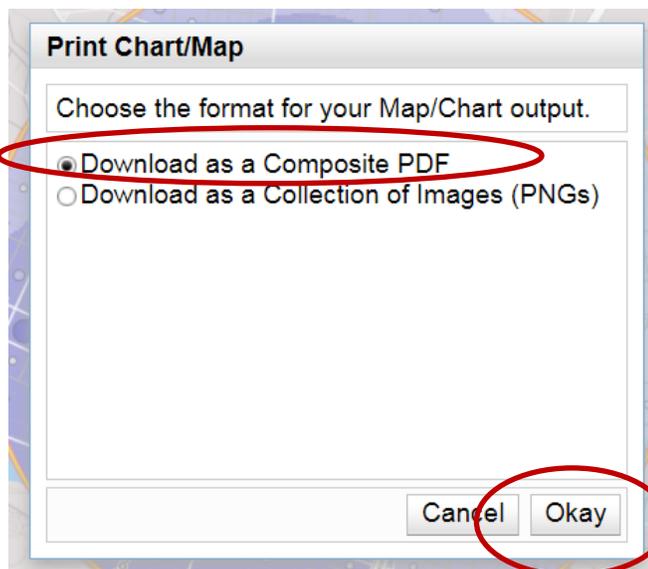
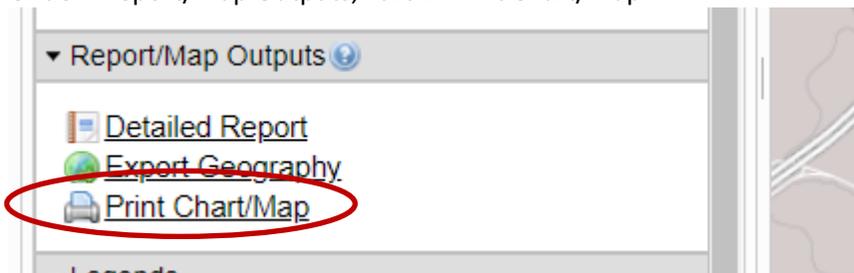
Click "Go." You will then see a screen showing the jobs analysis, similar to this:



Be sure to zoom out, using the zoom tools circled above, so that the entire 1 mile radius can be seen around the spatial point.

**IMPORTANT:** take a screen shot at this point to show evidence of the coordinates ("ctrl, PrtScn" on the keyboard, then paste to a blank document, format as needed, then pdf). Include the screenshot behind Tab 10 in the pdf application.

Under “Report/Map Outputs,” click “Print Chart/Map.”



Select “Download as a Composite PDF” and then click “Okay.”

## OnTheMap

### Work Area Profile Report Primary Jobs for All Workers in 2017

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 10/24/2019

#### Counts and Density of Primary Jobs in Work Selection Area in 2017

##### All Workers

This produces a PDF report, with the map and the total job count. This report also has a time stamp so that staff can confirm that the report was generated using the 2017 data set, unless a newer data set I posted to the US Census website on or before October 1, 2020 . **Include this report plus the screen shot in the pdf application.**

- **Part 4 – Concerted Revitalization:** If claiming points, be sure that no points are being claimed under the Opportunity Index. Complete the appropriate boxes and select amenities in the Urban or Rural section of Opportunity Index. Make sure supporting documentation, including documentation of area amenities, is included in the CRP packet. **The CRP Packet is required for Urban and Rural Applications**

**requesting these points, and must be included behind Tab 10.** Select the Total Points Claimed from the drop-down box.

The CRP packet must include evidence that the CRP is current at the time of Application and that it officially continues for a minimum of three years thereafter, OR that the work to address items outlined in the CRP has already begun and the Applicant includes confirmation from the appropriate public official that the objectives of the CRP will be met on schedule and no budgetary or other obstacles stand in the way. A CRP consists of policies instigated by a host of governmental and public-private entities. It will include robust evidence of those policies continuing on an ongoing basis, with further proof that they will continue for 3 years within the plan OR that they have already begun to make significant impacts. A letter from a city may point to these policies and direct staff's attention to other evidence. Many CRP plans include target dates as part of their plan. The Applicant must also present evidence of **sufficient, documented and committed funding** that will allow the CRP to meet its objectives. Pertinent sections of the CRP must be marked, or described in a summary with reference to the specific pages that include information responsive to the requirements of a CRP. Staff will not review an entire plan to determine if it meets criteria, the Applicant must point out the sections that meet the criteria.

- **Part 5 – Declared Disaster Area:** If claiming points, simply mark the yellow box and select the Total Points Claimed from the drop-down box. The 2021 list of eligible counties is posted on the TDHCA website at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.
- **Part 6 – Readiness to Proceed in Disaster Impacted Counties**  
**NEW: Due to uncertainty linked to the COVID-19 pandemic, scoring for all Applicants under this item are suspended (no points may be requested, nor will they be awarded) for 2021 HTC Applications.**

❖ **Tab 10 – Supporting Documentation for the Site Information Form Part II**

- **Opportunity Index information:**
  - The map(s) should indicate the location of the Development Site and include an accurate radius appropriate for the asset. Refer to 10 TAC §11.9(c)(4)(B) for details regarding the radius.
  - Supporting documentation for each amenity selected should be included behind this tab. The documentation must provide evidence that the amenity meets each requirement of the QAP.
  - **Written statements that the amenity meets the rules are not sufficient; evidence of how the amenity meets the rule is required.**
  - Where applicable, Applicant must include a print-out of an online form showing that the entity is included in the applicable database:
    - Evidence of the licenses held by child care centers can be found by searching for the child care center on the Department of Family and Protective Services (DFPS) website at: [http://www.dfps.state.tx.us/Child\\_Care/Search\\_Texas\\_Child\\_Care/ppFacilitySearchDayCare.asp](http://www.dfps.state.tx.us/Child_Care/Search_Texas_Child_Care/ppFacilitySearchDayCare.asp).
    - Evidence of university of community college accreditation can be found by downloading the list of universities or community colleges on the Texas Higher Education Coordination Board (THECB) website. If the institution is listed, it is properly accredited: <http://www.txhighereddata.org/Interactive/Institutions.cfm>.
- **Evidence of Underserved area:**
  - For sites located within a colonia, provide a letter from the appropriate local government official or other evidence that the colonia lacks water, wastewater, or electricity at a level commensurate with the quality and quantity expected of a municipality and that the Development will make available any such missing water, wastewater, and electricity for current dwellings within the colonia to connect to such infrastructure (refer to 10 TAC §11.9(c)(6)(A) for further details). Evidence of the boundaries of the colonia from the Office of the Attorney General and a map showing the colonia is located within 150 miles of the Rio Grande river border is also required.

- Information regarding colonias can be found by using the Border Colonia Geography Online tool on the Attorney General’s website at: <https://www.texasattorneygeneral.gov/cpd/colonias>
- For sites in an economically distressed area, the Application must include evidence that the site is located in both of the following:
    1. A census tract that has a median household income that is less than 75 percent of the statewide median household income.
    2. A municipality or county that has been awarded EDAP funds administered by the Texas Water Development Board (TWDB) within the five (5) years ending at the beginning of the Application Acceptance Period (as of January 4, 2016). This information can be found by clicking on “EDAP status report” on the right side of the page of the TWDB website at: <http://www.twdb.texas.gov/financial/programs/EDAP/index.asp>.
  - For sites located in areas covered in items (C), (D), (E) or (F), the year count will be based on January 1 of the year of **award**. A Development that is less than 30 years old would be one that was awarded January 1, 1991 or earlier, and a Development that is less than 15 years old would be one that was awarded January 1, 2006 or earlier. **Use the year indicated in the “Board Approval Year” column of the Property Inventory tab of the Site Demographic Characteristics Report to find this information.**
  - For item (G), the dataset used for this scoring item is called the “Affordable Housing Needs Indicator” and is available in the Site Demographic Characteristics Report for your convenience.
  - For item (H), include evidence of the date the Development was placed in service, evidence that the Development is still occupied, and evidence of the source(s) of funds for any rehabilitation that has been performed on the Development. **DO NOT INCLUDE A RENT ROLL IN THE APPLICATION, SUBMIT IT AS A SEPARATE DOCUMENT IN THE SERVU FOLDER.**
  - **Proximity to Job Areas**
    - **Proximity to the Urban Core:** The map should indicate the location of the Development Site and include an accurate straight-line distance to the municipal government administration building where regularly scheduled municipal governing body meetings are held.
    - **Proximity to Jobs:** Provide the Composite PDF report showing the date the report was run.  
**NEW: Only the 2017 data set will be used, unless a newer data set is posted to the US Census website on or before October 1, 2020.**
  - **Concerted Revitalization Plan: If requesting points for a concerted revitalization plan, the CRP packet must be submitted behind this tab.** The packet may include either the entire plan or a link to the plan. In general, the CRP packet must include a description of where specific information can be found in the plan including evidence of adoption and any delegation of parts of the plan. Identify where each component of 10 TAC §11.9(d)(7)(A)(iii)(I-V) for Urban and 10 TAC §11.9(d)(7)(B)(i-iii) for Rural have been met within the plan itself or using third party evidence. No more than two (2) plans may be submitted for each Application.
    - If in an Urban Area:
      - A letter from the appropriate local official providing documentation of measurable improvements within the revitalization area based on target efforts outlined in the plan and discussing how the improvements will lead to an appropriate area for housing is required.
      - If claiming an additional two points under 10 TAC §11.9(d)(7)(A)(iv)(II), a resolution must be included behind this tab.
      - If claiming an additional one point under 10 TAC §11.9(d)(7)(A)(iv)(III), insert a map here showing amenities and radius, along with back-up documentation for each amenity.
    - If in a Rural Area:
      - Provide evidence of construction date, evidence of supporting funds, evidence regarding demolition/relocation (as applicable), a CNA/PCA. **A rent roll should be provided as a separate document, do not include it in the Application.**

- If claiming an additional two points under 10 TAC §11.9(d)(7)(B)(ii), provide resolution from the appropriate governing body or bodies, if site crosses jurisdictional boundaries.
- If claiming an additional one point under 10 TAC §11.9(d)(7)(B)(iii), insert a map here showing amenities and radius, along with back-up documentation for each amenity.
- **Declared Disaster Area:** If the county in which the Development Site is located is listed on the 2021 List of Declared Disaster Areas, no further documentation is required.
  - If the Applicant believes the county in which the Development Site is located was omitted from the list and should be listed, include evidence that the Development Site is located in an area declared to be a disaster area under Tex. Gov't Code §418.014 at the time of the Full Application Delivery Date, or at any time within the two-year period preceding the Full Application Delivery Date (on or after March 1, 2021).
- **Readiness to Proceed:**

**NEW: Due to uncertainty linked to the COVID-19 pandemic, scoring for all Applicants under this item are suspended (no points may be requested, nor will they be awarded) for 2021 HTC Applications.**

❖ **Tab 11 – Site Information Form Part III**

This form is divided into 5 parts. All Applicants must complete the first four parts, and part five is relevant for tax credit (9% and 4%) Applications only.

- **Part 1 – Site Acreage:** Identify the acreage listed on each of the four application exhibits. The site acreage in each of the four spaces should agree. If there are discrepancies, the acreage of the site plan should at least be contained within the acreage of each of the other exhibits.
  - The site control document (*e.g.* purchase contract, lease and/or deed) often reflects more land than the site plan but may never indicate less (unless the site control documents include multiple documents, each relating to a portion of the site, all of which encompass the entirety of the site).
  - The entry for the site plan is the most important of the four entries. It must be the actual size of the final Development Site, taking into account any reductions for any circumstances (easements, dedications, *etc.*) that require land to be taken away from the final Site as it will be defined in the LURA.
  - The size of the Site that is reflected by the appraisal, if applicable, should match the size indicated by the site plan in that it should never be less than the size in the site plan. However, under certain circumstances, more land might be appraised than the final Site.
  - The ESA, like the site control document, may encompass more land than the area of the final Development Site, but it may never be a lesser amount.
  - Added are the survey and the engineer's Site Plan that are found in the Site Development Design and Feasibility Report.
  - **Note: Any differences in the sizes of the land stated in any of the four responses should be explained in the space provided, e.g., more land was purchased and studied in the ESA than is projected to be used for the Development Site. Describe any and all factors that may make the size of the FINAL Development Site different from that presented in application documents.**
- **Part 2 – Site Control:**
  - Complete the yellow highlighted cells identifying the seller, date of sale and any relationship between the seller and the Applicant and/or any member of the Development Team. Explain any relevant affiliations.
  - Identify all sellers of the property or any interest therein for the 36 months prior to January 4, 2021, and their relationship to the Applicant.
  - Be sure to include the date of last sale.
  - Indicate the document being presented as evidence of site control by marking the appropriate box and fill in the expiration date and estimated closing date of the contract for lease, purchase, or other form of conveyance as applicable.

- If the Applicant will not have fee simple ownership of the property upon closing on the financing, please indicate the type of interest the Applicant will have in the property in the text box at the bottom of Part 2.
- **Part 3 – Ingress/Egress and Easements:** If land for ingress and/or egress and any easements is held separately from the property described in the site control documents, describe how the land is held. Documentation of rights of ingress/egress must be included within site control
- **Part 4 – Re-platting or Vacating Requirement:** If control of the entire proposed Development Site requires that a right of way be vacated or similar plat be completed, evidence that the vacation/re-platting process has started must be included in the Application, and evidence of control of the entire Development Site must be provided by the time of Commitment.
- **Part 5 - 30% Increase in Eligible Basis (“Basis Boost”):** The “boost” may be granted to tax credit Developments in certain locations and/or for certain types of Developments. If the Development is Rural, Supportive Housing, or in a high opportunity area, these boxes will auto-populate. If claiming the boost under 10 TAC §11.4(c)(2) or 10 TAC §11.4(c)(3)(D) or (E) or (F), mark the appropriate box.
  - If claiming eligibility for the boost for a Development located in a Small Area Difficult Development Area (SADDA), a SADDA map must be submitted that clearly shows the proposed Development is located within the boundaries of a SADDA.  
[https://www.huduser.gov/portal/sadda/sadda\\_qct.html](https://www.huduser.gov/portal/sadda/sadda_qct.html)
  - If claiming eligibility for the boost by restricting additional units for households below 30% AMGI, note that the Application does not make this calculation and that applicants should reference 10 TAC §11.4(c)(3)(D) as well as 10 TAC §11.9(c)(1) and (2) to ensure that enough units are set aside to meet these requirements.  
For Competitive HTC Applications submitted in 2021, the 2021 lists of Qualified Census Tracts (QCTs) and DDAs are effective. For 4% HTC Applications, refer to 10 TAC §11.4(c)(4) regarding how the boost will be considered based on effective dates and other factors relating to QCTs and DDAs.
  - If claiming eligibility for the boost for a Development located in a Qualified Opportunity Zone, a Qualified Opportunity Zone map must be submitted that clearly shows the proposed Development is located within the boundaries of an eligible census tract.  
[https://www.cims.cdfifund.gov/preparation/?config=config\\_nmtc.xml](https://www.cims.cdfifund.gov/preparation/?config=config_nmtc.xml)

❖ **Tab 12 – Supporting Documentation from Site Information Part III**

Provide the site control document, title commitment or policy and each MFDL exhibit as applicable, according to the list given in the Application. **IMPORTANT:** For Applications involving scattered sites, please group all applicable items below, identifying the Site by the line number in the *Multiple Site Information Form* (e.g. if there are five different scattered sites, provide the site control, zoning, etc. for Site #1 in a group, and the same for Site #2, etc.)

- **Evidence of Site Control:** See 10 TAC §11.204(10) for details regarding site control. Be aware that for Competitive HTC Applications the rules for scoring the submission of a pre-application are affected by site control.
  - If the evidence is not in the name of the Development Owner, then an Affiliate of the Development Owner must have site control that does not expressly preclude an ability to assign the Site Control to the Development Owner or another party.
  - If in the form of a lease or contract for lease, the existing lease must have 45 years remaining, or the contract must be for a minimum 45-year term.
  - For identity of interest transactions, submit documentation requirements described in 10 TAC §11.302(e)(1)(B).
  - For **scattered sites**, if you are submitting multiple contracts, deeds, etc. each one must meet all of the requirements of 10 TAC §11.204(10). Each must clearly have the address identified and be consistent with the Scattered Site Information Form (e.g. If the Development consists of 3 parcels

- of Property, 3 contracts/deeds, etc. must be provided or one form of site control must clearly identify and cover all 3 parcels).
- If ingress and egress to a public right of way are not part of the Property described in the site control documentation, the Applicant must provide evidence of an easement, leasehold, or similar documented access, along with evidence that the fee title owner of the property agrees that the LURA may extend to the access easement.
  - **Title Commitment or Title Policy:** See 10 TAC §11.204(12) for detailed instructions of the rules regarding title documents.
    - The title commitment or policy should be in the name of the Development Owner. In addition, the current owner reflected on any title commitment or policy should match the current owner listed on any purchase or lease agreements.
    - If documentation is more than six months old prior to the beginning of the Application Acceptance Period a letter from the title company/Bureau of Indian Affairs indicating that nothing further has transpired on the policy, commitment, or status report must be provided.
    - For **scattered sites**, a title for each separate Site must be submitted. Each must have the Site clearly identified. It must be consistent with the site control document submitted for the same piece of Property as well as the Scattered Site Information Form (e.g. if the Development consists of 3 parcels of Property, 3 separate labeled titles must be provided).
    - **NEW: [If the Application includes a request for Direct Loan, provide copies of all documents listed on Schedule B of the Title Commitment.](#)**
  - **Increase in Eligible Basis:**
    - If claiming eligibility for the boost for a Development located in a QCT, a QCT map must be submitted that clearly shows the proposed Development is located within the boundaries of a QCT. **In addition**, New Construction or Adaptive Reuse Developments must include a resolution if claiming eligibility for the boost for a Development located in a QCT with **greater than 20%** HTC Units per total households, pursuant to 10 TAC §11.4(c)(1).
    - If claiming eligibility for the boost for a Development located in a SADDA, a SADDA map must be submitted that clearly shows the proposed Development is located within the boundaries of a SADDA.
    - 30% Units used for the boost cannot be used to meet any scoring criteria or used to meet any Multifamily Direct Loan program requirement.

#### ❖ **Tab 13 – Multiple Site Information Form**

The Application's Multiple Site Information Form was created as an aid to determining how lots and tracts that have separate descriptions fit together to form the Development.

- If a Development proposal requires the submission of more than one purchase contract, lease contract or deed to evidence Site Control, the Applicant must complete one block of the Multiple Site Information Form for each Property that will be aggregated into the Development.
- In general, the Application must sufficiently describe the properties in the contracts and deeds so that each Property can be identified within the survey(s) of the Development Site(s).
- Evidence must show that the Property determined by the survey of the Development Site is entirely under the Applicant's Control and any land that is purchased in excess of the Development Site must be described in a way that makes the excess area apparent in both quantity and location.
- In all cases, the Application must include a survey that indicates the legal description of each lot, alley, roadway and tract as described in the documents evidencing the Applicant's Control. If more than one survey is necessary to depict the land under control, the relative locations of the land should be clear and the fit of each part into the whole should be apparent. If a contract includes land that is only described by metes and bounds, a survey showing the boundaries corresponding to these same metes and bounds and labeled with the corresponding bearings and distances should be provided.

- The desired result of these descriptions and drawings is a clear depiction of the land under the Applicant's Control and the relationship of this land to the Property that will be the Development Site(s). A further explanation of the information requested for multiple site development proposals is provided by the instructions for filling out the Multiple Site Information Form in the Application itself. **Note: Lines 141-439 are hidden and available should additional spaces be needed.**

❖ **Tab 14 – Elected Officials**

- If a pre-application was submitted which correctly identified all the elected officials, and no re-notifications or corrections are required (e.g., no information has changed), check the first box and leave the rest of the form blank.
- If a pre-application was submitted and additional notification or re-notification was required for any reason, check the second box. Complete the entire form, indicating the elected official(s) that were notified or re-notified prior to submission of the full Application.
- If no pre-application was submitted, check the third box and complete the entire form.
- Note that this form becomes part of the Certification of Notifications. For details regarding the notification requirements, refer to 10 TAC §11.203.

❖ **Tab 15 – Neighborhood Organizations**

- If a pre-application was submitted which correctly identified all the Neighborhood Organizations, and no re-notifications or corrections are required (e.g., no information has changed), check the first box and leave the rest of the form blank.
- If a pre-application was submitted and additional notification or re-notification was required for any reason (whether changes to the Application or to the Neighborhood Organization), check the second box. Complete the entire form, indicating the Neighborhood Organization(s) that were notified or re-notified prior to submission of the full Application.
- If no pre-application was submitted, check the third box and complete the entire form.

**NEW:** This includes [all Neighborhood Organizations on record with the state or county 30 days prior to the beginning of the Application Acceptance Period whose boundaries include the entire proposed Development Site.](#)

❖ **Tab 16 – Certification of Notifications (All Programs)**

This form is divided into four parts. The third part applies only to competitive HTC Applications.

- **Part 1 – Mark the appropriate box.**
- **Part 2 – Mark all certifications.**
- **Part 3 – If no neighborhood organizations exist** mark this box, indicating also that no neighborhood organizations were notified.
- **Part 4 – Certifications.** **NEW:** See instruction under [Tab 1a regarding submission of the Certification.](#) The individual signing the certification must be the Applicant or the person that has the authority to sign on behalf of the Applicant. **NOTE: Refer to 10 TAC §11.203 and 10 TAC §11.8(b)(2) for details regarding notification requirements, particularly those involving Development Sites located in ETJs.**
- The *Public Notifications Template* located in the Uniform Multifamily Templates file should be utilized to meet these requirements. The file can be found on the website at: <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

**NOTE: For Competitive HTC Applications, if re-notification was required because the number of Units increased by more than 10% then the Application will not be eligible for pre-application participation points.**

## Part 3 – Development Activities

### ❖ **Tab 17 – Development Narrative**

The Development Activities tabs are colored red, and contain all information regarding the planned construction on the Site. This includes physical features, such as architectural drawings, Development amenities, and Target Population.

- **Part 1 - Construction Type:** Choose one construction type from the drop-down menu and answer all appropriate questions. Note that Applications proposing adaptive reuse must select “New Construction” as the construction type and select “Adaptive Reuse” as the secondary type. If questions are not relevant, answer with N/A, leaving no yellow highlighted cells blank.
- **Part 2 – Target Population:** Identify the Target Population from the drop-down menu provided. Refer to 10 TAC §11.1(d)(47) for more information on how Elderly Development is defined. **If selecting Elderly because the proposed Development receives federal funding that has a requirement for a preference or limitation for elderly persons or households, but must accept qualified households with children, complete the statement in this section by choosing the funding source from the drop-down menu in the space provided and submit supporting documentation for that financing behind the tab.** To the extent that the Development will receive other funding that has a requirement for a preference or limitation with regard to population(s) served, a text box is available for Applicants to indicate the type of funding and the preference or limitation imposed by that type of funding and submit supporting documentation for that financing behind the tab.
- **Part 3 – Staff Determinations:** If a staff determination was made pursuant to 10 TAC §11.1(k), mark the box with an “x” and submit a copy of the determination behind this tab. If no determination was required, simply leave the box blank.
- **Part 4 – Narrative:** Applicants are required to provide a brief development narrative and should also use this space as an opportunity to explain any unique circumstances surrounding the proposed Development. Unless there are unusual aspects of the Development, the narrative should be one sentence, such as a statement that the Development is a fee simple, garden style apartment complex that is typical for the Target Population. If there are unusual aspects, such as those listed below, the narrative must describe them:
  - unusual or complex Site Control arrangements and/or relationships between buyer and seller or landlord and tenant, e.g., condominium, leasehold, leased fee, Related Parties, etc.;
  - whether the Development is an additional phase, and name, address and TDHCA number of the prior phase development;
  - unusual building types, e.g., mid-rise, high-rise, modular construction, historic structure;
  - uses other than residential rental units, e.g., structured parking garage, commercial space (retail, office, etc.), community center, etc.;
  - rental subsidies and/or operating subsidies (summary in Development Narrative with detail in Financing Narrative);
  - age or population restrictions;
  - considerations regarding general public use requirements and the Integrated Housing Rule, 10 TAC §1.15;
  - descriptions of unusual tenant services; e.g., if space will be provided for medical services/exams, state clearly who will provide those services to ensure no violation of 10 TAC §11.101(b)(1)(A)(iii);
  - Unit configuration changes on Rehabilitation Developments;
  - any and all issues that would require approval or clearance by staff or the Board.

Please double-check that any specific information about the Development that is also provided elsewhere in the Application is consistent. For example, if the narrative describes 4 residential buildings, then the architectural plans should reflect the same.

- **Part 5 – Funding Request:** Applicants should carefully fill in all relevant cells highlighted in yellow. This form is used to auto-populate other parts of the Application, including the scoring item related to Leveraging of Private, State and Federal Resources. Applicants are encouraged to review this form carefully for errors.
  - There is no verification of funding amounts built into the Application, so Applicants should also be aware of any funding limit requirements before completing this form.
  - Clicking on the funding sources (Multifamily Direct Loan, Housing Tax Credits, etc.) will link Applicants to the Summary of Sources and Uses page in the finance section. That section also links back to this page so that funding requests can be manipulated easily as Applicants develop their financing structures.
- **Part 6 – Set-Aside:** This section is applicable to Multifamily Direct Loan and Competitive HTC Applications only.
  - Applicants will be asked to submit the appropriate supporting documentation for the set-aside at different parts of the Application.
  - **Selections for At-Risk and USDA are independent of each other. Only select both if both apply. You can be At-Risk without being USDA, and the opposite is true. Only select what is true for your application.**
  - **For the MFDL selections, indicate which NOFA applies and which Set-Aside applies.**
  - **NOTE: For Competitive HTC Applications seeking pre-application participation points, Set-Asides may not be changed from pre-application to Application.**
- **Part 7 – Previously Awarded State and Federal Funding:** All cells highlighted in yellow require data entry or selection by the Applicant. If a particular question is not applicable to the Application, type in “N/A.”
- **Part 8 – Qualified Low Income Housing Development Election:** This applies only to HTC (9% and 4%) Applications. Applicants should understand that once an election is made it is irrevocable. Applicants are also encouraged to check this election against the Rent Schedule to ensure that there are enough 50% or 60% Units (whichever is applicable) to be consistent with the election, or that the average does not exceed 60% AMFI if electing income averaging, and, for competitive HTCs, that the average does not exceed the percentage pursued through competitive scoring in §11.9(c)(1)(C) or (D).

**Remember: 20/50 requires ALL Units in the set-aside to be 50% or less and they can NEVER rise to 60%. 40/60 allows for Units to be at 50%, and they can rise to 60% in the future.**

#### ❖ **Tab 18 – Development Activities Part I**

This tab is divided into 4 parts, all of which need to be completed for all Applications. The selections made here serve to certify that the Development will meet various threshold requirements under 10 TAC §11.101.

- **Part 1 – Common Amenities** – The number of units will auto-populate, but Applicants should fill in the appropriate number of points associated with amenities according to 10 TAC §11.101(b)(5). Applicants proposing scattered site Developments should review this rule carefully in order to determine the appropriate number of points.
- **Part 2 – Unit Requirements** – Mark the one appropriate highlighted cell each from Part A and Part B.
- **Part 3 – Resident Supportive Services** - Mark the highlighted cell that is applicable.
- **Part 4 – Development Accessibility Requirements** - Mark the appropriate cells. **Applicants should pay special attention to ensure that the design of the Development is in compliance with the rules found at §10 TAC 11.101(b)(8) related to visitability.**

#### ❖ **Tab 19 – Development Activities Part II**

This tab is divided into 10 parts. All items on this form relate to scoring criteria. Except for Parts 2 and 3 which relate to MFDL, the selections made here will populate the self-score form.

- **Part 1 – Size and Quality of the Units:** Mark the appropriate highlighted cell. Points claimed will auto-populate.
- **Part 2 – Rent Levels/Tie Breaker for Direct Loan Program:** Only Applicants applying for MFDL need to complete this part. Applicants electing to restrict Units at 30% AMGI for Competitive HTC or income averaging purposes may not count those HTC-layered Units for point scoring under 10 TAC §13.6(e). However, 40% AMGI, 50% AMGI, and 60% AMGI Units that are layered with 30% AMGI Units for Direct Loan purposes may count for point scoring under 10 TAC §13.6(5). **Points claimed here do not affect the 9% HTC self-score and will only appear on the MFDL Self Score tab (6b).** Additionally, MFDL Applicants can indicate the percentage of 30% AMGI Units that they would restrict to 15% AMGI in the event of a tie with another Application or Applications.
- **Part 3 – Subsidy Per Unit for Direct Loan Program:** Only Applicants applying for MFDL need to complete this part. MFDL Applicants can indicate one of three lower per unit subsidy limits that they will use to determine the number of Direct Loan units required. MFDL Applicants should use the Direct Loan Unit Calculator Tool to confirm that all necessary cost allocation and subsidy layering requirements are met.
- **Part 4 – Income Levels of the Residents - The Rent Schedule must be completed before a score can be calculated.**

**For Applications electing 20% at 50% or 40% at 60%: Note that the structure and scoring for this item has changed.**

- The *Total Number of Low-Income Units at 50% or less of AMGI* will auto-populate from the Rent Schedule.
- You must enter (in the second box) the number of 30% Units from the above number that will be used for points under 10 TAC §11.9(c)(2). **NOTE: This number cannot be greater than but can be less than or equal to the total number of 30% Units indicated in the Rent Schedule.**
- You must enter (in the third box) the number of 30% Units that will be used to satisfy the requirements of 10 TAC §11.4(c)(3)(D) related to the Increase in Eligible Basis (30% boost). **Applicants not requesting the boost or achieving the boost under another provision (QCT, Rural, etc.) should leave this box blank.**
- The fourth box will subtract all of the 30% Units used for either points or the boost from the total number of Units at 50% or less of AMGI.
- The fifth box will calculate the percentage of Units at or below 50% of AMGI available for points under 10 TAC §11.9(c)(1).
- The boxes to the right of the scoring items will populate based on the information entered. This is to allow the Applicant to see the score supported by the entries. These scores do not populate the Self Score form. Select your score in the yellow box at the end of the scoring item.

**For Applications electing income averaging:**

- See the income average calculation worksheet under Tab 24 Rent Schedule. Based on data entered in the Tab 24 worksheet, the average income percentage calculation will populate in cell Y78. Changes must be made on the calculation worksheet if the average is not what the Applicant intended.
- Select requested points in the yellow highlighted cell (if requesting points).
- **Part 5 – Rent Levels of the Residents** - Select the highlighted cell that is applicable. The Rent Schedule must be complete before a score can be calculated, and the Total Points claimed will not auto-populate if more than one box is marked. **NOTE: There is no calculation to determine eligibility for points. Applicants need to double check that points claimed here are consistent with the number of Units represented in Part 3 - cell B36, “Number of Units used to score points under 10 TAC §11.9(c)(2).”**

**IMPORTANT!!! Income & Rent Levels of Residents Worksheet –**

**The worksheet does not apply for those Applications electing income averaging.**

Except for the income averaging portion, Parts 3 and 4 above both deal with income targeting and are similar in many ways. However, it is important to note that the Income Levels of Residents awards points for the number of Units at or below 50% AMGI, which may include 30% Units. The Rent Levels of Residents awards points solely on the number of Units at 30% AMGI. **It is extremely important that the same 30% Units are not counted for both scoring items.** Staff created a table located outside of the print area of the Development Activities exhibit to assist Applicants in determining their eligibility for points. The worksheet ***does not*** need to be submitted in the PDF Application. The worksheet is a tool for use by Applicants to determine their eligibility for points under 10 TAC §11.9(c)(1)(A) or (B) and 10 TAC 11.9(c)(2) depending on how many total LI Units are proposed.

- Column (a) contains a highlighted yellow cell that represents the total number of LI Units. Applicants can manipulate this cell to determine the number of Units at or below 50% AMGI needed for points under 10 TAC §11.9(c)(1) and the number of LI Units left over to qualify for points under 10 TAC §11.9(c)(2).
- Once the *Rent Schedule* has been completed, the top right-hand corner of the worksheet pulls from it the total number of low-income (LI) Units as well as the total number of 30% Units. These two numbers ***cannot*** be manipulated.
- Right above column (a), there is a cell for Applicants to input the number of 30% Units being used to satisfy the boost provision under 10 TAC §11.4(c)(2)(D); **applicants not requesting the boost or achieving the boost under another provision (QCT, Rural, etc.) should not enter anything into this cell in order to effectively use the worksheet.** TIP: In order to double-check the final Application submission and eligibility for points, this number should equal the red bolded number that auto-populates in the right-hand corner.

**Applicants should always independently verify that the calculations are correct and that the spreadsheet is not rounding.** Staff attempts to include calculations in certain areas as a courtesy but it is the Applicant's responsibility to verify that their Application meets the underlying rules.

- **Part 6 – Resident Services: This is a scoring item for all 9% HTC and MFDL Applications.** Select a highlighted cell if applicable (Note that the score will not populate if both of the first two boxes are selected).
- **Part 7 – Resident Populations with Special Housing Needs: This is a scoring item for all 9% HTC Applications.**
  - **Remember:** This is now a two-part scoring item worth up to 3 points. Refer to the rule for all of the requirements for the scoring items:
    - In Part A, the Applicant elects to commit at least 5% of the total Units for Persons with Special Housing Needs in order to receive two (2) points.
    - **One point can be scored in Part B only if points were elected in Part A.** In Part B, the Applicant elects to commit at least an additional 2% of the total Units to Persons referred from the Continuum of Care or local homeless service providers to be made available for those experiencing homelessness. **Applications in the At-risk or USDA set-asides are not eligible for this scoring item.**
- **Part 8 – Pre-application Participation:** Mark the highlighted cell if claiming points.
- **Part 9 – Extended Affordability:** Mark the highlighted cell of the applicable election if claiming points.
- **Part 10 – Historic Preservation:** If claiming points for Historic Preservation, all yellow boxes must be marked for the appropriate score box to populate. Documentation must be submitted behind this tab. A letter from the Texas Historical Commission stating that the property is already a Certified Historic Structure OR that the Commission has established preliminary eligibility for the structure are acceptable for points. Applicants are encouraged to exercise caution and consult with the Multifamily Direct Loan Manager first, if planning to apply for layered Historic Preservation and Multifamily Direct Loan.
- **Part 11 – Right of First Refusal:** Mark the highlighted cell if claiming points.

- **Part 12 – Funding Request Amount:** Mark the highlighted cell if claiming points.

❖ **Tab 20 – Existing Development Information**

This form is divided into three sections which are all relevant to specific types of Applications. See the headings for each part to determine if it is applicable.

- **Part 1 – At-Risk Set-Aside (Competitive HTC Developments applying under the At-Risk Set-Aside ONLY):**
  - Section A: Mark the highlighted cell next to all applicable subsidies or benefits. Mark each condition that is applicable.
  - Section B: If the At-Risk units are owned by a Public Housing Authority, mark each box that is applicable. Be sure to include all applicable information for RAD Developments. **The Application should indicate the PIC under which the RAD Units proposed for the Development have been reserved.**
  - The boxes under Part C should be marked for all applicable At-Risk Developments.
- **Part 2 – Existing Development Assistance**
  - Section A. Indicate the type of assistance the Development is expected to have or continue from the drop down box and include a brief description of the restrictions or subsidies in the space provided. Fill in the remaining highlighted cells based on the information in the contract which should be included behind Tab 35.
  - Section B. If claiming acquisition credits in an HTC Application, fill in all applicable highlighted cells.
  - **NEW: Applicants submitting an Appraisal should carefully review changes to 10 TAC §11.304 regarding review appraisals, and 10 TAC §11.901(a)(20) regarding the Appraisal Review Fee due on or before the Market Analysis Delivery Date.**
- **Part 3 – Lead Based Paint (Multifamily Direct Loan Applications Only).** If the Development or any building in the Development was constructed before January 1, 1978, mark each of the highlighted cells that applies.

❖ **Tab 21 – Occupied Developments**

- If any structure on the Development Site is occupied at any time after the beginning of the Application Acceptance Period, even if demolition is proposed, or if a federal subsidy is being transferred from another site and the costs of relocation will be part of the Total Development Costs the following items must be provided (Mark the appropriate box):
  - Historical monthly operating statements for 12 consecutive months ending not more than three (3) months from the first day of the Application Acceptance Period; or
  - The two most recent consecutive annual operating statement summaries; or
  - The most recent consecutive six months of operating statements and the most recent available annual operating summary; or
  - All monthly or annual operating summaries available.
- Each of the following items, as applicable, must be provided:
  - A rent roll not more than 6 months old as of the first day of the Application Acceptance Period that discloses the terms and rates of leases, rental rates offered at the date of the rent roll, Unit mix, and tenant names or vacancy. **The rent roll should not be included in the Application, submit it as a separate document to protect resident information. Ensure rent rolls do not include unnecessary information, such as identifying who lives in mobility accessible Units.**
  - A written explanation of the process used to notify and consult with the tenants in preparing the Application,
  - A relocation plan outlining relocation requirements and a budget with an identified funding source,

- any documentation necessary for the Department to facilitate, or advise an Applicant with respect to or to ensure compliance with the Uniform Relocation Act and any other relocation laws or regulations as may be applicable, and
- Evidence that a relocation plan has been submitted to the appropriate legal or governmental agency.
- If one or more of the above is not applicable, based upon the type of occupied structures on the Development Site, provide an explanation in the highlighted box.
- If the structures on the Development Site are commercial, with no residential use, Applicants should provide the most complete information available, based on the preceding use. If Applicants plan to apply for MFDL, URA does apply to commercial owners and tenants.
- URA Applicability to MFDL. Select the box and provide additional information as applicable.
- Complete the certification.
- RARAP Certification (*MFDL Only*). If any yellow highlighted box is marked, then the Residential Anti-Displacement and Relocation Assistance Plan Certification must be submitted.

#### ❖ **Tab 22 – Architectural Drawings**

Make sure all drawings are LEGIBLE. *Do not submit drawings above and beyond those required under the rules. Anything submitted beyond what is required must be reviewed by staff and will slow down the review process. Applicants are advised to review the Drawings provided by their Architect to assure they meet the Department’s requirements.*

**DO NOT SUBMIT LAYERED PLANS. If when you open your plans the document loads a little bit at a time, the document is layered and we cannot accept it.** In order to reduce the file size and speed review of drawings, Applicants should submit plans as 300dpi images. Following these steps in Adobe Acrobat will convert most plans:

File > Print > Printer: Adobe PDF > Advanced > Settings: Custom > [V] Print As Image 300dpi > OK  
Properties > Adobe PDF Settings > Default Settings: High Quality Print

**NEW: Applications that are submitted with layered plans, or with plans that include more than is required for Department review, will receive an Administrative Deficiency notice and will have 5-business days to correct the plans. Further review of the Application will be halted until the corrected drawings are received.**

**As a guard against inconsistencies in the application, if accessible units are of the same floor plan/unit type as other units, applicants are not required to specially denote such accessible units within the architect’s table or Building/Unit Type exhibit as long as these units are specified in the site plan or building floor plans. Additional information added to a floor plan to indicate accessibility, such as a turning radius, does not create a different floorplan.**

- **Site Plan – NOTE: Be sure that your architect follows the list closely.**
- **Building Floor Plans** - must be submitted for each building type. Building floor plans must include the locations of the accessible Units and must also include square footage calculations for balconies, breezeways, corridors and any other areas not included in Net Rentable Area.
- If average income is elected, the Application must provide assurance that 20%, 30%, 40%, 50%, 60%, 70% and 80% Unit designations are/will be dispersed across all Unit Types in a manner that does not violate fair housing laws. (10 TAC §10.605).
- **Unit Floor Plans** - must be submitted for each Unit type and must include the square footage for each type of Unit. Applications for Adaptive Reuse are only required to submit Unit floor plans for each

typical Unit type and for all Unit types that vary in NRA by more than 10% from the typical Unit of each type. **Unit floor plans must be submitted for the accessible Units for all Developments, if changes are made to square footage, layout, size or amenities in order to achieve accessibility.**

- **Building Elevations** - must be submitted for each side of each building type (**or include a statement that all other sides are of similar composition to the front**) and must include percentage estimates of each exterior material and proposed roof pitch. Rehabilitation and Adaptive Reuse Developments may submit photographs if the Unit configurations are not being altered and after- renovation drawings must be submitted if Unit configurations are proposed to be altered.

Department review is facilitated if architectural plans are grouped by type of plans (e.g., building floor plans for all buildings, followed by unit plans for all units, followed by elevations for all buildings) as opposed to building by building (e.g., all plan sheets for building one, all plan sheets for building two).

❖ **Tab 23 – Specifications and Building/Unit Configuration**

- **Specifications and Amenities** - Required for all Development types (i.e. New Construction, Rehabilitation, etc.); no exceptions. Complete all yellow highlighted cells as applicable. Under parking requirements, indicate number of spaces of each parking type that will be free of charge and number of spaces that will be available to tenants for a fee.
- **Building/Unit Configuration** – Information on this chart should be consistent with the *Rent Schedule* and the architectural drawings. **For Supportive Housing Applications Only:** The breakdown of common area square footage at the bottom of the page must agree with the architectural plans.
  - This form includes worksheets 23a, 23b, and 23c. These worksheets will help you determine the distribution of mobility and hearing/visual accessible Units and accessible parking spaces. **Include these worksheets in the Application.**
  - **Do not assign a different Unit Type to accessible units, unless there is an element that makes them distinct under the definition of Unit Type at 10 TAC §11.1(d)(137)**
  - Specifics about parking:
    - **Basic requirement:** The number of parking spaces must be adequate and consistent with local code, unless there is no local code, in which case the requirement is one and a half (1.5) spaces per Unit for non- Elderly Developments and one (1) space per Unit for Elderly Developments. The minimum number of required spaces must be available to the tenants at no cost.
    - **ADA Chapter 2 Section 208 standards always apply to all parking in every development.** In some instances, Fair Housing Accessibility (FHA) requirements will also apply. Below are links to both standards.  
<https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.pdf>  
<https://www.huduser.gov/publications/pdf/fairhousing/fairch2.pdf>
- **DO NOT USE THE INFORMATION AT THE BOTTOM OF THE FORM UNLESS YOUR APPLICATION PROPOSES SUPPORTIVE HOUSING.**
  - Per 10 TAC §11.9(e)(2) related to Cost of Development per Square Feet: If the proposed Development is a Supportive Housing Development, the NRA will include Common Area up to 75 square feet per Unit, **of which at least 50 square feet will be conditioned.**

**If a revised form is submitted during the application review process, indicate the date of submission at the bottom of the form.**

## Part 4 – Development Financing

- ❖ **Tab 24 – Rent Schedule:** Submit the final *Rent Schedule* after deleting any rows that indicate zero (0) as the unit count. The *Rent Schedule* has been intentionally placed immediately following the *Building/Unit Configuration* exhibit in an effort to reduce the number of inconsistencies.
  - Gross Rent cannot exceed the HUD maximum rent limits unless documentation of project-based rental assistance is provided.
  - The unit mix and net rentable square footages must be consistent with the site plan and architectural drawings.
  - If any non-rental income is included, describe the source(s) of the income. “Misc” or “Etc.” in the income description is not acceptable.
  - If the Development includes loft/efficiency Units, label these Units as “0” bedrooms as provided in the drop-down list.
  - If applying for Multifamily Direct Loan funds, the column titled “MFDL Units” also includes the Income level required for each MF Direct Loan Unit designation.
  - If applying for MFDL funds, please use the NHTF Units column to indicate Direct Loan units (if applicable).
  - A calculation worksheet for income averaging has been added in the area outside of the print area for the form. The worksheet is not required for the PDF Application but should be included in the Excel Application document.
  - **Tax-Exempt Bond Developments ONLY.**
    - Choose the applicable Private Activity Bond Priority from the drop-down list.
    - Priority must be designated, as submitted to the Bond Review Board, regardless of Bond Issuer. The priority designations include the following:
      - Priority 1(a): Set-aside 50% of the Units at 50% AMGI and 50% at 60% AMGI.
      - Priority 1(b): Set-aside 15% of the Units at 30% AMGI and 85% at 60% AMGI.
      - Priority 1(c): Set-aside 100% of the Units at 60% AMGI for Developments located in a census tract with a median income that is higher than the median income of the county, MSA or PMSA in which the census tract is located.
      - Priority 2: Set-aside 80% of the Units at 60% AMGI; up to 20% of the Units can be at market rate.
      - Priority 3: Includes any qualified residential rental Development. Market rate Units can be included under this priority.
  - **Cost of Development per Square Foot.** These cells will calculate automatically when both the *Rent Schedule* and *Development Cost Schedule* are completed.
    - Points for this item will be selected at the end of the Development Cost Schedule.
  - **Average Income Distribution Tool:** the worksheet is included in the space to the right of the Rent Schedule form. It is not required to be included in the PDF application.
    - Enter information in the yellow boxes as applicable. Other boxes will auto-populate.
    - A number, even if it is zero, must be entered in the box for “Number of 30% Units used for 30% boost.”
    - The average will not calculate unless a number is entered for the boost Units and the table is completed.

**If a revised form is submitted during the application review process, indicate the date of submission at the bottom of the form.**

❖ **Tab 25 – Utility Allowances:**

- Drop down lists are provided to identify “Who Pays” for the utility service and what type of “Energy Source” will be used.
- If Development is **all bills paid**, utilities and energy source is still required.
- The “Total paid by tenant” calculates only those energy sources for which it is indicated the tenant pays.
- **Remember to include your support documentation:**
  - Current PHA utility allowances sheet
  - USDA Rural Housing Services utility schedule (for RHS-regulated buildings)
  - HUD utility schedule (for HUD-regulated buildings)
  - TDHCA **pre-approval** of the following *is required prior to application submission (10 TAC §10.614(k))*:
    - HUD Utility Schedule Model
    - Written Local Estimate
    - Energy Consumption Model
    - Actual Use Method/Agency Estimate

**NOTE:** More information can be found at: <http://www.tdhca.state.tx.us/pmcomp/utility-allowance.htm>

**If a revised form is submitted during the application review process, indicate the date of submission at the bottom of the form.**

❖ **Tab 26 – Annual Operating Expenses:**

- Fill in all yellow highlighted cells.
- You must describe any “Other” cost included in any of the expense categories. “Misc” and “Etc.” are not acceptable descriptions. The cells state “describe” in red to remind you to enter a description.
- Annual Debt Service should be consistent with information provided in the *Summary of Sources and Uses of Funds* form as well as the *15 Year Pro Forma*.
- Expense per Unit, Expense to Income ratio, and Debt Service Ratio will be calculated automatically. Applicants should familiarize themselves with the underwriting rules (Subchapter D of the QAP) regarding thresholds for these items.
- **NEW: Cell J57 will turn red if the Expense to Income ratio is greater than 65%. Applicants should consult Subchapter D of the QAP for possible exceptions, and adjust their entries so that the limitation isn’t exceeded.**
- **If Bond Trustee or compliance fees are included elsewhere in the Application, provide an explanation of where and why.**

**If a revised form is submitted during the application review process, indicate the date of submission at the bottom of the form.**

❖ **Tab 27 – 15 Year Pro Forma:**

- Refer to 10 TAC §11.302(d) regarding the underwriting analysis for a discussion that encompasses the items in the pro forma.
- Any deferred developer’s fee must be shown to be fully repaid by year 15.
  - **NEW: Applicants should compare the deferred Developer Fee amount on Tab 31, Schedule of Sources, to the Year 15 Cumulative Net Cash Flow in cell H33, to assure that Deferred Fee can be repaid within the required 15 years.**

- Enter rental concessions as a negative value.
- You must describe any “Other” debt service included in the pro forma.
- **NEW: Debt Coverage Ratio (DCR\_ (Line 33) has been set to display four (4) decimal places, and cells will turn red if the DCR is less than the 1.15 minimum. The cells will NOT indicate if maximum DCR is exceeded.**
- The form includes an optional certification, signature, and contact information for the permanent lender for Competitive HTC Applications claiming points under 10 TAC §11.9(e)(1), Tax-Exempt Bond applications and any MFDL-only Application with other permanent debt.

**If a revised form is submitted during the application review process, indicate the date of submission at the bottom of the form.**

❖ **Tab 28 – Offsite Costs Breakdown**

- This form must be completed if there are any offsite costs associated with the Development, whether or not they are included in the *Development Cost Schedule*. For example, if offsite costs are embedded in the acquisition costs, this form must be completed. If there are any unusual circumstances surrounding the costs and/or payment of off-site costs, please include an explanation behind this tab.
- The form must be completed, signed and sealed by a Third Party professional engineer. See 10 TAC §11.204(8)(E)(ii).
- If any Off-site Costs are included in Eligible Basis:
  - A letter from a certified public accountant must be submitted allocating which portions of those costs should be included in Eligible Basis; and
  - If off-site costs are based on PLR 200916007 the certified public accountant must provide a statement of findings describing the facts relevant to the Development and that the fact pattern matches the PLR 200916007.

**If a revised form is submitted during the application review process, indicate the date of submission at the bottom of the form.**

❖ **Tab 29 – Site Work Costs Breakdown**

- This form is applicable to all Developments, regardless of the amount of Site Work cost attributed to the Development.
- If the Site Work cost is above \$15,000 per Unit and are included in Eligible Basis, a letter must be provided from a certified public accountant allocating which portions of those site costs should be included in Eligible Basis.
- The total Site Work costs entered in this exhibit should match the amount reflected in the *Development Cost Schedule*.

**If a revised form is submitted during the application review process, indicate the date of submission at the bottom of the form.**

❖ **Tab 30 – Development Cost Schedule**

- All applicable yellow highlighted cells under the Total Development Summary (columns C, D, and E) should be completed. A section for notes regarding the costs is provided as well; this should be used to add any information that could be helpful for the underwriting review, to explain line items that may be particularly low or high costs.
- This form separates contingency from general requirements, overhead and profit. “Voluntary Eligible Building/Hard Costs” allows the Applicant to list the **actual** building and hard costs in the schedule on line 75, then indicate only the amount of the actual costs to be used to score points under 10 TAC

§11.9(e)(2) Cost per Square Foot. The Applicant should adjust the voluntary number until the desired percentage is reached. The score will be entered at the end of the form.

- **Supportive Housing Developments** should review the “Specifications and Building/Unit Type Configuration” form to ensure that information required for the Development is entered at the bottom of that form. Per 10 TAC §11.9(e)(2) related to Cost of Development per Square Feet: If the proposed Development is a Supportive Housing Development, the NRA will include Common Area up to 75 square feet per Unit, **of which at least 50 square feet will be conditioned.**
- **Where development costs are reduced by contributions by local government entities** for the purpose of scoring points under 10 TAC §11.9(d)(2) Commitment of Development Funding by Local Political Subdivision, those reductions should be indicated in the “Notes” column next to the cost.
- **NOTE:** No syndication costs should be included in the Eligible Basis.
- The “Credits Supported by Eligible Basis” cell is automatically calculated. This figure should be equal to or greater than the annual Housing Tax Credit Funding Request.
- **IMPORTANT:** If a 130% High Cost Area Adjustment is included in the *Development Cost Schedule* the Application should meet one of the criteria identified in 10 TAC §11.4(c) and indicate under which criteria the Application qualifies for the Eligible Basis boost in Part 3 of the *Site Information Form Part III*.
- You must describe any “Other” costs reflected in the Cost Schedule. The cells will prompt you when an amount is inserted to “please specify” under a footnote.

**Include the contact name and phone number in the space provided of the person providing the cost estimate for the Hard Costs.**

**If a revised form is submitted during the application review process, indicate the date of submission at the bottom of the form.**

❖ **Tab 31 – Financing Narrative and Schedule of Sources:**

- Identify the name of each Financing Participant in the left-hand column. (Note that Department Funds have been auto populated based on data entered on the Development Narrative Tab, and are hyperlinked to move back and forth between tabs.)
- Choose the Funding Descriptions from the drop-down list for *Debt* and *Third Party Equity*:
- **Where there are financial contributions by local government entities** for the purpose of scoring points under 10 TAC §11.9(d)(2) Commitment of Development Funding by Local Political Subdivision, those contributions should be entered as debt, a grant, or “Other”, as applicable.
- Match (MF Direct Loan only) is included as “Other”.
- Note that the Funding Description column under “Deferred Developer Fee” and “Other” do not have drop-down menus. Applicants should enter the funding description.
- For each source identified you are required to include the interest rate, amortization, term and syndication rate, where applicable. **THE INFORMATION INCLUDED HERE MUST BE CONSISTENT WITH THE FINANCING NARRATIVE, TERM SHEETS, AND DEVELOPMENT COST SCHEDULE.**
- The priority of lien must be indicated in the “Lien Position” column for interim and permanent financing.
- Total sources of funds in the “Permanent Period” portion of the form must equal the total uses of funds reflected in the *Development Cost Schedule*.
- Complete the financing narrative, **again ensuring that any information written here is consistent** with the other exhibits in the Application. The narrative should identify any non-traditional financing arrangements; use of funds with respect to the Development; funding sources including construction, permanent, bridge loans, rents, operating subsidies, and replacement reserves; and commitment status of funding sources for the Development.

**If a revised form is submitted during the application review process, indicate the date of submission at the bottom of the form.**

❖ **Tab 32 – Financial Capacity, Owner Equity and Loan-to-Cost Requirements (Direct Loan Applications only)**

This tab is applicable for the Department’s Direct Loan Applications if: (1) the Direct Loan request is more than 50% of the Total Housing Development Cost, except for Developments also financed through the USDA-515 program, or (2) the Direct Loan is the only source of Department funding (no HTCs are being requested) for the Development. Place the documentation described in the tab behind the tab.

❖ **Tab 33 – Matching Funds (Direct Loan Applications only)**

This form is applicable for Multifamily Direct Loan Applications, only. Detail the type of Match, amount, and source in the appropriate columns. See the Match Guidance section of the tab page as well as 10 TAC §13.2(9) and the NOFA for information and requirements about Match. Match in the amount required by the applicable NOFA, must be documented.

❖ **Tab 34 – Finance Scoring (Competitive HTC Applications only)**

This form is divided into 3 parts and is only applicable to Competitive HTC Applications.

- **Part 1 – Commitment of Development Funding by Local Political Subdivision (LPS) (10 TAC §11.9(d)(2))** To request the point, enter the name of the Local Political Subdivision providing the funding in the highlighted box at the top of this part. Indicate in the following three check boxes that the letter meets each of these criteria. **The letter must indicate the dollar value of the contribution and the dollar value of the contribution must be reflected in the Application.** A resolution from governing body can take the place of a letter. If the contribution reduces costs, it must be noted on the Development Cost Schedule. If the contribution is in the form of a loan, grant or similar instrument, it must be included with the development sources and uses. Contributions must equal \$500 or more if the Application is Urban and \$250 if the Application is Rural or USDA. The letter committing the funding and naming the same Local Political Subdivision named in the top box of this scoring item must be present in the “Tab 35. Supporting Docs.” The total points claimed will auto-populate the score box only if the boxes above it have entries.
- **Part 2 – Financial Feasibility (10 TAC §11.9(e)(1))** Make only one selection from the options listed on the form in this section. The Total Points Claimed will auto-populate based on your selection. As support for these points, **submit both a 15-year pro forma itemizing all projected income and expenses, signed by the permanent or construction lender AND a lender letter indicating financial feasibility and/or acceptable Principals. A template exists for an acceptable letter but an alternative letter may be used, as long as it contains the same information as the template.**
- **Part 3 – Leveraging of Private, State, and Federal Resources (10 TAC §11.9(e)(4))**
  - At least 5% of the total Units must be restricted to 30% AMGI. The form will calculate the percentage based on the information reflected in the *Rent Schedule*.
  - If the Development leverages CDBG Disaster Recovery, HOPE VI, RAD, or Choice Neighborhoods funding, mark the appropriate box.
  - The form will calculate Housing Tax Credit funding request as a percent of Total Housing Development Cost based on information reflected in the *Development Narrative* and the *Development Cost Schedule*. **Note that the rule calls for the funding request to be LESS THAN a certain percentage without rounding.**
  - No more than 50% of the developer fee can be deferred to be eligible. **NOTE: This form does not perform this calculation.**
  - No supporting documentation is necessary unless claiming points based on a commitment of CDBG-DR, HOPE VI, RAD or Choice Neighborhood Funding.

**NOTE: Remember to select the points being requested from the drop-down in the “Total Points Claimed” field. Although the form will calculate eligible points based on the information provided, the points requested WILL NOT auto-populate.**

❖ **Tab 35 – Supporting Documentation**

- Evidence must be consistent with the *Summary Sources and Uses of Funds* and *Financing Narrative*. If changes occur, update the form to match the new information.
- Executed Pro Forma from a Permanent Lender (if requesting points for financial feasibility, for Tax-Exempt Bond Developments and for MFDL-only Applications with other permanent debt). The pro forma must include:
  - the first 5 years and every fifth year thereafter for a 15 year period;
  - all projected income, operating expenses, and debt service;
  - the general growth factor applied to income and expense;
  - a minimum 1.15 DCR throughout the 15 years for all Third Party lenders that require scheduled repayment;
  - signature and contact information of an authorized representative of the lender.
- Letter from lender regarding approval of Principals.
- Include term sheets for all interim and permanent financing that are consistent with other parts of the Application, and provided in one or more of the forms identified and include the requirements set forth in 10 TAC §11.204(7)(A)-(B). **Reminder!! Term sheet must include an acknowledgment of the amounts and terms of all other anticipated sources of funds or the Sources and Uses must be signed by an authorized representative from each funding source.**
- **Reminder:** For Direct Loan Applications or Tax Exempt Bond Applications utilizing FHA financing, the Application shall include applicable pages from the *HUD Application for Multifamily Housing Project*. If the HUD application has not yet been submitted then a statement to that effect should be included in the Application along with an estimated date for submission.
- **NEW: If MFDL is the only permanent lender for a Competitive HTC Application, the Department’s response to the Request for Preliminary Determination under 10 TAC §11.8(d) should be inserted here.**
- Any federal, state or local gap financing, whether soft or hard debt must be identified at the time of Application and a term sheet must be provided for each.
- If the Development is financed through more than 5% Development Owner contributions provide the required documentation described in 10 TAC §11.204(7)(C) in the full Application.
- Include term sheets for syndication of tax credits that include the requirements set forth in 10 TAC §11.204(7)(D).
- Letter from the Texas Historical Commission as applicable to historic tax credit financing under 10 TAC §11.9(e)(6) or otherwise.
- Include evidence of rental assistance or other subsidies if applicable.

## Part 5 – Development Organization

The Development Organization tabs are colored green, and include all information regarding the Development Team members. The Organizational Charts, Previous Participation exhibits, and Credit Limit documents are all located in this section.

❖ **Tab 36 – Sponsor Characteristics**

This form is only applicable for Competitive HTC Applications, and is divided into two Parts. Applications may qualify for two points for having a Certified HUB or Qualified Nonprofit in the ownership structure (with exception for the HUB of a HUD 202 Rehabilitation project), or for one point for having a Certified HUB or nonprofit organization involved with the Development Services or in the provision of on-site tenant services during the Development's Affordability Period. To be eligible for the two points using a Qualified Nonprofit, the Application must be applying in the Nonprofit Set-Aside (a selection made in the *Development Narrative* and which will be auto-populated in this section.) The HUB must be registered with the Texas Comptroller of Accounts, and evidence of such registration must be provided behind this tab.

- **Part 1 – Certified HUB or Qualified Nonprofit in the Ownership Structure:**
  - Indicate if attempting to score two points as a certified HUB or Qualified Nonprofit.
  - Complete the yellow highlighted cells with the percentages of ownership interest, cash flow from operations, and developer fee.
  - Certify that the Nonprofit or HUB will materially participate in the Development.
  - Indicate the experience of the Nonprofit or HUB by marking the checkboxes (Property Management, Construction, Development, Financing, or Compliance).
  - Certify there is no relationship between the Principals of the Nonprofit or HUB and any other Principals of the Applicant or Developer.
  - A narrative describing the HUB's or Nonprofit's experience in the housing industry as well as a statement indicating **how** the Nonprofit or HUB will materially participate must be included behind this tab. Acceptable evidence of experience includes, but is not limited to a resume or TDHCA experience certificate. *(Note, however, that such certificate is not necessarily sufficient to satisfy a 2021 experience requirement.)*
  - Indicate points claimed (zero if this option is not selected).
- **Part 2 – Certified HUB or nonprofit involved with the Development Services or in the provision of on-site tenant services during the Development's Affordability Period:**
  - Complete the yellow highlighted cells indicating which will be involved with Development services.
  - Evidence of experience in the provision of Development Services or in the provision of on-site tenant services as well as a narrative statement indicating how the HUB or Nonprofit will provide such services must be included behind this tab.
  - Indicate points claimed (zero if this option is not selected).

**The score will populate based on the selections made on this form. If it is not filled out correctly, points will not be included on the self-score form.**

❖ **Tab 37 – Applicant, Developer, and Guarantor Ownership Charts:** This sheet shows a basic format for organizational charts. Be sure that charts follow the example given and that they contain the following information:

- Correct name and ownership percentage of each entity and person. Avoid nicknames.
- Clear indication of role, e.g. Member, Member/Manager, Class B, LP, etc., and ability to exercise Control.
- Trusts must include the trustee and list all beneficiaries that have the legal ability to access, control, or direct activities of the trust and are not just financial beneficiaries.
- Nonprofit entities, public housing authorities and publicly traded corporations must show name of organization, individual board members and executive director. **For individual board members, indicate those board members that have the ability to exercise Control. Any other persons with the ability to exercise Control must also be identified. For Direct Loan applications, all Board Members the authority to exercise Control under 2 CFR Part 180.**

- In cases of to-be-formed instrumentalities of PHAs where the board members and executive director remain to be determined, the PHA itself is shown.
- Ownership must be described to the level of natural persons, whether Owners or board members.
- Charts show the structure of the Owner, Developer and Guarantor and include the following:
  - Any Person receiving more than 10% of the Developer Fee is on the Developer chart
  - Nonprofit entities, public housing authorities and publicly traded corporations show name of organization, individual board members and executive director
  - Ownership to the level of natural persons, whether Owners or board members
  - Any other relationships involving the power to control the Applicant directly or indirectly.
- Create separate charts for the Owner, Developer and Guarantor, ensuring that each of the three is a complete representation of the structure of each organization, and attach them behind this Tab.

#### ❖ **Tab 38 – List of Organizations and Principals**

- Complete the yellow highlighted cells as needed, beginning with the Applicant name.
- **All information that the form solicits must be legible in the Acrobat version of the form (reduce the font size or make other provisions as necessary to accomplish this).**
- All organizations AND persons should be listed on this form.
- Each **entity that appears on the Organizational Charts** except a natural person will have its own section, in which its individual structure will be given.
- Select the appropriate description of TDHCA experience for each Person from the Yes/No drop-down menu. Make a selection for each entry.
- Indicate whether the entity has the ability to exercise Control over the Development.
- Be sure names exactly match the organizational charts. Avoid nicknames.
- Additional spaces for Sub-Entities or Principals are available by un-hiding rows. (There are 30 entries available for Sub-Entities or Principals.)
- Submit as many pages of the form as necessary to report all organizations and natural persons, including Guarantors and recipients of the developer fee.

**When converting to PDF format, be sure to adjust page breaks as necessary, keep all information legible, and do not submit blank pages.**

#### ❖ **Tab 39 – Previous Participation Form**

- **A separate form is required for each Person or entity, regardless of whether the Person or entity has previous experience with TDHCA funding or assistance.**
- **A separate form must be completed for each entity shown on the Owner and Developer organizational charts, and also for only those natural Persons shown on the Owner and Developer organizational charts that exercise Control.**
- For Applications with MFDL, each Person (as defined by 2 CFR Part 180), Board Member, or Affiliate must complete a PPR form, regardless of their level of control. **See 10 TAC §1.301 for further information about previous participation review.**
- Note that the appropriate fields should be marked at the bottom to indicate other TDHCA programs the entity or person has participated in.
- For “Control Begin”/”Control End” enter the time period a person’s or entity’s role in each property identified began and ended. This applies to any Developments in which a Person or entity was originally involved, but have since been transferred to another Person or entity. If the Department’s records don’t reflect a person or entity’s role in a Development, an Ownership Transfer may be required.
- If the Person’s or entity’s role in a property or service-related activity has not ended then leave the “Control End” column blank.

- If more space is needed, unlock rows after row 40.
- Do not submit pages that are blank.
- The Excel version of the form(s) must be uploaded with the Application.

❖ **Tab 40 – Nonprofit Participation**

- All nonprofit Applicants or Principals must complete this form regardless of the level of ownership or application set-aside.
- Complete all appropriate yellow highlighted cells. Yes/No questions have drop-down menus.
- The worksheet allows listing up to 20 board members. If more space is needed, print additional forms or contact staff.
- Include the Board Members' **home** address.
- Do not submit pages that are blank.

❖ **Tab 41 – Nonprofit Supporting Documentation**

- Applications involving 501(c)(3) or (4) nonprofit General Partners that DO NOT elect to be included under the Nonprofit Set-Aside only need to submit the IRS determination letter described below, or if the nonprofit designation is not due to a 501(c)(3) or (4) determination, the Application must contain a disclosure of the basis of the nonprofit status. **Tax Exempt Bond Applications only need to submit the first item below in addition to the Nonprofit Participation Form.**
  - **IRS Determination Letter** which states that the nonprofit organization is a §501(c)(3) or (4) entity. ***This designation must be in place as of the beginning of the Application Acceptance Period.*** If the organization is a Qualified Nonprofit Organization as defined in the tax code, notwithstanding any apparent limitations in the QAP about the particular parts of the Code under which a nonprofit may qualify, submit an IRS determination letter.
- **Housing Finance Corporations formed under Tex. Local Gov't Code Ch. 394, or Public Facility Corporations formed under Tex. Local Gov't Code Ch. 303, must provide evidence of their formation and continued good standing.**
- The additional documentation requirements identified in this section must be completed ***only*** if the Applicant is eligible and has elected to compete under the Nonprofit Set-Aside Allocation pursuant to §2306.6706, which requires that the organization's 501(c)(3) or (4) designation be in place at the beginning of the Application Acceptance Period.
  - **Third Party Legal Opinion** – Be sure your legal opinion contains all of the required statements pursuant to Tex. Gov't Code §2306.6706 and 10 TAC §11.204(14)(A)(iii). A template is provided on the website at: <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>. **The Third Party Legal Opinion letter template was revised in 2017. Be sure to share the current letter with your counsel as soon as possible so that they can determine if they will be able to provide any required opinion or they can contact us if there are questions as to form.**
  - **Financial Statement** - The nonprofit's most recent financial statement prepared by a Certified Public Accountant.
  - **Certification of Residence**- a certification that a majority of the board members reside in the State of Texas if the Development is in a Rural Area, or within 90 miles of the Development if it is not in a Rural Area.
- The worksheet allows up to (20 board members to be listed. If more space is needed, simply print out another form or contact staff, but do not submit pages that are blank.

- ❖ **Tab 42 – Development Team Members:** Enter information as requested. Note that drop-down menus will facilitate identification of HUB participants and related team members.

❖ **Tab 43 – Engineer/Architect Certification:**

- This certification must be executed by the Development engineer or accredited architect can be found on the Department’s website at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.
- New Construction Direct Loan Applicants must have the architect certify Development Site is sufficient in size, exposure, and contour to accommodate the number of Units proposed.  
**NOTE:** The certification requires a separate statement be submitted that describes how the accessibility requirements for the physically accessible /hearing and visual impaired Units will be met, along with related parking requirements. Be sure this statement is attached to this certification.
- **The certification requires entry of the Net Rentable Area and Common Area square footage. These amounts must match the Architectural Drawings.**
- **NEW: See instruction under Tab 1a regarding submission of the Certification.** The form must be signed, dated, and all required information for the Unsworn Declaration included. ***No hard copy with original signature/stamp is required, only a scanned copy within the final PDF file. However, a signed and stamped original must be retained and provided on request.***

❖ **Tab 44 – Experience Certificate**

- Experience certifications issued by the Department from 2014-2021 are valid for use.
- If a Principal of the Development Owner, General Partner or Developer for the Application is seeking an Experience Certificate from the Department, the ***Experience Certification Request Form***, along with the required documentation (found in 10 TAC §11.204(6)) to establish experience must be submitted to the Department within the Application behind this placeholder tab. Alternative experience documentation may be provided in accordance with 10 TAC §13.5(d)(1) if MFDL is the only source of Department funding being requested.
- **NEW: An agreement between a HUB listed as a participant on a previous Application and the person in control of that same Application alone does not meet this requirement.**
  - Names on the evidence must tie back to the individual seeking the experience certificate.
  - Experience certification may be withheld if the individual has, at any time within the preceding three years, been involved with affordable housing in another state which has been the subject of issued IRS form 8823 citing non-compliance that has not been or is not being corrected with reasonable due diligence.
  - If the Principal is determined by the Department to not have the required experience, an acceptable replacement for that Principal must be identified prior to the date the award is made by the Board.
  - No person may be used to establish the required experience if that person or an affiliate of that person would not be eligible to be an Applicant themselves.
  - The *Experience Certification Request Form* is located in the Multifamily Applications section of the TDHCA website or at: <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.
  - Experience documentation **may be submitted prior to the March 1st** Competitive HTC Application deadline. If the documentation has been submitted but no experience certificate issued, indicate such on the form and include a copy of the request.

❖ **Tab 45 – 9% Applicant Credit Limit Documentation and Certification**

- In general, each entity and Person listed on the Owner’s and the Developer’s organizational charts should be listed on Part 1a, including Board Members and Executive Directors of Nonprofits, whether or not they have the ability to exercise control.

- In Part 1b, use the drop-down menu to state whether the person or entity has more than one Application competing in the current Application Round.
- **Be sure all names exactly match the organizational charts and are used consistently. Avoid nicknames.**
- For each Person or entity that indicates affiliation with another Application in Part 1b, you must submit a Part 2. Scroll down to find Part 2 of the form.
- Up to 30 separate persons or entities may be entered in Part 1.
- **Part 2: Complete a Part 2 for each Person that answered “Yes” on Part 1b. Print the complete forms, have them signed, and insert the executed copies back into the PDF Application.**

**The Housing Tax Credit cap is \$3 million and applies to all Applicants, Developers, Affiliates or Guarantors in the Application. See 10 TAC §11.4(a) for details regarding how to apply the cap.**

## Part 6 – Community Input Scoring Items (9% HTC Only)

- ❖ **Tab 46 –** Fill-in the form and include the letters behind the form as applicable.
  - **Section 1 - Local Government Support** - An Application may qualify for up to seventeen (17) points for a resolution or resolutions voted on and adopted by the bodies reflected in subparagraphs (A) - (C) below. The resolution(s) must be dated prior to and submitted no later than 5:00 p.m. (Austin local time) on **March 1, 2021**. Resolution(s) must specifically identify the Development by legal description, address, Development name, Application number or other verifiable method. A municipality or county should consult its own staff and legal counsel as to whether their handling of actions regarding such resolution(s) are consistent with Fair Housing laws as they may apply, including any Fair Housing Activity Statement-Texas (FHA) form on file, any current Analysis of Impediments to Fair Housing Choice, or any current plans such as one year action plans or five year consolidated plans for HUD block grant funds, such as HOME or CDBG funds. Once a resolution is submitted to the Department it may not be changed or withdrawn. For an Application with a proposed Development Site that, at the time of the initial filing of the Application, is:
    - (A) Within a municipality, the Application can receive seventeen (17) points for a resolution from the Governing Body of that municipality expressly stating that the municipality supports the Application or Development; or fourteen (14) points if the resolution states that the municipality has no objection to the Application or Development.
    - (B) Within the extraterritorial jurisdiction of a municipality, the Application may receive(i) eight and one-half (8.5) points for a resolution from the Governing Body of that municipality expressly stating that the municipality supports the Application or Development; or seven (7) points if the resolution states that the municipality has no objection to the Application or Development. In addition, the Application can receive eight and one-half (8.5) points for a resolution from the Governing Body of the county expressly stating that the county supports the Application or Development; or seven (7) points if the resolution states that the county has no objection to the Application or Development.
    - (C) Within a county and not within a municipality or the extraterritorial jurisdiction of a municipality scores seventeen (17) points for a resolution from the Governing Body of that county expressly setting forth that the county supports the Application or Development; or fourteen (14) points if the resolution expressly sets forth that the county has no objection to the Application or Development.
  - **Section 2 - Community Support from State Representative –**
    - **Letter from a State Representative:** The Applicant may qualify for eight (8) points for letters of support from the appropriate State Representative. Letters must be on the State

Representative's letterhead and be signed by the State Representative, identify the specific Development and clearly state support for, opposition to or neutrality toward the specific Development. The letter will be accepted with the Application or via delivery from the Applicant or State Representative and must be submitted no later than 5:00 p.m. (Austin local time) on **March 1, 2021**. After submission, letters may not be changed or withdrawn. Representative letters, whose statements are based on the relevant community's expression of support, will be considered a support letter and will receive eight (8) points. Neutral letters or letters that do not specifically refer to the Development will receive zero (0) points, and letters of opposition will receive negative eight (-8) points. If the relevant Representative's office is vacant, the Application will be considered to have received a neutral letter. Letters opposing the Application/Development will be added to the Application posted on the Department's website.

- **Remember: No Letter from a State Representative (or a letter conveys to the Department that no written statement of support, neutrality, or opposition will be provided by the State Representative for a particular Development):** Points available under this subparagraph will be based on how an Application scores under §11.9(d)(1), of this section, relating to Local Government Support:
  - 8, 0, or -8 points if the Development Site is within a municipality, or within a county and not within a municipality or ETJ; or
  - 4, 0, or -4 points **each** for the municipality **and** the county if the Development Site is within the ETJ of a municipality.
- **Section 3 - Input from Community Organizations** - Development Sites outside the boundaries of qualifying Neighborhood Organizations may score up to four (4) points for letters of support submitted with the Application. Once a letter is submitted to the Department it may not be changed or withdrawn. This option means losing one (1) point from the score under this paragraph for each letter in opposition that is from an organization that would otherwise qualify under this paragraph. Letters of opposition will be added to the Application, posted on the Department's website. The score of this item will never be less than zero (0), calculated as follows:
  - Two (2) points for a letter of support from a community or civic organization serving the community containing the Development Site, identifying and stating support for the Development at the proposed location. The organization must be tax exempt and its primary purpose must be the overall betterment, development, or improvement of the community as a whole or one of its major aspects such as schools, fire protection, law enforcement, city-wide transit, flood mitigation or similar activities. The Applicant must include:
    - Evidence of the organization's tax-exempt status, e.g. a copy of the organization's IRS determination letter.
    - Evidence that the tax-exempt status of the organization is current as of October 1 of the year preceding Application submission. Evidence of IRS exemption can be found at <https://apps.irs.gov/app/eos/>, and evidence of state exemption can be found at <https://comptroller.texas.gov/taxes/exempt/search.php>.
    - Evidence that it either has a location or conducts activities within the specific city or county of the Development. Evidence can include a listing of activities and where they are held, membership lists showing addresses, brochures indicating activities and the geographical service area, annual reports, etc. Churches can be eligible for these points if they operate a beneficial activity to the community outside of religious services (food pantry, clothes closet, after-school care available to the community regardless of membership, etc.).

- Community and civic organizations do not include neighborhood organizations, governmental entities (excluding Special Management Districts), or taxing entities so evidence of how the organization was created and by whom/what group, etc., should be included.
- Two (2) points for a letter of support from a property owners association created for a master planned community containing the Development Site that does not meet the requirements of a Neighborhood Organization for the purpose of awarding points under 1-10 TAC §11.9(d)(4). Include documentation evidencing the establishment of the association and the master planned community to which it belongs.
- Two (2) points for a letter of support from a Special Management District whose boundaries include the Development Site, as of the Full Application Delivery Date as identified in 10 TAC §11.2(a). Include evidence of the District's boundaries, indicating the location of the Development Site inside those boundaries, along with evidence of the existence of the District itself.

Note that input evidencing unlawful discrimination under Fair Housing law or scoring the Department determines to be contrary to the Department's efforts to affirmatively further fair housing will not be considered. The Department will refer input appearing to indicate non-compliance under the Fair Housing Act, to the Texas Workforce Commission for investigation, but the referral will not, standing alone, cause staff or the Department to terminate the Application. Staff will report all such referrals to the Board and summarize the status of any such referrals in any recommendations.

## Part 7 – Third Party Reports

All third party reports must be submitted in their entirety by the deadline. Incomplete reports will result in termination of the Application. Reports should be submitted in a searchable electronic copy in the format of a single file containing all of the required information and conform to Subchapter D of the QAP. Exhibits should be clearly bookmarked.

All third party reports must contain the following statement, “all persons who have a property interest in this report hereby acknowledge that the Department may publish the full report on the Department’s website, release the report in response to a request for public information and make other use of the report as authorized by law.”

**NEW: A Template has been added to the Uniform Multifamily Templates that includes language required in each Third Party Report. Use of the Template will simplify submission of Reports and reduce deficiencies during Application Review.**

- **Tab 47 – Third Party Reports**
  - The required **Environmental Site Assessment (ESA)** must be submitted to the Department no later than 5:00 p.m. (Austin local time) on **March 1, 2021** for Competitive HTC Applications, pursuant to 10 TAC §11.201(2) for Tax-Exempt Bond Applications or at the time of Application submission for all other programs.
    - The ESA must not be dated more than twelve (12) months prior to the first day of the Application Acceptance Period. If the timeframe is exceeded an updated report or letter must be provided, dated not more than six (6) months prior to the date of Application submission or the first day of the Application Acceptance Period for Competitive HTC Applications from the party who completed the original report confirming that the site has

- been re-inspected and reaffirming the conclusions of the initial report or identifying any changes.
- If the Application is receiving funding from USDA, an ESA will not be required; however it is the responsibility of the Applicant to ensure that the Development is in compliance with all state and federal environmental hazard requirements.
  - Prior to submission, confirm that the report is addressed to the Department or has a statement granting the Department authority to rely on the report findings. Also required are statements that the report preparer has read and understood 10 TAC §11.305; a statement confirming that the person or company preparing the report will not materially benefit from the Development in any other way than receiving a fee for performing the ESA; and that the fee is in no way contingent upon the outcome of the assessment.
  - If the report includes a recommendation for any additional assessments to be performed, include a statement that the recommendations will be followed prior to closing.
- All Applications for Direct Loans from the Department, except for those which are ultimately awarded TCAP RF must complete the environmental clearance process in accordance with 24 CFR Part 93 or Part 58 (prior to engaging in choice limiting activities such as closing on land, loans, beginning demolition or construction activities, or entering into construction contracts). A Phase I Environmental Site Assessment (ESA) WILL NOT satisfy the environmental clearance required for use of Direct Loan funds. Mark the appropriate yellow highlighted cells.
  - **The Primary Market Area (PMA) Map is required with full Application submission.** For competitive HTC Applications, this is on **March 1, 2021**. *A pdf copy of the map as well as the definition of the PMA, based on census tracts, ZIP codes, or census place should be included with the Application to ensure timely submission.*
  - The **Market Analysis** is required for all Developments and must be submitted no later than 5:00 (Austin local time) on **April 1, 2021** for Competitive HTC Applications under §11.2(a), or pursuant to 10 TAC §11.201(2) for Tax-Exempt Bond Applications, or at the time of Application submission for all other programs.
    - The report must be prepared by a Qualified Market Analyst approved by the Department. The approved list is found on the REA page of the TDHCA website.
    - Applications in the USDA Set-Aside proposing Rehabilitation with residential structures at or above 80% occupancy at the time of Application submission may use the Appraisal (required for Rehabs and prepared in accordance with §11.304) to satisfy the Market Analysis requirement.
    - The report must include a statement from the Market Analyst that they have read and understood 10 TAC §11.303.
    - **Remember: It is the responsibility of the Applicant to ensure this analysis forms a sufficient basis for the Applicant to be able to use the information obtained to ensure the Development will comply with fair housing laws.**
  - If applicable, the **Scope and Cost Review (SCR) (formerly Property Condition Assessment)** must be submitted to the Department no later than 5:00 p.m. (Austin local time) on **March 1, 2021** for

Competitive HTC Applications under §11.2(a), pursuant to 10 TAC §11.201(2) for Tax-Exempt Bond Applications, or at the time of Application submission for all other programs.

- The SCR must not be dated more than six (6) months prior to the date of Application submission or the first day of the Application Acceptance Period for Competitive HTC Applications. If the report is older than six (6) months, but not more than twelve (12) months prior to the date of Application submission or the first day of the Application Acceptance Period for Competitive HTC Applications, the report provider may provide a statement that reaffirms the findings of the original SCR. The statement may not be dated more than six (6) months prior to the date of Application submission or the first day of the Application Acceptance Period for Competitive HTC Applications and must be accompanied by the original SCR.
  - If submitting a capital needs assessment from USDA in lieu of a SCR, it may be more than six (6) months old, as long as written evidence from USDA is submitted confirming the existing capital needs assessment is still acceptable and meets the requirements of 10 TAC §11.306.
  - Prior to submission, confirm that the report is addressed to the Department or has a statement granting the Department authority to rely on the report findings. Also required are statements that the report preparer has read and understood 10 TAC §11.306; a statement confirming that the person or company preparing the report will not materially benefit from the Development in any other way than receiving a fee for performing the SCR; and that the fee is in no way contingent upon the outcome of the assessment.
  - The Applicant must upload the Department's SCR Supplement as an Excel workbook.
- If applicable, the **Appraisal** must be submitted to the Department no later than 5:00 p.m. (Austin local time) on **March 1, 2021** for Competitive HTC Applications under §11.2(a), pursuant to 10 TAC §11.201(2) for Tax-Exempt Bond Applications, or at the time of Application submission for all other programs.
    - The appraisal must not be dated more than six (6) months prior to the date of Application submission or the first day of the Application Acceptance Period for Competitive HTC Applications.
    - If submitting an appraisal from USDA, it may be more than six (6) months old, as long as written evidence from USDA is submitted confirming the appraisal is still acceptable and meets the requirements of 10 TAC §11.304.
    - Prior to submission, confirm that the appraisal is addressed to the Department or has a statement granting the Department authority to rely on the report findings and that the report preparer has read and understood 10 TAC §11.304.
    - **NEW: Appraisals will be subject to review in accordance with USPAP Standard 3 and Standard 4 by an appraiser selected by the Department. The Appraisal Review Fee will not exceed \$6,000.00, and will be due no later than the Market Analysis Delivery Date on April 1, 2021.**
  - If applicable, the **Feasibility Report** must be submitted to the Department no later than 5:00 p.m. (Austin local time) on **March 1, 2021** for Competitive HTC Applications under §11.2(a), pursuant to

10 TAC §11.201(2) for Tax-Exempt Bond Applications, or at the time of Application submission for all other programs.

- Required Developments must meet the requirements of 10 TAC §11.204(15).
- **NEW: Acquisition and Rehabilitation Applications are exempted for this requirement. If an Application involves Acquisition and Rehabilitation along with other activities, the Feasibility Report is required for the entire Development.**

The feasibility report should include a statement regarding local design requirements, which includes requirements related to parking. Local parking code will be reviewed for compliance with 10 TAC §11.101(b)(4)(L).

### Part 8 – Tie-Breakers (10 TAC §11.7)

10 TAC §11.7(1) is a two-step tie-breaker, with the second part (rent burden) **only** applying if the first part (poverty) is met by both (or more) tied Applications. If tied Applications do not meet the first step, the entire tie-breaker does not apply, and those tied Applications move straight to distance (10 TAC §11.7(2)).

### Part 9 – Review Tabs

These tabs will be used by staff in the review process. While there is nothing to be completed or supplied with these tabs at submission, they should be included and bookmarked.

Tab 48 - Deficiency Documents

Tab 49 – Scoring Notice

Tab 50 - Third-Party Requests for Administrative Deficiency

Tab 51 – REA Division RFI Documents

Tab 52 – Board Action

Tab 53 – Public Comment

Tab 54 – Commitment or Determination Notice

Tab 55 – MFDL Award Letter

Tab 56 – Carryover Documents

## Instructions for Converting the Excel file to PDF

Once the Excel Application file is complete and you are ready to convert the file to PDF, follow these instructions. **Be sure to check all of the Page Breaks in the Excel files before you convert to PDF.**

**Applicants are reminded that both the Excel and PDF files must be submitted in order for the Application to be considered complete. The Excel file must be converted to PDF, Applications submitted as a scanned copy of the Excel file will be rejected as materially deficient.**

### Excel 2007 Users:

Click the **Microsoft Office Button**  , point to the arrow next to **Save As**, and then click **PDF or XPS**.

1. In the **File Name** list, type or select a name for the workbook.
2. In the **Save as type** list, click **PDF**.
3. If you want to open the file immediately after saving it, select the **Open file after publishing** check box. This check box is available only if you have a PDF reader installed on your computer.
4. Next to **Optimize for**, do one of the following, depending on whether file size or print quality is more important to you:
  - If the workbook requires high print quality, click **Standard (publishing online and printing)**.
  - If the print quality is less important than file size, click **Minimum size (publishing online)**.
5. Click **Options**. Under **Publish What** select **Entire Workbook** and click **OK**.
6. Click **Publish**.

### Excel 1997-2003 Users:

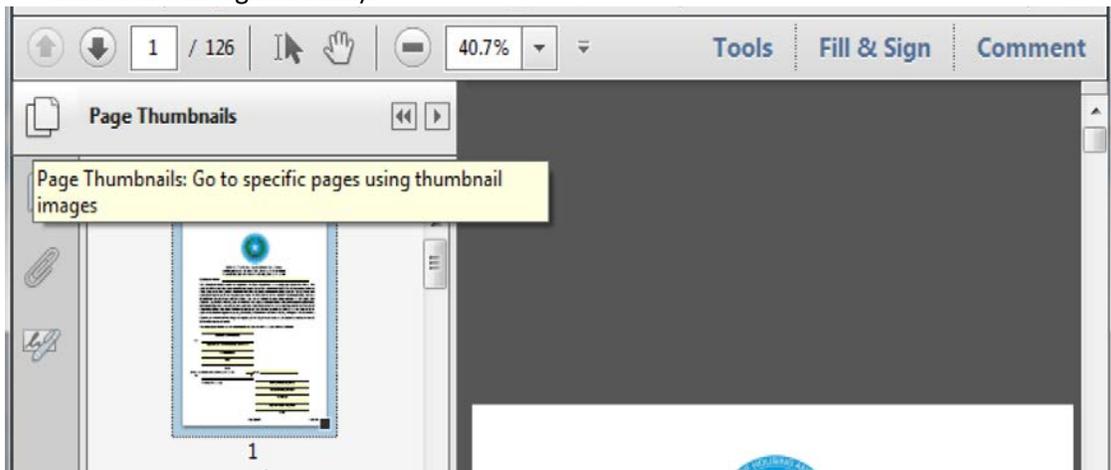
1. With the Excel file open go to the Adobe PDF drop-down box from the task bar (if using Excel 2007 click on "Acrobat" tab in the task bar)
2. Select "Convert to Adobe PDF" from the drop-down list (Excel 2007- select "Create PDF")
3. The Adobe PDFMaker box will appear. On the left hand side of the box all of the sheets within the Excel file will be listed and you will be prompted to select the sheets you would like to convert to PDF. Once the sheets you want to convert are selected click on the "Add Sheets" button to move those sheets over to the right-handed side of the Adobe PDFMaker box, this will list the sheets selected to be converted to PDF. Make sure the sheets are in order.
4. Once all sheets you have selected appear on the right-hand side under "Sheets in PDF" click on the "Convert to PDF" button.
5. You will be prompted to create a name and save the PDF file. The PDF file should be named in the following format -- <Application #\_Development Name>.pdf (e.g. 18001\_Austin\_Crossing.pdf). If an Application number has not been previously assigned then the file should be named as follows -- <Development Name>.pdf (e.g. Austin\_Crossing.pdf)
6. A pop-up box will appear that asks "Do you want to proceed without creating tags?" Click Yes.

## Inserting Documents into the PDF

***“No hard copy is required, only a LEGIBLE scanned copy within the final PDF file”***

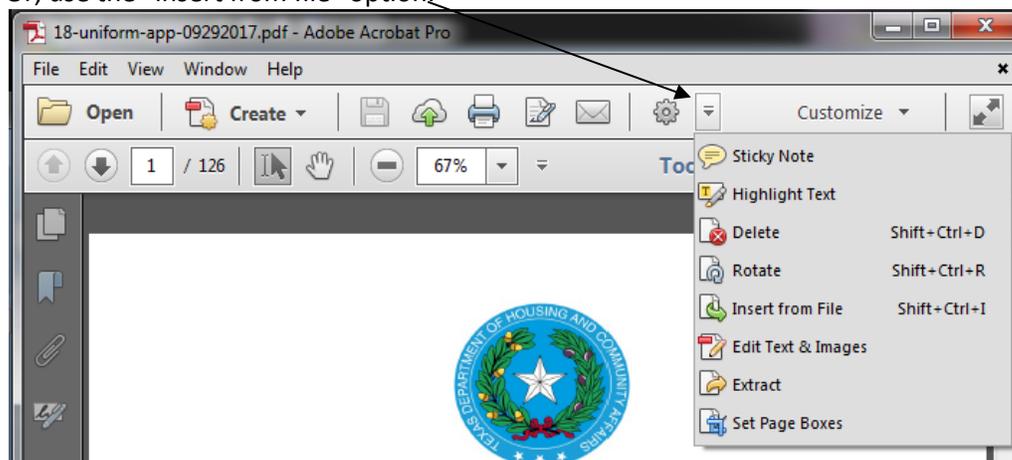
If there are documents to be submitted as part of the Application, include those documents in the pdf Application.

1. Convert the Excel application to pdf per the instructions above.
2. Once you have collected all required executed documents, scan them as individual files and name them (“app-cert.pdf”, “owner-cert.pdf”, etc).
3. Insert the scanned forms into the pdf application in the order required. For instance, you will need to insert the signed Applicant Certification form. You can either:
  - Click the “thumbnails” button, then drag and drop the pdf form before or after the existing form (then delete the un-signed form):



Drag document to here. A line will appear showing where the document will be placed. You can also use this feature to put documents in the correct order.

- Or, use the “insert from file” option.



Select “Insert from File”, navigate to document to be inserted and select it. In the dialog box, selected appropriate page number and indicate whether the document is to be inserted before or after that page. Click okay.

**Do not submit a scanned copy of the Excel or PDF file.  
Scanned copies will be rejected as materially deficient.**

The Application submitted should be the pdf file created from converting the Excel file (into which additional application documentation has been inserted), as well as the Excel file itself. A scanned Application cannot be reviewed, nor can an Excel file, both will be rejected.

## Creating Bookmarks

**Because they cannot be reviewed, Applications without bookmarks will be rejected as materially deficient**

Once the file has been converted to PDF and all executed forms have been inserted into their appropriate locations within the file, the Applicant will need to create Bookmarks. Bookmarks may or may not have already been created as part of the conversion process. The locations may need to be designated for the rest. To correctly set the Bookmark locations, open the PDF file in Adobe Acrobat. Click on the Bookmark icon located on the left-hand side of the Adobe Acrobat screen, or go to the task bar and select these options in the following order: **View** → **Navigation Panels** → **Bookmarks**.

If a Bookmark has already been created for each tab within the Excel file, re-set the bookmarks to the correct locations. To re-set the location for the Bookmarks, go to the first page of each separately labeled form/exhibit, right-click on the corresponding Bookmark for the form/exhibit, select **Set Destination** and a pop-up box will appear ask: "Are you sure you want to set the destination of the selected bookmark to the current location?" Select **Yes**.

If Bookmarks were not already created within the Excel file, they will need to be created. Go to **Document** → **Add Bookmark**. Right-click on the first Bookmark and re-name it for the appropriate form or exhibit. Set the location of the Bookmark by going to the first page of each form or exhibit, right click on the corresponding Bookmark and select **Set Destination**. A pop-up box will appear asking: "Are you sure you want to set the destination of the selected bookmark to the current location?" Select **Yes**.

*Tabs within the Excel Application workbook have been color coded to distinguish between "Parts" of the Application consistent with this manual. Additionally, beside each bulleted item a label to use for purposes of bookmarking the final PDF Application file is included in parentheses.*

If there are extra blank pages of any exhibit after conversion of the Excel file to PDF, they must be deleted in order to limit the size of the Application file. To delete any extra, unnecessary pages identify the page number(s) to be deleted. On the Adobe Acrobat Task Bar click on Document and select Delete Pages from the drop down list. A box will appear prompting a selection of the page(s) to be deleted. Enter the page numbers to be deleted and hit OK. If a page is deleted, the Applicant is responsible for ensuring it was done correctly and did not inadvertently delete pages that should have been retained.

The PDF formatted file must be checked for the following prior to submission:

- ✓ All tabs and/or volumes must be correctly bookmarked
- ✓ Files should average less than 100 kilobytes per page
- ✓ Files must be readable with free PDF file viewers including Adobe Reader and be compatible with Adobe Reader 5.0 and above
- ✓ Files should be saved so that "Fast Web View" (or page at a time downloading) is enabled
- ✓ Text within the PDF file should be searchable using the "Find" command in the PDF viewer

For questions on using or difficulties with the Microsoft Excel based Application, contact Multifamily Finance Division staff via email. Contact information may be found at

<http://www.tdhca.state.tx.us/multifamily/contacts.htm> . In some instances a file may have small variations in bookmarks, file sizes, or readability that are not explicitly cited as requirements in the rule. Staff will use a reasonableness standard in determining when such deviations rise to the level of necessitating termination or other remedy.

## Application Assembly Instructions

**Prior to submitting any Application fees or the Application itself, a fully executed 2021 Electronic Application Filing Agreement should have already been submitted.**

**Applicants are reminded that both the Excel and PDF files must be submitted in order for the Application to be considered complete. The Excel file must be converted to PDF, Applications submitted as a scanned copy of the Excel file will be rejected as materially deficient.**

For each Application, the Applicant must ensure execution of all necessary forms and supporting documentation, and place them in the appropriate order according to this manual. The submitted Application should be the Excel file as well as the PDF created from the Excel file (with added documents). Do not print and scan the Excel file. Do not print and scan the PDF file. Convert the Excel form to a PDF, and then insert scanned pages only as indicated below. Scanned copies of the Application are difficult to read, are not searchable, raise questions regarding accuracy and will not be accepted.

All Application materials must be submitted via the Department's secure web transfer server. The Applicant must physically deliver the following:

1. Completed hard copy of the 2021 Payment Receipt. Attach evidence of nonprofit status (as applicable) and a check for the correct Application Fee made out to "Texas Department of Housing and Community Affairs". If submitting a Bond Pre-application, submit the additional fees pursuant to §12.10 of the Multifamily Housing Revenue Bond Rules and reflect such fees on the Payment Receipt; and
2. Copy of the Certificate of Reservation (for Tax-Exempt Bond Developments only).  
**Remember: Applicants intending to submit an Application Fee that does not include evidence that a Certificate of Reservation from the Texas Bond Review Board has been issued will not be accepted. Applications that are uploaded regardless of this provision will not be acknowledged as submitted.**
3. Payment – submit the applicable Application Fee pursuant to 10 TAC §11.901(3). *Please do not submit checks for more than the applicable fee. In order to protect your financial information, do not include a copy of the check in your Application.*

***At the time of publication of the Manual, TDHCA offices are closed and checks cannot be submitted in person. Multifamily staff are not in the office to receive your Application payment, it must be sent via overnight or the Postal Service.***

### Application Delivery Instructions

Applications are accepted only through the Serv-U portal. Physical delivery of Applications will not be accepted. For guidance on using Serv-U, refer to the **Electronic Document Upload User Guide (MF Serv-U FTP)** posted on the Department's "Apply for Funds" page.

Application payments are accepted during regular business hours:

Deliver To: Multifamily Finance Division  
(overnights) Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701

**DO NOT SEND REGULAR MAIL TO THIS ADDRESS!**

Regular Mail: P.O. Box 13941  
Austin, Texas 78711

**The Applicant is solely responsible for proper delivery of the Application and payment.**

### 4% HTC and Bond Applications

4% Tax Credit Applications for Bond Financed Developments can be submitted throughout the year. Submission dates are posted on the Department's website at the following link: <http://www.tdhca.state.tx.us/multifamily/htc/index.htm>.

### Multifamily Direct Loan Program Applications

Multifamily Direct Loan Applications may be submitted throughout the Application Acceptance Period described in the applicable Notice of Funding Availability (NOFA) <http://www.tdhca.state.tx.us/multifamily/nofas-rules.htm>

### 9% HTC Applications

The Application and fee payment for competitive Applications must be received by TDHCA no later than 5:00 p.m. (Austin local time) on **March 1, 2021**. Mailed or couriered payments must be received by the same deadline; postmarks do not matter. TDHCA is not responsible for any delivery failure on the part of the Applicant. If the Applicant chooses to use a postal or courier service to deliver the payment to TDHCA and such service fails to deliver the payment by the deadline, then the Application will be considered untimely and will not be accepted.

On **March 1, 2021**, the Department will accept walk-in delivery of the Application fee payment only; the Application must be uploaded to Department's ServU system by 5:00 p.m. (Austin local time). **All required supplemental reports must be submitted simultaneously with the Application (unless otherwise noted)**. The ServU system will be disabled at 5:00 p.m. (Austin local time) on **March 1, 2021**. **The Department is not responsible for transmission failures whether caused by malware, internet connectivity problems or equipment failures on the part of the Applicant.**

Applicants are advised to take any steps necessary to ensure timely delivery of all application materials. Applicants should not expect to have the opportunity to complete the Application materials at TDHCA offices on the final day of the submission period.

# Multifamily Direct Loan Program Information

## Application Delivery Instructions

All Applicants must upload a PDF copy and Excel copy of the complete Application to the Department's secure web transfer server. Each copy must be in a single file and individually bookmarked as further described in this manual. Additional files required for Application submission (e.g., Third Party Reports) outside the Multifamily Uniform Application must also be uploaded to the secure web transfer server. It is the responsibility of the Applicant to confirm the upload to the Department's secure web transfer server was successful. Applications will not be considered received until all of the required Third Party Reports are submitted.

If the Application is for Multifamily Direct Loan (MFDL) funds in conjunction with 4% or 9% Housing Tax Credits, the following sections of 2021 Multifamily Uniform Application must be completed *in addition* to those required when applying for 4% or 9% Housing Tax Credits:

- Multifamily Direct Loan Certification
- Tab 6b – Auto-populated based on selections made in Tabs 9 and 19
- Tab 8 – Site and Neighborhood Standards (New Construction only)
- Tab 9 – Applicable sections (if seeking points under a MFDL NOFA)
- Tab 10 – Applicable sections (if seeking points under a MFDL NOFA)
- Tab 17 – Section 5 (Direct Loan request)
- Tab 17 – Section 6 and Section 9 if applicable
- Tab 19 – Sections 2, 3 and 6 (if seeking points under a MFDL NOFA)
- Tab 20 – Section 3 (Rehab, if applicable)
- Tab 21 – Uniform Relocation Act
- Tab 24 –MF Direct Loan Units column as applicable
- Tab 32 - (if applicable)
- Tab 33
- Tab 47 – Section 2

Applications for Multifamily Direct Loan funds as the only source of Department funds, must include all sections of the Multifamily Uniform Application, except for those sections that reference Housing Tax Credit applications only. All applicable Third Party Reports are required in accordance with 10 TAC §11.205 regardless of whether the Application is layered with Housing Tax Credits.

**NEW: If MFDL is the only Department fund source, and there will be another third-party permanent lender, the lender must execute the certification on Tab 31. Submit the executed page with the Application.**

The Application submission deadlines and Application Acceptance Dates are described in the NOFAs. If the Application is for HOME funds under the CDHO Set Aside, CHDO must be selected in the Select Set-Aside box on Tab 17 of the Multifamily Uniform Application must be checked, and the CHDO Certification Packet (located on the Apply for Funds page of the Multifamily Programs page) must be submitted with the Application. Applicants for

HOME funds under the CHDO Set Aside are eligible to apply for up to \$50,000 in CHDO Operating Expense Grant funds (Tab 17 – Funding Request) that can be used to pay for necessary costs for the operation of the CHDO. These costs include salaries, wages, and other employee compensation and benefits; employee education, training, and travel; rent; utilities; communication costs; taxes; insurance; equipment; materials; and supplies.

### Multifamily Direct Loan Program Information

Multifamily Direct Loan funds may be made available through program income generated from prior year HOME allocations, de-obligated funds from prior year HOME allocations, the annual HOME allocations, loan repayments from the Tax Credit Assistance Program (TCAP Repayment Funds or "TCAP RF"), and National Housing Trust Fund (NHTF) annual allocations. Set asides under the annual NOFA for the Multifamily Direct Loan Program will include a Soft Repayment Set-Aside and unless waived by HUD a Community Housing Development Organizations (CHDO) Set-Aside, in the amounts described in the NOFA. Other fund sources or Set-Asides may be described in the annual NOFA or a special purpose NOFA.

Except Applications submitted under the Soft Repayment Set-Aside, Multifamily Direct Loan funds are structured as a fully repayable loan with a term of 15-40 years and an amortization of 30-40 years. This does not apply in cases where the first lien mortgage is a federally insured HUD or FHA mortgage, as described in 10 TAC §13.8(c)(5) or (6). If the Direct Loan is in a second or third lien position, the term should match within six months of the shortest term of the senior loan(s), so long as neither exceeds 40 years and 6 months. The interest rate is published in the NOFA. The final approved interest rate may be the interest rate requested by the Applicant, or higher depending on the financial feasibility determination by the Real Estate Analysis Division in the Underwriting Report.

Please refer to the [applicable Multifamily Direct Loan NOFA](#) and [10 TAC Chapter 13](#) for more information. The NOFA, the QAP, and the Multifamily Direct Loan Rule work in conjunction; Applicants are encouraged to fully review all federal and state laws and regulations.

### CHDO Overview

The CHDO Certification Packet must be submitted for all Applicants requesting funds under the CHDO Set-Aside. Applicants, or the sole members of the general partners of applicants, for HOME funds under the CHDO Set Aside must meet the requirements of the definition of Community Housing Development Organization in [24 CFR §92.2](#) and 10 TAC §13.2(3). Applicants are cautioned to read carefully the requirements under the CHDO definition in 24 CFR §92.2 and 10 TAC §13.2(3) to ensure the organization meets these requirements before submitting an application under the CHDO Set Aside. Furthermore, a CHDO must be the Owner, developer, or sponsor of the housing proposed to be built in accordance with [24 CFR §92.300](#). Finally, a member of a CHDO's board cannot be a Principal of the Development beyond his/her role as a board member of the CHDO or be an employee of the Development Team, and may not receive financial benefit other than reimbursement of expenses from the CHDO (e.g. a voting board member cannot also be the paid executive director of the CHDO).

A CHDO must demonstrate its accountability to the low income community where the housing is being proposed in accordance with 8(i) and (ii) of the CHDO definition in 24 CFR §92.2. This requirement may be met, in part, by having board members from the community where the housing is being proposed and/or having an advisory board comprised of members from the community where the housing is being proposed. Additionally, the CHDO must have a formal process for low-income input to advise the organization in its decisions regarding the design, siting, development, and management of affordable housing. As a final requirement within 8(i) and (ii), the CHDO must have a designated service area (i.e. the "community" in which it produces housing) and have demonstrated

experience serving the community for at least one year prior to applying for HOME funds. A community can be a neighborhood or neighborhoods, city, county, metropolitan area, or multi-county area (but not the entire state).

# Supplemental Information

## Requests for Waiver and Staff Determinations

The Department will accept requests for waivers and staff determinations during the Application Acceptance Period. These requests can be submitted with the pre-application or full Application submission, or separately. Requests WILL NOT be accepted after full Application submission for Competitive HTC Applications. Requests should be submitted through the Serv-U system (with an email to the appropriate staff member below), or by email attachment. Hard copies will not be accepted.

For Competitive 9% HTC Applications, Alena Morgan at [alena.morgan@tdhca.state.tx.us](mailto:alena.morgan@tdhca.state.tx.us);

For 4% HTC/Bond Applications, Teresa Morales at [teresa.morales@tdhca.state.tx.us](mailto:teresa.morales@tdhca.state.tx.us);

For Multifamily Direct Loan Program Applications, Charlotte Flickinger at [charlotte.flickinger@tdhca.state.tx.us](mailto:charlotte.flickinger@tdhca.state.tx.us).

**NEW: The Development Owner Certification requires disclosure of the specific section the Applicant is requesting to waive.**

Requests for waivers are appropriate when an Applicant violates a rule and/or proposes a development that violates a rule, and as such they must be specific to an actual proposed Development (or Application). Requests should include an explanation of how the circumstances surrounding the request are out of the applicant's control and how, if such waiver is not granted, the Department would not fulfill some specific requirements of law. Applicants should familiarize themselves with 10 TAC §11.207(a) and are encouraged to contact staff to discuss the request before submission. Waivers for Direct Loans are also limited by 10 TAC §13.1(c), and may be further limited by NOFA.

Where the requirements of the QAP or Chapter 13 do not readily align with the activities proposed in an Application, an Applicant may request and Department staff may provide a determination to an Applicant explaining how staff will review an Application in relation to the applicable rules. In no instance will staff provide a determination regarding a scoring item. Any such request must be received by the Department prior to submission of the pre-application (if applicable to the program) or Application (if no pre-application was submitted). Staff may, in its sole discretion, provide the request to the Board for it to make the determination. For example, if an applicant proposes a scattered site development that involves different census tracts that would score differently on the Opportunity Index, that applicant may request a staff determination prior to application submission in order to ascertain how staff will apply the rule and ultimately award points. Similarly, an applicant proposing a combination of rehabilitation and adaptive reuse may request a staff determination as to how to classify the activity. Applicants should familiarize themselves with 10 TAC §11.1(k).

## Appeals

**For 9% Applications**, an Applicant or Development Owner may appeal decisions made by the Department pursuant to Tex. Gov't Code §2306.0321 and §2306.6715 and the process identified 10 TAC §11.902. Matters that

can be appealed are described in the Rule. An Applicant or Development Owner may not appeal a decision made regarding an Application filed by or an issue related to another Applicant or Development Owner.

Appeals must be filed in writing not later than seven (7) calendar days after the date the Department publishes the results of any stage of the Application evaluation or otherwise notifies the Applicant or Development Owner of a decision subject to appeal. The appeal must be signed by the person designated to act on behalf of the Applicant or an attorney that represents the Applicant. The Applicant must specifically identify the grounds for appeal, based on the original Application and additional documentation filed as a result of the Deficiency process. Appeals may not be used to introduce new information or documents that were not available prior to Application submission.

The Executive Director may respond in writing not later than fourteen (14) calendar days after the date of actual receipt of the appeal by the Department. If the Applicant is not satisfied with the Executive Director's response to the appeal or the Executive Director does not respond, the Applicant may appeal directly in writing to the Board.

An appeal filed with the Board must be received by Department staff not more than seven (7) days after a response from the Executive Director and at least seven (7) days prior to the applicable Board meeting or if the period for an Executive Director response has elapsed the appeal can be heard by the Board if filed at least three (3) days prior to the applicable meeting.

Board review of an Application related appeal will be based on the original Application. A witness in an appeal may not present or refer to any document, instrument, or writing not already contained within the Application. The decision of the Board regarding an appeal is the final decision of the Department.

**For 4%, Tax-Exempt Bond and Direct Loan only Applications**, an Applicant or Development Owner may appeal decisions made by the Department pursuant to 10 TAC §1.7, as applicable. Matters that can be appealed are described in the Rule.

Applicants must file a written Appeal of a staff decision with the Executive Director not later than the seventh calendar day after notice has been provided to the Appealing Party of the staff decision. Posting of materials or logs on the Department's website is considered "notice". The written appeal must specifically identify the grounds for the Appeal.

The Executive Director will respond in writing not later than the fourteenth day after the date of receipt of the Appeal. If the Applicant is not satisfied with the Executive Director's response, they may appeal in writing directly to the Board within seven days after the date of the Executive Director's response. The Appeal must be received by the Department at least fourteen days prior to the next scheduled Board meeting. Appeals received after the fourteenth calendar day prior to the Board meeting will generally be scheduled at the next subsequent Board meeting.

If the Applicant receives additional information after the Executive Director has denied the Appeal, but prior to the posting of the Appeal for Board consideration, the new information must be provided to the Executive Director for further consideration or the Board will not consider it. New information will cause the appeal deadlines to begin again.

The Board will hear public comment on the Appeal under its Public Comment Procedures in 10 TAC §1.10. While public comment will be heard, persons making public comment are not parties to the Appeal and no rights accrue to them as a result of the Appeal process.

Applicable appeals not submitted in accordance with 10 TAC §1.7 will not be considered, unless the Executive Director or Board, in the exercise of its discretion, determines there is good cause to consider the appeal.

All written appeals should be submitted to the Multifamily Finance Director and the Administrator of the applicable program, at a minimum. Appeals may be uploaded to the ServU file for the Application, in all instances the Applicant must email notification of the Appeal to staff as follows in order for it to be considered received:

For all Applications, Marni Holloway at [Marni.holloway@tdhca.state.tx.us](mailto:Marni.holloway@tdhca.state.tx.us)

- and -

For Competitive 9% HTC Applications, Alena Morgan at [alena.morgan@tdhca.state.tx.us](mailto:alena.morgan@tdhca.state.tx.us);

For 4% HTC/Bond Applications, Teresa Morales at [teresa.morales@tdhca.state.tx.us](mailto:teresa.morales@tdhca.state.tx.us);

For Multifamily Direct Loan Applications, Charlotte Flickinger at [charlotte.flickinger@tdhca.state.tx.us](mailto:charlotte.flickinger@tdhca.state.tx.us)

### Public Viewing of Pre-applications and Applications

The Department will allow the public to view any pre-applications or Applications that have been submitted to the Department in an electronic format. These electronic versions should be available within approximately two weeks of the close of the Application Acceptance Period on the Department's website at <http://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/> for competitive (9%) Applications and at <http://www.tdhca.state.tx.us/multifamily/housing-tax-credits-4pct/index.htm> for 4% Applications. An Applicant may request, via an open records request, a paper copy between the hours of 8:00 a.m. and 5:00 p.m. (Austin local time) Monday through Friday. There may be an associated cost with requesting this information.

### Applicable Rules and Reference Materials

#### SITE DEMOGRAPHIC CHARACTERISTICS REPORT

##### Texas Administrative Code

10 TAC Chapter 1 (Administration)

10 TAC Chapter 2 (Enforcement)

10 TAC Chapter 10 (Uniform Multifamily Rules)

10 TAC Chapter 11 (Qualified Allocation Plan)

10 TAC Chapter 12 (Multifamily Housing Revenue Bonds)

10 TAC Chapter 13 (Multifamily Direct Loan Rule)

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=3&ti=10&pt=1](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=10&pt=1)

##### Texas Government Code

Tex. Gov't. Code Chapter 2306

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2306.htm>

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

24 CFR Part 92 ([HOME Investment Partnerships Program Final Rule](#))

24 CFR Part 93 ([Housing Trust Fund Interim Rule](#))

Fair Housing

Federal Fair Housing Act, 42 U.S.C. 3601-19.

<https://www.tdhca.state.tx.us/fair-housing/index.htm>

Other Federal laws and regulations may that apply depending on funding source:

Environmental Compliance

All federal sources must have some type of environmental review in accordance with 24 CFR Part 93 or 24 CFR Part 58 as applicable.

<https://www.tdhca.state.tx.us/program-services/environmental/index.htm>

Minimizing Resident Displacement

All federal sources must follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; HOME must follow Section 104(d) of Housing and Community Development Act of 1974; and all federal sources must follow the HUD Handbook 1378.

<https://www.tdhca.state.tx.us/program-services/ura/index.htm>

Labor Standards

HOME funds are regulated by Davis-Bacon and Related Labor Acts (40 U.S.C. §3141-3144 and 3146-3148, 24 CFR §92.354, and HUD Handbook Federal Labor Standards Compliance in Housing and Community Development Programs).

<https://www.tdhca.state.tx.us/program-services/davis-bacon/index.htm>

Employment Opportunities

HOME and NHTF require compliance with 24 CFR Part 135 (Section 3).

<https://www.tdhca.state.tx.us/program-services/hud-section-3/index.htm>

INTERNAL REVENUE CODE

SECTION 42

TEXAS GOVERNMENT CODE CHAPTER 1372

NOTICES OF FUNDING AVAILABILITY (NOFA)

2e

**BOARD REPORT ITEM**  
**COMMUNITY AFFAIRS DIVISION**  
**DECEMBER 10, 2020**

Report on the allocation of Program Year 2021 Community Services Block Grant awards

**BACKGROUND**

The Department develops and submits a Community Services Block Grant (CSBG) Application and State Plan every two years on or before September 1 to the U.S. Department of Health and Human Services (USHHS). The last biennial CSBG State Plan was approved by the Board in July 2019, and subsequently approved by USHHS in October 2019. The Plan authorized the allocation of Program Year (PY) 2020 and PY 2021 funds to 40 Eligible Entities. This report item has been drafted to apprise the Board of the release of PY 2021 CSBG funds in the second year of the biennium.

Staff will distribute the available funds to CSBG Eligible Entities as monetary releases from USHHS are received. Staff utilizes a multi-factor fund distribution formula detailed in 10 TAC §6.203, Formula for Distribution of CSBG Funds. The formula incorporates the U.S. Census Bureau Decennial 2010 Census and the most recent American Community Survey five-year estimate data related to persons in poverty; a 98% weighted factor for poverty population; and a 2% weighted factor for the inverse ratio of population density. With this action, staff will obligate 90% of the CSBG funds allotted to the Department for PY 2021 by USHHS through the formula to the 40 CSBG Eligible Entities (Attachment A). The program year for CSBG runs from January 1 through December 31.

The Previous Participation Rule (10 TAC, Chapter 1, Subchapter C, §1.302) requires a review of CSBG awards. Consistent with 10 TAC §1.302(k), "For CSBG funds required to be distributed to Eligible Entities by formula, the recommendation of the Compliance Division will only take into consideration Subsection (i) of this Section." Subsection (i) states, "the Department will not enter into a Contract with any Applicant or entity who has an Affiliate, Board member, or person identified in the Application that is currently debarred by the Department or is currently on the Federal Suspended or Debarred Listing." The review has been performed and the entities listed in Attachment A have been recommended by EARAC for award.

**ATTACHMENT A**

	<b>ELIGIBLE ENTITY</b>	<b>2021 ALLOCATION</b>
1	Aspermont Small Business Development Center, Inc.	\$150,000.00
2	Big Bend Community Action Committee, Inc.	\$150,000.00
3	Brazos Valley Community Action Programs	\$1,128,762.00
4	Cameron and Willacy Counties Community Projects, Inc.	\$936,461.00
5	Central Texas Opportunities, Inc.	\$183,472.00
6	City of Austin Health and Human Services Department	\$1,095,584.00
7	City of Fort Worth Neighborhood Services Department	\$1,868,682.00
8	City of Lubbock Community Development Department	\$411,176.00
9	City of San Antonio Department of Community Initiatives	\$2,135,095.00
10	Combined Community Action, Inc.	\$202,495.00
11	Community Action Committee of Victoria, Texas	\$290,201.00
12	Community Action Corporation of South Texas	\$323,554.00
13	Community Action Inc. of Central Texas	\$293,726.00
14	Community Action Social Services and Education	\$150,000.00
15	Community Council of Greater Dallas	\$3,206,498.00
16	Community Council of South Central Texas, Inc.	\$752,074.00
17	Community Services of Northeast Texas, Inc.	\$431,143.00
18	Community Services, Inc.	\$1,567,522.00
19	Concho Valley Community Action Agency	\$228,308.00
20	Economic Action Committee of the Gulf Coast	\$150,000.00
21	Economic Opportunities Advancement Corporation of Planning Region XI	\$495,275.00
22	El Paso Community Action Program-Project BRAVO	\$1,241,701.00
23	Galveston County Community Action Council, Inc.	\$987,241.00
24	Greater East Texas Community Action Program	\$946,439.00
25	Gulf Coast Community Services Association	\$5,136,525.00
26	Hidalgo County Community Services Agency	\$1,763,417.00
27	Hill Country Community Action Association, Inc.	\$530,528.00
28	Nueces County Community Action Agency	\$448,781.00
29	Panhandle Community Services	\$572,039.00
30	Pecos County Community Action Agency	\$150,000.00
31	Rolling Plains Management Corporation	\$472,109.00
32	South Plains Community Action Association, Inc.	\$263,599.00
33	South Texas Development Council	\$231,508.00
34	Southeast Texas Regional Planning Commission	\$482,848.00
35	Texas Neighborhood Services	\$462,632.00
36	Texoma Council Of Governments	\$245,911.00
37	Tri-County Community Action, Inc.	\$331,466.00
38	Webb County Community Action Agency	\$589,926.00
39	West Texas Opportunities, Inc.	\$580,703.00
40	Williamson-Burnet County Opportunities, Inc.	\$334,340.00
	<b>TOTAL</b>	<b>\$31,921,741.00</b>

Note: All figures are estimates. Staff will proportionally revise the award amounts according to formula upon Congressional approval and receipt of grant notifications from the U.S. Department of Health and Human Services.

4c

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**DECEMBER 10, 2020**

Presentation, discussion, and possible action on a Determination Notice for 4% Housing Tax Credits and an Award of Direct Loan Funds (#20464, Pine Terrace, Mount Pleasant)

**RECOMMENDED ACTION**

**WHEREAS**, an application for Pine Terrace, sponsored by LPM East Texas Housing, LLC, and the Mount Pleasant Public Facility Corporation, requesting 4% Housing Tax Credits (HTC) and \$1,000,000 in HOME Direct Loan funds under the General set-aside of the 2020-2 Multifamily Direct Loan Notice of Funding Availability (2020-1 NOFA), was submitted to the Department on April 6, 2020;

**WHEREAS**, the Certification of Reservation from the Texas Bond Review Board was issued on August 17, 2020, and will expire on February 13, 2021;

**WHEREAS**, the proposed issuer of the bonds is the Texas State Affordable Housing Corporation;

**WHEREAS**, in accordance with 10 TAC §1.301(d)(1), the compliance history is designated a Category 1 and deemed acceptable by Executive Award and Review Advisory Committee (EARAC); and

**WHEREAS**, EARAC recommends \$1,000,000 in HOME funds for Pine Terrace and the issuance of a Determination Notice;

**NOW, therefore, it is hereby**

**RESOLVED**, that the issuance of a Determination Notice of \$192,962 in 4% HTC, and \$1,000,000 in HOME funds, subject to program and underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website for Pine Terrace is hereby approved as presented to this meeting.

**BACKGROUND**

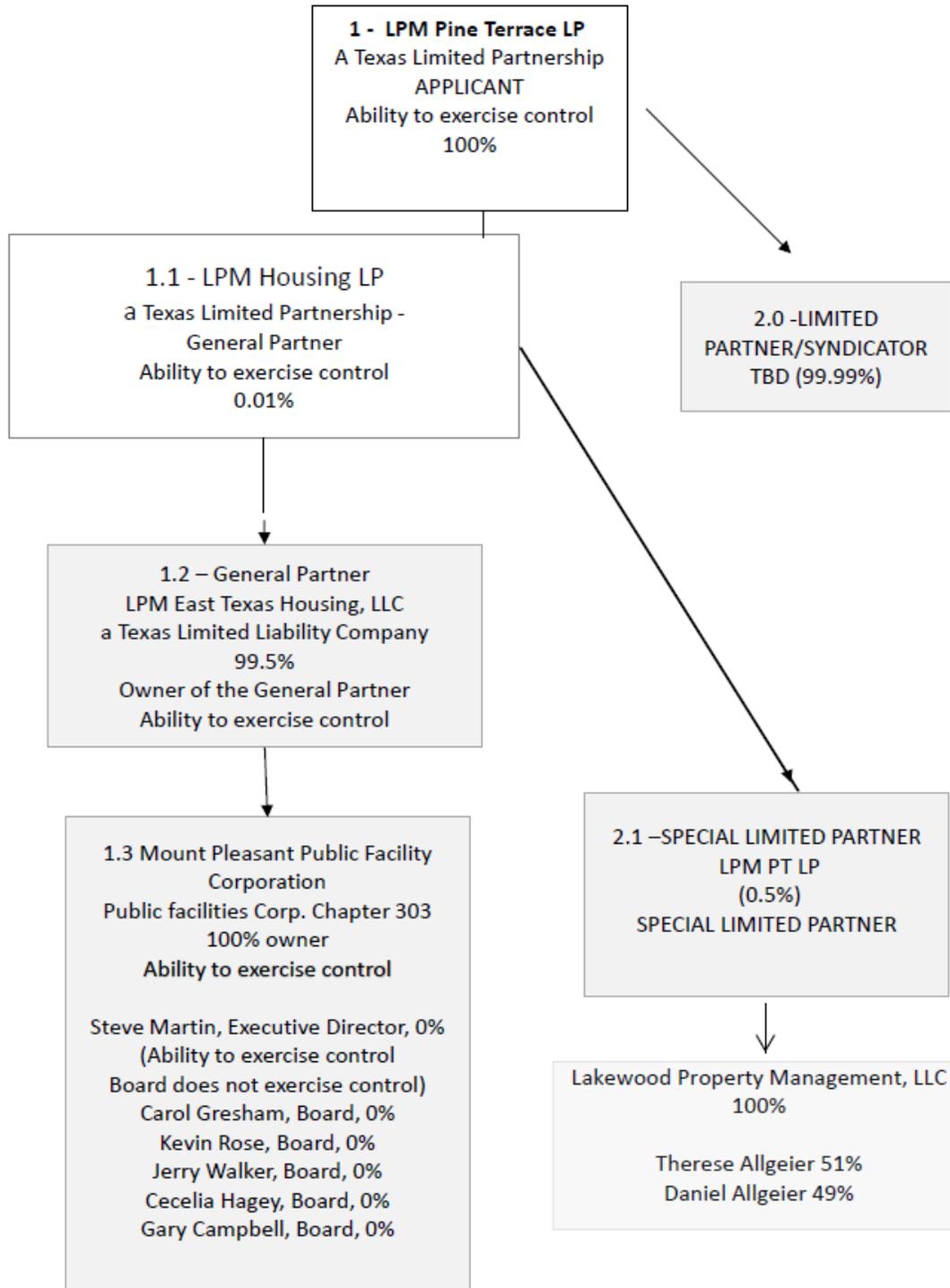
*General Information:* The Pine Terrace property involves the acquisition and rehabilitation of two adjacent phases of a multifamily development containing a total of 76 units, located at 1612 Amy Drive in Mount Pleasant, Titus County. Phase one consists of 52 units, and was constructed in 1979. Phase two was constructed in 1982, and consists of 24 units. Several HTC applications have been previously

submitted for Pine Terrace. The project received an award of competitive HTC in 2014 (14001), however, the USDA-Rural Development State Office did not approve the transfer of ownership and loans, resulting in the return of the full allocation. An application was again submitted in 2017 (17251) but the applicant did not receive approvals from the USDA and the application was subsequently terminated. The current application proposes to serve the elderly population and the financing will be utilized to pay off the existing five units with rental assistance from the USDA. According to the applicant, the existing residents will receive vouchers once the USDA rental assistance is no longer available and the Section 8 project based contract is expected to continue for 52 of the units. The tenant based vouchers will be provided by the Mount Pleasant Public Finance Corporation. The development proposes to include 29 units rent and income restricted at 30% of AMFI and 47 units rent and income restricted at 60% of AMFI. Layered among the HTC units will be 29 Direct Loan units at 30% of AMFI.

*Organizational Structure:* The Borrower is LPM Pine Terrace LP and includes the entities and principals as illustrated in Exhibit A. The applicant's portfolio is considered a Category 1 and the previous participation was deemed acceptable by EARAC.

*Public Comment:* There were no letters of support or opposition received by the Department.

**EXHIBIT A**



# 20464 Pine Terrace - Application Summary

REAL ESTATE ANALYSIS DIVISION  
December 3, 2020

PROPERTY IDENTIFICATION	
Application #	20464
Development	Pine Terrace
City / County	Mt. Pleasant / Titus
Region/Area	4 / Rural
Population	Elderly Preference
Set-Aside	General
Activity	Acquisition/Rehab (Built in 1980)

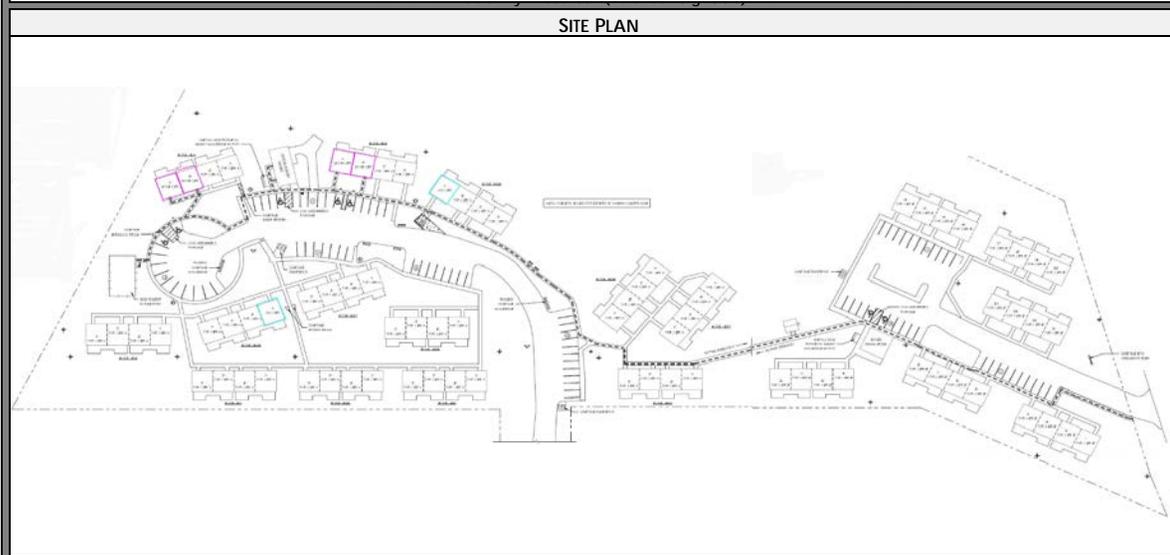
RECOMMENDATION						
TDHCA Program	Request	Recommended				
LIHTC (4% Credit)	\$193,440	\$192,962	\$2,539/Unit	\$0.84		
	Amount	Rate	Amort	Term	Lien	
MF Direct Loan Const. to Perm. (Repay)	\$1,000,000	2.50%	30	18	2	

KEY PRINCIPALS / SPONSOR		
Dan & Therese Allgeier Lakewood Property Management & Steve Martin, Executive Director Mount Pleasant Public Facility Corp.		
Related Parties	Contractor - No	Seller - Yes



UNIT DISTRIBUTION			INCOME DISTRIBUTION		
# Beds	# Units	% Total	Income	# Units	% Total
Eff	-	0%	30%	29	38%
1	76	100%	40%	-	0%
2	-	0%	50%	-	0%
3	-	0%	60%	47	62%
4	-	0%	MR	-	0%
<b>TOTAL</b>	<b>76</b>	<b>100%</b>	<b>TOTAL</b>	<b>76</b>	<b>100%</b>

PRO FORMA FEASIBILITY INDICATORS			
Pro Forma Underwritten		Applicant's Pro Forma	
Debt Coverage	1.22	Expense Ratio	52.1%
Breakeven Occ.	85.8%	Breakeven Rent	\$501
Average Rent	\$550	B/E Rent Margin	\$49
Property Taxes	Exempt	Exemption/PILOT	100%
Total Expense	\$3,293/unit	Controllable	\$2,173/unit



MARKET FEASIBILITY INDICATORS			
Gross Capture Rate (30% Maximum)			N/A
Highest Unit Capture Rate	N/A	N/A	N/A
Dominant Unit Cap. Rate	N/A	1 BR/60%	47
Premiums (↑60% Rents)	N/A		N/A
Rent Assisted Units	52	68% Total Units	

DEVELOPMENT COST SUMMARY			
Costs Underwritten	TDHCA's Costs - Based on PCA		
Avg. Unit Size	608 SF	Density	6.2/acre
Acquisition		\$19K/unit	\$1,435K
Building Cost	\$49.44/SF	\$30K/unit	\$2,285K
Hard Cost		\$35K/unit	\$2,645K
Total Cost		\$78K/unit	\$5,929K
Developer Fee	\$494K	(37% Deferred)	Paid Year: 5
Contractor Fee	\$344K	30% Boost	Yes

REHABILITATION COSTS / UNIT			
Site Work	\$1K	3%	Finishes/Fixtures \$4K 12%
Building Shell	\$23K	65%	Amenities \$1K 3%
HVAC	\$2K	6%	Total Exterior \$25K 77%
Appliances	\$1K	3%	Total Interior \$7K 23%

DEBT (Must Pay)					CASH FLOW DEBT / GRANT FUNDS					EQUITY / DEFERRED FEES		
Source	Term	Rate	Amount	DCR	Source	Term	Rate	Amount	DCR	Source	Amount	
Churchill Mortgage Investment, LL	18/40	4.00%	\$2,750,000	1.64	FHLB-AHP Grant	0/0	0.00%	\$300,000	1.22	Churchill Stateside Group	\$1,620,719	
TDHCA	18/30	2.50%	\$1,000,000	1.22	GC provided services/materials	0/0	0.00%	\$75,000	1.22	LPM Pine Terrace LP	\$182,877	
<b>TOTAL DEBT (Must Pay)</b>			<b>\$3,750,000</b>		<b>CASH FLOW DEBT / GRANTS</b>			<b>\$375,000</b>		<b>TOTAL EQUITY SOURCES</b>		<b>\$1,803,596</b>
										<b>TOTAL DEBT SOURCES</b>		<b>\$4,125,000</b>
										<b>TOTAL CAPITALIZATION</b>		<b>\$5,928,596</b>

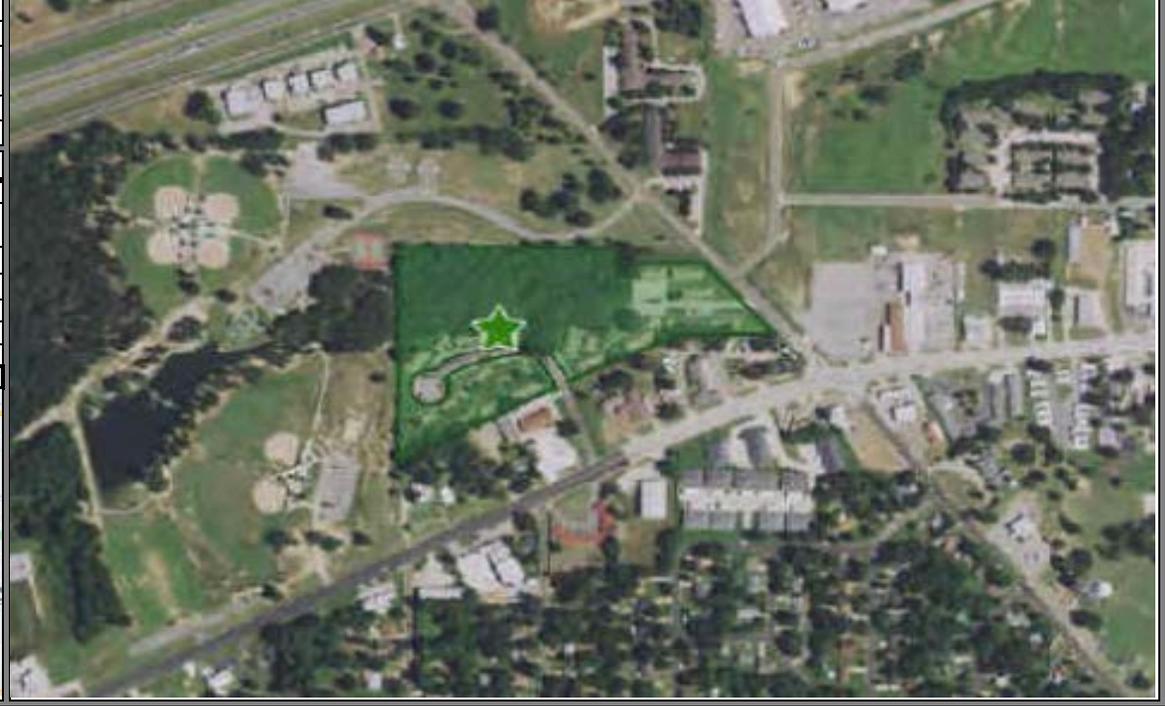
**CONDITIONS**

- 1 Receipt and acceptance before Direct Loan Contract Execution:
  - a: Revised HAP Contract with Utility Allowance that reflects landlord-paid water/sewer expense and specifies that the target population is Elderly Only.
  - b: All required URA documentation
- 2 Receipt and acceptance before Direct Loan Closing
  - a: Substantially final construction contract with Schedule of Values.
  - b: Updated term sheets with substantially final terms from all lenders
  - c: Substantially final draft of limited partnership agreement.
  - d: Senior loan documents (and/or partnership documents) must contain a provision(s) that any stabilization resizing on the senior debt includes the debt service on the TDHCA MDL at a 1.15 DCR.
  - e: Documentation identifying any required matching funds, and confirming that the source is eligible to be counted as matching funds under HUD and TDHCA requirements.
- 3 Receipt and acceptance before Determination Notice:
  - a: Revised term sheet from Senior Lender that does not impose any restriction on cash available to service Subordinate Debt.
  - b: Formal approval for \$300,000 grant from FHLP-AHP clearly stating all terms and conditions.
- 4 Receipt and acceptance by Cost Certification:
  - a: Certification from Appraisal District that the property qualifies for property tax exemption.

Should any terms of the proposed capital structure change or if there are material changes to the overall development plan or costs, the analysis must be re-evaluated and adjustment to the credit allocation and/or terms of other TDHCA funds may be warranted.

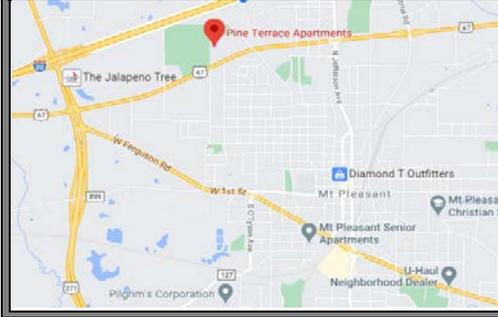
BOND RESERVATION / ISSUER	
Issuer	Texas State Affordable Housing Corp.
Expiration Date	2/13/2021
Bond Amount	\$3,300,000
BRB Priority	
Bond Structure	Private Activity Bonds
% Financed with Tax-Exempt Bonds	55.2%

**AERIAL PHOTOGRAPH(S)**



RISK PROFILE	
STRENGTHS/MITIGATING FACTORS	
o	Ongoing Section 8 Contract on more than 2/3 of the units.
o	Proposed property tax exemption
o	Efforts toward energy efficiency for tenant utilities.
WEAKNESSES/RISKS	
o	Risk of failing the 50% Test to qualify for 4% tax credits
o	Low visibility

**AREA MAP**



4d

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**December 10, 2020**

Presentation, discussion and possible action regarding an Award of Direct Loan funds from the 2020-1 Multifamily Direct Loan Notice of Funding Availability to 9% Housing Tax Credit Layered Applications

**RECOMMENDED ACTION**

**WHEREAS**, the Board previously authorized the release of the 2020-1 Multifamily Direct Loan Notice of Funding Availability (NOFA) for up to \$13,864,168 with the application acceptance period beginning on January 13, 2020;

**WHEREAS**, the NOFA has since been amended several times to increase the amount available to \$43,312,142.20;

**WHEREAS**, Application #20329, which was received on April 1, 2020, under the 2020-1 NOFA, has requested \$350,000 in Direct Loan funds for Fish Pond at Huntsville, and has received complete reviews for compliance with program and underwriting requirements and was previously awarded \$900,000 in Competitive Low-Income Housing Tax Credits (LIHTC) and \$2,650,000 in Direct Loan funds on July 23, 2020;

**WHEREAS**, in accordance with 10 TAC §1.301(f)(1), the compliance history is designated as a Category 1 and deemed acceptable without conditions by the Executive Award and Review Advisory Committee (EARAC);

**WHEREAS**, the original LIHTC Application requested 5 points under Readiness to Proceed, 10 TAC §11.9(c)(8), which required that all financing close and the construction contract be executed on or before the last business day of November;

**WHEREAS**, the Applicant timely completed all requirements for this award recommendation to appear on the November 5, 2020, Board Agenda, and staff oversight caused the item to not appear at that meeting;

**WHEREAS**, because Applicant's failed to close by deadline described in 10 TAC §11.9(c)(8) due to staff error and through no fault of their own, staff recommends that no penalty be imposed;

**WHEREAS**, 10 TAC §13.5(h)(2) requires Applications for Developments previously awarded funds by the Department in the last 15 years (regardless of fund source) to be found eligible by the Executive Director;

**WHEREAS**, this Application provided evidence of circumstances beyond the Applicant's control that could not have been prevented with appropriate due diligence, including increased labor and material costs as a result of record low unemployment in the area and high demand for building materials, as criteria for the Executive Director to consider in affirming their eligibility;

**WHEREAS**, the Executive Director has found this Application to be eligible;

**WHEREAS**, staff recommends awarding \$350,000 in Direct Loan funds in addition to the original award of \$2,650,000 in Direct Loan funds; and

**NOW, therefore, it is hereby**

**RESOLVED**, that the Applicant will not receive a penalty under the requirements of 10 TAC §11.9(c)(8) related to Readiness to Proceed;

**FURTHER RESOLVED**, of an award of \$350,000 in Direct Loan funds from the 2020-1 NOFA for Fish Pond at Huntsville, bringing the total funds awarded to the proposed Development to \$3,000,000, is hereby approved in the form presented at this meeting; and

**FURTHER RESOLVED**, that the Board's approval is conditioned upon satisfaction of all conditions of underwriting, and completion of any other reviews required to assure compliance with the applicable HOME rules and requirements.

### **BACKGROUND**

On December 12, 2019, the Board approved issuance of the 2020-1 NOFA for up to \$13,846,168, which has subsequently been amended to increase the amount available to \$43,312,142.20 within three set-asides:

- \$29,465,974.20 of National Housing Trust Fund in the Soft Repayment set-aside,
- \$13,846,168 of HOME funds in the General set-aside.

Fish Pond at Huntsville was awarded \$2,650,000 in HOME funds on July 23, 2020, which proposed new construction of 48 one- and two- bedroom units for an elderly population in Huntsville. The Applicant encountered circumstances beyond their control that could not have been prevented or foreseen after the original Direct Loan award, due to a 5% decrease in the rents for Walker County with a potential gross rent decrease from \$382K to \$363K. Total development costs increased \$136,073, and Hard Construction Cost increased \$115,786.

Staff is recommending the Board's approval of Fish Pond at Huntsville's additional Direct Loan Application (20329) for additional Direct Loan funds in the amount of \$350,000 (for total loan awards from the Department of \$3,000,000) as a deferred forgivable loan at 2% interest rate with a 15 year term and a 40 year amortization period under the General Set-Aside.

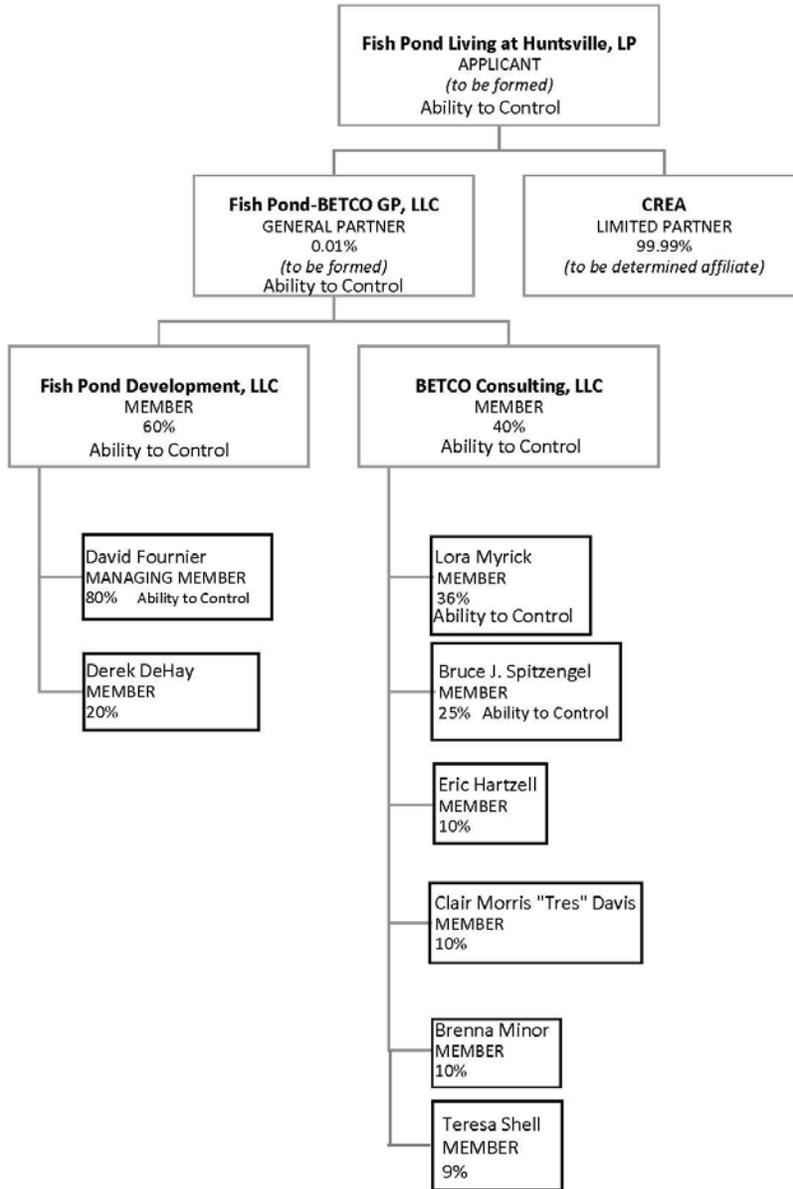
This application has been underwritten and determined to meet the Real Estate Analysis rules and requirements and has received a previous participation review.

The additional award was planned to appear on the agenda at the November 5, 2020, Board meeting. Staff error led to the Application being left off, so that the Applicant did not have access to the full amount of funds needed to timely close their financing in accordance with the Readiness to Proceed deadline. Because the delay was caused by staff error, and not by any action of the Applicant, staff is recommending that no penalty be imposed under this scoring item.

*Organizational and Site Control Structure:* The borrower/applicant is Fish Pond Living at Huntsville, L.P.. and includes entities and principals as indicated in the organization chart below. The applicant's portfolio is considered a Category 1 and the previous participation was deemed acceptable by EARAC. Project Transitions, Inc. will own the property.

*Public Comment:* There have been no letters of support or opposition received by the Department in connection with this current application.

TAB 37. Org Charts  
**Development Owner**





**Addendum to Underwriting Report**

TDHCA Application #: 20329 Program(s): 9% HTC/MDL

Fish Pond at Huntsville

Address/Location: 148 FM 247

City: Huntsville County: Walker Zip: 77320

APPLICATION HISTORY	
Report Date	PURPOSE
10/29/20	Direct Loan Increase / Closing Memo
08/18/20	Initial Underwriting

**ALLOCATION**

TDHCA Program	Previous Allocation				RECOMMENDATION				
	Amount	Rate	Amort	Term	Amount	Rate	Amort	Term	Lien
MF Direct Loan Const. to Perm. (Repayable)	\$2,650,000	2.00%	30	15	\$3,000,000	2.00%	40	15	1
LIHTC (9% Credit)	\$900,000				\$900,000				

\* Multifamily Direct Loan Terms:

\* Pursuant to 10 TAC §13.8(a), the term of a Multifamily Direct Loan should match the term of any superior loan (within 6 months).

\* Lien position after conversion to permanent. The Department's lien position during construction may vary.

**CONDITIONS STATUS**

- Receipt and acceptance before Direct Loan Closing
  - a: Updated application exhibits: Rent Schedule, Utility Allowance, Operating Expenses, Long-Term Pro Forma, Development Cost Schedule, Schedule of Sources; and documentation necessary to support any changes from previous underwriting.
  - b: Substantially final construction contract with Schedule of Values.
  - c: Updated term sheets with substantially final terms from all lenders
  - d: Substantially final draft of limited partnership agreement.
  - e: Documentation identifying any required matching funds, and confirming that the source is eligible to be counted as matching funds under HUD and TDHCA requirements.

**Status: 1 (a)-(e) Satisfied.**

Should any terms of the proposed capital structure change or if there are material changes to the overall development plan or costs, the analysis must be re-evaluated and adjustment to the credit allocation and/or terms of other TDHCA funds may be warranted.

## SET-ASIDES

TDHCA SET-ASIDES for HTC LURA		
Income Limit	Rent Limit	Number of Units
30% of AMI	30% of AMI	4
50% of AMI	50% of AMI	10
60% of AMI	60% of AMI	34

TDHCA SET-ASIDES for DIRECT LOAN LURA		
Income Limit	Rent Limit	Number of Units
50% of AMFI	Low HOME	6
60% of AMFI	High HOME	24

## ANALYSIS

In July 2020 the Development was awarded a \$900,000 Tax Credit Allocation and a Multifamily Direct loan in the amount of \$2,650,000 at 2.00% interest with 30-year amortization and 15-year term.

The Applicant is now requesting to increase the Direct Loan amount by \$350,000 to the maximum \$3,000,000 and to extend the amortization period to 40 years.

### Operating Pro Forma

The Development was originally underwritten at 2019 HTC and HOME Program Rents. The 2020 Program Rents have since been released, reflecting a 5% decrease in the rents for Walker County. As a result, Potential Gross Rent has decreased 5%, from \$382K to \$363K.

The previous Direct Loan award required 27 units with MDL restrictions (7 at Low HOME/50% and 20 at High HOME/60%) in addition to the HTC restrictions. The requested increase in the loan amount requires 30 MDL units (6 at Low HOME/50% and 24 at High HOME/60%).

The Applicant made a few adjustments to operating expenses. Underwriter's expense estimates are essentially unchanged. MDL Compliance Fee has been excluded because it does not apply when a Direct Loan is layered on a Tax Credit Development. Annual Asset Management Fee has been excluded as a partnership expense rather than an operating expense of the property.

Underwritten NOI has decreased \$9,563.

Despite using the Applicant's NOI for analysis, the Underwriter's NOI produces a 1.17 times debt coverage ratio, above the 1.15 threshold for feasibility but lower than the 1.22 DCR indicated by the Applicant's pro forma. This DCR indicates greater risk than previously underwritten.

### Development Cost

Applicant's submitted Cost Schedule, supported by a construction contract schedule of values, indicates Hard Construction Cost increased \$115,786.

Applicant's Cost Schedule indicates a \$10,900 increase in Developer Fee. Pursuant to §13.5(h)(3)(D), Direct Loan funds cannot be used to fund increased Developer Fee. Underwriter adjusted to the original \$1,587,100.

Total Development Cost increased \$136,073, reflecting a \$4,900 increase in Contractor Fees, \$21,822 increase in Finance Costs, and a \$6,435 decrease in Reserves.

### Sources of Funds

Construction Loan from Community Bank of Texas is unchanged (\$5,379,908 at 4.25%).

Credit price from CREA has decreased from \$0.88 to \$0.85, reducing equity proceeds by \$270,049.

Matching Funds from Watermark Commercial Contractors have increased by \$27,750 to support the requested Direct Loan increase.

\$250 grant from the City of Huntsville is unchanged.

The TDHCA Direct Loan remains the only source of permanent debt. The Applicant requests \$350,000 of additional Direct Loan funds, which combined with the other sources induces the Deferred Developer Fee from \$250,951 to \$280,823.

Due to the reduced NOI and the increased principal amount, if the Direct Loan is amortized over 30 years as previously approved, debt coverage is 1.00 times and the Development is deemed infeasible. The Applicant has requested to extend the amortization period to 40 years, which improves debt coverage to 1.22 times. The Deferred Developer Fee is repayable in 11 years.

The current analysis continues to support the previously awarded \$900,000 tax credit allocation.

The Underwriter recommends increasing the Direct Loan amount to \$3,000,000 and extending the amortization period to 40 years, and maintaining the approved 15-year maturity.

The Underwriter recommends proceeding to close the Direct Loan as modified.

Manager of Real Estate Analysis: Thomas Cavanagh

Director of Real Estate Analysis: Brent Stewart

# 20329 Fish Pond at Huntsville - Application Summary

REAL ESTATE ANALYSIS DIVISION

August 18, 2020

PROPERTY IDENTIFICATION	
Application #	20329
Development	Fish Pond at Huntsville
City / County	Huntsville / Walker
Region/Area	6 / Rural
Population	Elderly Limitation
Set-Aside	General
Activity	New Construction

RECOMMENDATION						
TDHCA Program	Request		Recommended			
	LIHTC (9% Credit)	\$900,000	\$900,000	\$18,750/Unit	\$0.88	
	Amount	Rate	Amort	Term	Lien	
MF Direct Loan Const. to Perm. (Repayable)	\$2,650,000	2.00%	30	15	1	

KEY PRINCIPALS / SPONSOR		
Fish Pond Development - 60% GP, Developer, Guarantor David Fournier		
BETCO Consulting, LLC - 40% GP, Consultant Lora Myrick		
Related Parties	Contractor - No	Seller - No

**TYPICAL BUILDING ELEVATION/PHOTO**

**One Story**

**100% Masonry Products**  
**75% Brick**  
**25% Siding**

09 Elevation - Building Type  
SCALE: 1/8" = 1'-0"

UNIT DISTRIBUTION			INCOME DISTRIBUTION		
# Beds	# Units	% Total	Income	# Units	% Total
Eff	-	0%	30%	4	8%
1	24	50%	40%	-	0%
2	24	50%	50%	10	21%
3	-	0%	60%	34	71%
4	-	0%	MR	-	0%
<b>TOTAL</b>	<b>48</b>	<b>100%</b>	<b>TOTAL</b>	<b>48</b>	<b>100%</b>

PRO FORMA FEASIBILITY INDICATORS			
Pro Forma Underwritten		Applicant's Pro Forma	
Debt Coverage	✓ 1.22	Expense Ratio	⚠ 62.6%
Breakeven Occ.	✓ 86.3%	Breakeven Rent	\$654
Average Rent	\$702	B/E Rent Margin	⚠ \$48
Property Taxes	\$625/unit	Exemption/PILOT	0%
Total Expense	\$4,980/unit	Controllable	\$3,302/unit

**SITE PLAN**

4E  
**49.89 Acres**  
SCALE: 1/8" = 1'-0"

MARKET FEASIBILITY INDICATORS			
Gross Capture Rate (10% Maximum)		✓ 3.6%	
Highest Unit Capture Rate	⚠ 12%	2 BR/40%	5
Dominant Unit Cap. Rate	✓ 5%	0 BR/60%	17
Premiums (↑60% Rents)	#DIV/0!	#DIV/0!	
Rent Assisted Units	N/A		
DEVELOPMENT COST SUMMARY			
Costs Underwritten		Applicant's Costs	
Avg. Unit Size	821 SF	Density	1.0/acre
Acquisition	\$23K/unit	\$1,100K	
Building Cost	\$93.13/SF	\$76K/unit	\$3,670K
Hard Cost	\$118K/unit	\$5,658K	
Total Cost	\$230K/unit	\$11,019K	
Developer Fee	\$1,587K	(16% Deferred)	Paid Year: 10
Contractor Fee	\$787K	30% Boost	Yes

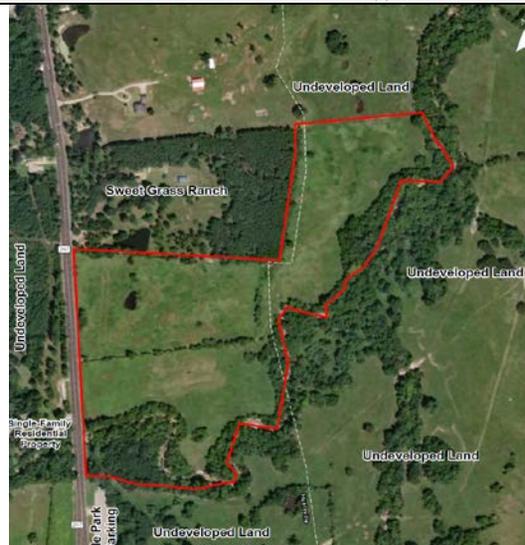
DEBT (Must Pay)					CASH FLOW DEBT / GRANT FUNDS					EQUITY / DEFERRED FEES		
Source	Term	Rate	Amount	DCR	Source	Term	Rate	Amount	DCR	Source	Amount	
TDHCA	15/30	2.00%	\$2,650,000	1.22	City of Huntsville	0/0	0.00%	\$250	1.22	CREA, LLC	\$7,919,208	
					Watermark Commercial Contractors, LLC	0/0	0.00%	\$198,750	1.22	Fish Pond Development, LLC	\$250,951	
										0	\$0	
<b>TOTAL DEBT (Must Pay)</b>			<b>\$2,650,000</b>		<b>CASH FLOW DEBT / GRANTS</b>			<b>\$199,000</b>		<b>TOTAL EQUITY SOURCES</b>		<b>\$8,170,159</b>
										<b>TOTAL DEBT SOURCES</b>		<b>\$2,849,000</b>
										<b>TOTAL CAPITALIZATION</b>		<b>\$11,019,159</b>

**CONDITIONS**

- 1 Receipt and acceptance before Direct Loan Closing
  - a: Updated application exhibits: Rent Schedule, Utility Allowance, Operating Expenses, Long-Term Pro Forma, Development Cost Schedule, Schedule of Sources; and documentation necessary to support any changes from previous underwriting.
  - b: Substantially final construction contract with Schedule of Values.
  - c: Updated term sheets with substantially final terms from all lenders
  - d: Substantially final draft of limited partnership agreement.
  - e: Documentation identifying any required matching funds, and confirming that the source is eligible to be counted as matching funds under HUD and TDHCA requirements.

Should any terms of the proposed capital structure change or if there are material changes to the overall development plan or costs, the analysis must be re-evaluated and adjustment to the credit allocation and/or terms of other TDHCA funds may be warranted.

**AERIAL PHOTOGRAPH(S)**



**RISK PROFILE**

**STRENGTHS/MITIGATING FACTORS**

- Low capture rate
- Simple build

**WEAKNESSES/RISKS**

- 63% expense-to-income ratio
- Low long-term cash flow

**AREA MAP**



**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**DECEMBER 10, 2020**

Presentation, discussion and possible action regarding an Award of Direct Loan Funds from the 2020-1 Multifamily Direct Loan Notice of Funding Availability

**RECOMMENDED ACTION**

**WHEREAS**, Application #20501, which requested \$2,000,000 in National Housing Trust Fund (NHTF) is a Priority 3 application under the 2020-1 Multifamily Direct Loan Notice of Funding Availability (2020-1 NOFA);

**WHEREAS**, the application is proposing adaptive reuse of a vacant building in downtown Brownsville to serve a Supportive Housing population and has been reviewed for compliance with program and underwriting requirements;

**WHEREAS**, the Board approved a waiver of 10 TAC §13.3(d)(2)(A), which lists adaptive reuse as an ineligible activity for Direct Loan funds, at the Board meeting of September 3, 2020, thereby allowing the compliant submission of this application;

**WHEREAS**, in accordance with 10 TAC §1.301(d)(1), the compliance history is designated as a Category 1 and deemed acceptable by the Executive Award and Review Advisory Committee (EARAC) after review and discussion; and

**WHEREAS**, staff recommends approval of \$2,000,000 in NHTF for Application #20501;

**NOW, therefore, it is hereby**

**RESOLVED**, that an award of \$2,000,000 in NHTF funds from the 2020-1 NOFA for adaptive reuse of the Samano building that meets the new construction standards under NHTF is hereby approved in the form presented at this meeting;

**FURTHER RESOLVED**, that if the Samano building pursues National Historic Tax Credits, the standards must be approved by the Department of the Interior by May 14, 2021, or the award may be terminated in the Department's sole discretion;

**FURTHER RESOLVED**, that because the Department has not yet met its 2019 NHTF commitment deadline, in accordance with the 2020-1 NOFA the deadline to sign

a contract with the Department is July 2, 2021, despite any other deadline in the rules; and

**FURTHER RESOLVED**, that the Board's approval is conditioned upon satisfaction of all conditions of underwriting, and completion of any other reviews required to assure compliance with the applicable rules and requirements.

### **BACKGROUND**

On December 12, 2019, the Board approved the issuance of a NOFA for up to \$13,846,168, which has subsequently been amended to increase the amount available to \$43,312,142.40 within three set-asides:

- \$29,465,974.40 in NHTF in the Soft Repayment set-aside
- \$0 of HOME funds under the CHDO set-aside
- \$13,846,168 in the HOME General set-aside

Samano is a proposed 40-unit Adaptive Reuse Development serving the Supportive Housing population in downtown Brownsville. The currently vacant Samano Securities Building will be redeveloped to consist of a small 6,000 square foot grocery store, 39 studio apartments, 1 one bedroom unit, and a small rooftop hydroponic vegetable/herb farm. This project will provide up to 10 new jobs, house 40 individuals, and be a site for the production and sale of healthy foods. Samano has partnered with Tropical Texas Behavioral Health, Endeavor and HUD-VASH of Cameron County. Each of these service provider partners has committed to refer clients to studio units. The 14 NHTF units will have a preference for those households that are homeless or at-risk of homelessness, as defined at 24 CFR §576.2.

Staff is recommending the Board's approval of NHTF totaling \$2,000,000 as a deferred forgivable loan at 0% interest rate with a 40-year term.

The \$2,000,000 NHTF loan comprises approximately 29% of Total NHTF Eligible Housing Development Costs, with additional funding coming from a \$4,306,791 pledge from Community Development Corporation of Brownsville (CDCB), which is the sole member of the applicant. Additionally, Rio Grande Valley Multibank, which is an affiliate of CDCB, has approved a \$1,600,000 loan for the development bringing the additional funding total to \$5,906,791. \$2,375,500 of CDCB's pledge will come from a Valley Baptist Foundation grant that was awarded to CDCB last year, with the remaining \$1,931,291 coming from a combination of Federal Home Loan Bank Affordable Housing Program, the City of Brownsville, and Capital Magnet Funds.

The NHTF loan will be superior to all other financing, and will maintain first lien position during the construction and permanent periods. The recommended application and award amounts are outlined in the attached award recommendations log behind this Board item.

This application has been underwritten and determined to meet the Real Estate Analysis rules and requirements, and has received a recommendation without conditions from EARAC.

*Organizational Structure and Previous Participation:* The borrower is Samano Housing LP, and includes principals as indicated in the organization chart below.

*Public Comment:* There have been no letters of support or opposition received by the Department in connection with this current application.

**LIMITED PARTNERSHIP ORGANIZATIONAL CHART**

**SAMANO HOUSING LP OWNER**  
901 East Levee Street Brownsville Texas,  
78520  
Signator for SAMANO HOUSING  
GP: Charles N. Mitchell

**SAMANO HOUSING GP  
GENERAL PARTNER**  
EIN: TBF 100%  
901 East Levee Street Brownsville,  
Texas 78520  
Signator for cdc: Charles N.  
Mitchell

**Community Development Corporation of  
Brownsville  
(cdc) A Texas nonprofit Corporation**  
**Signator: Charles N. Mitchell**  
901 East Levee Street Brownsville, Texas  
78520 EIN: 74-1835777  
100%

**BOARD OF DIRECTORS**  
0%

Charles N. Mitchell – Executive

Director Edgar Gaucin – Board Chair  
Daisy Zamora – Board Vice Chair  
Javier Salinas – Board Chair

Claudia Cantu-Grimaldo –  
Treasurer

David Vasquez – Board Member  
Cynthia Hinojosa – Board Member  
Nydia Tapia-Gonzales – Board  
Member

Lynette Benavidez-Villarreal – Board  
Member Oscar Zertuche – Board Member  
Juan Loya – Board Member  
Gerardo Martinez – Board Member

# 20501 Samano - Application Summary

REAL ESTATE ANALYSIS DIVISION  
December 3, 2020

PROPERTY IDENTIFICATION		RECOMMENDATION					KEY PRINCIPALS / SPONSOR			
Application #	20501		Amount	Amount	Rate	Term	Lien	Community Development Corporation of Brownsville Charles Mitchell (Executive Director)		
Development	Samano									
City / County	Brownsville / Cameron	Multifamily Direct Loan (Soft Repayable)	\$2,000,000	\$2,000,000	0%	40	1			
Region/Area	11 / Urban									
Population	Supportive Housing									
Set-Aside	Non-Profit									
Activity	Acquisition/Rehab							Related Parties	Contractor - Yes	Seller - No

TYPICAL BUILDING ELEVATION/PHOTO

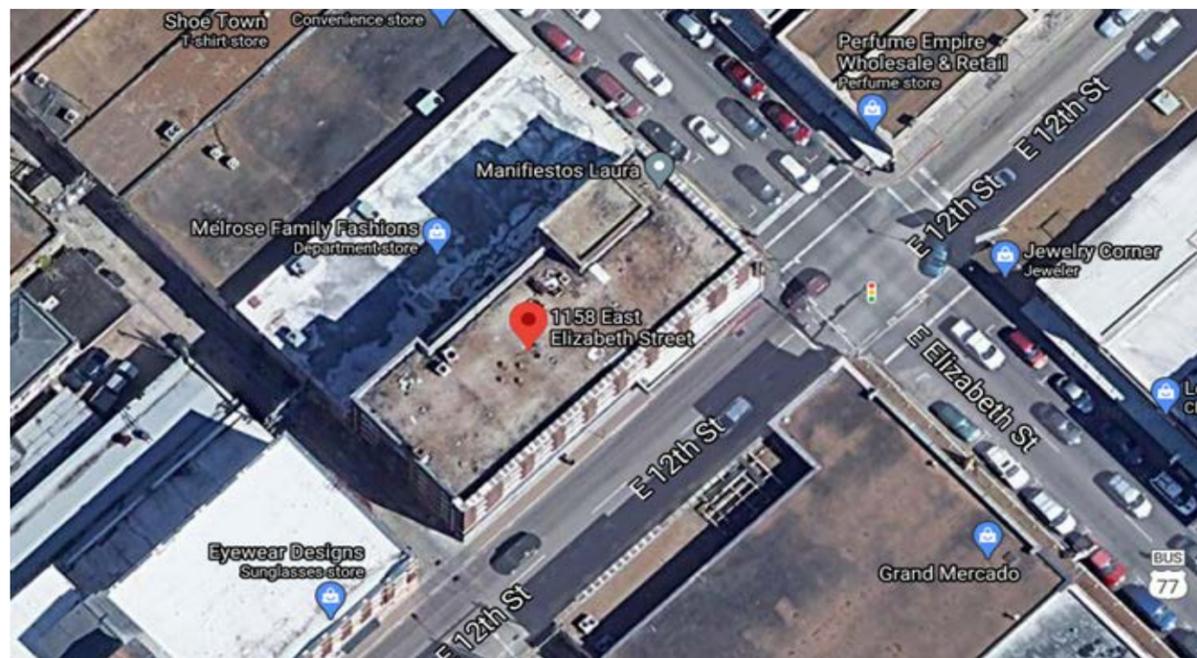


UNIT DISTRIBUTION			INCOME DISTRIBUTION		
# Beds	# Units	% Total	Income	# Units	% Total
Eff	39	98%	20%	-	0%
1	1	3%	30%	-	0%
2	-	0%	40%	15	38%
3	-	0%	50%	-	0%
4	-	0%	60%	25	63%
			70%	-	0%
			80%	-	0%
			MR	-	✓
<b>TOTAL</b>	<b>40</b>	<b>100%</b>	<b>TOTAL</b>	<b>40</b>	<b>100%</b>

PRO FORMA FEASIBILITY INDICATORS

Pro Forma Underwritten		TDHCA's Pro Forma	
Debt Coverage	N/A	Expense Ratio	✗ 86.2%
Breakeven Occ.	✓ 80.1%	Breakeven Rent	\$433
Average Rent	\$506	B/E Rent Margin	✓ \$73
Property Taxes	\$354/unit	Exemption/PILOT	0%
Total Expense	\$5,058/unit	Controllable	\$3,324/unit

SITE PLAN



MARKET FEASIBILITY INDICATORS

Gross Capture Rate (30% Maximum)	✓ 0.3%
Highest Unit Capture Rate	✓ 1% 0 BR/60% 25
Dominant Unit Cap. Rate	✓ 1% 0 BR/60% 25
Premiums (↑60% Rents)	N/A N/A
Rent Assisted Units	25 63% Total Units

DEVELOPMENT COST SUMMARY

Costs Underwritten		TDHCA's Costs - Based on PCA	
Avg. Unit Size	285 SF	Density	290.5/acre
Acquisition	\$32K/unit		\$1,260K
Building Cost	\$330.70/SF		\$3,772K
Hard Cost	\$103K/unit		\$4,130K
Total Cost	\$198K/unit		\$7,907K
Developer Fee	\$610K (0% Deferred)		#NUM!
Contractor Fee	\$578K	30% Boost	No

REHABILITATION COSTS / UNIT

Site Work	\$K	0%	Finishes/Fixtures	\$18K	17%
Building Shell	\$68K	66%	Amenities		
HVAC	\$3K	3%	Total Exterior	\$69K	73%
Appliances	\$5K	5%	Total Interior	\$26K	27%

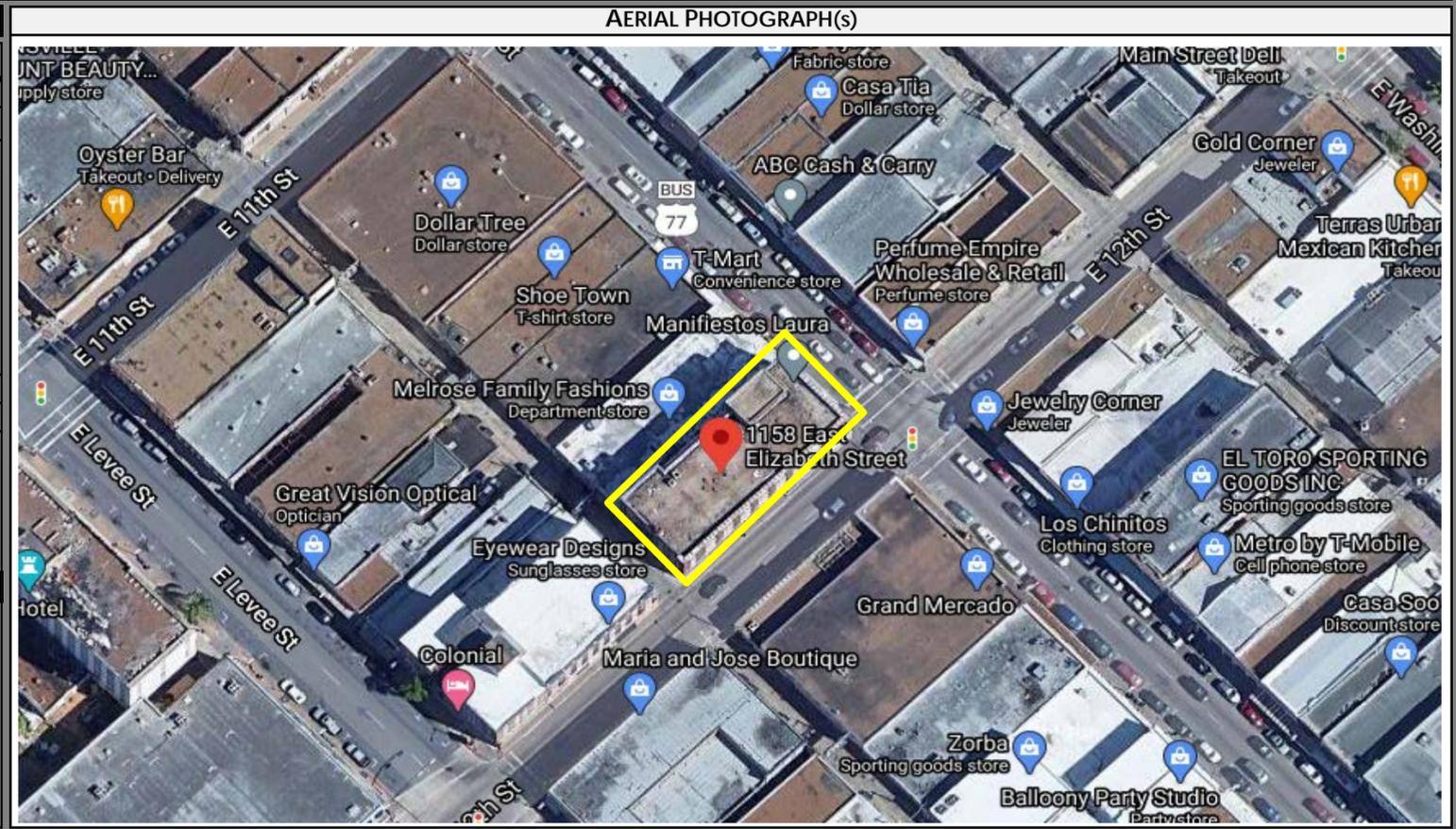
CASH FLOW DEBT / GRANT FUNDS							EQUITY / DEFERRED FEES	
Source	Term	Rate	Amount	DCR				
CDCB Pledge	40/	0.00%	\$1,081,291					
Valley Baptist Legacy Foundation	0/	0.00%	\$2,375,500					
Multi-bank	40/	0.00%	\$1,600,000					
FHLB Dallas	0/	0.00%	\$600,000					
Valley Baptist Reserve	0/	0.00%	\$250,000					
			<b>TOTAL</b>	<b>\$5,906,791</b>	<b>CASH FLOW DEBT / GRANTS</b>	<b>\$0</b>	<b>TOTAL EQUITY SOURCES</b>	<b>\$0</b>
							<b>TOTAL DEBT SOURCES</b>	<b>\$5,906,791</b>
							<b>TOTAL CAPITALIZATION</b>	<b>\$5,906,791</b>

**CONDITIONS**

- Receipt and acceptance before Direct Loan Closing
  - a: Updated application exhibits: Rent Schedule, Utility Allowance, Operating Expenses, Long-Term Pro Forma, Development Cost Schedule, Schedule of Sources; and documentation necessary to support any changes from previous underwriting.
  - b: Substantially final construction contract with Schedule of Values.
  - c: Updated term sheets with substantially final terms from all lenders.
  - d: Substantially final draft of limited partnership agreement.
  - e: Documentation identifying any required matching funds, and confirming that the source is eligible to be counted as matching funds under HUD and TDHCA requirements.
  - f: Documentation that a noise study has been completed, and certification from the Architect that all recommendations from the noise study are incorporated into the development plans.
  - g: A corrected Scope and Cost Review (SCR) and Supplement, appropriately reallocating the \$590K in non-sitework items.
  - h: Certification from the architect that all mitigation requirements related to asbestos, lead-based paint, and lead in the drinking water have been incorporated into the development plans.

Should any terms of the proposed capital structure change or if there are material changes to the overall development plan or costs, the analysis must be re-evaluated and adjustment to the credit allocation and/or terms of other TDHCA funds may be warranted.

RISK PROFILE	
STRENGTHS/MITIGATING FACTORS	
▫	Single family developer experience in region
▫	Rental subsidy for 63% of the units
WEAKNESSES/RISKS	
▫	Potential increased cost due to unknown asbestos
▫	Dependent on rental subsidy
AREA MAP	



**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**DECEMBER 10, 2020**

Presentation, discussion and possible action regarding an Award of Direct Loan funds from the 2020-1 Multifamily Direct Loan Notice of Funding Availability

**RECOMMENDED ACTION**

**WHEREAS**, Application #20504, which requested \$3,000,000 in Direct Loan funds for Burnet Place Apartments, is a Priority 3 application under the 2020-1 NOFA, proposing to serve a Supportive Housing population;

**WHEREAS**, in accordance with 10 TAC §1.301(d)(1), the compliance history is designated as a Category 1 and deemed acceptable without conditions by the Executive Award and Review Advisory Committee (EARAC) after review and discussion;

**WHEREAS**, all 61 units at Burnet Place Apartments are to be subject to a federally-funded Housing Opportunities for People with AIDS (HOPWA) contract with the City of Austin that requires the property to have a preference for people living with HIV and AIDS, and such contract covers the cost of budgeted operations and supportive services for the property with residents paying only 30% of their income toward rent, and 34 of the units will be restricted to the NHTF income and rent limits by the Department's Land Use Restriction Agreement (LURA);

**WHEREAS**, the fact that the property will have a preference and not a limitation for people living with HIV and AIDS does not require a waiver of the Department's Integrated Housing Rule at 10 TAC §1.15;

**WHEREAS**, the Direct Loan is the only source of Department funding for this Application and 10 TAC §13.8(c)(9)(A) at the time of Application required Applications in which the Direct Loan is the only source of Department funding to provide equity in amounts not less than 10% of Total Housing Development Costs, with the Board having the ability to approve an application with less than 10% owner equity if the reduced level of equity will be sufficient to provide reasonable assurance of the owner's ability to complete construction and stabilization timely;

**WHEREAS**, the Applicant has provided evidence of \$6,233,735 (59% of Total Housing Development Costs) in soft financing, fee waivers and match from the City of Austin and \$502,048 (4.7% of Total Housing Development Costs) in owner equity and \$753,301 (7% of Total Housing Development Costs) in fundraising,

funds from the sale of another multifamily property, and equity provided by Project Transitions Inc. to provide reasonable assurance of the owner's ability to complete construction and stabilization timely;

**WHEREAS**, the Applicant has provided a waiver request of 10 TAC §13.8(c)(9)(A) to have an equity amount of less than 10% in the development sources for Burnet Place Apartments (#20504) for which the Direct Loan is the only source of Department funding, and such waiver, presented by a third party certified public accountant, is requested on the grounds that the property just breaks even with the HOPWA facilities-based contract with no ability to support debt as that subsidy source will not cover debt payments, and provides reasonable assurances the owner will complete construction and stabilization timely;

**WHEREAS**, staff believes that the risk that is intended to be mitigated by 10 TAC §13.8(c)(9)(A) has been mitigated by the strength of the Application and the Development Owners experience;

**WHEREAS**, the Applicant has also asserted that waiving these rules would allow the Department to fulfill its obligation in Tex. Gov't Code §2306.001(2) of providing for the housing needs of extremely low income individuals and families and its obligation in Tex. Gov't Code §2306.001(6) of addressing at the state level and coordinating interagency efforts to address the problem of homelessness in this state; and

**WHEREAS**, staff recommends the Board approve the lower amount of owner equity being provided, grant the waiver requested, and award this Application \$3,000,000 in National Housing Trust Fund (NHTF);

**NOW, therefore, it is hereby**

**RESOLVED**, that an award of \$3,000,000 in NHTF from the 2020-1 NOFA for Burnet Place Apartments is hereby approved in the form presented at this meeting;

**FURTHER RESOLVED**, that because the Department has not yet met its 2019 NHTF commitment deadline, in accordance with the 2020-1 NOFA the deadline to sign a contract with the Department is July 2, 2021, despite any other deadline in the Texas Administrative Code; and

**FURTHER RESOLVED**, that the Board's approval is conditioned upon satisfaction of all conditions of underwriting, and completion of any other reviews required to assure compliance with the applicable rules and requirements.

## **BACKGROUND**

Burnet Place Apartments will include the new construction of 61 units of affordable, multifamily rental supportive housing. All units are anticipated to receive HOPWA assistance through a facilities-based contract awarded through Austin Public Health from HUD; therefore, all units will have a preference for Persons Living with HIV/AIDS and offer deeply affordable housing paired with intensive wrap-around services. HOPWA pays the difference between the rent received based on 30% of resident income (which is minimal) and the expenses and supportive services for the property based on their budget. Thirty-four units will be restricted to the NHTF income and rent limits for the 40-year affordability period and three units (that are not layered with the NHTF units).

Staff is recommending the Board's approval of the reduced owner equity in Project Transitions' application (20504) based on the measures laid forth in the waiver letter (attached). Approval of the reduced owner equity and waiver will allow the Department to award NHTF totaling \$3,000,000 as a deferred forgivable loan at 0% interest rate with a 40-year term under the Supportive Housing/Soft Repayment Set-Aside. The waiver requested impacts Department requirements regarding risk mitigation (10 TAC §13.8(c)(9)(A)).

Additional risk mitigation in order to satisfy the intent of the requirements in 10 TAC §13.8(c)(9)(A), includes:

- The property has already closed on \$6M in City of Austin soft funding and has acquired the site, placing the project eight months ahead in the development timeline.
- The \$3M in TDHCA funding plus the awarded \$6M from the City of Austin will lock in 86% of the funding for this project. A fundraising plan for the remaining gap is in place and being actively implemented. The Board of Directors of Project Transitions has pledged the proceeds from the sale of another multifamily property as a commitment to this project.

Finally, HOPWA, a facilities-based rental subsidy allows Project Transitions to fund the cost of budgeted operations and supportive services for the property with residents paying only 30% of their income toward rent.

The \$3,000,000 NHTF loan comprises approximately 28.6% of Total Housing Development Costs, with additional funding coming from the City of Austin (\$6,233,735), permit waivers, \$502,048 in owner equity, and \$753,301 in fundraising/pledge of real estate sale. The NHTF loan will be superior to the City of Austin's loan, and will maintain first lien position during the construction and permanent periods.

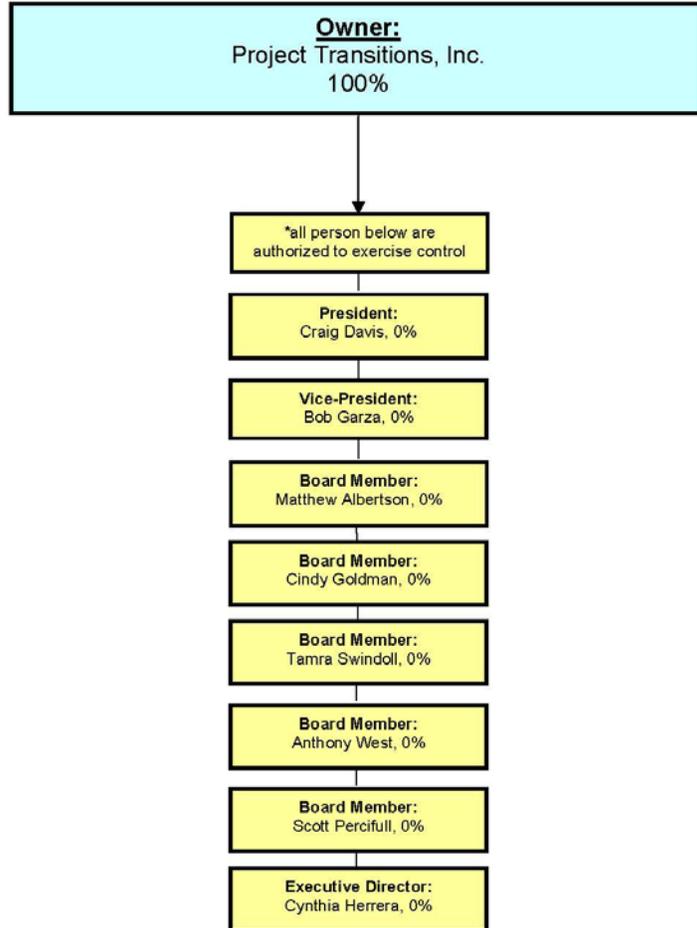
This application has been underwritten and determined to meet the Real Estate Analysis rules and requirements. At the time of the Previous Participation Review, the applicant was a Category 1. EARAC recommends approval without conditions, except as found in the Underwriting Report.

*Organizational Structure and Previous Participation:* The borrower is Project Transitions, and includes principals as indicated in the organization chart below.

*Public Comment:* There have been no letters of support or opposition received by the Department in connection with this current application.

**BURNET PLACE APARTMENTS - AUSTIN, TEXAS**

**Ownership Chart**



# 20504 Burnet Place Apartments - Application Summary

REAL ESTATE ANALYSIS DIVISION

January 0, 1900

PROPERTY IDENTIFICATION	
Application #	20504
Development	Burnet Place Apartments
City / County	Austin / Travis
Region/Area	7 / Urban
Population	Supportive Housing
Set-Aside	General
Activity	New Construction

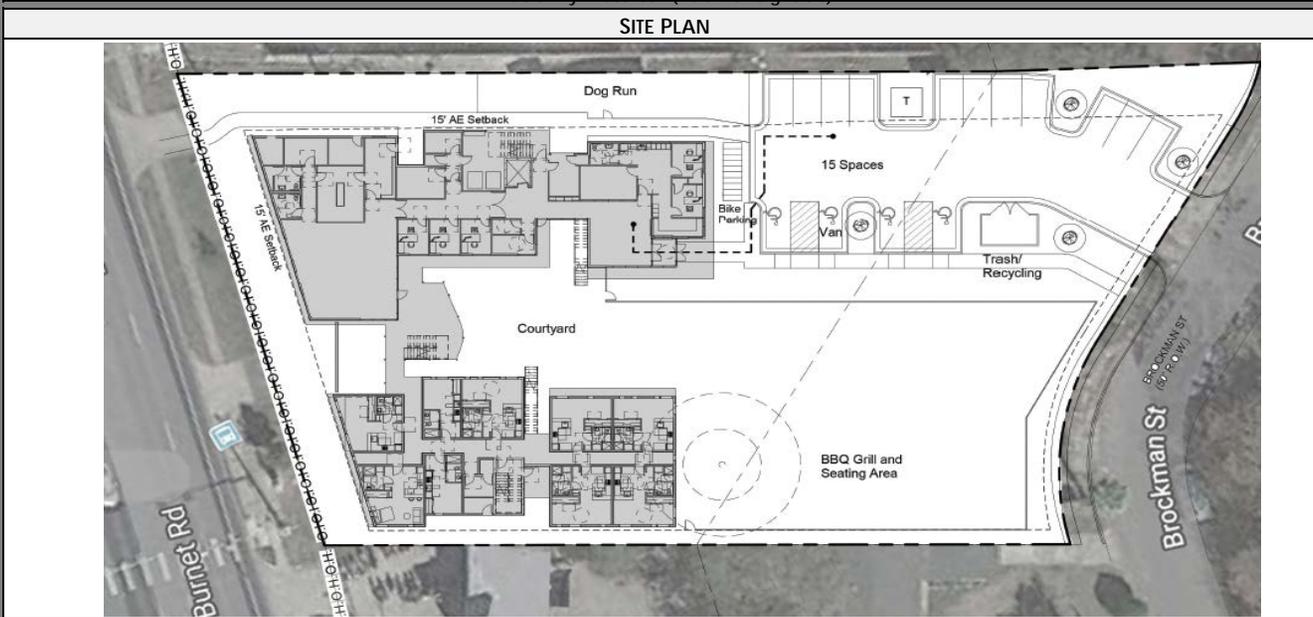
RECOMMENDATION						
Multifamily Direct Loan (Soft Repayable)	\$3,000,000	0.00%	0	40	1	

KEY PRINCIPALS / SPONSOR		
Project Transitions, Inc.		
Owner/Guarantor/90% Developer Cynthia Herrera (ED)		
AGC Development, LLC/Arthur Carpenter 10% Developer		
True Casa/Jennifer Hicks-Consultant		
Related Parties	Contractor - TBD	Seller - No



UNIT DISTRIBUTION			INCOME DISTRIBUTION		
# Beds	# Units	% Total	Income	# Units	% Total
Eff	61	100%	30%	-	0%
1	-	0%	40%	-	0%
2	-	0%	50%	-	0%
3	-	0%	60%	-	0%
4	-	0%	MR	-	0%
<b>TOTAL</b>	<b>61</b>	<b>100%</b>	<b>TOTAL</b>	<b>0</b>	<b>0%</b>

PRO FORMA FEASIBILITY INDICATORS			
Pro Forma Underwritten		TDHCA's Pro Forma	
Debt Coverage	NA	Expense Ratio	100.0%
Breakeven Occ.	95.0%	Breakeven Rent	\$193
Average Rent	\$193	B/E Rent Margin	\$0
Property Taxes	Exempt	Exemption/PILOT	100%
Total Expense	\$4,699/unit	Controllable	\$4,699/unit



MARKET FEASIBILITY INDICATORS			
Gross Capture Rate (30% Maximum)			2.0%
Highest Unit Capture Rate	6%	0 BR/50%	37
Dominant Unit Cap. Rate	6%	0 BR/50%	37
Premiums (↑60% Rents)	#DIV/0!		#DIV/0!
Rent Assisted Units	61	100% Total Units	

DEVELOPMENT COST SUMMARY			
Costs Underwritten		Applicant's Costs	
Avg. Unit Size	408 SF	Density	59.0/acre
Acquisition		\$48K/unit	\$2,906K
Building Cost	\$177.11/SF	\$72K/unit	\$4,404K
Hard Cost		\$84K/unit	\$5,107K
Total Cost		\$172K/unit	\$10,489K
Developer Fee	\$388K	(38% Deferred)	Paid Year: 41
Contractor Fee	\$723K	30% Boost	Yes

DEBT (Must Pay)					CASH FLOW DEBT / GRANT FUNDS					EQUITY / DEFERRED FEES		
Source	Term	Rate	Amount	DCR	Source	Term	Rate	Amount	DCR	Source	Amount	
					Multifamily Direct Loan (Soft Repayable)	40/0	0.00%	\$3,000,000	0.00	Owner Equity	\$502,048	
					City of Austin Local Gov Loan	40/0	0.00%	\$6,000,000	0.00	Fundraising/Pledge of Real Estate Sale	\$604,800	
					City of Austin Fee Waivers	0/0	0.00%	\$8,735	0.00	Project Transitions, Inc.	\$148,501	
										0	\$0	
					City of Austin Fee Waivers/MDL Match	0/0	0.00%	\$225,000	0.00	<b>TOTAL EQUITY SOURCES</b>	<b>\$1,255,348</b>	
<b>TOTAL DEBT (Must Pay)</b>			<b>\$0</b>		<b>CASH FLOW DEBT / GRANTS</b>				<b>\$9,233,735</b>		<b>TOTAL DEBT SOURCES</b>	<b>\$9,233,735</b>
										<b>TOTAL CAPITALIZATION</b>	<b>\$10,489,083</b>	

**CONDITIONS**

- 1 Receipt and acceptance before Direct Loan Closing
  - a: Substantially final construction contract with Schedule of Values.
  - b: Updated term sheets with substantially final terms from all lenders
  - c: Current documentation confirming ongoing HOPWA funding from the City, and a statement from Project Transitions committing to provide a break-even operating subsidy throughout the compliance period.
  - d: Updated application exhibits: Rent Schedule, Utility Allowance, Operating Expenses, Long-Term Pro Forma, Development Cost Schedule, Schedule of Sources; and documentation necessary to support any changes from previous underwriting.
  - e: Documentation identifying any required matching funds, and confirming that the source is eligible to be counted as matching funds under HUD and TDHCA requirements.
- 2 Receipt and acceptance by Cost Certification:
  - a: Certification that any appropriate abatement procedures for asbestos and lead based paint were implemented along with certification that all demolition was performed pursuant to all applicable laws and regulations.
  - b: Certification that subsurface environmental investigation was performed and that any recommended mitigation measures were fully implemented.

Should any terms of the proposed capital structure change or if there are material changes to the overall development plan or costs, the analysis must be re-evaluated and adjustment to the credit allocation and/or terms of other TDHCA funds may be warranted.

**AERIAL PHOTOGRAPH(S)**

RISK PROFILE	
STRENGTHS/MITIGATING FACTORS	
▫ 100% HOPWA vouchers	
▫ Central location	
▫ Sponsor experience/supportive services	
WEAKNESSES/RISKS	
▫ Dependent on HOPWA assistance	
▫ Fundraising still in progress	
▫ 0.25 parking space to unit ratio	
AREA MAP	



# TRUE CASA CONSULTING, LLC

July 21, 2020

Marni Holloway  
Director of Multifamily Finance Production  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

RE: Burnet Place Apartments  
8007 Burnet Road  
Austin, TX 78757  
TDHCA #20504

Dear Marni:

On behalf of Project Transitions, Inc. (the “Applicant”), please accept this letter as a request for Board approval – per 13.8(c)(9)(A)– to have an equity amount of less than 10% in the development sources for Burnet Place Apartments (#20504) for which the Direct Loan is the only source of Department funding for the Development.

### 10% Owner Equity

Since 1988, Project Transitions - an Austin-based non-profit - has been deeply committed to their mission of serving persons living with HIV/AIDS providing supportive housing, recuperative care and hospice in a compassionate and caring environment. Project Transitions (PT), as the only provider of supportive housing for persons living with HIV/AIDS in the Central Texas region, owns and operates 30 units of multifamily housing in two projects quietly tucked into their surrounding neighborhoods.

The challenging situation in the affordable housing market in Austin and the increasing need for affordable supportive housing for persons living with HIV/AIDS in Austin, require Project Transitions to take **BOLD** action to increase its capacity to serve its target population. In order to ensure high-quality affordable supportive housing for current residents and to respond to the backlogged waiting list, Project Transitions will newly construct 61 units at 8007 Burnet Road as Burnet Place Apartments.

Stable housing is absolutely essential for people living with HIV/AIDS. Without stable housing, it is impossible for a person living with HIV/AIDS to maintain the complex treatment regimen required to manage this illness. In Austin, we are acutely aware of the skyrocketing costs of housing, for people with disabilities, including people with HIV/AIDS, the crisis is particularly acute. In Austin, the rent for a one-bedroom apartment is 75% greater than an entire Supplemental Security Income (SSI) payment. This unapproachable rent level combined with the chronic health issues typical of unmanaged HIV/AIDS is a sentence to homelessness.

Burnet Place Apartments is a phenomenal opportunity for the location of affordable housing units. The site is not only in close proximity to abundant transit, retail, recreational, and health amenities, but it is

# TRUE CASA CONSULTING, LLC

also located near the heartbeat of Project Transitions' work. The development will take a vacant and abandoned building that has been a community eyesore and breathe life into the neighborhood with the new construction of 61 units of high-quality, deeply affordable housing with intensely supportive services for People Living with HIV and AIDS who were formerly homeless.

All 61 units at Burnet Place Apartments will have a facilities-based Housing Opportunities for People With HIV/AIDS (HOPWA) contract that covers the cost of budgeted operations and supportive services for the property with residents paying only 30% of their income toward rent. 87% of Project Transitions' residents have incomes below 30% MFI.

The waiver is being requested on the grounds that the property just breaks even with the HOPWA facilities-based contract with no ability to support debt as HOPWA will not cover debt payments. The majority of the capital stack for the project essentially functions as owner equity which includes a \$6M deferred forgivable loan from the City of Austin awarded in August and November 2019 closed in September 2019 and March 2020, \$233,735.74 in fee waivers from the City of Austin, \$502,048 in owner equity to bridge private fundraising, a \$604,800 pledge of real estate sale proceeds as gap funding and TDHCA's \$3M deferred forgivable funding request. The Applicant will also defer a majority of the developer fee that is not otherwise covering developer-related costs as is common for mission-based, nonprofit developers. The \$6M soft loan from the City – covering over 57% of the total development cost for the project- has already closed significantly mitigating any inherent risk of a Direct Loan only transaction.

Reasonable Assurances Owner Will Complete Construction and Stabilization Timely:

- 1) The property has already closed on \$6M in City of Austin soft funding and has acquired the site. A site permit application has been submitted with a demolition permit granted. Schematic Design has been completed and is transitioning into Design Development. Zoning has been secured. The project is 8 months ahead in development timeline than a standard tax credit project at the time of application.
- 2) The \$3M in TDHCA funding plus the awarded \$6M from the City of Austin will lock in 86% of the funding for this project. A fundraising plan for the remaining gap is in place and being actively implemented. The Board of Directors of Project Transitions has pledged the sale of real estate proceeds as a commitment to this project.
- 3) There are more than 3,000 people in the City of Austin with HIV and are homeless or unstably housed – these are immune-compromised individuals who cannot find shelter during this terrifying pandemic. There is a critical need for this project and it will rise to the top of private funders in order to provide stable housing as a life-saving resource.

Please feel free to contact me with any questions at (512) 203-4417.

Sincerely,



Jennifer Hicks  
True Casa Consulting, LLC

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**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**DECEMBER 10, 2020**

Presentation, discussion, and possible action regarding the approval for publication in the *Texas Register* of the 2021-1 Multifamily Direct Loan Notice of Funding Availability

**RECOMMENDED ACTION**

**WHEREAS**, the Department has approximately \$31,740,258 in Program Year 2019 and 2020 HOME funds available;

**WHEREAS**, from the available HOME funds, the Department has reserved \$5,451,382 in Community Housing Development Organization (CHDO) funds for multifamily activities;

**WHEREAS**, the Department has approximately \$9,465,974 of National Housing Trust Fund (NHTF) remaining from the 2020-2 Multifamily Direct Loan NOFA (2020-2 NOFA);

**WHEREAS**, staff recommends prioritizing all of these available funds in this 2021-1 NOFA in a manner that will allow the Department to meet various commitment and expenditure deadlines; and

**WHEREAS**, in order to make any additional funds available to Applicants of the 2021-1 NOFA as quickly as possible, staff recommends that the Executive Director be authorized to add funds to this NOFA from the federal sources described for each Set-Aside or state sources eligibly allowed to be used for such activities as described, without further Board approval, however, with all proper public notifications made, and reporting those actions to the Board at the next regularly scheduled meeting;

**NOW, therefore, it is hereby**

**RESOLVED**, the Executive Director is authorized to add funds to the 2021-1 NOFA from the federal sources described for each Set-Aside or other state sources eligibly allowed to be used for such activity, without further Board approval, however, with all required notifications made and the Executive Director will report any such additions of funds to the Board at the next regularly scheduled Board meeting;

**FURTHER RESOLVED**, that \$31,740,258 in HOME funds, and \$9,465,974 in NHTF, will be made available for Applicants through this 2021-1 NOFA;

**FURTHER RESOLVED**, that funds made available through this 2020-1 NOFA will ensure that the Department awards an appropriate amount of HOME funds to CHDOs, and serve other Department priorities as described in 10 TAC Chapter 13 and the 2021-1 NOFA; and

**FURTHER RESOLVED**, the Executive Director and staff as designated by the Executive Director are authorized, empowered, and directed, for and on behalf of the Department to execute such documents, instruments and writings and perform such acts and deeds as may be necessary to effectuate the foregoing.

### **BACKGROUND**

The 2021-1 NOFA announces the availability of Multifamily Direct Loan funds for Applications received between December 11, 2020, and October 5, 2021 (if sufficient funds remain). The funds in the NOFA are inclusive of HOME Program Income, the 2020 Program Year HOME allocation, and remaining 2019 and 2020 Program Year NHTF allocation.

The Soft Repayment Set-Aside will include \$9,465,974 of NHTF. Funds from this Set-Aside are available as deferred forgivable, deferred payable, amortizing with a fixed monthly payment, or surplus cash flow (required and only allowable if layered with funding that a HUD Insured Loan) loans to finance Developments serving a Supportive Housing population and/or provide 30% AMI units that would not have been available otherwise. All Applications received under this Set-Aside must be proposing new construction or reconstruction (as defined in 24 CFR Part 93).

The General Set-Aside is composed solely of HOME funds totaling of \$26,288,876, while the CHDO set-aside includes \$5,451,382 in HOME funds. Up to \$100,000 of HOME funds in the General set-aside may be awarded as CHDO Operating Expense Grants for up to two Applications submitted under the CHDO Set-Aside. All \$31,740,258 in HOME will be subject to the Regional Allocation Formula from December 11, 2020, to January 13, 2021, and then available statewide within the CHDO and General Set-Asides.

All Applications awarded under this NOFA will be subject to the requirements of 10 TAC Chapter 13 – the Multifamily Direct Loan rule – and applicable sections of 10 TAC Chapter 11, the Qualified Allocation Plan. Applications layered with 9% Housing Tax Credits will be further required to meet Competitive HTC criteria set forth in 10 TAC Chapter 11. Applications layered with Private Activity Bond financing will be subject to provisions of Chapter 12. All Applications will also be required to meet the applicable requirements in 10 TAC Chapters 1 and 2.



**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
**MULTIFAMILY DIRECT LOAN**  
**2021-1 NOTICE OF FUNDING AVAILABILITY (NOFA)**  
**ANNUAL NOFA**

**1) Summary.** The Texas Department of Housing and Community Affairs (the Department) announces the availability of **\$31,740,258** in HOME funds<sup>1</sup> and **\$9,465,974** of National Housing Trust Fund (NHTF)<sup>2</sup> for the development of affordable multifamily rental housing for low-income Texans. Applicants under the 2021-1 NOFA will be accepted from December 11, 2021, through October 5, 2021 (if sufficient funds remain). Applicants The availability and use of these funds are subject to the following rules, as applicable:

**a. Texas Administrative Code**

10 TAC Chapter 1 (Administration)

10 TAC Chapter 2 (Enforcement)

10 TAC Chapter 10 (Uniform Multifamily Rules)

10 TAC Chapter 11 (Qualified Allocation Plan)

10 TAC Chapter 12 (Multifamily Housing Revenue Bonds)

10 TAC Chapter 13 (Multifamily Direct Loan Rule)

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=3&ti=10&pt=1](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=10&pt=1)

**b. Texas Government Code**

Tex. Gov't. Code Chapter 2306

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2306.htm>

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<sup>1</sup> HOME funds under this NOFA may only be awarded to Applications with Development sites in non-Participating Jurisdictions.

<sup>2</sup> NHTF funds under this NOFA are subject to federal Commitment deadlines, and the Board may require a Contract Execution Deadline to enable the Department to meet these federal Commitments regardless of any other time period listed in the Texas Administrative Code. Failure to meet that Contract Execution Deadline, could result in the Applicant having the award reduced in whole or in part.

- c. U.S. Department of Housing and Urban Development (HUD) Program Regulations  
24 CFR Part 92 ([HOME Investment Partnerships Program Final Rule](#))  
24 CFR Part 93 ([Housing Trust Fund Interim Rule](#))

- d. Fair Housing

Federal Fair Housing Act, 42 U.S.C. 3601-19.

<https://www.tdhca.state.tx.us/fair-housing/index.htm>

- e. Other Federal laws and regulations may that apply depending on funding source:

Environmental Compliance

All federal sources must have some type of environmental review in accordance with 24 CFR Part 93 or 24 CFR Part 58 as applicable.

<https://www.tdhca.state.tx.us/program-services/environmental/index.htm>

Minimizing Resident Displacement

All federal sources must follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; HOME must follow Section 104(d) of Housing and Community Development Act of 1974; and all federal sources must follow the HUD Handbook 1378.

<https://www.tdhca.state.tx.us/program-services/ura/index.htm>

Labor Standards

HOME funds are regulated by Davis-Bacon and Related Labor Acts (40 U.S.C. §3141-3144 and 3146-3148, 24 CFR §92.354, and HUD Handbook Federal Labor Standards Compliance in Housing and Community Development Programs).

<https://www.tdhca.state.tx.us/program-services/davis-bacon/index.htm>

Employment Opportunities

HOME, and NHTF require compliance with 24 CFR Part 135 (Section 3).

<https://www.tdhca.state.tx.us/program-services/hud-section-3/index.htm>

**If HOME or NHTF funds are awarded and Federal regulations or subsequent guidance imposes additional requirements, such Federal regulations or guidance shall govern.**

- f. HUD approval of an amendment to the 2020 Action Plan is required prior to contracting with NHTF funds.

**2) Set-Asides.** All HOME funds will be subject to the Regional Allocation Formula (RAF, located in Attachment A) until January 12, 2021, and then available on a statewide basis. Applications under any and all Set-Asides may or may not be layered with 9% or 4% Housing Tax Credits (HTC). The funds made available under this NOFA are available under the following Set-Asides:

- a. **Community Housing Development Organization (CHDO) Set-Aside.** At least \$5,451,382 in HOME funds are reserved for nonprofit organizations that can be certified as Community Housing Development Organizations (CHDOs).
- b. **Soft Repayment Set-Aside.** \$9,465,974 in NHTF is available in this Set-Aside. Applicants within this Set-Aside must restrict rent and income for all Direct Loan-assisted units to 30% as defined in 24 CFR Part 93.
- c. **General Set-Aside.** HOME funds in the amount of \$26,288,876 is available in this Set-Aside; currently anticipated to be \$26,288,876.

Set-Aside	Eligible Activities	Fund Source and Amount Available		Maximum Request <sup>3</sup>
CHDO	NC, A/R, R	HOME	\$5,451,382	\$3,000,000
Soft Repayment	NC	NHTF	\$9,465,974	\$3,000,000
General	NC, A/R, R	HOME	\$26,288,876	\$5,000,000

**Key:**

NC – New Construction (For the Soft Repayment Set-Aside, New Construction includes Reconstruction, as defined in 24 CFR Part 93)A/R – Acquisition/Rehabilitation  
R – Rehabilitation

**3) Priorities within General and CHDO Set-Asides.** Priority 1 Applications will be subject to various Application Acceptance Dates depending on the criteria described below. The Application Acceptance Dates are those that exist in 10 TAC §13.4(c) for Priority 2 or Priority 3 Applications. The Department will utilize the Scoring Criteria in 10 TAC §13.6.

a. **Priority 1.**

- i. **Applications submitted in the General Set-Aside by January 12, 2020, and CHDO Set-Asides by January 11, 2021, that request less than RAF amount for the subregion in which the Development Site is located.** Applications submitted under

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<sup>3</sup> This total includes any other Multifamily Direct Loan Funds previously awarded to the Applicant by the Department for the Development, including any outstanding loan balances that will remain after the Direct Loan closing.

the CHDO Set-Aside that request less than or equal to the amount listed for the subregion in which the Development Site is located December 11, 2021 through January 11, 2021, will have an Application Acceptance Date of January 11, 2021. Applications submitted in the General Set-Aside, that request less than or equal to the amount listed for the subregion in which the Development Site is located December 11, 2021 through January 12, 2021, will have an Application Acceptance Date of January 12, 2021.

- ii. **4% HTC-layered Applications with TDHCA as the Bond Issuer that request greater than RAF amount for the subregion in which the Development Site is located, where TDHCA is the Bond Issuer and were not recommended for an award under 3) a i. of this NOFA, or where TDHCA is the Bond Issuer and the Application is submitted under the Soft-Repayment Set-Aside.** Applications submitted under all Set-Asides that meet all of the following requirements will have an Application Acceptance Date of January 13, 2021:

- 1. The Application is layered with 2020 4% HTC in which TDHCA is the Bond Issuer;
- 2. The Application was not recommended for an award under 3)a i. of this NOFA; and
- 3. The Application is submitted December 11, 2021 through January 12 , 2021 .

- iii. **Applications in the Soft Repayment , General, and CHDO Set-Asides, that did not apply for or were not recommended for awards under 3) a. i. and ii, and submitted Applications December 11, 2021 through March 31, 2021, will have an Application Acceptance Date of March 31, 2021.**

- b. **Priority 2.** Applications applying contemporaneously for 2021 9% HTC will have an Application Acceptance Date of April 1, 2021.
- c. **Priority 3.** Applications submitted after April 1, 2020, will have an Application Acceptance Date on the business day of receipt, in accordance with 10 TAC §13.5(c)

#### **4) Priorities within the Soft Repayment Set-Aside.**

- a. **Applications between December 11, 2020, and December 28, 2020, will have an Application Acceptance Date of December 28, 2020.**
- b. **Applications applying contemporaneously for 2021 9% HTC will have an Application Acceptance Date of April 1, 2021.**
- c. **Applications applying after December 28, 2020, will have an Application Acceptance Date on the business day of receipt, except as reflected in 4) b of this NOFA.**

**5) Interest Rates.**

- a. **Construction-to-Permanent Loans.** All Direct Loan requests structured as construction-to-permanent loans will be required to use the minimum required interest rate listed in the table below depending on the Set-Aside, Activity, whether or not HTC are also being requested, and whether or not the Direct Loan will be in first lien position during the permanent period. If the Debt Coverage Ratio is less than the minimum 1.15 with the minimum required interest rate as applicable, staff will make adjustments to the financing structure in accordance with 10 TAC §11.302(d)(4)(D)(i), with the exception of 10 TAC §11.302(d)(4)(D)(i)(II)(-a-).

Set-Aside and Priority	Activity	HTC layered	Direct Loan 1 <sup>st</sup> Lien during Permanent Period	Minimum Required Interest Rate
CHDO or General – 4% HTC with TDHCA as Bond Issuer	NC, A/R, R	Y	Y or N	0%
CHDO or General – all other Applications	NC, A/R, R	Y	Y	2.0%
			N	2.50%
		N	Y	2.75%
			N	3.0%
Soft Repayment	NC only	Y or N	Y or N	0%

- b. **Construction-Only Loans.** All Direct Loan requests structured as construction only loans, regardless of the Set-Aside and Activity, may request an interest rate as low as 0% with the principal amount of the Direct Loan due upon the end of the construction loan term as established in 10 TAC §13.8(e)(1).

**6) Maximum Per Unit Subsidy Limits and Maximum Rehabilitation Per-Unit Subsidy Limits.**

The maximum per unit subsidy limits that an Applicant can use to determine the amount of Direct Loan funds they may request are listed in the 2021 Maximum Per Unit Subsidy Limits table provided in this Section 5:

2021 Maximum Per Unit Subsidy Limits <sup>4</sup>		
Bedrooms	Non-elevator property	Elevator-served property
0 bedroom	\$145,685	\$153,314
1 bedroom	\$167,978	\$175,752
2 bedroom	\$202,586	\$213,718
3 bedroom	\$259,20	\$276,482
4 bedroom or more	\$288,893	\$303,490

<sup>4</sup> These limits are inclusive of any federal fund sources in the Development.

Smaller per unit subsidies are allowable and incentivized as point scoring items in 10 TAC §13.6. Once the Applicant commits a number of Direct-Loan Units in the Application, the number may be raised, at Department request, to account for a change in Development costs or to account for other federal funding, but the number may not be lowered.

## 7) Application Submission Requirements.

- a. **Application Acceptance Period.** Applications under this NOFA will be accepted starting at 8:00 a.m. Austin local time on December 11, 2021, through October 5, 2021 at 5:00 p.m. Austin local time (if sufficient funds remain). An Applicant may have only one active Application per Development at a time under this or any other Department NOFA, and may only have that Development apply under one Set-Aside at a time.
- b. **Application Submission Materials.** All Application materials including manuals, NOFAs, program guidelines, and rules will be available on the Department's website at [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us). Applications will be required to adhere to the requirements in effect at the time of the Application submission including any requirements of federal rules that may apply and subsequent guidance provided by HUD.
- c. An Application must be on forms provided by the Department, and cannot be altered or modified, and must be in final form before submitting it to the Department. An Applicant must submit the Application materials as detailed in the Multifamily Programs Procedures Manual (Manual) in effect at the time the Application is submitted. All scanned copies must be scanned in accordance with the guidance provided in the Manual in effect at the time the Application is submitted.
  - i. If an Applicant has an active Application (i.e. the Board has not made a Direct Loan Award), but wishes to apply for additional funds, it must withdraw the current Application and submit a new Application.
  - ii. Applicants for Developments that have received an award of Multifamily Direct Loan Funds or Housing Tax Credits prior to the date of the Application under this NOFA, should consult 10 TAC §13.5(g) regarding Eligibility Criteria, and provide the additional information required by 10 TAC §13.5(g), including clear evidence of the circumstances beyond their control that materially impair their ability to provide affordable housing. Evidence will include information from verifiable third-party sources that allows the Board to make an informed decision regarding eligibility.
- d. **Minimum Requests.** The request for funds may not be less than \$500,000 regardless of the Set-Aside under which an application is being submitted. However, if the underwriting report indicates that the Development will be feasible with an award of less than \$500,000, staff may recommend a lower award.

**e. Match Submission Requirements.**

- i. All Applicants must provide Match in the amount of **at least 7.5%** of the Direct Loan funds requested. Except for Match in the form of the net present value of a below market interest rate loan or a property tax exemption under Sections 11.111, 11.18, 11.181, 11.182, 11.1825, or 11.1827 of Texas Property Tax Code, Match must be documented with a letter from the anticipated provider of Match indicating the provider's willingness and ability to make a financial commitment should the Development receive an award of Direct Loan funds.
  - ii. All Applicants will be required to provide HOME Match-Eligible Unit(s) in accordance with 10 TAC §13.2(a)(6) and §13.10(c) and federal guidance at <https://www.hudexchange.info/resource/2676/notice-cpd-97-03-home-program-match-guidance/>
- f. The 2021 CHDO Certification Packet must be submitted with the 2021 Uniform Multifamily Application for Applicants applying under the CHDO Set-Aside.
  - i. Each CHDO that is awarded HOME funds may also be eligible to receive a CHDO operating grant of up to \$50,000 for CHDO Operating Expenses, which are defined in 24 CFR §92.208 as including salaries, wages, and other employee compensation and benefits; employee education, training, and travel; rent; utilities; communication costs; taxes; insurance; and equipment, materials, and supplies.
  - ii. An award of HOME funds under the CHDO Set-Aside does not guarantee that a CHDO will receive a grant for CHDO Operating Expenses.
- g. All 4% HTC-layered applications must provide evidence of a Reservation with submission of the MFDL Application submission.
- h. An Applicant under the CHDO, Soft Repayment, and General Set-Asides who is not also simultaneously applying for 9% or 4% Housing Tax Credits is required to remit a non-refundable Application fee payable to the Texas Department of Housing and Community Affairs in the amount of \$1,000.00 per Application. Payment must be in the form of a check, cashier's check or money order. Do not send cash. Tex. Gov't Code §2306.147(b) requires the Department to waive Application fees for private nonprofit organizations that offer expanded services such as child care, nutrition programs, job training assistance, health services, or human services. These organizations must include proof of their exempt status and a description of their supportive services in lieu of the Application fee. The Application fee is not a reimbursable cost under the Multifamily Direct Loan Program.

- i. An Application must be uploaded to the Department's secure web transfer server in accordance with 10 TAC §11.201(1)(C).

**8) Post Award Requirements.** Applicants are strongly encouraged to review the applicable Post Award requirements in 10 TAC Chapter 10, Subchapter E, Post Award and Asset Management Requirements and 10 TAC Chapter 13, as well as the Compliance Monitoring requirements in 10 TAC Chapter 10, Subchapters F and G.

- a. Awarded Applicants may, at the Department's discretion, be charged fees for underwriting, asset management, and ongoing monitoring.
- b. An Applicant will be required to record a Land Use Restriction Agreement (LURA) limiting residents' income and rent for the greater amount of Units required by the Direct Loan Unit Calculation Tool along with any require HOME Match-eligible units, or as represented in the Application for the term of the LURA.
- c. An Applicant must have a current Data Universal Numbering System (DUNS) number and be registered in the federal System for Award Management prior (SAM) prior to execution of a Direct Loan contract. Applicants may apply for a DUNS number at [dnb.com](http://dnb.com)). Once you have the DUNS number, you can [register with the SAM](#).
- d. An Applicant may be required to meet additional requirements prior to contract, as determined by the Board, or federal or state requirements.
- e. An awarded Applicant may be required to meet additional documentation requirements in order to draw funds, in accordance with its Previous Participation results.

**9) Miscellaneous.**

- a. This NOFA does not include text of the various applicable regulatory provisions pertinent to the HOME and NHTF fund sources. For proper completion of the application, the Department strongly encourages potential Applicants to review the State and Federal regulations.
- b. All Applicants must comply with public notification requirements in 10 TAC §11.203.
- c. Waivers of any substantive or procedural provision of this NOFA, if available, will be treated in accordance with 10 TAC §13.1(c). 10 TAC §13.1(c) may not be waived.
- d. For questions regarding this NOFA, please contact Charlotte Flickinger, Multifamily Direct Loan Manager, at [charlotte.flickinger@tdhca.state.tx.us](mailto:charlotte.flickinger@tdhca.state.tx.us).

**Attachment A**

**Regional Allocation Formula under the General Set-Aside – URBAN**

<b>Region</b>	<b>Subregion Allocation Amount</b>
1	\$288,603.27
2	\$139,633.77
3	\$5,799,818.99
4	\$1,488,351.39
5	\$580,792.85
6	\$1,332,334.05
7	\$3,044,137.09
8	\$1,308,085.68
9	\$968,530.99
10	\$771,726.72
11	\$1,055,830.54
12	\$704,859.28
13	\$1,018,716.22

**Regional Allocation Formula under the General Set-Aside – RURAL**

<b>Region</b>	<b>Subregion Allocation Amount</b>
1	\$1,106,385.39
2	\$762,194.82
3	\$914,370.13
4	\$2,171,994.39
5	\$1,665,351.73
6	\$823,976.47
7	\$437,915.88
8	\$1,118,636.89
9	\$830,730.90
10	\$1,079,101.93
11	\$1,588,424.32
12	\$649,856.55
13	\$89,897.75

8b

# **PULLED FROM THE AGENDA**

8c

# PULLED FROM THE AGENDA