

**Administrative Procedure  
for  
DCA Housing Credit Program Scoring Appeal Review**

**Purpose**

During DCA’s competitive and noncompetitive analysis and selection processes, an Applicant may, within seven (7) calendar days of the date on a Decision Letter denying the Applicant’s Request for Reconsideration, submit a request for a full Appeal Review of a DCA decision that results in the non-funding of a proposed property. The purpose of these guidelines is to provide procedural requirements for Appeal Review where authorized pursuant to the Qualified Allocation Plan (“QAP”).

**Background**

1. Applicants are only eligible to request an Appeal Review if a Request for Reconsideration meeting has already taken place and the DCA decision maintains a non-selection decision, where a reversal would have resulted in selection.
2. Applicant request for Appeal must be within seven (7) calendar days of the date on the Decision Letter denying the Applicant’s Request for Reconsideration.
3. DCA, at the outset of the scoring process, identifies an Appeal Review panel consisting of 3-5 individuals from outside the Housing Finance and Development Division of DCA.
4. DCA, at the outset of the scoring process, identifies three 3-hour windows for Appeal Review meetings. Any Appeal Review will take place at DCA (60 Executive Park S, NE Atlanta, GA 30329).

**Appeal Review Committee**

5. The Appeal Review Committee will consist of at least three independent DCA staff members appointed by the Commissioner. The Appeal Review Committee will be appointed prior to the initial announcement of awards. Appeal Review Committee members may include, but are not limited to, DCA Deputy Commissioners, Division Directors, Office Directors, and Legal Consultants.
6. The Deputy Commissioner for Housing is an advisory member of the Appeal Review Committee. The Deputy Commissioner does not participate in Appeal Review Committee deliberations but will attend the meetings and provide information or answer questions regarding the QAP process, as needed by the Committee.
7. The Appeal Review Meeting will be moderated by DCA’s Director of Legal Affairs, with a member of the Georgia Attorney General Staff as alternate.

**General Procedure**

8. The burden of proof shall be on the Applicant to prove that the decision that resulted in the non-selection of the Application was incorrect and that the Application met all QAP requirements, program requirements, and statutory requirements.
9. The Appeal Review Committee will use a “reasonableness” or “rational basis” standard to determine whether the Applicant submitted sufficient documentation that meets the requirements of the QAP to receive a particular score.
10. The issue in each case is whether the Applicant met the requirements of the QAP.

11. DCA is not bound by a mistake in scoring in a previous round. The only question that will be considered by the Appeal Review Committee is whether the submitted Application was correctly or incorrectly scored in the current round.
12. Scoring is to be strictly based on the documents submitted by the Applicant at application submission for the year at issue.
13. Mistakes in other Applications should not be considered unless the mistake impacted the scoring of the Application under review.
14. Appeal Review Committee members must review the presented issues under the process and procedures of the QAP.
15. The Appeal Review Committee should not discuss any appeal with any elected official, local government representative, member of the Applicant team or member of the DCA staff involved in the scoring of the Application prior to making its decision. Likewise, once an Applicant has requested an Appeal Review, DCA staff involved in the scoring of the Application should not discuss the details of any appeal with any elected official, local government representative, member of the Applicant team or Appeal Review Committee member prior to making its decision.

### **Documentation**

16. The Appeal Review Committee will only consider documents of record in making its final decision. Documents of record include (1) DCA Scoring Documentation (including DCA verification documentation used in the scoring of the Application), (2) the Application submitted for the round of funding, and (3) correspondence between the Applicant and DCA during the scoring process which includes the Reconsideration process. DCA Scoring Documentation includes documentation used as part of the scoring of Applications in the current application round including the QAP, DCA guidance, Q&A, instructions, tracking sheets, summaries and verification documentation. Additional documentation not specifically allowed by these rules cannot be submitted by either party during the Appeal process.
17. Only documentation that meets the requirements of the QAP will be considered by the Appeal Review Committee in determining whether the Application was correctly scored.
18. Applicants may not clarify (either by explanation or additional documentation) a “scoring” category in the QAP during scoring or during the Appeal process. DCA must rely on the documents submitted by the Applicant in the submitted Application in making their decision.

### **Appeal Review Meeting Procedure**

19. DCA and the Applicant must submit a written summary of the issues to the Appeal Review Committee no less than five days prior to the Appeal Review Meeting. The summary shall be limited to ten pages exclusive of attachments.
20. At the meeting, DCA staff will first present its argument(s) in defense of its scoring decision. After DCA staff’s presentation, the Applicant will present its argument(s) in response to the DCA scoring decision. DCA will have an opportunity to respond to the Applicant’s presentation.
21. Each initial presentation shall be limited to one hour. DCA’s response time will be limited to 20 minutes.
22. Appeal Review Committee members are free to ask either the Applicant or DCA staff a question that they believe needs to be clarified. Should the Committee require an answer to a question

after the Appeal Review Committee meeting, the Committee shall present the question to the DCA Director of Legal Affairs or, alternatively, to the Attorney General Staff member, who shall obtain the answer to the question and forward it to the Appeal Review Committee. Both the Applicant and the DCA staff shall have the opportunity to respond to the question and the response must be provided within 48 hours of the request.

23. Discussion of the merits of either position should take place between Appeal Review Committee members after the Appeal Review Committee meeting and not during the meeting.
24. This is not a court proceeding. Neither the Applicant nor DCA staff have the ability to call witnesses or examine each other during the meeting. However, opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence on all issues involved, subject to the documentation limitations above.
25. Questions by the Applicant or DCA staff must be directed to the DCA Director of Legal Affairs or, alternatively, to the Attorney General Staff member after the meeting is concluded.
26. The Appeal Review Committee's final decision will be transmitted to both the Applicant and to the DCA Program Director by the DCA Director of Legal Affairs or, alternatively, by the Attorney General Staff member.