~~2014~~DRAFT

# 2015 STATE OF GEORGIA
# CORE QUALIFIED ALLOCATION PLAN
# TABLE OF CONTENTS


Section 1. Purpose ..... 2

Section 2. Definitions ..... 2

Section 3. Available Resources ..... 9

Section 4. QAP Selection Requirements ..... ~~9~~10

Section 5. Discretion ..... ~~10~~13

Section 6. Affordable Rental Housing Needs ..... ~~11~~14

Section 7. Set Asides ..... ~~11~~14

Section 8. Competitive Pools ..... ~~11~~15

Section 9. State Designated Basis Boost ..... ~~12~~15

Section 10. Tax Credit Administration ..... ~~13~~16

Section 11. 4% Federal Credit – Bond Financed Projects ..... ~~14~~17

Section 12. Financing Resources – HOME Loans ..... ~~15~~19

Section 13. Eligibility of Certain Project Configurations ..... 20

Section 14. Submission Requirements and Award Limitations ..... ~~17~~21

Section ~~14~~15. Post Award Deadlines ..... ~~20~~23

Section ~~15~~16. Project Reconfiguration / Application Modification ..... ~~21~~ ..... 25

Section ~~16~~17. Fees and Deadlines ..... ~~22~~25

~~Section 17.~~ Section 18. Evaluation of Applications ..... ~~22~~26

Section 19. ~~Section 18.~~ Georgia Open Records Act ..... ~~26~~30

Section 20. ~~Section 19.~~ Monitoring and Compliance ..... ~~26~~30

Section 21. ~~Section 20.~~ Modification of Plan ..... ~~30~~34

Section 22. ~~Section 21.~~ Mailing List ..... ~~31~~34

Exhibit A. DCA Pre-Application Deadlines and Fee Schedule ..... ~~32~~35

DCA Application and Pre-Award Deadlines & Fee Schedule ..... ~~33~~36

DCA Post Award Deadlines and Fee Schedule ..... ~~34~~37


Style Definition: Header

Style Definition: Footer

Formatted: Not Expanded by / Condensed by

Formatted: Not Expanded by / Condensed by

Formatted: Not Expanded by / Condensed by

Formatted: Indent: Left: 0"

Formatted: Font: +Body (Calibri)

**STATE OF GEORGIA**
**2014 QUALIFIED ALLOCATION PLAN**
**FOR**
**FEDERAL LOW INCOME HOUSING TAX CREDITS**
**STATE HOUSING TAX CREDITS**
**HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS**

**CORE PLAN**

## SECTION 1. PURPOSE

The Georgia Housing and Finance Authority (GHFA) is authorized to allocate and issue low income housing credits under Section 42 of the Internal Revenue Code of 1986, as amended, and to take all other actions and impose all other conditions which are required by federal law or which in the determination of DCA are necessary or convenient to ensure the complete, effective, efficient and lawful allocation of and utilization of the low income housing credit program (O.C.G.A. 50-26-89(a~~)).~~). As required by §42(m)(1) of the Code, GHFA approved this 2014 Qualified Allocation Plan (QAP) after extensive public consultation including two public hearings and a thirty day public comment period. The final 2014 QAP has been approved by the Board of Directors of GHFA and the Governor of Georgia.

The purpose of the 2014 Qualified Allocation Plan (Plan) is to set forth:

- Legislative and program requirements for the Georgia housing credit program.
- Federal and State resources that will be awarded under the QAP.
- Selection criteria which will be used to determine housing priorities of GHFA which are appropriate to local conditions.
- Process for evaluating funding requests and awarding of resources.

## SECTION 2. DEFINITIONS

The following definitions shall apply for the purposes of this Plan:

**"4% Credits"** means Federal Credit available to Bond Financed Projects which meet the requirements of this Plan.

**"9% Credits"** means Federal Credit allocated on a competitive basis under the provisions of this Plan.

**"Adjacent"** means either immediately contiguous to, across the street from, or

diagonally opposite across an intersection.

**"AMI"** means Area Median Income as defined by HUD.

**"Applicant"** means the legal ~~entities~~entity designated as the General Partner of the Ownership Entity and the legal entities designated as the members and/or principals of the Ownership Entity;

**"Application"** means the complete and entire set of required and requested documents, in paper and electronic form, submitted by an Applicant to DCA under this Plan.

**"Application Submission"** means the date and time, as stipulated in the Core Plan, by which the Application must be submitted to DCA in order to be eligible for funding under this Plan.

**"ARRA"** means the American Recovery and Reinvestment Act of 2009.

**"Bond Financed Projects"** means affordable housing developments financed with tax-exempt bonds and therefore eligible for 4% Federal Credit.

**"Capital Improvements"** mean substantial improvements to the real estate, for items such as re-roofing, structural repairs, or major projects to replace or upgrade existing furnishings. Capital Improvements do not include replacement of individual appliances or minor repairs.

**"CHDO"** means a Community Housing Development Organization, as defined in the ~~2013~~2014 HOME regulations at 24 CFR Part 92. CHDO "Owner", "Developer", and "Sponsor" are specifically defined therein.

**"CHDO Predevelopment Loan Program"** means the DCA program designed to make loans exclusively to CHDOs for predevelopment activities involving the preparation of Applications for loans through the HOME Rental Housing Loan Program.

**"Code"** means Internal Revenue Code, primarily Section 42.

**"Competitive Scoring"** means the process described in this Plan by which DCA ranks the Applications received. ~~The ranked outcome of the Competitive Scoring process will be a significant factor in DCA's determination of Applications selected for funding.~~

**"Compliance Period"** means the initial fifteen (15) year period during which a project must operate in accordance with the Credit requirements to avoid Federal Credit recapture. The Compliance Period commences with the first taxable year of the Federal Credit period.

**"Consultant"** means a third party entity that provides consulting services to Project Participants. An entity acting in the capacity of Owner, Developer or General Contractor or which provides technical assistance to the Owner, Developer or General Contractor

is considered a Consultant. Consultants include, but are not limited to, construction management consultants, interior design consultants, relocation specialists, tax credit application consultants, tenant certification consultants, HOPE VI consultants, etc. All consulting fees are considered part of the calculation of the maximum allowable Developer fee for each project. DCA will allow a limited exception and not include Consultants retained for the purpose of obtaining green building certifications provided the fee is no more than $20,000.

**"Conversion"** means the Conversion of a loan from a construction loan to a permanent loan.

**"Credits"** means the State Credit and the Federal Credit together.

**"DCA"** means the Georgia Department of Community Affairs, an executive government agency in the State of Georgia. By state law, DCA administers the programs of the Georgia Housing Finance Authority.

**"Developer"** means the legal entity designated as the Developer in the Application as well as all persons, affiliates of such persons, corporations, partnerships, joint ventures, associations, or other entities that have a direct or indirect ownership interest in the Developer entity. Any entity or individual that receives all or part of the Developer Fee must be designated as a developer. Material Participation is required for all developers and for all entities that receive any portion of the Developer Fee.

**"Disabled Person and Persons with a Disability"** means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment. In general, a physical or mental impairment includes hearing, mobility and visual impairments, chronic substance abuse issues, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limit one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks and caring for oneself. DCA utilizes the HUD definition of "Disabled Person." Applicants can refer to HUD guidance for further information.

**Formatted:** Font: Arial, 12 pt

**Formatted:** Justified, Right: 0.04", Space Before: 0 pt, Line spacing: single

**"Elderly"** means a person at least 62 years of age.

**"Elderly Housing"** means housing intended for and only occupied by Elderly persons including a family in which all members are Elderly. All household members must be Elderly (no children, and no disabled persons under the age of 62).

**"Exchange"** means the Tax Credit Exchange Provisions of the American Recovery and Reinvestment Act.

**"Extended Use Period"** means the period commencing with the first day in the Compliance Period and ending on the date which is fifteen (15) years after the close of the Compliance Period.

**Formatted:** Not Expanded by / Condensed by

**"Federal Credit"** means the Low Income Housing Tax Credit established by the federal government for the purpose of encouraging the development of affordable housing and governed by the Code.

**"Federal Deposit Insurance Corporation (FDIC) / Affordable Housing Disposition Program (AHDP)"** means the program that the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) required the Resolution Trust Corporation (FDIC) to develop for selling residential properties to provide affordable housing opportunities. In response to this provision, FDIC established the AHDP, or herein referred to as the Affordable Housing Program (AHP).

**"Federal Financial Institutions Examination Council (FFIEC)"** means the interagency body established pursuant to Title X of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (FIRA) empowered to prescribe uniform principles, standards, and report forms for the federal examination of financial institutions by the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS) and to make recommendations to promote uniformity in the supervision of financial institutions. The FFIEC website can be found at www.ffiec.gov.

**"FMR"** means the Fair Market Rents issued by HUD.

**"General Partner"** means the Partner or collective of partners, which has general liability for the partnership during construction, lease up, and operation of the project. In addition, unless the context shall clearly indicate to the contrary, if the entity in question is a limited liability company, the term "General Partner" shall also mean the managing member or other party with management responsibility for the limited liability company~~.~~.

**"GHFA"** means the Georgia Housing and Finance Authority, a public corporation created by the Georgia General Assembly and designated by the Governor as the State Allocating Agency for Federal and State Low Income Housing Tax Credits and the state-level grantee for federal HOME funds.

**"Guarantor Fee"** means a fee paid by an Owner/Developer to an entity or individual that will provide construction completion guarantees to the project equity investor for an agreed upon price.

**"HOME"** means the HOME Investment Partnership Program.

**"HOME Loans"** means ~~the~~DCA HOME Rental Housing Loan Program loans.

**"HOME Regulations"** means the regulations at 24 CFR Part 92 governing the HOME Rental Housing Loan Program, promulgated by HUD, including any subsequent amendments to such regulations.

**"HOME Rental Housing Loan Program"** means the Federal HUD program that is designed to provide below market, favorable term construction and permanent financing for affordable rental housing~~. In Georgia, this program is intended to serve those individuals who have incomes at or below 60% AMI~~.

**Formatted:** Not Expanded by / Condensed by

**Formatted:** Condensed by 0.05 pt

**"Housing and Economic Recovery Act of 2008 (HERA)"** means the Act signed into law by President Bush on July 30, 2008 that covers a range of housing issues.

**"Housing for Older Persons"** means housing intended and operated for occupancy by persons 55 years of age or older ("Older Persons"). According to Georgia law, such housing must also have significant facilities and service serving the Older Persons population even though the requirement has been eliminated from the federal definition of an elderly project. At least 80% of the total occupied units in such a housing project must be occupied by at least one Older Person.

Up to 20% of the units may be occupied by others, including the landlord's employees, the surviving spouses or children of residents who were Older Persons when they died, and caregivers. Owner must adhere to policies and procedures which demonstrate an intent by an owner to provide housing for individuals who are 55 years of age or older. DCA will monitor the required facilities and services during the applicable Compliance Period or the Period of Affordability whichever is longer. This definition also includes Public Housing properties that have combined Older Persons with disabled tenants in accordance with HUD program requirements.

**"HTF"** means the Housing Trust Fund for the Homeless established by O.C.G.A. § 8-3-300.

**"HUD"** means the U.S. Department of Housing and Urban Development.

**"Identity of Interest"** means a situation in which a Project Participant has a direct or indirect interest in the ownership of an entity which contracts with a Project Participant to provide land, goods or services for the project or where there is a financial, familial, or business relationship that permits less than arm's length transactions.

~~**"Integrated Housing"** means housing developments where 10% 20% of units are designated to serve individuals with special needs.~~

**"Integrated Setting or Integrated Housing"** means the "most integrated setting" is defined as "a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible." Integrated settings are those that provide individuals with disabilities opportunities to live, work, and receive services in the greater community in a manner similar to individuals without disabilities. Integrated settings are located in mainstream society and offer access to community activities and opportunities at times, frequencies and with persons of an individual's choosing. Integrated settings also afford individuals choice in their daily life activities and provide individuals with disabilities the opportunity to interact with non-disabled persons to the fullest extent possible. Settings that are not integrated include, but are not limited to, properties which target more than 20% of the units to individuals with disabilities. (Applicants should

review the Justice Department Mandate for additional guidance on this issue.)

**"IRS"** means the Internal Revenue Service, a division of the U.S. Department of Treasury.

**"Letter of Determination"** means a notice issued by GHFA to the issuer of tax exempt bonds for a specific project, which states that the project is eligible for 4% low income housing tax credits without receiving an allocation of credits from the state housing credit ceiling because the project satisfies the requirements of this Plan; and sets forth conditions which must be met by the development before GHFA will issue the IRS Form(s) 8609 to the Owner.

**"Local Government"** means the controlling elected governing body of the local jurisdiction (as defined in its Charter) in which the property is located at the time of Application (e.g., city council if within the city limits, or county commission if in an unincorporated area).

**"LURA"** means the Land Use Restriction Agreement that is a recorded agreement between GHFA and the Owner for a HOME funded project. The LURA is binding upon the Owner and its successors in interest, and that encumbers the project with respect to this Plan and the requirements of the HOME program.

**"LURC"** means the Declaration of Land Use Restrictive Covenant for Low-Income Housing Tax Credits that is a recorded agreement between GHFA and the Owner. The LURC is binding upon the Owner and its successors in interest, and that encumbers the project with respect to this Plan and the requirements of Section 42 of the Code.

**"Material Participation**" means involvement in the development and operation of the project on a basis which is regular, continuous and substantial as defined in Code Section 42 and 469(h) of the regulations promulgated hereunder.

**"Municipality"** means any incorporated city or town in the state.

**"Neighborhood Stabilization Program" or "(NSP)"** means HUD's Neighborhood Stabilization Program enacted to provide emergency assistance to state and local governments to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities. NSP provides grants to every state and certain local communities to purchase foreclosed or abandoned residential properties and to rehabilitate, resell, or redevelop these properties in order to stabilize neighborhoods and stem the decline of neighborhood values.

**"Non-Metro Median Income Limits"** means the higher of the current non-metro median income of (as defined in section 530 of the Housing Act of 1949) or the area median income to calculate incomes and rents of projects located in designated rural areas, as defined by Department of Agriculture and as outlined in HERA. At this time, HUD has not authorized the use of these non-metro income limits for HOME properties.

**"O.C.G.A."** means the Official Code of Georgia Annotated.

**"Operating Cost"** means the costs associated with operating a multifamily development once the project is placed in service.

**"Owner"** means the single purpose legal entity holding title to the project as well as all persons, affiliates of such persons, corporations, partnerships, joint ventures, associations, or other entities that have a direct or indirect ownership interest in the ownership entity. The Owner is also the Applicant.

**"Period of Affordability"** means the time during which HOME Loan financed units must remain affordable to eligible households, as defined by HOME program regulations and this Plan. The Period of Affordability shall commence upon completion of the project and shall run for the period required under HOME regulations or the term of the HOME Loan, whichever is greater. Completion shall be defined as set forth in the HUD regulations for the HOME program.

**"Permanent Debt Financing"** means long-term debt with a minimum maturity period of 10 years.

**"Person"** means an individual, corporation, partnership, joint venture, Limited Liability Company, association, trust or any other business entity.

**"Phased Development"** means one tax credit project that will be developed in several adjacent phases with different allocations of Credits under common planning documents. The common planning document(s) may include parks, green space and shared amenities between the different phases. Each phase of the property should have common ownership entities. In order to be considered a "Phased Development", the Applicant must have site control in place for all phases at the time the initial phase was commenced.

**"PJ"** means a Participating Jurisdiction, which is an agency of State or Local Government that administers the HOME Program in its jurisdiction. GHFA is the PJ for the non-entitlement areas of the State of Georgia**.** The local PJs include the cities of Albany, Atlanta, Macon, and Savannah; Clayton, DeKalb, and Gwinnett Counties; the consolidated governmental units of Athens-Clarke County, Augusta-Richmond County, and Columbus-Muscogee County; the counties and cities comprising the Georgia Urban County Consortium (Cobb, Marietta, Cherokee, Canton) and the Fulton County Consortium (Fulton, Roswell).

**"Plan"** means this 2014 Qualified Allocation Plan.

**"Project Participants"** mean the Owner, Developer, Management Company, Consultants and Syndicator for a project for which an Application is submitted.

"**Project Team**" means the General Partner and Developer, and the principal(s) thereof for a proposed tax credit project.

**"PHA"** means a local public housing authority.

**"Related Parties"** means a relative (including but not limited to grandfather, grandmother, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister) of any principal or any entity that shares common principals, executive directors, board members or officers.

**"Rent Standards"** means the most recent AMI FMR as issued by HUD and UA as described in the Plan.

**"Reservation of Funds"** means the securing of funding for a particular project proposal based on the understanding that the project will fully satisfy program and Plan requirements.

**"Rural"** means **those areas designated by USDA as being Rural or those counties that appear on Exhibit A of Appendix II.** A list of USDA Rural areas can be accessed on the USDA website at [http://eligibility.sc.egov.usda.gov/]

"**Scoring Criteria"** means the criteria detailed in Appendix II by which points are assigned for the purpose of Competitive Scoring.

**"State"** means the State of Georgia.

**"State Credit"** means the Housing Tax Credit established by the Georgia General Assembly, as set forth in O.C.G.A. §48-7-29 and §33-1-18.

**"Subsidy Layering Review"** means the DCA evaluation of projects using DCA program funds in combination with other governmental assistance to ensure that no more than the necessary amount of DCA program funds is invested in any one project to provide affordable housing. For HOME funds, the subsidy layering review will be conducted in accordance with the requirements set forth in the US Department of Housing and Urban Development CPD Notice 98-01 guidelines required by 24 CFR §92.250(b). For tax credit properties, the subsidy layering review is conducted at application, carryover and before issuance of 8609s.

**"Successful Projects"** means no forbearances, no defaults, no workouts, and average physical occupancy greater than 90%.

**"TCAP"** means the Tax Credit Assistance Program under the American Recovery and Reinvestment Act of 2009.

**"Total Development Cost"** means the sum of all anticipated or actual allowable development costs that are necessary to complete the proposed project.

**"UA"** means the utility allowances used during the compliance period and during the

Formatted: Left, Right: -0.01", Space Before: 1.45 pt, Line spacing: single

period of affordability as described in the Plan.

**"USDA"** means the United States Department of Agriculture.

## SECTION 3. AVAILABLE RESOURCES

**A.*9% Federal Credit.*** The annual Federal Credit dollar amount allocated to the State of Georgia is determined by the Internal Revenue Service and based on Georgia's population and indexed for cost-of living adjustments. The amount of Federal Credit available for the ~~2014~~2015 funding cycle will be comprised of the State's ~~2014~~2015 Federal Credit ceiling (per capita credit, unused credit, returned credit, and any national pool credit) available to the State less any Federal Credits forward committed. DCA may forward commit credits to ~~2014~~2015 Applications. DCA estimates that approximately $~~20~~21 million of federal credits will be available in the ~~2014~~2015 round.

**B.*State Credit.*** The annual State Credit dollar amount will equal that of the Federal Credit. The State Credit will be automatically allocated on a dollar-for-dollar basis with the Federal Credit (for both 9% and 4% Federal Credit) and will be available for the same time period discussed above.

This State Credit will be administered under the same rules and regulations prescribed for the Federal Credit supplemented by any rules, policies, or regulations established by the Georgia Department of Revenue and/or the Office of Insurance and Safety Fire Commissioner. DCA will underwrite the combined Credit allocations to ensure that no development proposal is over-subsidized.

**C. *HOME Multifamily Program,*** HUD annually allocates HOME funds to state and larger local governments. The Federal Fiscal Year (~~FFY2014~~FFY2015) HOME allocation is expected to be available to the State on **July 1, ~~2014~~2015**, following approval of the Annual Action Plan for ~~FFY2014~~FFY2015 Consolidated Funds (Annual Action Plan). DCA estimates that it will have approximately ten (10) million dollars in HOME funds to award projects that are submitting an Application for tax credits in the ~~2014~~2015 competitive round. However, DCA may commit HOME Multifamily funds outside of the competitive round to projects which innovatively address a strategic program goal. DCA will update the estimate of HOME funds available for the competitive round upon receipt of additional information.

**Formatted:** No underline

**Formatted:** No underline

## SECTION 4. QAP SELECTION REQUIREMENTS

**A. *Minimum Requirements***. Section 42 provides that each state Allocation Plan must meet certain minimal requirements. The selection criteria must include:

1. Project location
2. Housing needs characteristics

3. Project characteristics, including whether the project involves the use of existing housing as part of a community revitalization plan
4. Project intended for eventual tenant ownership
5. Tenant populations with special housing needs
6. Sponsor characteristics
7. Tenant populations of individuals with children
8. Public housing waiting lists
9. Energy efficiency
10. Historic nature of the project

**B. *Statutory Preferences*.** States must give preference in selection to those projects that:

1. Serve the lowest income tenants
2. Serve qualified tenants for the longest period
3. Are located in Qualified Census Tracts, the development of which contributes to a concerted community revitalization plan

**C. *Credit Award Requirements*.** The Qualified Allocation Plan sets out the priorities and selection criteria for the competitive round. In order to be selected for an award of credits:

1. The submitted Application must show that it meets all Program requirements as well as the policies and requirements contained in the Core Qualified Allocation Plan.
2. The submitted Application must meet all of the requirements set forth in Appendix I (Threshold). Projects that do not meet all Threshold requirements at the time of Application Submission will not be considered for an Award.
3. The projects are scored and selected for funding in accordance with the provisions of the ~~2014~~2015 Qualified Allocation Plan.

In the event DCA allocates credits not in accordance with the established priorities and selection criteria of the QAP, a written explanation, available for general public review, is required by Section 42.

**D. State Priorities.** In addition to the effective, efficient and lawful allocation of and utilization of the low income housing credit program outlined in (O.C.G.A. 50-26-89(a)), DCA has identified the following priorities used in the allocation of resources under the 2015 Qualified Allocation Plan:

1. **Strong Communities**.

**Formatted:** Font: Bold

**Formatted:** List Paragraph, Justified, Indent: Left: 0.38", Keep lines together, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Every community should strive to be a place where people choose to live, work and play. A thriving community is a community with job opportunities, strong schools, safe neighborhoods and a full range of housing choices available to all residents. Each community's potential can be realized with planning, a coordinated strategy by local government officials, and the collaboration of a wide array of public and private partners. Housing choices should allow residents access to community resources including transportation, amenities, and retail opportunities.

2. **Integrated housing opportunities for Disabled Persons.**

DCA has a strong commitment to housing Persons with Disabilities in the most integrated housing setting. **Therefore, DCA will not commit resources under the 2015 QAP for the construction of new housing for Persons with Disabilities. Existing congregate affordable housing can continue to apply for resources under the Preservation set aside.** Characteristics of integrated housing include: the project's proximity to community resources and activities; opportunities for tenants with disabilities to live independently and interact with other non-disabled persons; the same tenancy rights as non-disabled individuals including eviction protection, choice of roommates, and choice of service providers; and the absence of restrictive, regimented rules that limit residence activities or impede residents' ability to interact with other non-disabled individuals. DCA uses the definition of integration provided by the Justice Department in its Statement on Enforcement of the Olmstead Integration Mandate in its analysis of whether a project provides Integrated or congregate housing for Persons with Disabilities.

DCA will review each proposed project as a whole to determine whether the project is "integrated" or "Congregate". Applicants considering submitting an Application for a project that serves Persons with Disabilities should specifically discuss how the project meets the definition of integration in terms of its proximity to community resources and the opportunity the tenants with disabilities will have to interact with other non-disabled persons, which is referenced in the DCA definition of integrated housing (DCA's definition is similar to the definition used by the Justice Department in its Integration mandate. Funding sources or rental assistance that requires documentation of a disability as a condition will be considered documentation that the unit targets individuals with disabilities. Examples include funding that requires recipients to be "chronically" homeless or any property that targets persons with HIV/AIDS.

3. **Preservation of Existing Affordable Housing.**

Preservation is a key component of DCA's work to ensure an adequate supply of affordable rental housing, advance sustainability, and retain historic structures through adaptive reuse. Most importantly, preservation is a vital tool for maintaining affordability through the retention of federal rental assistance. In addition, preservation allows DCA to mitigate the risk of losing affordable housing projects due to market conversion, physical deterioration, or financial instability. Regarding sustainability, renovating existing buildings produces less construction waste, uses fewer new materials, and requires less energy than new construction. Further, little to no new utility or transportation infrastructure investments are required when existing buildings are rehabbed. Combined with energy-efficient upgrades, rehabbing and preserving both aging and historic rental buildings is a conservative, cost effective way to meet growing demand for good quality housing. Finally, historic preservation advances DCA's stewardship of historic buildings and locations while maintaining cultural and community diversity. Across all of these preservation initiatives, DCA seeks to utilize its 4% Bond Allocation to the maximum extent possible for preservation of affordable housing.

4. **High Quality, Sustainable Buildings and Qualified Project Teams**
   DCA's multifamily programs are designed to create financially and physically sustainable affordable properties. Selected projects should have strong Project Teams with significant capacity, a solid track record of partnership, and a history of success developing the type of affordable housing proposed.

5. **Innovation**
   Resources for Affordable Housing have been significantly reduced while the need for housing Georgia's residents including Seniors, Special Needs, Persons with Disabilities, and Low Income persons has increased. DCA encourages projects which are innovative and seek to provide housing and services in a more efficient, sustainable, and cost effective manner. Innovative collaborations, placed-based strategies, cost effective delivery of services, and new building techniques can be an important part of broader or comprehensive neighborhood improvement, and these strategies have the capability to fundamentally change the character of a neighborhood through measurable community impact.

6. **Fair Housing**
   Across all affordable housing programs including the Credit, DCA's fair housing priority aligns with HUD's mission to promote non-discrimination and ensure fair and equal housing opportunities for all. In an ongoing effort to provide services and activities on a nondiscriminatory manner and to affirmatively further fair housing, DCA strives to prevent, avoid, and correct discrimination in housing or services directly or indirectly on the basis of race, color, religion, sex, national origin, age, familial status, or disability.

7. **Geographic Allocation of Resources**. Georgia is a diverse state with both rural, suburban and urban communities. The consideration of rural areas shall be

considered in ensuring a balanced allocation of Resources. Selection of lower scoring projects may be required to obtain a better geographic allocation.

## SECTION 5. DISCRETION

In the process of administering the Low Income Housing Tax Credit Program, DCA will make decisions and interpretations regarding project applications and the ~~2014~~2015 Qualified Allocation Plan. Unless otherwise stated, DCA is entitled to the full discretion allowed by law in making all such decisions and interpretations.

Such discretion shall include, but is not limited to, the right to allocate and issue low-income housing credits under Section 42 of the Internal Revenue Code of 1986, as amended, and to take all other actions and impose all other conditions which are required by federal law or which in the opinion of the authority are necessary or convenient to ensure the complete, effective, efficient, and lawful allocation of and utilization of the low-income housing credit program and to determine the reasonableness of developmental and operational costs of the program as required by Regulation 1.42-17. Such conditions may include barring applicants from participation in the tax credit program as set forth in statutes and in the QAP and imposing more stringent conditions for receipt of the credit than are required by Section 42 of the Internal Revenue Code.

DCA may require additional explanation, documents or information pertaining to any portion of an Application even if the Qualified Allocation Plan does not specifically require such production of such information, explanation or documents. DCA's review of submitted applications includes a determination that the Applicant can meet all of the obligations promised in the Application. DCA will not fund or select projects that are not financially viable and sustainable for the entire required Compliance Period, Extended Use and/or Period of affordability or that constitute a waste or risk to state resources and/or assets regardless of their competitive score,.

## SECTION 6. AFFORDABLE RENTAL HOUSING NEEDS

The State's Annual Action Plan for Consolidated Funds identifies the proposed distribution method, geographic allocation, and guidelines for meeting federal requirements for all HOME funded programs of the State. The HOME Program regulations require that each PJ distribute its HOME resources in accordance with the priorities and objectives outlined in its most current approved Annual Action Plan for Consolidated Funds prepared in accordance with established HUD regulations (24 CFR Part 91). The Annual Action Plan incorporates the Plan as the established policy and procedures for the State's review and evaluation of Applications for the HOME Rental Housing Loan Program.

## SECTION 7. SET ASIDES

The estimated amount of Federal Credit available includes the following set aside:

***Non-profit Set Aside*** - 10% of the available 9% Credits are set aside for non-profit-sponsored Applications pursuant to the Code. Qualified non-profit organizations must Materially Participate in the development and operation of a project within the meaning of Section 469(h) of the Code and meet all requirements set forth in Code Section 42(h)(5).

***General Set Aside.*** 10% of the available 9% credits are set aside for Developments that further the Authority's mission, goals, initiatives, and priorities irrespective of the ranking by the evaluation factors.

The Authority intends to make every effort to satisfy the requirements of such set-aside categories in one (1) application and reservation cycle. If such set-aside categories are not completed through one (1) application and reservation cycle for the applicable year, the Authority may allocate any tax credits remaining available for allocation without regard to these set aside categories, so long as such allocation is made in accordance with the Code and the applicable requirements of the law of the State and the goals of this Allocation Plan

Notwithstanding the point ranking system set forth in this Plan, the Authority reserves the right and shall have the power to allocate Credits and/or HOME Financing resources to a Development irrespective of its point ranking, if such intended allocation is: (1) in compliance with Section 42 of the Code; (2) in furtherance of the Housing Goals stated herein; and (3) determined to be in the interests of the citizens of the State of Georgia. Additionally, the Authority will provide a written explanation to the general public for any allocation of credits, which is not made in accordance with the established goals, priorities, and selection criteria in this Qualified Allocation Plan.

## SECTION 8. COMPETITIVE POOLS

In order to ensure the availability of housing tax credit resources to Georgia communities representing a wide range of contexts and local housing needs, competitive 9% credits in the ~~2014~~2015 funding round are available in the Rural Pool and the Flexible Pool as described below. ~~The~~An Applicant for 9% Credits must request consideration under only one pool for a proposed project, and each Application will be evaluated according to the Scoring Criteria established under either the Rural Pool or the Flexible Pool. Applicants proposing a site in a Rural area may ~~elect to~~only be considered in the ~~Flexible Pool **instead of** the~~ Rural ~~Pool, but not both~~pool.

**A.** ***Rural Pool*** ~~- 35%~~ (40%) of the available 9% Credits (approximately ~~Seven~~Eight Million Dollars) will be awarded to Applications proposing sites in Rural areas. If slightly less than ~~35~~ 40% of available credits have been awarded to Applications in the Rural Pool after initial review, DCA will select the next highest scoring Application in the pool to ensure that no less than 35% of 9% Credits are awarded to Applications serving Rural areas. ~~In order to be eligible for funds in the Rural Pool, Applicants will need to designate that they are applying for the Rural Pool funds in the submitted Application.~~ Applicants in the Rural Pool will be competitively ranked against other members of the pool in the selection process.

**~~2014~~* Not applicable to bond financed projects**



**Formatted:** Font: Arial, 12 pt, Not Bold, Not Italic, No underline

**Formatted:** Not Expanded by / Condensed by

**Formatted:** Justified

***B. Flexible Pool*** - all 9% Credits remaining after the Rural Pool has been filled will be awarded to Applications seeking consideration under the Flexible Pool. In order to be eligible for funds in the Flexible Pool, Applicants will need to designate that they are applying for the Flexible Pool funds in the submitted Application. Applicants in the Flexible pool will be competitively ranked against other members of the pool in the selection process. ~~A proposed project in a Rural area may elect to apply for the Flexible pool. However, any project considered in the Flexible pool is not eligible to claim points designed for Rural Pool Applicants.~~

## SECTION 9. STATE DESIGNATED BASIS BOOST*

HERA authorizes state allocating agencies to designate certain areas not located in a QCT or DDA for up to a 30% basis boost. Projects may receive an allocation of credit based upon 130% of the eligible basis for new construction or substantial rehabilitation. Only projects that conclusively show that the boost is needed and that the project meets all of DCA's underwriting and other criteria are eligible for the boost. The minimum request for the state designated basis boost is 10% and any state basis boost request should be made on a full percentage point. DCA will evaluate the need for any state designated basis boost at Application Submission and again at final project allocation application.

Projects in the following categories are eligible to apply for the boost:

A. Multifamily Rural projects without DCA HOME as a source ~~(~~. ( Rural Projects located in HUD MSAs will not be ~~closely scrutinized to determine if~~eligible for the boost ~~is needed~~);

~~B. Historic Rehab projects qualifying for historic rehab credits with an equity commitment for such credits;~~

~~C.~~B. Multifamily projects within areas that qualify for at least 3 points under Stable Communities (projects which appear to have a primary purpose of subsidizing an ownership transfer do not qualify);

~~D.~~C. Extraordinary circumstances which further the policies of this QAP. Extraordinary shall be defined as what is not expected or usual for the development of an affordable multifamily tax credit property. Low rents, high utility costs and proximity to QCT are not considered to be extraordinary circumstances.

All requests for State Designated Basis Boost must indicate which category (or categories) of eligibility that the Application falls under and any support documentation must be included in the Application. **Requests made in category ~~D~~C above (extraordinary circumstances) must be made at the time of the pre-application or after selection of an Application. Requests will not be considered after Application Submission and before announcement of awards.**

**Formatted:** Not Expanded by / Condensed by

**Formatted:** Not Expanded by / Condensed by

**Formatted:** Font: Bold

**Formatted:** Font: Bold

**Formatted:** Font: Bold

* Not applicable to bond financed projects

DCA will generally require that any project receiving a State Designated Basis Boost defer 1% of the total Developer Fee for every 1% in State Designated Basis Boost granted to the project. This deferred developer fee requirement does not apply if the project receives a new loan or grant from an independent non-related party in the amount of at least 30% of the total Developer Fee. Assumption of an existing loan is not considered a new loan for this purpose. Projects which contain USDA 515 funding may request that DCA waive the matching deferred developer fee.

Please note that a project located in a QCT or DDA is eligible to receive a 30% basis boost for new construction and/or rehabilitation and it is not subject to the State Designated Basis Boost provision.

## SECTION 10. TAX CREDIT ADMINISTRATION

Formatted: Underline

**A. *Land Use Restrictive Covenant.*** The Owner must execute and record GHFA's prescribed form of the LURC prior to final allocation as required under Section 42(h)(6) of the Code. The LURC shall reflect all representations made in the original Application and any changes made to the original Application that have been approved in writing by GHFA. The LURC will be drafted after GHFA's receipt of the certification of the 10% test, and must be recorded upon its execution. All construction and/or permanent financing for the project must be subordinated to that portion of the recorded LURC that sets forth the requirements of Section 42 (h)(6)(E)(ii) of the Code**.** The LURC will be for the term of the compliance period and~~, as applicable,~~ the extended use period**.**

Formatted: Condensed by 0.05 pt

IRS Revenue Ruling 2004-83 provides that Section 42(h)(6)(B)(i) requires that an extended low income housing commitment must include a prohibition during the extended use period against (1) the eviction or the termination of tenancy (other than for good cause) of an existing tenant of any low income unit (no cause-eviction protection) and (2) any increase in the gross rent with respect to the unit not otherwise permitted under Section 42.

**B. *Carryover Allocations.*** To qualify for 9% Credits, a building generally must be placed in service during the year in which it receives an allocation. An exception is provided in the case where the Owner has expended more than ten percent (10%) of the reasonably expected basis in the building (the "Ten Percent Test") no later than twelve (12) months after the Carryover Allocation. No project can receive more than one Carryover Allocation of ~~2014~~2015 Credits. For projects located in major disaster areas, extensions may be allowed pursuant to Revenue Procedure 2007-64.

**C. *Tax Credit Pricing.*** As the Administrator of the Federal and State tax credit program, DCA must insure that the credit is administered in an efficient and effective way. Applicants must obtain a fair and reasonable price for credits that are allocated under this Qualified Allocation Plan. DCA must determine that the proposed pricing for credits at Application is competitive and reasonable in order to insure that the proposed project is not over subsidized at the time of the initial award of credits and at issuance of Form

8609. In the event DCA determines that a pricing is not reasonable or competitive, DCA may determine that a project is not feasible, or that a project does not propose an efficient and effective method of allocation. DCA may issue additional guidance on this issue prior to Application submission. That guidance will be incorporated into the QAP Application underwriting requirements.

## SECTION 11. 4% FEDERAL CREDIT – BOND FINANCED PROJECTS

Formatted: Underline

An Application for Credits for Bond Financed Projects must satisfy all applicable requirements set forth in Appendix I, Threshold Criteria, of the Plan and all applicable requirements set forth in the Plan. Proposed bond financed projects that are financed by HUD or USDA and include a commitment for at least 15-year project based rental assistance for the majority of project units from HUD or USDA may request waivers of certain QAP requirements in accordance with written confirmation from the federal agency that the conditions requiring a waiver of QAP requirements have been approved. Third party reports that have been finalized, and accepted by the federal agency may be provided with a letter from the third party analyst providing DCA the ability to rely on such reports and the reports are generally in compliance with DCA requirements. Documented acceptance of the conclusions related thereto, directly from the federal agency will generally be accepted by DCA. Incomplete Applications (as determined solely by DCA) will not be accepted and will be returned in their entirety to the Applicant.

An Application for Credits for Bond Financed Projects must contain an appraisal commissioned by the Lender or by a DCA approved appraiser with an effective date of not more than 6 months earlier than the date of the Application, regardless of whether there is an identity of interest between the buyer and the seller.

DCA shall be the sole entity responsible for making such a determination and must issue its opinion as to the project's 4% Credit eligibility prior to bond closing**.** The project must comply with the Plan in effect at the time of Application Submission.

In making Application to DCA for a Letter of Determination, an Owner must complete the standard Application, as well as provide all supporting documentation necessary to meet all applicable requirements and pay the appropriate application fee and other applicable fees.

After issuance of the Letter of Determination, significant changes in the financing structure, syndicator or scope of work must be approved in writing by DCA.

DCA reserves the right to determine whether an Applicant or development entity has sufficient capacity to successfully complete the proposed project. DCA requires all bond applicants to submit those documents set out in the capacity determination in determining whether capacity exists. DCA will terminate its review of the proposed application if it determines that insufficient capacity exists.

Incomplete Bond applications will be returned to the proposed applicants. DCA will not

**~~2014~~* Not applicable to bond financed projects**

hold bond applications that are being restructured or modified. A new application fee will be required to resubmit such a project.

The Application must be submitted at least 75 days before bond closing. DCA will provide its Letter of Determination within 75 days of the receipt of a ***complete*** Application. All waiver requests must be submitted 30 days prior to Application Submission.

For all 4% bond projects that propose rehabilitation, a work scope/plan review conference is required prior to issuing the Letter of Determination. Owners of projects receiving a Letter of Determination for Bond Financed Projects in ~~2014~~2015 must:

1. Close the bond financing within 180 days of the issuance of the Letter of Determination;
2. Have any significant change in the financing structure or scope of work set out in the Application approved by DCA before the start of construction;
3. Complete all construction activity by December 31, ~~2016~~2017;
4. Complete and submit the "DCA Placed in Service" form at the time the first building is placed in service; and
5. Apply for Final Allocation and request for issuance of IRS form(s) 8609 by September 15, ~~2017~~2018.

IRS form(s) 8609 for a project will be issued only once for the entire project as proposed in the Application. Form(s) 8609 will not be issued as buildings are placed in service.

DCA will not issue a favorable Letter of Determination or Form(s) IRS-8609 when an Applicant exhibits a continual pattern of noncompliance, or when the Applicant demonstrates an inability or an unwillingness to resolve noncompliance matters in a timely manner as determined by DCA.

The Owner must execute and record GHFA's prescribed form of the LURC at or prior to bond closing. The LURC shall reflect all representations made in the original Application and any changes made to the original Application that has been approved in writing by GHFA. The LURC must be recorded upon its execution. All construction and/or permanent financing for the project must be subordinated to that portion of the recorded LURC that sets forth the requirements of Section 42(h)(6)(E)(ii) of the Code.

Owners of projects receiving a Letter of Determination from DCA must notify DCA Compliance in writing within 30 days after the first building placed-in-service date by completing the "DCA Placed In Service Form." Failure to do so will be considered non-compliance and also may delay the issuance of IRS Form 8609.

## SECTION 12. FINANCING RESOURCES – HOME LOANS*

* Not applicable to bond financed projects

Applicants that will utilize DCA HOME funds as a funding source in a competitive tax credit Application must obtain DCA's consent during the pre-application process**.** Applicants for DCA HOME funds must designate whether the Application will compete in the Rural Pool or Flexible Pool at the time of pre-application. **Any application that is submitted in the ~~2014~~2015 competitive funding round with DCA HOME funds as a funding source that did not obtain the required consent will be deemed to have failed Threshold under the project feasibility criteria.**

**A. *Eligibility***. Except for Projects submitted by a CHDO, projects located in another "PJ" are not eligible for DCA HOME funds. Applications receiving a basis boost (state designated, QCT, or DDA) are not eligible to receive DCA HOME funds.

**B. *HOME Loan Limits*.** The maximum HOME loan amount is $2.5 million and the minimum HOME loan amount is $1 million. —

**C. *Failure to Use ~~2014~~2015 DCA HOME Funds*.** Applications/Projects that receive consent to utilize HOME funds as a funding source are required to utilize the requested funds if the project is selected for an award of tax credits. Failure to utilize HOME funds may result in the withdrawal of the tax credit award or a finding which may impact future compliance scoring.

**D. *CHDO Set aside*.** ~~Fifteen percent (15%)~~DCA will set aside the sum of four million dollars ($4,000,000) of the State's HOME allocation ~~will be set aside~~ for projects owned by non-~~profits~~profit organizations that have been pre-qualified by DCA as CHDOs~~,~~ and which have the capacity to own and/or develop multifamily housing. CHDOs must apply for a CHDO HOME consent during the preapplication process in order to be considered under this set aside. In choosing projects for the CHDO set aside, DCA will consider the following:

- The strength of the proposed project team
- Strong public policy reason for preserving a proposed project
- The local government strongly supports the project
- The project will include funding from other sources that leverage the DCA HOME loan
- Projects that have existing DCA resources that are at risk
- The number of units that would be preserved or constructed that support Georgia priorities

The final 2013 HOME Rule contains new requirements for awarding HOME funds to CHDO Applicants. All provisions in the 2013 HOME Rule should be reviewed in detail by the Applicant contemplating the use of HOME funds.

**E**. ***HOME Underwriting Policies*.** DCA's policies for underwriting HOME loans are set out in Exhibit A of Appendix I (Threshold).

**F. *Selection Criteria for Consent***. In the event DCA receives requests for HOME Consents that exceed available HOME funds, Consents shall be issued based on the

**Formatted:** Expanded by 2.95 pt
**Formatted:** Font: Bold, Expanded by 0.05 pt
**Formatted:** Font: Arial
**Formatted:** Justified, Right: 0.04", Space Before: 0 pt, Line spacing: Multiple 1 li
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Right: 0.04", Space Before: 0 pt, Line spacing: Multiple 1 li
**Formatted:** Font: Not Italic, Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Expanded by 0.05 pt
**Formatted:** Font: Arial, 12 pt, Expanded by 0.05 pt
**Formatted:** Justified, Right: 0.04", Space Before: 0 pt, Line spacing: Multiple 1 li

following selection criteria:

1. ~~Projects in Rural areas electing to compete in the Rural Pool.~~ Fully amortizing HOME loan will be considered before balloon loans
2. ~~CHDO Projects~~
3. Projects that are proposed to have no debt other than DCA HOME unless the lender is willing to subordinate ~~to the~~throughout statutory period of affordability
4. Project Teams that are determined by DCA to be Qualified without Conditions will be considered before other Project Teams
5. Successful HOME Loan or other successful HUD experience of Owner and Developer in the past 10 years (experience must include minimum 20% Owner/Developer interest). Home experience will be reviewed as follows:
   - 10 or more HOME loans with no compliance issues will be considered to be the strongest HOME experience
   - 5 or more but less than 10 will be considered next
   - Less than 5 will be considered last
6. Commitment to Meeting Section 3 requirements
7. Successful HOME Loan payments over the past 10 years from the date of application submission
9. Applications proposing projects in areas that have not had a project with a HOME loan shall be considered
9. Compliance History

Generally, each Applicant will receive ~~only~~no more than one HOME consent. Applicants that appear to be requesting HOME funds for point purposes and do not show a clear need will not receive a consent. Applications that do not fully utilize available credits in order to show a need for the HOME loan will not be considered for a consent.

**G. *Final HOME Award*.** DCA will issue a HOME preliminary reservation at the conclusion of the ~~2014~~2015 multifamily competitive funding round. Final commitments will be issued after a project is underwritten and is approved by DCA's project loan committee.

~~**H. *Projects***~~

## SECTION 13. ELIGIBILITY OF CERTAIN PROJECT CONFIGURATIONS

### ~~1.~~ A. Scattered Sites

~~a)~~ Eligibility of Scattered Sites. All Applications proposing scattered sites must meet the following requirements:

- All of the residential units are income and rent restricted as set forth in Section 42 of the Code;
- All buildings in the project must be under the ownership of one entity;
- All buildings in the project must be developed under one plan of financing and considered a single project by all funding sources;

Formatted: Font: Arial, 12 pt
Formatted: Justified, Indent: Left: 0.25", Hanging: 0.25", Space Before: 0 pt, Line spacing: single
Formatted: Not Expanded by / Condensed by
Formatted: List Paragraph, Left, Bulleted + Level: 1 + Aligned at: 0.76" + Indent at: 1.01"
Formatted: Expanded by 0.1 pt
Formatted: Left
Formatted: Font: Arial, 12 pt
Formatted: Justified, Right: 0.04", Space Before: 0 pt, Line spacing: Multiple 1 li
Formatted: Normal, Justified, Right: 0.04", Line spacing: Multiple 1 li, No bullets or numbering
Formatted: Font: Not Italic, Not Expanded by / Condensed by
Formatted ...
Formatted: Font: Arial, 12 pt
Formatted: Justified, Right: 0.04", Line spacing: Multiple 1 li
Formatted: Not Expanded by / Condensed by
Formatted ...
Formatted: Justified, Right: 0.04", Line spacing: Multiple 1 li, Bulleted + Level: 1 + Aligned at: 0.13" + Indent at: 0.38"
Formatted: Not Expanded by / Condensed by , Not Raised by / Lowered by
Formatted ...

- All units in the scattered site Application must be managed by one management entity;
- The scattered sites must be appraised, if applicable, as a single proposed development; and
- Each site within the proposed project must meet all applicable Threshold and Scoring criteria. DCA may consider Architectural Standards and /or Amenities Waiver requests which are submitted according to Exhibit A of the Core.

~~b) Legal Opinion. Applications must include a legal opinion on scattered site to support the project's development.~~

~~c) *Additional Eligibility Requirements by Building Type*~~

Multifamily Scattered Site Eligibility. Scattered-site projects involving multifamily properties will be eligible to apply if they have no more than six (6) non-contiguous parcels within a ½ mile radius and a minimum of four (4) residential units per parcel, except for parcels on which the community center is located.

c) Legal Opinion. Applications must include a legal opinion on scattered site to support the project's development.

**~~2.~~ B. Detached Single-Family Rental Housing**

Detached single family housing proposals will be eligible for funding if they satisfy the following requirements:

- ~~a)~~ The Application must include in its operating budget the costs associated with the continuous upkeep of each rental house, including ground maintenance, at the project Owner's expense. These costs must be supported by a detailed maintenance plan.
- ~~b)~~ The Application must have a detailed Replacement Reserve analysis and plan.
- ~~c)~~ The house designs must reflect architectural diversity through the use of different elevations and styles.
- ~~d)~~ Landscaping must be appropriate for detached, single family housing.
- ~~e)~~ Public water and sewer must be available at the proposed development site at the time of Application.

- Cost limit waivers will not be accepted for detached single family rental housing

## SECTION ~~13~~14, SUBMISSION REQUIREMENTS AND AWARD LIMITATIONS

### A. *Pre-Determinations*

**1. *DCA HOME Consent*.** Applicants that will utilize DCA HOME funds as a funding source in a ~~2014~~2015 competitive application must obtain DCA's consent during the pre-application process. Applicants must submit all required documentation for DCA review

Formatted ...
Formatted ...
Formatted: Not Expanded by / Condensed by , Not Raised by / Lowered by
Formatted: Right: 0.04", Line spacing: Multiple 1 li, Bulleted + Level: 1 + Aligned at: 0.13" + Indent at: 0.38"
Formatted ...
Formatted: Font: Arial, 12 pt
Formatted: Justified, Right: 0.04", Space Before: 0 pt, Line spacing: Multiple 1 li
Formatted: Font: Not Italic, Not Expanded by / Condensed by
Formatted: Normal, Right: 0.04", Line spacing: Multiple 1 li, No bullets or numbering
Formatted ...
Formatted: Normal, Justified, Indent: Left: 0", Right: 0.04", Line spacing: Multiple 1 li
Formatted: Font: Not Italic, Not Expanded by / Condensed by
Formatted: Indent: Left: 0", Right: 0.04", Space Before: 0 pt, Line spacing: Multiple 1 li
Formatted ...
Formatted: Font: Not Italic, Not Expanded by / Condensed by
Formatted: Normal, Right: 0.04", Line spacing: Multiple 1 li, No bullets or numbering
Formatted ...
Formatted: Normal, Justified, Indent: Left: 0", Right: 0.04", Line spacing: Multiple 1 li
Formatted: Font: Not Italic
Formatted: Font: Not Bold
Formatted: Indent: Left: 0", First line: 0", Right: 0.04", Space After: 0 pt, Line spacing: Multiple 1 li
Formatted: Font: Not Bold
Formatted: List Paragraph, Right: 0.04", Line spacing: Multiple 1 li, Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

and approval (see Exhibit A for DCA Pre-Application Deadlines and Fee Schedule).

**2*. Pre-determinations and Waivers***

a) Architectural Standards waiver * (See exception below)
b) Site Analysis Packet or Feasibility Study for Sustainable Communities
c) Payment and performance bond waivers
d) Operating expenses waiver
e) State basis boost – extraordinary circumstances only
f) Tax credit award limitation waiver
g) Project team Qualification Determination
h) Per unit cost limitation waiver

*Architectural Standard waivers should be submitted at the Pre-Application stage only if the request is for a change that deviates more than 10% from DCA standards. Requests for a waiver that deviates 10% or less from DCA's architectural standards should be submitted in the full Application.

**B*. Application Submission Requirements.***

**1*. Date and Time of Application Submission***

a) *9% Applications*. DCA will conduct one Competitive Application cycle for 9% Credit and HOME Loan funding resources during ~~2014~~2015. Applications must be delivered by the deadline to:

Georgia Department of Community Affairs
Housing Finance and Development Division
60 Executive Park South, N.E.
Atlanta, Georgia 30329-2231

The complete Application is due at DCA by 4:00 PM on June ~~5, 2014~~4th, 2015. DCA will not accept any Applications after this date and after this time. At 4:00 PM, the Application Submission process will be closed and irrespective of any extenuating circumstances, no Applications or portions thereof will be accepted. The use of a third party or common carrier to deliver the Application does not relieve the Applicant of its responsibility for meeting the Application Submission deadline. Consequently, there will be no exceptions to this deadline. In addition, no assemblage, packaging, or other form of Application preparation will be permitted at any time on DCA premises.

b) *4% Applications***.** 4% Tax Credit Applications for Bond Financed Projects can be submitted throughout the year subsequent to Bond Allocation, but no later than seventy five (75) days prior to bond closing date, and are subject to applicable criteria set out in the Core Plan, Threshold Criteria, Core Application Instructions, Core Application and Application Manual. All waiver requests must be submitted no later than 30 days prior to the 4% Tax Credit Application submittal.

~~2.~~1. ***Application Submission Package.*** A complete Application package must include all required documentation and all applicable Application fees. In the event the electronic

version of the Core Application does not conform to the original print out of the Core Application, the electronic version of the Core Application shall be deemed the correct Application.

Applicants must submit complete Applications according to the directions and format prescribed in the ~~2014~~2015 Core Application Instructions and the ~~2014~~2015 Application Manual. No additional documentation will be accepted after the Application Submission deadline described in this Section unless specifically requested by DCA as part of the clarification review.

Applicants for 9% Credits and/or HOME funding will be required to self-score their Applications and fully explain their rationale in support of the scoring decision for each criterion. Applicants' self-scores must be done in strict accordance with the provisions of the Plan and the Application Manual.

**C. *Maximum Number of Applications*.*** DCA will assign sequential project numbers to all Applications in the order they are received, and prior to any form of Application review. Applicants will be permitted to submit a maximum of four (4) Applications for funding resources under the Plan. This limitation applies to Ownership interests of all proposed Project Participants except for Syndicators. Ownership interests of all Project Participants in the proposed Applications will be reviewed. If it is determined that a Project Participant has proposed Ownership interest in more than four (4) Applications, DCA will only evaluate the first four (4) Applications submitted to DCA. Any other Applications which include the same Project Participant will be considered ineligible and will not be evaluated.

**D. *Award Limitations****

**1. *Project Limitations.*** DCA will not award more than $1,000,000 of credits to any project in the competitive round. DCA may consider a waiver of these requirements for projects that show extraordinary need. In no event will such waiver exceed $1,200,000. Such a waiver must be obtained in the pre-determination process.

**2. *Maximum Ownership/Development Interests*.** Applicants will be limited to direct or indirect Ownership/Development interest in a maximum of two (2) selected projects in which the combined total Federal Credit from the ~~2014~~2015 competitive funding round cannot exceed one million eight hundred thousand dollars ($1,800,000) and/or total HOME funding cannot exceed twenty five percent (25%) of the total HOME Loan resources available. This limitation applies to direct or indirect Ownership/Development interests of all proposed Project Participants, except Syndicators. Once an applicant has been awarded projects that meet the above limits, all of that Applicant's lower scoring projects will be deemed ineligible. For non-profit applicants, DCA will look at

* Not applicable to bond financed projects.

Executive Directors and common threads of effective control as well as whether different non-profit entities have met DCA Qualification requirements through the same individuals or entities.

**CHDO Exception:** A qualified Project Team member that partners with a CHDO that has received a HOME loan consent will not have that project count towards the Maximum Ownership Interests. Applicants should review carefully the new HOME rules as all CHDO's must have the capacity to act as an Owner and/or Developer in order to receive HOME funds. Further, the rule requires the CHDO to be the sole general partner or the managing general partner of the Ownership entity.

**3. *Adjustment of Maximum Number of Projects Allowed.*** In the event an Owner/Developer fails to meet deadlines on projects, has a significant number of projects under development but not completed or is experiencing a financial issue with regard to an existing project, DCA may elect to reduce the number of projects that can be awarded under the project cap. This determination can be made up to the announcement of awards.

## SECTION ~~14~~15, POST AWARD DEADLINES

**A. *Construction Documents*.** For 9% deals, including those utilizing DCA HOME funds, a boundary survey, topographic survey, and geotechnical soils boring report must be submitted to DCA for review and approval no later than **60 days after announcement of awards**. Additional Construction Documents will need to be submitted according to Post Award Deadlines and Fees Schedule that will be posted by DCA at a later date.

For 4% deals, Construction Documents as fully outlined in the Architectural Manual must be submitted to DCA for review and approval at time of Application.

For HOME deals, please comply with the deadlines in the HOME Commitment Letter.

***B. Firm Low-Income Housing Tax Credit (LIHTC) Equity Commitment*.** The term sheet for both the Federal and State Equity Commitments must be sent to DCA by April 30th, 2016.

***C. Tax Credit only Projects Construction Loan Closing*.** For tax credit only projects, construction financing and equity closing must occur no later than August 31, ~~2015~~2016. The construction loan documents along with the limited partnership agreement must be submitted to DCA within 10 days of the closing deadline.

***~~C~~D. Tax Credit only Projects Commencement of Construction/Rehabilitation*.*** Owners of projects receiving 9% Tax Credits for new construction or rehabilitation in the ~~2014~~2015 round must commence construction or rehabilitation no later than **September**

Formatted: Font: Arial, 12 pt, Bold

Formatted: Justified, Right: 0.04", Space Before: 0 pt, Line spacing: single

Formatted: Font: Bold

Formatted: Justified, Right: 0.3", Space Before: 0 pt, Line spacing: single

Formatted: Font: Italic

Formatted: Not Expanded by / Condensed by

* Not applicable to bond financed projects

**30, ~~2015~~2016**. Failure to commence construction as scheduled may cause an automatic recapture of the Credits. DCA will closely monitor construction start dates.

~~D~~E. ***Tax Credit and HOME Projects Commencement of Construction/Rehabilitation***.* Projects receiving HOME Loans must not make any choice limiting actions prior to DCA's issuance of the environmental release nor prior to the HOME Loan closing. However, all projects receiving a HOME loan award in ~~2014~~2015 must have satisfied all conditions necessary to commence construction within nine (9) months of the date of the initial HOME commitment. Exceptions may be granted by DCA in accordance with HUD regulations, but must be requested and justified prior to the submission of HOME due diligence documentation. DCA will closely monitor construction start dates. Failure to comply with this policy may result in cancellation of the HOME Loan Commitment or other penalties.

Formatted: Left

~~E~~F. ***HOME Loan Closing***.* All projects receiving a HOME Loan award in ~~2014~~2015 must close their HOME Loans on or before **July 15, ~~2015~~2016**. Applicants unable to close within that time period may have their commitment for HOME funds withdrawn.

~~F~~G. ***Completion of Work Scope.*** Owners of projects receiving Credits or Letters of Determination in accordance with this QAP for the new construction and/or rehabilitation of an existing property must perform 100% of the DCA approved work scope no later than December 31, ~~2016~~2017. Certificates of Occupancy for the residential buildings must be issued by the local jurisdiction before end of business December 31, ~~2016~~2017. Temporary Certificates of Occupancy that prohibit occupancy will not be accepted to meet this requirement. DCA will inspect projects requesting IRS Form(s) 8609 to ensure that all work has been completed prior to issuing Form(s) 8609. If a lesser percentage is completed, DCA reserves the right to recapture all Credits allocated or disallow any credits. DCA may approve modifications to the proposed work scope upon written request.

~~G~~H. ***Placement-In-Service.*** Owners of projects receiving Credits or Letter of Determination in accordance with this QAP must place all buildings in the project in service by December 31, ~~2016~~2017. DCA may pre-approve in writing, on a case by case basis, limited extension requests for 4% credit projects or projects receiving credits from the ~~2015~~2016 credit ceiling.

~~H~~I. ***Final Allocation Application Deadline.*** Owners of projects receiving Credits or a Letter of Determination in accordance with this QAP must apply for Final Allocation and request for issuance of IRS form(s) 8609 by February 15, ~~2017~~2018 for 9% credit projects, and September 15, ~~2017~~2018 for 4% credit (tax exempt bond) projects. IRS form(s) 8609 for a project will be issued only once for the entire project as proposed in the Application. Form(s) 8609 will not be issued as buildings are placed in service.

---

**~~2014~~* Not applicable to bond financed projects**

Extensions may be approved by DCA on a case-by case basis. Before the final allocation is submitted, the final HOME draw must be dispersed and required Contractor cost certifications submitted.

## SECTION ~~15~~16. PROJECT RECONFIGURATION/APPLICATION MODIFICATION

Applicants will not be allowed to make any changes to the Application after Application Submission to DCA and prior to the announcement of awards. DCA may allow Applicants to correct deficiencies in the Application if DCA does not approve a sufficient number of Applications to use all the Credit authority available in an Application cycle *and* it receives Applications that are acceptable except for minor deficiencies that the Applicant can address within a reasonable period of time (generally not to exceed 10 business days).

Subsequent to awards, Applicants will generally not be allowed to make any changes to the Application. However, once a project is selected for funding, if Applicants believe extenuating circumstances warrant a change, and the change would not significantly alter the project's original concept or score, a written request for such a change will be considered by DCA. The request must be submitted on the Request for Post Award Project Concept Amendment Form and accompanied by the appropriate fee. This provision applies to any changes proposed after Application award, and if an award is made, throughout the project's Compliance Period or Period of Affordability, whichever is longer. Applicants' written requests must clearly establish the importance of the change, and why it is necessary to ensure the project's long-term financial feasibility and economic viability. Examples of substantial changes that must be documented and submitted for approval include but are not limited to: changes in the number of tax credit units, market units, unit mix, amenities, unit count, legal descriptions, and direct or indirect transfers of the general partner's or Developer's interest. Projects receiving DCA HOME funds in the ~~2014~~2015 competitive tax credit round must submit any proposed change requests by February 28, ~~2015~~2016.

Failure to abide by this provision will adversely affect the Applicant's eligibility to receive future DCA funding.

## SECTION ~~16~~17. FEES AND DEADLINES

The fees indicated in this Section will be charged based on the legal status of the Applicants. All fees must be paid by certified funds made payable to the Georgia Housing and Finance Authority.

**A. *Compliance Monitoring Fees~~.~~.*** When DCA is required to monitor projects for compliance with tenant income and/or rent limitations of more than one program e.g., Credits and FDIC, the applicable monitoring fees for each program will be charged. All compliance monitoring fees, including credit compliance fees must be paid within eighteen (18) months of issuance of the carryover allocation document, but no later than

the placed in service date or December 31, ~~2016~~2017, whichever is earliest. Failure to do so may adversely affect the Applicant's ability to compete in future funding rounds.

**B. *Non-Compliant Properties.*** Projects having instances of noncompliance that require additional review and follow-up will be assessed with additional compliance fees based on staff time and travel expense.

**C. *Fees and Deadlines*** can be found in Exhibit "A" to this core (DCA Deadlines and Fees)

**Formatted:** Expanded by 0.6 pt

**Formatted:** Indent: Left: 0"

## SECTION ~~17~~18. EVALUATION OF COMPETITIVE APPLICATIONS

**A. *Completeness Review*.** Applications received by DCA will be reviewed for completeness, including but not limited to:

1. ~~organization~~Organization of the hard copy and electronic Application submission;
2. ~~inclusion~~Inclusion of all required Application forms;
3. ~~inclusion~~Inclusion of Environmental Phase I;
4. ~~inclusion~~Inclusion of Market Study;
5. ~~submission~~Submission of all required supporting documents; and
6. Completed Electronic Core Application

Any project which is deemed substantially incomplete will be returned to the Applicant and not subject to further review.

**B. *Threshold Review***

Complete Applications will be reviewed to determine if the project meets the requirements set forth in Appendix I (Threshold). Projects that fail to meet any applicable Threshold requirements at the time of Application Submission will not be considered for an Award. Applicants that submit an Application that fails to meet Appendix I requirements will be notified in writing (by email) of the specific requirement(s) that the Application did not meet. If an Applicant believes the requirement(s) was (were) met, the Applicant must respond in writing within 5 calendar days from the date of the DCA's preliminary Threshold failure notification letter. The response must provide a clear and specific explanation of why the Applicant believes DCA's initial determination was incorrect. DCA will review the response and make a final determination of whether the submitted Application meets all Threshold requirements. Applications that fail to meet required Threshold requirement(s) may not be scored.

*Threshold Deficiencies.* If an Application contains Appendix I deficiencies which are administrative in nature such as a missing or incomplete document, or need clarification of information submitted in the Application, then DCA may request correction or clarification for such deficiencies. Such a request is referred to as the "clarification request". DCA will provide this request in the form of an email to the Applicant. This

clarification period will only be utilized for minor inconsistencies or to help DCA understand the overall project concept. It cannot be used to modify a submitted application or provide documents or reports that were not in existence prior to Application Submission day.

Applicants receiving a clarification request may supply missing or incomplete information and may clarify any inconsistencies related to the specific items identified by DCA in the clarification request. The clarification period will begin on the date of the clarification request and shall end on the date specified in the clarification request unless otherwise noted. The clarification request shall specify the means and methods by which missing items may be supplied, incomplete items completed and inconsistencies clarified. It is the Applicant's responsibility to ensure that submitted materials are addressed properly to the specified DCA Housing Finance and Development Division address (electronic or physical).

Applicants may not submit additional items for the purpose of increasing or further supporting their score. **Any documentation that is provided during the clarification review period that is also applicable to a related scoring item will be reviewed only for Appendix I clarifications and will not be utilized during the scoring review process for the Application.**

**C. *Scoring*** *

Complete Applications that meet applicable Threshold requirements will be scored. Applicants in each pool will be ranked in descending order by total DCA point score as set forth in Appendix II. (Applicants' self-scores are advisory and are not considered in the final scoring process.)

DCA will provide the preliminary results of the Competitive Scoring of each Application to the Applicant. Applicants will be given a forty-eight (48) hour period to provide comments to DCA regarding the preliminary scoring of a submitted Application. Applicants may not submit additional items for the purposes of curing scoring deficiencies, justifying self-scores or increasing their scores. Comments must be limited to the Applicants' opinions regarding DCA's scoring determinations.

DCA will review all comments that are received during the comment period prior to assigning each project its final score.

**D. *Selection***

**1. *Competitive Application Selection**.**

Generally, Applications with the highest DCA score and favorable market studies will be allocated resources provided that only one Application is submitted in the market area and

* Not applicable to bond financed projects

provided all set asides have been met. DCA will not fund two projects in the same locality with the exception that a new construction and occupied rehab may be selected. In some cases, DCA may select a family and a senior project provided the projects are not located in close proximity to each other and there is a significant showing of demand. DCA will not select more than one phase of a planned multi-phase development.

If more than one project receives a competitive score in the same market area, DCA will select the higher scoring Application unless the lower scoring Application has been selected to receive DCA HOME funds. Applications that do not score high enough to receive an award will be placed on a waiting list. If additional funding becomes available the next highest-scoring Application on the list will be selected for an award.

**2. *Tie-Breaker****

In the event one or more projects have the same score, but DCA has insufficient resources to fund all of the projects having that score, the following priorities will be utilized to evaluate projects:

(a) Projects that use least amount of DCA resources per unit
(b) First selected project for the Project Team in this round to help ensure more equitable distribution of resources among Applicants
(c) PHA sponsored projects that utilize Replacement Factor Funds and reduce public housing waiting lists
(e) Family Projects
(f) Projects with DCA HOME funds

Tiebreaking criteria are not listed in any particular order. Applications will be comparatively ranked according to how well they meet the above criteria.

**3. *Special Allocation Considerations****

DCA may allocate Credits~~,~~ up to the first day of the allocation round~~,~~ based on the prior year's allocation plan with all applicable terms and conditions to projects that received an allocation in the prior year.

**4. *Final Notification****

DCA will provide the final results of the Competitive Scoring process to all Applicants as soon as possible after the process has been completed. A separate letter will notify those Applicants whose projects are selected for awards. Also, if a DCA HOME Loan is proposed and the project is selected for a tax credit award, DCA will issue to the Applicant/borrower a preliminary loan commitment letter. This commitment letter - while not fully guaranteeing that the HOME Loan will be forthcoming - will set forth all the conditions that, if met, will result in a HOME Loan.

* Not applicable to bond financed projects

**5*. Appeal Process***

The following are the Administrative Rules for reconsideration of DCA's Threshold Failures and scoring decisions in the ~~2014~~2015 Qualified Allocation Plan:

Applicants that submitted an Application requesting an award of Federal Low Income Housing Tax Credits may request that DCA reconsider a Threshold failure or a scoring decision that resulted in the non~~-~~-selection of a proposed project. Applicants cannot appeal a scoring decision that did not result in the non~~-~~-selection of a project.

The Request for Reconsideration must be made in writing and submitted within fourteen calendar days from the date on the Notice of Final Threshold Failure or notification of a Project's final score. Requests should be submitted to the attention of the Director of the Office of Housing Finance. The request must contain a detailed written statement which supports the Applicant's assertion that the Threshold Failure or scoring decision was incorrect.

Upon receipt of Request for Reconsideration, DCA shall schedule a meeting with the Reconsideration Review Committee and the Applicant. The Applicant will be informed of the date, time and location of that meeting. The Applicant may choose to be represented by legal counsel or others, at its own expense. At that meeting, the Applicant shall have an opportunity to present evidence and testimony to the Reconsideration Review Committee to support the claim that the Threshold Failure or scoring decision was not correct. Only documentation that meets the requirements of the QAP will be considered by the Reconsideration Review Committee. Documents that the Applicant did not submit with the Application will not be considered. Documents that were not submitted as part of a Threshold clarification will not be considered. The burden of proof shall be on the Applicant to prove that the decision that resulted in the non~~-~~-selection of the project was incorrect and that the Application met all QAP requirements, program requirements, and statutory requirements.

Upon completion of its review, the Reconsideration Committee will issue a decision. The Applicant will be notified by a Decision Letter stating whether the Threshold failure or scoring decision was affirmed or reversed and any additional findings.

If the Applicant seeks further review of its Request for Reconsideration, the Applicant may (within seven calendar days of the date on the Decision Letter denying the Applicant's Request for Reconsideration) submit a request for an Appeal Review to the Deputy Commissioner for Housing. The Appeal Review shall consist of an additional review of previously submitted documentation by the Appeal Review Committee. The Applicant may also request a meeting with the Appeal Review Committee.

The Appeal Review meeting shall be recorded and available for transcription upon Applicant's request.

The decision of the Appeal Review Committee shall be considered the final decision of DCA and not subject to further internal review.

## SECTION ~~18~~19. GEORGIA OPEN RECORDS ACT

All Applications are subject to disclosure under the Georgia Open Records Act (GORA). Applicants must agree in the Application to hold harmless DCA and GHFA for any and all losses associated with disclosures in accordance with GORA.

## SECTION ~~19~~20. MONITORING AND COMPLIANCE

The following are the procedures that GHFA will follow in monitoring for non-compliance with the provisions of this section and in notifying the Internal Revenue Service of such non-compliance and in monitoring for non-compliance with habitability standards through regular site visits.

The Applicant's compliance responsibilities begin with the award of the HOME funds and/or the Credit and will continue through the end of the Compliance Period/Extended Use Period, the Period of Affordability, or the term of the loan, whichever is longer.

Applicants are advised that DCA is required to monitor projects for compliance with the requirements of IRC Section 42, the HOME regulations at 24 CFR Part 92, the representations set forth in the Final Allocation Application, the requirements stated in this Plan, the requirements set forth in the respective program manuals and as represented in all restrictive documents. Although DCA is responsible for monitoring the Owners' compliance with these rules, regulations, and restrictions, this responsibility does not make DCA liable for an Owners' noncompliance.

**A. *Credit Compliance Monitoring Procedures*** (Tax Credit and Tax Exempt Bond/ Tax Credit Properties)

Section 1.42-5(a) of U.S. Treasury Regulations requires that each Plan include a procedure that the housing credit agency (DCA) will follow in monitoring for noncompliance with the provisions of Section 42 and in notifying the Internal Revenue Service of any noncompliance of which DCA becomes aware. The procedure for monitoring contained in the Plan must contain procedures consistent with the Regulations that address the following areas: record keeping and record retention; certification and review; on-site inspection; and notification ~~as to~~of noncompliance. This section is included in the Plan to comply with the mandate of the Regulations. DCA reserves the right to make such alteration or amendment to its monitoring procedures as may be required. Specific procedures that Owners must follow to remain in compliance with Program requirements are outlined in ~~Credit Certification Training Materials~~DCA Compliance Policy and Procedure manuals and in the IRS-issued "Guide for Preparing Form 8823" revised in ~~October 2012~~January 2011. Changes and updates to these materials can be found on the Compliance Section of the DCA web site www.tinyurl.com/dcacompliance.

**Formatted:** Expanded by 0.2 pt

**B. *Section 8 Rental Assistance*.** No project may deny a unit to applicants possessing a Section 8 Rental Assistance certificate or voucher unless those applicants fail to meet the minimum requirements for all leaseholders. Federal statutes prohibit discrimination against Section 8 certificate and voucher holders. The number of Section 8 tenants residing at a property cannot be limited under the IRS program regulations at any property receiving DCA Tax Credits and/or HOME funding. DCA will closely monitor whether the tenant application process is structured to avoid such discrimination or whether any actions are taken to discourage Section 8 Rental Assistance certificate or voucher holders from applying. Likewise, all lease provisions must be compatible and not in conflict with Section 8 leases.

**C. *Property and Record Compliance*.** Please refer to The Guide for Completing 8823 Low Income Housing Agencies Report of Noncompliance or Building Disposition revised in ~~October 2012~~January 2011.

**D. *Review*.** DCA will review the certifications submitted to determine whether or not the Owner has complied with the requirements of Section 42.

Annually, DCA ~~will inspect at least thirty-three percent (33%) of~~inspects affordable developments to which it has made an allocation under Section 42~~.~~, such that we will meet all federal requirements. In each development selected for review, DCA will review ~~the low-income tenant certifications, the documentation the Owner has received to support that certification, the rent record for~~ no fewer than twenty percent (20%) of the low-income units located in each such development. Records relating to tenant income, supporting documentation and rent records will be selected at random by DCA's monitoring officer at the time the review is held. In addition, DCA Compliance Officers (or contractor or agent) will conduct a physical inspection of each low-income unit that receives a record review. The purpose of this inspection will be to determine whether or not the units meet Uniform Physical Condition Standards (UPCS) as defined by the Department of Housing and Urban Development~~.~~ (HUD).

~~DCA will~~For properties with additional federal requirements (e.g. HOME), DCA will annually conduct a physical inspection of approximately ten percent (10%) of the units at each project and will review approximately ten percent (10%) of the tenant files~~ each year at properties that have received DCA HOME funds. Additional federal requirements will also be reviewed on an annual basis~~.

**E. *Record Keeping and Record Retention***

1. Owners awarded HOME Loans must keep records for each assisted building as stipulated in the final HOME regulations.
2. Owners allocated Credit must keep records for each building as stipulated in Section 42 of the IRS Code, according to regulation 1.42.5(b).
3. Owners receiving HOME Loans and Credit must follow the most stringent requirements of the two programs.

**F. *Inspection Record Retention Provision (Tax Credit and Tax-Exempt Bond Tax***

**~~2014~~* Not applicable to bond financed projects**

Formatted: Expanded by 0.05 pt

Formatted: Underline

Formatted: Font: Bold

***Credit Properties~~).~~ )***

Formatted: Font: Bold

Formatted: Font: Bold, Underline

The Owner of a Credit property is required to retain all original local health, safety, or building code violation reports or notices that were issued by the State or local government unit for DCA's inspection. After DCA reviews the violation reports or notices and completes its inspection, unless the violation remains uncorrected, the Owner may dispose of these reports or notices.

## G. ***Compliance Standards***

1*. Assessment of Noncompliance*

Principals of projects awarded Credit and/or HOME in previous cycles must remain materially in compliance with Credit and HOME program requirements (if applicable) to remain eligible to compete for future Credit awards or HOME Loans. Material noncompliance status exists when a party exhibits a continual pattern of noncompliance, or when a party demonstrates an inability or an unwillingness to resolve noncompliance matter in a timely manner. DCA will determine those parties ineligible to participate due to noncompliance status.

2*. Cure Period Standards*

DCA will notify the Owner in writing of any possible findings of noncompliance. Each item of noncompliance will have an assigned cure period. The cure periods will typically range from thirty (30) days to a maximum of ninety days (90) days. Examples of noncompliance matters and typical cure periods are as follows:

| Noncompliance Items | Typical Cure Periods |
|---|---|
| *Health and Safety* | |
| Any issue | 24-72 hours |
| *Administrative Noncompliance* | |
| Incomplete or incorrect tenant income certifications | 30 days |
| Affidavits not notarized | 30 days |
| Failure to report on a quarterly or annual basis | 30 days |
| *Project Wide Noncompliance* | |
| Incorrect utility allowance | 60 days |
| Violations of the 40/50 Rule | 60 days |
| Rent overages | 60 days |
| *Incurable Instances of Noncompliance* | |
| Submission of fraudulent information to DCA | No Cure |

For additional guidance regarding noncompliance and appropriate cures please refer to the 8823 Guide.

**H. *Monitoring Fees*.** DCA charges a monitoring fee for all ~~Tax~~ Credit developments containing five (5) or more low-income units. Credit recipients will be required to pay the entire fee covering the 15-year Compliance Period as indicated in Exhibit A of the Core Plan (DCA Fees and Deadlines). Additional fees may be charged to properties that require additional follow-up due to non-compliance findings. $~~55~~75 per unit plus travel expenses will be assessed for ~~reinspections~~re-inspections.

DCA charges a monitoring fee for all HOME funded developments. Recipients will be required to pay the entire fee covering the affordability period as indicated in Exhibit A of the Core Plan (DCA Fees and Deadlines).

**I. *Compliance Monitoring Responsibilities***

1. DCA may choose to delegate all or a portion of its compliance monitoring responsibilities to an agent or other private contractor. This option, if chosen, does not relieve DCA of its obligation to notify HUD or the IRS of noncompliance instances.

2. Applicants must inform DCA of all conditions or extenuating circumstances at each project that may impact compliance monitoring duties. Any questions regarding compliance with the Credit or HOME programs should be addressed in writing and faxed to DCA's Compliance Monitoring Section at (404) 327-6849~~.~~, or emailed to compliance@dca.ga.gov

**J. *Reasonable Accommodation***

The Georgia Department of Community Affairs (DCA) is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in, benefit from, access ~~to~~ any of DCA's programs, services and activities, or otherwise discriminate against individuals living with disabilities~~,~~. Therefore, if an individual with a disability requires an accommodation such as a modification to a DCA policy, DCA will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden. In such a case, DCA will recommend another accommodation that would not result in a financial or administrative burden.

**K. *Housing Rights for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.***

An applicant for or tenant of housing assisted under a Low Income Tax Credit or HOME Loan Program (hereafter referred to as a "covered housing program") may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy. An incident of domestic violence, dating violence, sexual assault, or stalking shall not be considered a lease violation by the victim, nor shall it be considered good cause for an eviction.

If a tenant who is a victim requests an early lease termination, lease bifurcation from the abuser, or transfer to another unit because she/he is in danger, a covered housing program shall make every effort to comply with the request and shall not penalize the

Formatted: Expanded by 0.1 pt

Formatted: Font: Not Italic

tenant. Each owner/manager of a covered housing program shall have an emergency transfer policy for victims seeking safety, which incorporates reasonable confidentiality measures to ensure that the owner or manager does not disclose the location of the dwelling unit of a tenant to a person that commits an act of violence or stalking against the tenant. An owner, manager, or landlord may request documentation from a victim before these protections are triggered. Any one of the following shall be considered adequate documentation: an affidavit signed by the victim under penalty of perjury; an affidavit or letter signed by a domestic violence service provider, attorney, or medical/mental health professional who assisted the victim; or a court or administrative record. This submission shall be confidential.

## SECTION ~~20~~21, MODIFICATION OF THE PLAN

Without limiting the generality of DCA's power and authority to administer, operate, and manage the allocation of Credits and HOME Loans according to federal law, federal procedures, and the Plan, DCA shall make such determinations and decisions, publish administrative rules, require the use of such forms, establish such procedures, and otherwise administer, operate, and manage allocations of Credits and HOME Loans and funds in such respects as may be, in DCA's determination, necessary, desirable, or incident to its responsibilities as the administrator, operator, and manager of allocations of Credits and HOME Loans.

In accordance with NCSHA best underwriting practices, DCA reserves the right to allow developer fees of up to 20% for projects that DCA deems hard to develop or socially desirable developments, developments produced in difficult to develop areas or in accordance with policy changes necessitated by DCA.

The Governor recognizes and acknowledges that DCA will encounter situations which have not been foreseen or provided for in the Plan and expressly delegates to DCA the right to amend the Plan, after the public has had the opportunity to comment through the public hearing process, and to administer, operate, and manage allocations of Credits and HOME Loans in all situations and circumstances, both foreseen and unforeseen, including, without limiting the generality of the foregoing, the power and authority to control and establish procedures for controlling any misuse or abuses of the Credits or HOME Loan allocation system and the power and authority to resolve conflicts, inconsistencies, or ambiguities, if any, in the Plan or which may arise in administering, operating, or managing Credits or HOME Loan allocations pursuant to the Plan. The Governor further expressly delegates to DCA the authority to amend the Plan to ensure compliance with federal law and regulations as such federal law may be amended and as federal regulations are promulgated governing Credits and the HOME Loan Program. The Commissioner of DCA, acting as Executive Director of GHFA, is also granted the authority to make minor modifications to the Plan to clarify provisions and correct inconsistencies.

## SECTION ~~21~~22, MAILING LIST

DCA maintains an e-mail distribution list for those interested in receiving notifications of application cycles and other DCA Multifamily program activities. ~~Visit~~To be added to the e-mail distribution list, visit DCA's website at:

www.dca.ga.gov/housing/HousingDevelopment/programs/OAH.asp

Formatted: Left

~~to be added to the e-mail list or~~Or you may submit a written request to

~~oahround2014@dca.ga.gov~~
hfdround@dca.ga.gov

**EXHIBIT A**

**DCA PRE-APPLICATION DEADLINES AND FEE SCHEDULE**
**For Profit, Non-profit, and For Profit/Non-profit Joint Ventures**
***all checks should be made to the attention of OAH Billing Department**

| | Fees | 9% Deadline | 4% Deadline |
|---|---|---|---|
| Architectural Standards & Design Options | $1,500 per waiver | March 12, ~~2014~~2015 | No later than 30 days prior to submittal of the LIHTC application |
| DCA HOME Consent Loan Pre-Application Application and Third Party Review Fees | $1,000 For Profits<br>$500 Non-profits | March 12, ~~2014~~2015 | N/A |
| Qualification Determination | $1,000 | March 12, ~~2014~~2015 | No later than 30 days prior to submittal of the LIHTC application |
| Operating Expense Waiver | $1,500 per waiver | March 12, ~~2014~~2015 | No later than 30 days prior to submittal of the LIHTC application |
| ~~Payment & Performance Bond Waiver~~ | ~~$1,500 per waiver~~ | ~~March 12, 2014~~ | ~~N/A~~ |
| Per Unit Cost Limitation Waiver Request or Credit Award Limit Waiver | $1,500 per waiver | March 12, ~~2014~~2015 | No later than 30 days prior to submittal of the LIHTC application |
| State-Basis Boost request under Section 8.D ("extraordinary circumstances" | NONE | March 12, ~~2014~~2015 | N/A |
| Sustainable Communities Site Analysis Packet or Feasibility study | NONE | March 12, ~~2014~~2015 | N/A |

**INCOMPLETE INFORMATION SUBMITTED WILL NOT BE REVIEWED**

**Formatted:** Tab stops: 3.61", Centered
**Formatted Table**
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Character scale: 99%
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Character scale: 99%
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Character scale: 99%
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Character scale: 99%
**Formatted:** Line spacing: Exactly 11.3 pt
**Formatted Table**
**Formatted:** Character scale: 100%
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Character scale: 99%
**Formatted:** Centered, Indent: Left: 0.12"
**Formatted:** Character scale: 100%
**Formatted:** Indent: Left: 0", Right: 0"
**Formatted:** Character scale: 99%
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Character scale: 99%
**Formatted:** Character scale: 99%
**Formatted:** Not Highlight
**Formatted:** Line spacing: single
**Formatted:** Not Expanded by / Condensed by
**Formatted:** Character scale: 99%
**Formatted:** Highlight

Formatted: Tab stops: 3.61", Centered

**EXHIBIT A (continued)**

**DCA APPLICATION AND PRE-AWARD DEADLINES & FEE SCHEDULE ___**
**For Profit, Non-profit, and For Profit/Non-profit Joint Ventures**

**Failure to meet deadlines below will be considered in Experience and Compliance Reviews**

Formatted Table

| | Fees | 9% Deadline | 4% Deadline |
|---|---|---|---|
| 2014 Bond/4% Credit Eligibility Opinion Letter | $5,000 Resubmission fee of $500 due to incomplete submissions | N/A | Pre-Application Submission no later than **75 days before bond closing** (fee not required at application if submitted with pre- application) |
| 2014 Credit Application Fee and Third Party Review Fees | $6,500 For Profits $6,500 For Profits/Non-profits Joint Venture $5,500 Non-profits | Application Submission June 5, ~~2014~~ | N/A |
| Payment & Performance Bond Waiver | $1,500 per waiver | Application Submission June 5, 2015 | N/A |
| Notification of delayed Financing Awards (AHP, USDA 538 and HUD invitation letters) | NONE | 7/10/~~14~~15 | N/A |
| Alternate Financing Deadline, if Notification deadline has not or will not be met | NONE | 7/24/~~14~~15 | N/A |
| Evidence of 8 step process commencement | NONE | 8/1/~~14~~15 | N/A |
| Evidence of 8 step process completion | NONE | 8/29/~~14~~15 | N/A |

Formatted Table

**9% Application Submission Deadline: 4:00 PM on June 5, ~~2014~~2015**

~~2014~~* Not applicable to bond financed projects

Formatted: Tab stops: 3.61", Centered

**EXHIBIT A (continued)**

## DCA POST AWARD DEADLINES AND FEE SCHEDULE

**For Profit, Non-profit, and For Profit/Non-profit Joint Ventures**

**Failure to meet deadlines below will be considered in Experience and Compliance Review**

| | Fees | 9% Deadline | 4% Deadline |
|---|---|---|---|
| Affirmative Fair Housing Marketing Plan (AFHMP) | NONE | Prior to the submission of the 8609 forms. | Prior to the submission of the 8609 forms. |
| Appraisal Fee (HOME Loans Only) | Based on DCA cost | Upon invoicing by DCA during underwriting | N/A |
| Bond/4% Credit Processing Fee | 8% of annual Federal Credit amount | N/A | Due within 30 calendar days of issuance of Letter of Determination |
| Certificates of Occupancy/ Placement –In-Service | NONE | Issued by local jurisdiction/all buildings placed in service before end of business December 31, ~~2016~~2017 | Issued by local jurisdiction /all buildings placed in service before end of business December 31, ~~2016~~2017 |
| Commencement of Construction/Rehabilitation (Projects w/Tax Credit and HOME) | NONE | Must satisfy all conditions necessary to commence construction within 9 months of date of the initial HOME commitment. | N/A |
| Commencement of Construction/Rehabilitation (Tax Credit Only Projects) | NONE | No later than September 30, ~~2015~~2016 | No later than September 30, ~~2015~~2016 |
| Completion of Work Scope | NONE | No later than December 31, ~~2016~~2017 | No later than December 31, ~~2016~~2017 |
| Construction Loan Closing (Tax Credit only Projects) | NONE | No later than August 31, ~~2015~~2016 | No later than August 31, ~~2015~~2016 |
| Final Allocation Application Amendments | $1,500 per request | At time of request | At time of request |
| Credit Allocation Fee | 8% of annual Federal Credit amount | At time Applicant execute the carryover allocation, except for Non-profit sole general partners who can submit at or before construction commencement deadline. | N/A |
| Credit Compliance Monitoring Fee (calculated on a per unit basis for all project units) | $800 – 9% Credits; $800 -– Bond/4% Credits; $400 - USDA 515 ~~Projects;~~ $400 - URFA Bond ~~Projects;~~ $1,500 - Single | The earlier of 18 months from Issuance of carryover allocation, or the project placed in service date; Applicant will be assessed a late fee of $25 per day for failing to meet deadline. | Due within 18 months of issuance of Letter of Determination or applicant will be assessed a late fee of $25 per day |
| DCA Placed In Service Form | NONE | Within 30 days of the 1st building placed in service | Within 30 days of the 1st building placed in service |
| Boundary survey, topographic survey, and geotechnical report | NONE | No later than 60 days after announcement of awards (including projects with DCA HOME) | At the time of application |
| Construction Documents as fully outlined in the Architectural Manual | NONE | No later than May 1, ~~2015~~2016 (HOME projects may have more stringent deadlines) | At the time of application for new construction. For rehabilitation projects, upon DCA notification after review of the work scope. |

Formatted Table

Formatted: Indent: Left: 0", Right: 0.1", Space Before: 0.3 pt, Line spacing: Exactly 10.3 pt

Formatted Table

**~~2014~~* Not applicable to bond financed projects**

**EXHIBIT A (continued)**

**DCA POST AWARD DEADLINES AND FEE SCHEDULE**
**For Profit, Non-profit, and For Profit/Non-profit Joint Ventures**
**Failure to meet deadlines below will be considered in Experience and Compliance Review**

| | Fees | 9% Deadline | 4% Deadline |
|---|---|---|---|
| Environmental Review Costs | Based on Actual Costs incurred by DCA to retain consultants | Upon invoicing by DCA during underwriting | Upon invoicing by DCA during underwriting |
| Final Allocation Deadline | NONE | February 15, ~~2017~~2018 | September 15, ~~2017~~2018 |
| Final Inspection Fee (for all LIHTC properties, both 4% and 9%, excluding those projects involving HOME funds) | $3,000 per project | Due within 30 days of final draw but no later than 30 days prior to the placed in service date or a late fee of $25 per day will be assessed | Due within 30 days of final draw but no later than 30 days prior to the placed in service date or a late fee of $25 per day will be assessed |
| Formal Firm Commitments for equity and non-DCA debt (HOME) | NONE | Must be submitted to DCA within 75 days of the carryover allocations | N/A |
| Front End Analysis (applicable to HOME loans only, when an Identity of Interest exists between the Developer or Owner and the general contractor) | $2,700 per project | Due within 15 days of invoicing by DCA during underwriting | N/A |
| Georgia Housing Search | NONE | Applicant agrees that if Application is selected for funding the Applicant will accurately list all of its existing developments in the Georgia Housing Search within six months of selection | Applicant agrees that Application receives a Letter of Determination, then the applicant will list all of its existing developments in the Georgia Housing Search within six months of selection |
| HOME Compliance Monitoring Fee (Calculated per project for the duration of the affordability period) | $750 per project annually | No later than 24 months of the HOME construction loan closing | N/A |
| HOME Loan Closing | NONE | On or before July 15, 2015 | N/A |
| HOME Loan Conversion | NONE | No later than 24 months of the HOME construction loan closing | N/A |
| LURC Execution | NONE | Prior to submission of cost certification | At or prior to bond closing |
| Management Company Approval | NONE | Prior to the 1st building placed in service | Prior to the 1st building placed in service |
| Mitas Property Set-Up | NONE | Within 30 days of the 1st building placed in service | Within 30 days of the 1st building placed in service |
| Non-Compliant Re-inspection Fee | Minimum of $~~65~~75 per unit or file plus travel expenses | Due within 15 days of invoicing by DCA | Due within 15 days of invoicing by DCA |
| Project Application Amendments, Post Award Project Concept Amendments, Post Letter of Determination | $1,500 per request | At time of submission of request for amendment | At time of submission of request for amendment |

Formatted Table

Formatted Table

Formatted Table

**Note: All outstanding fees due to DCA must be paid in full prior to issuance of 8609's for all projects receiving an allocation of tax credits per this Plan.**

**Formatted:** Tab stops: 5.54", Left