

Post Bond Closure Submission: - 60-Day Documents Required (this will be the name of the actual link that will take users to the following information)

In accordance with §49.12(b) of the QAP, no later than 60 days following closing the bonds, the Development Owner must submit:

1. A Management Plan
2. An Affirmative Marketing Plan
3. Evidence that the Development Owner or management company **and** the Development Architect have attended at least five hours of Department-approved Fair Housing training. This evidence must show attendance of the Development Owner or management company at a Department-approved Fair Housing training relating to leasing and management issues for at least five hours and the Development Architect at a Department-approved Fair Housing training relating to design issues for at least five hours, both on or before the date the bonds are closed
4. The certification from the Development architect which certifies that the Development complies accessibility standards pursuant to §49.9(h)(4)(G) of the QAP.
5. Evidence that the General Contractor hired by the Development Owner meets the experience criteria defined by §49.16(c) of the QAP must be provided in the form of the Post Application – General Contractor Certification Form and supporting documentation.

The following pages provide further information regarding submission requirements.

REQUIREMENTS AND GUIDELINES FOR A MANAGEMENT PLAN

The Plan must include the word for word language from the “Management and Marketing Plan Addendum” presented later in this document.

The Texas Administrative Code [Title 10, Community Development; Part 1, Texas Department of Housing and Community Affairs; Chapter 1, Administration; Subchapter (Rule) 1.14] specifically requires that Housing Sponsors maintain a written management plan.

The Management Plan submitted with the construction loan closing documentation **must** clearly state the following:

- (1) Prospective applicants who hold Section 8 vouchers or certificates are welcome to apply and will be provided the same consideration for occupancy as any other prospective tenant;
- (2) Any minimum income requirements for Section 8 voucher and certificate holders will only be applied to the portion of the rent the prospective tenant would pay, provided, however, that if Section 8 pays 100% of the rent for the unit, the housing sponsor may establish other reasonable minimum income requirements to ensure that the tenant has the financial resources to meet daily living expenses. Minimum income requirements for Section 8 voucher and certificate holders will not exceed 2.5 times the portion of rent the tenant pays; and
- (3) All other screening criteria, including employment policies or procedures and other leasing criteria (such as rental history, credit history, criminal history, etc.) must be applied to the prospective tenants uniformly and in a manner consistent with the Texas and Federal Fair Housing Acts and with Department requirements.

For your information, other requirements of Rule 1.14 include the following:

- (1) Management will ensure that tenants are income eligible under the rules and regulations of the program or activity funded.
- (2) Management must apply all other screening criteria, including employment policies or procedures and other leasing criteria (such as rental history, credit history, criminal history, etc.) uniformly and in a manner consistent with the Texas and Federal Fair Housing Acts, program guidelines, and the Department rules.
- (3) Income determination must be made in a manner consistent with Section 8 of the United States Housing Act of 1937 (42 U.S.C. Section 1437f) and the guidelines established in Handbook 4350.3, as amended and promulgated by the U.S. Department of Housing and Urban Development (HUD).
- (4) Management shall not exclude an individual or family from admission to the development because the individual or family participates in the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f).
- (5) Management shall not use a financial or minimum income standard for an individual or family participating in the voucher program that requires the individual or family to have a monthly income that exceeds 2.5 times the individual or family’s share of the total monthly rent payable to the owner of the development.
- (6) Management must maintain a written management plan that is available for review upon request and states the intention of the development owner to comply with state and federal fair housing and antidiscrimination laws.
- (7) Management must post Fair Housing logos and a Fair Housing poster in the leasing office [Although not stated in Rule 1.14, the logo is also required on the property sign, in model units and elsewhere that a prospective tenants might reasonably be expected to visit.]
- (8) Property management and on-site staff must have received and read a written affirmative marketing plan.
- (9) The Department shall require a land use restriction agreement providing for enforcement of the restrictions by the Department, tenants of the development, or by a private party that includes the

right to recover reasonable attorney's fees if the party seeking enforcements of the restrictions is successful.

- (10) Management shall communicate annually during the first quarter of each year with the administrator of each Section 8 program that has jurisdiction within the geographic area where the development is located.
 - a. Such communication shall include information on the unit characteristics and rents,
 - b. shall advise the administrating agency that
 - a. the property accepts Section 8 vouchers and certificates,
 - b. and will treat referrals in a fair and equal manner.
 - c. Copies of such correspondence must be available during on-site reviews conducted by the Department.

Sanctions. A Housing Sponsor of a multifamily rental housing development that fails to comply with the procedures pursuant to subsection (d) of Rule 1.14 (which is reflected in the rules above) is subject to the following sanctions:

- (1) Failure to lease to a prospective tenant due to the applicant's status as a recipient of a federal rental assistance voucher or certificate will result in a material non-compliance score, and
- (2) A prospective tenant participating in the voucher program must report to the administrator of the Section 8 program that provided the certificate or voucher an exclusion from admission to a housing development based on a financial or minimum income standard requiring the tenant to have a monthly income of more than 2.5 times the tenant or tenant's family share of the total monthly rent payable to the owner of the development. The administrator shall promptly report such exclusion to the Department. A complaint of exclusion from admission reported by a tenant to the administrator of the Section 8 program that provided the tenant with a certificate or voucher, that has been verified by the Department, shall result in a non-compliance score for a period of one year from the date of the Department's verification of the complaint.
- (3) The rules, policies, standards, and sanctions are enforceable by the Department, tenants of the development, or by private parties against the initial owner or any subsequent owners.

REQUIREMENTS AND GUIDELINES FOR AFFIRMATIVE MARKETING PLAN

The Plan must include the word for word language from the “Management and Marketing Plan Addendum” presented later in this document.

The Texas Administrative Code requires that Housing Sponsors approve and distribute a written affirmative marketing plan to the property management and on-site staff.

The Affirmative Marketing Plan must indicate the intention to promote the objectives reflected by the excerpts from federal law and HUD guidelines stated below.

- (1) The marketing plan must provide for informing prospective tenants that the development is operating under a written affirmative marketing plan and a written management plan as well as local, state and federal fair housing and antidiscrimination laws, including Texas and federal fair housing acts and Texas Government Code, and that the operations are under the oversight of the Texas Department of Housing and Community Affairs.
- (2) Fair Housing logos must be included on the property sign and Fair Housing posters with the logo must be posted in the leasing office, model units and other common areas typically viewed by prospective tenants.
- (3) The marketing plan and management plan must always be available for review upon request.
- (4) Management must establish a program specifically for marketing to holders of Section 8 vouchers and certificates, including annual communication in the first quarter of each year with the administrator of each Section 8 program that has jurisdiction within the geographic area where the development is located.
 - (a) Such communication shall include information on the unit characteristics and rents and shall advise the administrating agency that the property accepts Section 8 vouchers and certificates, and will treat referrals in a fair and equal manner.
 - (b) Copies of such correspondence must be available during on-site reviews conducted by the Department.
 - (c) All staff must demonstrate by appearance and action that prospective applicants who hold Section 8 vouchers or certificates are welcome to apply and will be provided the same consideration for occupancy as any other prospective tenants.
- (5) Marketing practices must assure no discrimination and must target all minority groups in the housing market area regardless of:
 - (a) Race
 - (b) Color
 - (c) Religion
 - (d) Sex
 - (e) National origin
 - (f) Disability
 - (g) Familial status
- (6) Marketing must target any groups normally not likely to apply for the housing without special outreach because of existing neighborhood racial or ethnic patterns, SMSA price or other factors. These groups should know about housing, feel welcome to apply and have the opportunity to rent.
 - (a) Such groups may include:
 - (i) Whites
 - (ii) Blacks
 - (iii) Indians
 - (iv) Hispanics
 - (v) Asians
 - (vi) Pacific islanders
 - (vii) Women heads of households
 - (viii) Persons with disabilities
 - (ix) Section 8 holders

- (b) Owners should seek to employ staff with experience marketing to groups whose members are least likely to apply.
 - (c) Marketing should include research of census tract data and other data to indicate which ethnic groups or races are least likely to apply in the subject area.
- (7) Property management and on-site staff must have received and read a written affirmative marketing plan that states all requirements in these instructions within 60 days of the beginning of their employment;
- (8) Staff training must be conducted to include each staff member at least annually, and the marketing plan must describe what training is planned and how it will be conducted, including, specifically, training to inform staff of rules imposed by the following entities:
- (a) Federal
 - (b) State
 - (c) Local
- (9) The marketing plan must specify media or methods that will be used to market the property. Photos, proofs or the advertising item, itself, should be available for inspection if actual marketing via a particular media is already under way. Possibilities include those in the list below.
- (a) Signs on road and in sales office, model units, common areas and other areas. The plan must state location(s), size of sign, text or information on sign, size of print and size of TDHCA and Fair Housing logos.
 - (b) Billboards; state locations, size, text, design and timing and duration
 - (c) TV; state call letters of station(s), message, duration, frequency or timing
 - (d) Radio; state call letters of station(s), message, duration, frequency or timing
 - (e) Newspapers; state names of publications, size of ads, majority market for circulation, text, frequency or timing
 - (f) Brochures, leaflets, handouts; submit brochure, leaflet or handout, or provide text and describe the design if already known.
 - (g) Letters to public and private organizations such as public agencies and community organizations (see "Personal contact" item below); submit example of a letter and state which agencies and organizations will be contacted.
 - (h) Personal contact with neighborhood organizations, minority organizations, women's organizations, churches, labor unions, employers, public agencies (MHMR, Independent Living Center, private agencies, disability advocates, and individuals who are well known in the community as affiliates of such groups.

Management & Marketing Plan Addendum

[Include this language word for word in the management & marketing plan(s)]

§ 2306.6728. Texas Department of Housing and Community Affairs Policy and Procedures Regarding Recipients of Certain Federal Housing Assistance

(a) The department by rule shall adopt a policy regarding the admittance to low income housing tax credit properties of income-eligible individuals and families receiving assistance under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f).

(b) The policy must provide a reasonable minimum income standard that is not otherwise prohibited by this chapter and that is to be used by owners of low income housing tax credit properties and must place reasonable limits on the use of any other factors that impede the admittance of individuals and families described by Subsection (a) to those properties, including credit histories, security deposits, and employment histories.

(c) The department by rule shall establish procedures to monitor low income housing tax credit properties that refuse to admit individuals and families described by Subsection (a). The department by rule shall establish enforcement mechanisms with respect to those properties, including a range of sanctions to be imposed against the owners of those properties.

§ 2306.269. Tenant and Manager Selection

(a) The department shall set standards for tenant and management selection by a housing sponsor.

(b) The department shall prohibit a multifamily rental housing development funded or administered by the department, including a development supported with a housing tax credit allocation under Subchapter DD, from:

(1) excluding an individual or family from admission to the development because the individual or family participates in the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f); and

(2) using a financial or minimum income standard for an individual or family participating in the voucher program described by Subdivision (1) that requires the individual or family to have a monthly income of more than 2 ½ times the individual's or family's share of the total monthly rent payable to the owner of the development.



Texas Department of Housing and Community Affairs
 Multifamily Finance Production Division
 P.O. Box 13941, Austin, Texas 78711-3941
 221 East 11th Street, Austin, TX 78701

Telephone: (512)475-3340
 Facsimile: (512)475-0764

2007 POST APPLICATION-DEVELOPMENT OWNER CERTIFICATION FORM

HTC File _____ Development
 No.: _____ Name: _____

I (We) certify that the subject development will be built to comply with all applicable requirements of the Application and the 2007 QAP, including the requirement that is indicated by §49.9(h)(4)(G). The text of the foregoing section follows: “A certification that the Development will be equipped with energy saving devices that meet the 2000 International Energy Conservation Code (IECC), which is the standard statewide energy code adopted by the state energy conservation office, unless historic preservation codes permit otherwise for a Development involving historic preservation. All Units must be air-conditioned or utilize evaporative coolers. The measures must be certified by the Development architect as being included in the design of each tax credit Unit at the time the Post Bond Closure Documentation is submitted and in actual construction upon Cost Certification. (2306.6725(b))

By: _____
Signature of Development Owner *Date*

STATE OF: _____
 COUNTY OF: _____

I, the undersigned, a notary public in and for said county, in said state, do hereby certify that _____, whose name is signed to the foregoing statement, and who is known to me to be one in the same, has acknowledged before me on this date that, being informed of the contents of this statement, executed the same voluntarily on the date same foregoing statement bears.

Given under my hand and official seal this _____ day of _____, _____. (seal)

Notary Public Signature *Commission Expires*



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2007 POST APPLICATION-ARCHITECT CERTIFICATION FORM

HTC File No.: _____ Development Name: _____

NAME and ADDRESS of ARCHITECT
Name: _____ Contact: _____
Mailing Address (No P.O. boxes): _____
City: _____ St.: _____ Zip: _____ Phn.: () _____ Ext: _____
TIN #: _____ Fax: () _____ E-mail: _____

As required by §2306.6722 Texas Government Code, and included in the 2007 Qualified Allocation Plan and Rules (QAP), the development must be designed and constructed in compliance with stated accessibility standards.

With regard to the rule above, I (We) certify that the subject development will be built to comply with all applicable requirements of the Application and the 2007 QAP, including the requirement that is indicated by §49.9(h)(4)(F). The text of the foregoing section follows:

(F) Pursuant to §2306.6722, any Development supported with a housing tax credit allocation shall comply with the accessibility standards that are required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and specified under 24 C.F.R. Part 8, Subpart C. The Applicant must provide a certification from an accredited architect or Department-approved third party accessibility specialist, that the Development will comply with the accessibility standards that are required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and specified under 24 C.F.R. Part 8, Subpart C and this subparagraph. This includes that for all New Construction Developments, a minimum of five percent of the total dwelling Units or at least one Unit, whichever is greater, shall be made accessible for individuals with mobility impairments. A Unit that is on an accessible route and is adaptable and otherwise compliant with sections 3-8 of the Uniform Federal Accessibility Standards (UFAS), shall be deemed to meet this requirement. An additional two percent of the total dwelling Units, or at least one Unit, whichever is greater, shall be accessible for individuals with hearing or vision impairments. Additionally, in Developments involving New Construction where some Units are two-stories and are normally exempt from Fair Housing accessibility requirements, a minimum of 20% of each Unit type (i.e. one bedroom, two bedroom, three bedroom) must provide an accessible entry level and all common-use facilities in compliance with the Fair Housing Guidelines, and include a minimum of one bedroom and one bathroom or powder room at the entry level. A similar certification will also be required after the Development is completed from an inspector, architect, or accessibility specialist. Any Developments designed as single family structures must also satisfy the requirements of §2306.514, Texas Government Code. (2306.6722 and 2306.6730)

I further certify that I am aware that multiple representations were made about the design of the development in the application and that specifications regarding the design exist with respect to certain definitions, Threshold requirements and Selection options within the 2007 QAP. I am aware that, as required by §2306.6712 Texas Government Code, and included in the Qualified Allocation Plan and Rules (QAP), a "material alteration" of the design of the development



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2007 POST APPLICATION-GENERAL CONTRACTOR CERTIFICATION FORM

HTC File Development
No.: _____ Name: _____

NAME and ADDRESS of GENERAL CONTRACTOR
Name: _____ Contact: _____
Mailing Address (No P.O. boxes): _____
City: _____ St.: _____ Zip: _____ Phn.: () _____ Ext: _____
TIN #: _____ Fax: () _____ E-mail: _____

As required by the 78th Legislature, the General Contractor hired by the Development Owner, or the Development Owner if the Development Owner serves as General Contractor, must demonstrate a history of having constructed similar types of housing without the use of federal tax credits.

Documentation that the General Contractor is qualified under the foregoing state law is required as a condition of the Commitment Notice and must be submitted to the Department prior to commencement of construction and at cost certification.

I (We) understand that after an Allocation of tax credits has been made, evidence must be submitted to the Department which sufficiently documents that the General Contractor has constructed housing without the use of low income housing credits. I (We) also understand that failure to do so would be grounds for revocation of any award of tax credits and might subject the Development Owner and General Contractor to penalties under state and federal law. I (We) hereby acknowledge, understand and certify that I (we) have met at least one of the following conditions as required (check the appropriate box):

- For developments not exceeding 76 units and receiving an allocation from the Rural Regional Allocation, construction of at least 12 comparable housing units as required.
For developments exceeding 76 units, construction of at least 24 comparable housing units as required.

By: _____
Signature of General Contractor Date

STATE OF: _____
COUNTY OF: _____

I, the undersigned, a notary public in and for said county, in said state, do hereby certify that _____, whose name is signed to the foregoing statement, and who is known to me to be one in the same, has acknowledged before me on this date that, being informed of the contents of this statement, executed the same voluntarily on the date same foregoing statement bears.

Given under my hand and official seal this _____ day of _____, _____. (seal)

Notary Public Signature Commission Expires