HTC 2012 Competitive Application Cycle Frequently Asked Questions (FAQ)

Following is a list of questions that the Department has received with respect to the 2012-2013 Qualified Allocation Plan (QAP) and how various provisions of the QAP will be applied to Applications submitted and reviewed by the Department during the 2012 competitive cycle. Each of the questions was received during the application workshops in December, via email, or during phone calls with staff. The FAQ is an opportunity to provide all Applicants and the public the same information that was relayed to these individuals.

Questions and answers are in the same order that their related sections appear in the QAP. If questions and answers are added after the initial posting, the revision dates will appear at the top of this page and will be included next to each of the added questions. The Department may not send out a new listserv each time an update is made unless the update is extensive. Staff encourages interested individuals to check back periodically.

General

Q: How can I request a waiver of a rule?

A: The Department has provided a tab in the Application to facilitate any disclosure of potential ineligibility that the Applicant would like to have considered by the Department for a waiver.

Waivers are governed by §50.16 of the QAP. Any request for a waiver should be accompanied by an explanation that specifically addresses why the waiver is necessary to fulfill the purposes or policies of Chapter 2306 of the Texas Government Code or if it is necessary in response to a natural, federally declared disaster that occurred after adoption of the 2012-2013 QAP. Staff will review the waiver requests and determine whether a waiver is actually necessary. Waivers that are necessary must be approved by the Board in a public meeting. It is the Applicant's responsibility and burden to seek and obtain any necessary waivers. Even if needed, waivers may not be granted if it cannot be shown that they are needed to further the purposes or policies of Chapter 2306 or that they are in response to a natural, federally declared disaster.

§50.2-Definitions

Q: The definition for "intergenerational" housing no longer appears in the QAP. Can an Applicant still submit an Application for a Development targeting both elderly households and family households?

A: An Application that includes some buildings reserved solely for occupancy by elderly households and other buildings not so limited or targeted will be considered to have a

Target Population of "General Population." Staff advises Applicants to be cautious in structuring Developments in this manner due to potential conflicts between such restrictions and the Fair Housing Act. The Fair Housing Act generally protects families from discriminatory housing practices and the Act provides very limited options for restricting housing for occupancy by elderly households. Generally, a Development restricting units for elderly households must be operated entirely for elderly households and thus would be considered a Qualified Elderly Development. The Department will not recommend for award any Application that appears to violate the Fair Housing Act. If an Applicant is thinking about submitting such an Application, it is strongly encouraged that you contact the Department before doing so to discuss in more detail. Applicants are also cautioned that it is their responsibility to comply with the Fair Housing Act and failure by the Department to raise issues does not constitute a waiver or approval.

Applicable Percentage

Q: How will the Department deal with the potential expiration of the fixed 9% Applicable Percentage for any buildings not placed in service prior to December 31, 2013?

A: The Department will allow an Applicant to elect to be underwritten at either the 9% fixed rate or the floating rate effective in the month the Application is submitted plus 40 basis points. Such an election should be made in the "LI Election & SetAside" tab of the Application and reflected in the Development Cost Schedule. Applicants should be aware that this election is solely for the purposes of underwriting and that in order to receive the benefit of the fixed 9% at Cost Certification, the buildings must place in service by the federal deadline, unless extended by Congress. The 9% rate cannot be fixed at the time of Carryover as is allowable for the floating rate. When an Application using the 9% fixed rate is underwritten, staff will review the specific circumstances of the transaction to determine if there is a reasonable expectation that the Applicant could place its buildings in service by the deadline. Staff recommendations for awards may include conditions related to timeliness of closing, start of construction, or completion of necessary infrastructure.

Central Business District

Q: How does an area get designated as a Central Business District?

A: The Department is generally relying on a City to designate its Central Business District in accordance with §50.2(7). The Department will require a letter from the Appropriate Local Official confirming the location of the proposed Development within the boundaries of the Central Business District and certifying that the designated area meets the definition within the 2012 QAP related to presence of a ten-story commercial building. Only cities with a population of 50,000 or more as identified in the Site Demographic Characteristics Report (available on the website) can qualify.

Q: Does a building that has a 3-floor parking garage and 7 floors of commercial space qualify?

A: The Department is relying on the Appropriate Local Official to make an affirmative statement regarding the presence of a ten-story commercial building and what is deemed to be ten stories, as long as such determination is reasonable.

High Opportunity Area

Q: This year the Department included the word "accessible" under sub-paragraph (C) of this definition as follows: "*within a half-mile of an accessible transit stop for public transportation if such transportation is available in the municipality or county in which the Development is located*." Does this mean that the transit stop has to be ADA accessible and, if so, what evidence will an Applicant have to provide to the Department with the Application?

A: Yes. Within the definition of High Opportunity Area the word "accessible" means that a transit stop has to be accessible in accordance with the Americans with Disabilities Act (ADA). However, no evidence will be required in the Application other than a certification from the Applicant that the transit stop meets accessibility requirements.

Q: Many rural areas do not have a bus or other transit system with defined stops and a regular schedule. Would a transit service that can be contacted to schedule pick-up qualify?

A: No. The requirement is for an accessible transit stop. It is implied that the requirement is for a bus or transit system that has regularly scheduled service, routes, and defined stops for public use.

Q: If a site is not currently served by a bus stop, will a letter from the local transit authority agreeing to put a stop within one-half mile from the Development Site satisfy this requirement?

A: This should generally be fine as long as the letter from the local transit authority makes it clear when the stop will be completed and available for use (this date should be prior to the Development placing in service) and that the stop will be accessible.

Q: Is subparagraph (D) of the High Opportunity Area definition, relating to being located in an elementary school attendance zone with an academic rating of "Exemplary" or "Recognized," applicable to a Qualified Elderly Development?

A: If a Qualified Elderly Development is located in the attendance zone of a qualifying elementary school and the Census tract in which the Development Site is located meets the requirements in subparagraphs (A) and (B) of the High Opportunity Area definition, then the Development would be eligible to receive the benefits provided for Developments located in High Opportunity Areas (*i.e.*, 30% boost and Development Site Location points).

Q: What if an area has district-wide enrollment and two elementary schools within that district?

A: A Development located in this area would not qualify under this criterion.

Q: Do charter schools qualify for purposes of subparagraph (D) of the High Opportunity Area definition?

A: No. Charter schools do not qualify.

Q: What documentation is required to show that a Development is located within an elementary school attendance zone that is rated exemplary or recognized?

A: A letter from the school stating that the Development Site is in the attendance zone of the school and signed by an appropriate person such as a principal, assistant principal, administrative staff, that the school is rated exemplary or recognized as of 12/19/11 ***OR*** an attendance zone map from the school showing the location of the Development Site, name of the school and verification of the rating.

§50.4(b)- Ineligible Applicants

Q: For purposes of disclosing circumstances of voluntary or involuntary termination of involvement in a rent or income restricted multifamily Development by a lender, equity provider, or any other owners or investors as Principals during the past 10 years, does the Department want to know about the same instances that were disclosed last year during the 2011 Application Round?

A: Yes, even if you disclosed this information in a previous Application Round, the Department requests that you disclose the information again for any new Applications being submitted in 2012.

Q: If a Development is proposing to do fewer units than what there was prior, but the buildings are going to be demolished by the city prior to the submission of the full Application would this be considered New Construction or Reconstruction?

A: If a pre-application is submitted then it would be considered Reconstruction as long as the demolition didn't occur prior to the pre-application being submitted.

§50.4(c)- Ineligible Applications

Q: What happens if an Applicant requests more than 150% of the credit amount available in the sub-region, even if it's over by a small amount?

A: The Applicant will be given an opportunity to provide an explanation of how the request does not result in the Application being ineligible but will not be given an opportunity to change the request (see §50.4(a) and §50.4(c)(10)). If an Applicant cannot provide such evidence to the satisfaction of staff, the Application will be terminated. This is an appealable matter. The 2012 HTC Applicant Request/Award Limits and Estimated Regional Allocation posted on the Department's website identifies the maximum tax credit request amount for each subregion. It is strongly encouraged that all Applicants refer to this information when preparing their Applications to be submitted during the 2012Application Round.

§50.4(d)- Ineligible Developments

Q: Can you verify that Rural Developments are excluded from the unit maximum percentages with regards to bedroom size.

A: The QAP does exclude Rural Developments from having to meet the unit maximum percentages in §50.4(d)(10); however, should a Rural Area Development be Qualified

Elderly or in a Central Business District then there would be unit maximum percentages requirements (see §§50.4(d)(4), (6), and (7)).

Q: If the buildings in a Development are set farther back so that they are not within 300 feet from a negative site feature, is this ok?

A: If a boundary of the Development Site is within 300 feet of a negative site feature, then simply locating the buildings in the Development farther back will not resolve the issue. Pursuant to §50.4(d)(13) which states, "the distances are to be measured from the nearest boundary of the Development Site to the boundary of the negative characteristic."

Q: Are light rail trains considered a negative site characteristic?

A: No. If the railroad in question is commuter or light rail, it is not considered a negative site characteristic.

Q: For the two-mile same year rule, what happens in a situation where you have two competitive Applications within two miles of each other; one is competing in the At-Risk set-aside, the other is competing in the regular regional set-aside, and the At-Risk Application is lower scoring? Does the At-Risk Application get funded first in determining which of these two deals located within two miles of each other gets funded?

A: This is not a situation that the Department has encountered and there is no clear direction given in statute or in the QAP with regard to this issue generally. If it were encountered, staff would look at the specific circumstances in relation to the rules. If the rules did not support a clear position, staff would advise the Board of the circumstances surrounding the issue and seek a determination from the Board.

§50.5(e)- 30% Boost

Q: What happens if you elect that your Application does not need the 30% basis boost if you can claim the 9% rate but later on you realize that you cannot meet the 12/31/2013 Placed in Service deadline to keep the 9% rate? Will the Department go back and factor in the 30% basis boost?

A: No. The applicability of the 9% fixed Applicable Percentage and the 30% boost are governed by the QAP and federal law. There is no provision that would allow the boost to be applied if the Applicant failed to meet the required placed in service date. An Applicant should exercise caution in structuring a transaction that would not be financially successful if it was unable to use the fixed 9%.

Q: Does the new criteria to qualify for the boost apply to 4% HTC/Bond Applications?

A: No. Bond Applications can only qualify for the boost under the first paragraph which is for Developments located in a Qualified Census Tract that has less than 30% Housing Tax Credit Units per total households.

§50.6- Allocation and Award Process

Q: Does the 5% USDA set-aside come out of the 15% At-Risk set-aside?

A: Yes. In awarding At-Risk Applications, the Department first ensures that the USDA Set-Aside is met before awarding funds to non-USDA deals in the At-Risk Set-Aside.

Q: The information required to be sent to elected officials has been changed. Previously re-notification was triggered by a change in the AMGI levels or a change in the Target Population. However, since this information is no longer required in the notifications to elected officials, when is re-notification required?

A: Re-notification will be required if the total number of Units increases by greater than 10% or if elected officials change between pre-application and Application. While not required, if an Applicant included the Target Population in their notifications at pre-application and they change the Target Population in the Application, this would also trigger a need to re-notify.

Q: If a city councilman resigned in November and no successor has been elected, how should this be handled for notification purposes?

A: If the new city councilman is in place by the deadline for notifications for full Application then such notification should be sent.

Q: Can an At-Risk Application be New Construction?

A: To qualify for At-Risk, there are several requirements related to the presence of an existing and expiring subsidy on an existing Development (see §50.6(c)(3)). These requirements must be met. Additionally, any redevelopment must include the same site where the existing units are located. However, an Applicant could choose to reconstruct or rehabilitate the existing units and add additional new units on the site. In this instance, the Development would be considered New Construction and this would not cause the Development to be ineligible to participate under the At-Risk Set-Aside. Applicants structuring a similar Development should be careful to ensure that the requested credits are only for those units considered At-Risk. New units added to such a development should not utilize resources reserved and intended to preserve existing affordable units. Contact Cameron Dorsey at cameron.dorsey@tdhca.state.tx.us for additional guidance.

Q: **[ADDED 2/1/12]** Will the tax credits per person tie breaker (§50.6(f)(1)(B)) be calculated based on total Units or just Low Income Units?

A: After a review of the Board transcript, the summary of changes presented to the December Board meeting, and the language in the QAP, staff has determined that the Housing Tax Credit per person calculation will be done as follows:

Housing Tax Credit request / total Bedrooms in the Development x 1.5

Note that Efficiency Units will be considered to have 1 Bedroom solely for the purposes of this calculation. There is no reference any of the above materials to use of only Low

Income Units or Bedrooms in Low Income Units that would warrant excluding market rate units.

§50.8- Threshold Criteria

Q: If the city in which the Development is located is over 2x per capita but the county is not, is a resolution required?

A: In this context, "2x per capita" refers to the rule in §50.8(2)(A) related to Development Sites in municipalities or counties that have more the twice the number of Housing Tax Credit Units per capita than the state average. If your Development Site is within the boundaries of a municipality identified in the Site Demographic Characteristics Report and it has more than twice the number of tax credit units than the state average, then you need a resolution from the Governing Body of the municipality. See the next question for more detail.

If your Development Site is not within boundaries of a municipality identified in the Site Demographic Characteristics Report but the county has more than twice the number of tax credit units per capita than the state average, then a resolution from the County would be necessary. For 2012, the only counties exceeding the 2x per capita threshold are the counties of Llano and Armstrong.

Q: If a Development is not located in an incorporated city, but is located in a Census Designated Place and it is over 2x per capita, where does the resolution have to come from?

A: The resolution for a Development located in a Census Designated Place that is not a municipality and is over 2x per capita has to come from the county.

Q: The QAP indicates that experience is required in the development of 150 units or more. If a previously issued Experience Certificate reflects Rehabilitation experience, does it also qualify for New Construction experience?

A: The QAP does not distinguish between construction types, so if you have a previous Experience Certificate for Rehabilitation, the same Certificate may be used for New Construction.

§50.9(b)- Selection Criteria

50.9(b)(2)- Quantifiable Community Participation (QCP)

Q: In an acquisition/rehabilitation Development where a Neighborhood Organization, such as a Resident's Council, already exists how do you make sure there is no conflict of interest between the Applicant and that organization?

A: The recommended course of action is to refer that organization to the information available on our website and to the staff person who handles QCP inquiries (Nicole Fisher, Ph. 512.475.2201). The Department will assist the organization with questions relating to the QCP process.

50.9(b)(3)- Income Levels of Tenants

Q: Is there rounding on this scoring item?

A: If the calculation results in anything other than a whole number (example: 16.2) then you must round up to the next whole Unit. You cannot have 16.2 Units, in this case you would need to reflect 17 units in order to be eligible for the points requested.

50.9(b)(5)- Commitment of Development Funding by a Unit of General Local Government or Governmental Instrumentality

Q: **[ADDED 2/1/12]** If I apply for HOME funds from TDHCA, can the resolution required in §50.9(b)(5) state that the city "supports" an application for HOME funds?

A: No. The resolution must provide language conforming to the rule, "authorizing the Applicant to act on behalf of the Governing Body of the Unit of General Local Government in applying for HOME Funds from TDHCA for the particular Application."

Q: If a local government is providing the funds for this item is this ok?

A: Yes, provided that all of the other requirements for this item are met.

Q: Can a City support more than one Application?

A: Yes. A City can choose to provide support to as many Applications as it chooses or can choose to support no Applications. Note, however, that if a city supports multiple applicants through funding commitments and they receive awards, the city will be required to fund them all.

Q: What if you can get an ongoing development subsidy (rental assistance) but not for 15 years?

A: A rental subsidy must be for a term of not less than 15 years (§50.9(b)(5)(A)(vi)). Shorter rental terms do not quality under this scoring item.

Q: The language in §50.9(b)(5)(A)(vii), indicates that the loan only has to be 100 basis points below market if the loan is a below market rate loan. Does this mean a loan that is not at a below market rate could qualify?

A: No. While the language is not perfect, it is clear intent that the loan provide a benefit to the applicant. Viewed in the context of this scoring item as a whole and in concert with the Board transcripts, it is clear that the requirement is that ANY loan must be at least 100 basis points below market. This was also covered and emphasized in each of the application workshops.

Q: Who defines market interest rate?

A: For the purposes of meeting the 100 basis points below market requirement in §50.9(b)(5)(A)(vii), the Department is not setting a market interest rate benchmark. The entity providing the funds must attest to the fact that the rate is at least 100 basis points below the market interest rate in their reasonable determination.

Q: If the rate on the loan is 0%, will we have to include the 100 basis point statement in the letter?

A: Since an interest rate cannot be any lower, a statement that the loan is 100 basis points below market is not required. However, all other requirements of this scoring item must be met.

50.9(b)(6)- Community Support from State Representative or State Senator

Q: If we get a letter of support from a US Representative will this qualify for points under this scoring item?

A: While the views of a US Representative are welcome, the letter of support must come from State Representative or Senator to qualify for these points pursuant to §2306.6710(b)(1)(F).

50.9(b)(8)- The Cost of the Development by Square Foot

Q: Do Direct Construction Costs include Site Work Costs?

A: No. Direct Construction Costs do not include site work. The Development Cost Schedule in the Application includes a section labeled "Direct Construction Costs." The Department will use the costs reflected in this section to calculate the Direct Construction Costs per square foot.

Q: **[ADDED 2/1/12]** It is not clear what costs must be included in the various thresholds for the cost per square foot point item [50.9(b)(8)]. Can you please clarify which line items from the Development Cost Schedule in the Application are included in calculations?

A: This question is best answered by providing an example. For the example, assume the Development is subject to the following limits in subparagraph (A) of this paragraph: "eighty-five ($85) per square foot (and direct construction cost, also referred to as building costs in §1.32(e)(4) of this title do not exceed $70 per square foot)." The $85 limit will be calculated using the following formula, which references specific line items of the Development Cost Schedule:

(Subtotal Off-Sites Cost + Subtotal Site Work Cost + Subtotal Direct Const. Costs + Subtotal Ancillary Hard Costs) / Net Rentable Square Feet = cost per square foot.

The $70 threshold will be calculated using the following formula:

Subtotal Direct Const. Costs / Net Rentable Square Feet = direct construction cost per square foot.

Q: Can you confirm that structural (*i.e.*, podium) garages will be considered part of the eligible basis?

A: While the Department does not prohibit it from being included in eligible basis, this is something the applicant must address with its accountants. It must be addressed in the cost certification. The Department would be reviewing the planned use of the parking facilities, including whether any additional fees would be charged to tenant or whether

the garages had some other commercial use. For purposes of the cost per square foot scoring item, the cost of the garage would be included in the calculation.

50.9(b)(11) Additional Evidence of Preparation to Proceed

Q: What is required to be included in a Civil Engineering Feasibility Study?

A: The following is provided as an example of items to be discussed or reviewed by a Civil Engineer in a feasibility study. Most Civil Engineers have a standard due diligence report format that they use. There may be other site specific items not listed below that should be discussed and of importance to the Developer. You should discuss further with a civil engineer of your choosing.

- Executive Summary
- Existing Site Conditions
- Surveys (Easements/Set-Backs/Other Requirements)
- Environmental Site Assessment (relating to any Site Features impacting Development)
- Geotechnical Review Summary (Report or Observations)
- Storm Water Management (Detention/Retention/Drainage)
- Topographic Review (Existing Survey or USGS Topographic Observations)
- Site Ingress/Egress Requirements (Fire, TxDOT, Median Cuts, Deceleration, Etc.)
- Offsite Requirements (Utilities/Roadways/Other)
- Water/Sanitary Sewer Service Summary (Distribution Maps)
- Electric, Gas, and Telephone Service Summary (Distribution Maps)
- Zoning/Land Development Ordinances Summary (others as applicable)
- Building Codes/Ordinances/Design Requirements Summary
- Entitlement/Site Development/Building Permitting Process Summary and Timing
- Entitlement, Impact and Development Fee Summary
- Site Plan Observations/Recommendations
- Other Considerations, Conditions, Issues or Topics Relevant to Development of the Site as Proposed

Q: This section provides points for having an executed contract with an architect. We are using an "in house" architect. Does this mean we have to create a contract?

A: No. For an Applicant using an "in house" or Related Party architect, the requirements in §50.9(b)(11)(B)(i)(I) or (ii)(I) can be met by submitting each individual contract between the Owner (or related architect) and Third Party structural, mechanical, electrical, plumbing, and civil engineers and landscape architect.

Q: What constitutes a "civil engineered site plan?"

A: This item is a site plan that at a minimum includes the following. Often such civil engineered plans are provided on more than one sheet to limited crowding, which is acceptable.

- Topography
- Set-backs, easements or any other site specific development restrictions
- Floodplain
- Building placement
- Amenity placement
- Drives/Roadways
- ADA routes

- Parking with handicap spaces identified
- Utility Plan (wet utilities)
- Drainage and detention/retention plan (discussion of regional detention/retention, if applicable)
- A statement on the plan that engineer has researched codes, ordinances and any other development requirements of local government, including fire, with jurisdiction over the site and that the site plan conforms. Actual submission to or review by a local government, including fire, is not required.
- A statement on the plan regarding any known variances that would be required.
- Site plan must be dated and stamped as "preliminary"

Q: Do pre-applications that withdrew qualify under paragraph (C) of this scoring item?

A: No. Pre-applications or Applications that were terminated, withdrawn, or were otherwise determined to be ineligible do not qualify.

Q: Can the number of Units increase because you developed better design?

A: No. The current Application must include the same number of Units.

Q: Can the rent levels and unit mix change from the previous Applications?

A: Yes.

50.9(b)(12)- Leveraging of Private, State, and Federal Resources

Q: If you get HOME funds and break them into two different loans, does that qualify for points under (b)(5) and (b)(12)?

A: No. Division of the same source into separate loans or grants does not qualify for points under §50.9(b)(5) and §50.9(b)(12).

Q: If the funding source is the City of XXX, and you get a HOME loan for (b)(5) but also get a CDBG or other type of loan from the same city, can that qualify for points under both scoring items?

A: If the documentation submitted clearly evidences two distinct and separate sources of funds then this would allow an Applicant to qualify for points under both §50.9(b)(5) and §50.9(b)(12). An example of two distinct and separate sources could be two different loans, one from HOME funds and the other from CDBG funds, provided by the same city.

Q: If you get a loan that isn't the largest source of funding but is in 1st lien position, does that qualify? An example would be a $5,000 loan in 1st lien position.

A: Yes. The rule allows for a 1st lien loan that is not the largest source to qualify.

Q: Does a USDA 538 loan qualify?

A: A USDA 538 loan could qualify provided it meets all of the requirements of this scoring item.

Q: Does an existing USDA 515 loan qualify?

A: A USDA 515 loan could qualify provided it meets all of the requirements of this scoring item. In order to qualify the loan must provide a new benefit to the transaction. One example is USDA's process to "re-cast" the loan with a new amortization and term which lowers the debt service and allows the Applicant to leverage additional debt. While an Applicant with an existing USDA 515 loan has its own distinct requirement under the financial feasibility scoring item in §50.9(b)(1), no such latitude is allowed under the leveraging scoring item. Therefore, the Applicant must be able to meet the requirement to submit evidence that they have already applied to USDA and a letter from USDA indicating that the terms applied for would meet the requirements of the leveraging criteria.

Q: When does the loan have to be in 1st lien position? At interim or permanent phase?

A: The loan must be in the 1st lien position in the permanent financing stage. If the loan is in a subordinate position during construction to accommodate another lender that may just be bridging the equity this would not disqualify the loan.

Q: If a HUD 221(d)(4) loan is being used, what would be acceptable as a "firm commitment"?

A: An invitation letter from HUD would qualify. However, the Department strongly encourages the Applicant to start talking to HUD as early as possible. It is the Applicant's responsibility to ensure that they provide HUD the necessary documentation in order to receive an invitation letter by the November 1, 2012 deadline.

50.9(b)(15)- Developments in Census Tracts with Limited Existing HTC Developments

Q: How do we know if a previous Development was Supportive Housing or not?

A: Since "Supportive Housing" is a completely new Target Population, the Department does not have a list of all previously awarded Supportive Housing Developments. In order to determine if a Development is a Supportive Housing Development, an Applicant could review the underwriting reports available on the Department's website.

Q: What if the Property Inventory incorrectly identifies the census tract for a Development and that Development is actually located in the same census tract as the proposed 2012 Development?

A: While staff understands that an Applicant often relies on the information provided by the Department, it will depend on the specific circumstances and ultimately the Applicant is responsible. For example, if the other tax credit Development is owned by an affiliate of the Applicant, then the Applicant should have been aware that the presence of their own Development would disqualify the current Application for points. The Department will look at whether it was reasonable for the Applicant to have been unaware of the mistake.

Q: Does the Department's data/inventory track whether a Development is out of its compliance period?

A: Any Development that is still subject to the restrictive covenants of a tax credit allocation (whether pre- or post-year 15) will be identified as an existing HTC Development for the purpose of this scoring criterion. It can be difficult to identify all Developments that are no longer subject to a tax credit LURA, such as foreclosures that eliminated the LURA.

50.9(b)(16)- Development Location

Q: Do At-Risk deals qualify for any Development Location points?

A: No. An At-Risk Application cannot receive points under the Development Location scoring item.

50.9(b)(18)- Length of Affordability Period

Q: If I am proposing to rehabilitate a 10 building development but reconstructing 1 building, do I qualify for these points?

A: No. Every building in the Development must be reconstructed to be eligible for these points.

50.9(b)(20)- Repositioning of Existing Developments

Q: This section states that Application may qualify to receive up to (3) points for this item. Does this mean that you only have to meet one of the criteria listed in this section?

A: No. An Application must meet ALL criteria listed in this section in order to qualify for the 3 points.

Q: Can a proposed Rehabilitation where some of the units were constructed in 1979, some in 1980 and some in 1981 be eligible for points under this scoring item?

A: This scoring item speaks to the Development containing buildings, not units built between 1980 and 1990. In this example, if the proposed Development contains at least one building constructed within this timeframe then it would be considered eligible for these points, provided this can be documented.