



# **STATE OF MISSISSIPPI**



## **NATIONAL HOUSING TRUST FUND (HTF)**



### **2019 ALLOCATION PLAN**

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# OVERVIEW

## STATUTORY BACKGROUND

The National Housing Trust Fund (HTF) was enacted as part of the Housing and Economic Recovery Act of 2008 (HERA), Section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992. The HTF's most important features include: Dedicated source of funding not subject to the annual federal appropriations process; at least 90% of funds must be used for the production, preservation, rehabilitation, or operation of rental housing; at least 75% of funds for rental housing must benefit Extremely Low Income (ELI) households, and up to 25% can benefit Very Low Income (VLI) households. If capitalized under \$1 billion, all HTF funds must be targeted toward ELI households.

HTF is distributed as block grants to states by formula. The size of the annual allocation will vary depending on the amount of GSE's business in a given year and any amounts that may be appropriated, transferred, or credited to the HTF under any provision of law. Each GSE sets aside an amount equal to 4.2 basis points of each dollar of unpaid principal balance of its total new business purchases during the fiscal year for allocation in accordance with section 1337(a). There will be no allocation of grants under HTF if there is neither revenue from GSEs nor other funds as provided by HERA. Amount of allocation is identified within 60 calendar days after the end of each fiscal year. Allocations will be published in the Federal Register within 60 days from date of determining formula.

## PURPOSE

The primary purposes of the HTF is to increase and preserve the supply of rental housing for extremely low income (ELI) households earning less than 30% of area median income (AMI) or the federal poverty guidelines published by the Department of Health and Human Services (whichever is greater). Grantees are required to use at least 80 percent of each annual grant for rental housing; up to 10 percent for homeownership housing; and up to 10 percent for the grantee's administrative and planning costs. The HTF can be used to build, preserve, and rehabilitate housing affordable for ELI and VLI households.

## MHC'S RESPONSIBILITY

The mission of Mississippi Home Corporation (MHC), the State Housing Finance Agency, is to enhance Mississippi's long-term economic viability by financing safe, decent, affordable housing and helping working families build wealth. MHC is designated as the state entity to administer the HTF Program, make awards, and provide reporting and oversight of the National Housing Trust Fund on behalf of the State. MHC will use HTF to:

- 1) Reduce homelessness and help ELI families avoid paying a disproportionate share of their income for housing.

- 2) Complement existing Federal, State and local efforts to increase and preserve the supply of rental housing for extremely low-income households, which includes homeless and serious mentally ill families.

MHC will comply with the regulatory and statutory requirements regarding activities eligible for HTF funding using written policies, procedures, and systems. MHC will use a system to assess the risk of activities, projects and system for monitoring entities to ensure requirements are met.

MHC uses an annual Allocation Plan to indicate how it will distribute HTF resources based on the priority housing needs identified in the State's Consolidated Plan (Con Plan). Mississippi's HTF Allocation Plan is a component of the State's Five-Year Consolidated Plan. The Plan identifies the State's housing priority needs as meeting the needs of low-income rental and owner households through homeownership opportunities, homeowner rehabilitation, and rental development/substantial rehabilitation.

The State prioritized homelessness in the HTF portion of the State's Consolidated Plan and will use HTF to support strategies to end chronic homelessness and identify special needs groups in Mississippi. These groups include persons with HIV/AIDs and their families; persons with mental illness; persons with disabilities as defined by the Americans Disabilities Act.

Mississippi Home Corporation will make every effort to balance statutory priorities and preferences and ensure a geographic distribution of funds as defined by the State's Consolidated Plan and/or low and high opportunity areas.

## ALLOCATION 2019

**The State of Mississippi received an HTF allocation of \$3 million for 2019.** MHC will commit 90% of HTF allocation for rental housing and 10% used for administrative costs. MHC will not allocate funds for homeownership activities due to the shortage of rental units for ELI households and addressing the State's priority needs.

### Mississippi Home Corporation Housing Trust Fund 2019 Budget

<b>Total Budget</b>	<b>\$3,000,000</b>
<b>Administration 10%</b>	<b>\$ 3 0 0 , 0 0 0</b>
<b>Operating Costs</b>	<b>-0-</b>
<b>Multifamily Development</b>	<b>\$2,700,000</b>

# PERFORMANCE GOALS AND BENCHMARKS

MHC will allocate funds to applicants that most directly address the following performance goals and benchmarks:

- 1) Develop 24 units of rental housing assisted by HTF within developments that will provide 72 units in addition to HTF-assisted units.
- 2) Developments receiving HTF must designate at least 20% of total units for HTF eligible households.
- 3) Developments receiving HTF must designate at least 10% of HTF-assisted units for persons who are homeless or diagnosed with serious mental illness who will be connected with Supportive Services appropriate to their needs.
- 4) Develop rental housing in High Opportunity areas and Poverty areas of the State  
(See Addendum A)/ (Exhibit 1 & 3)

## LIMITATIONS TO A PARTICULAR SEGMENT/ POPULATION

All projects will address the affordable rental housing needs for extremely low income (30 % of AMI) households. The competitive scoring system used to rank applications prior to making awards assigns points to projects that address critical housing needs specifically the expansion of permanent housing for persons experiencing homelessness and persons with serious mental illness.

# DISTRIBUTION OF FUNDS

Funds will be distributed through a competitive application. Applications will be scored based on how well they propose to meet the following priority housing needs:

1. Rental housing affordable to extremely low income (30 % of AMI) households in local housing markets where there is a shortage of such housing.
2. Address prevention and reduction, in number of persons experiencing homelessness.
3. Expand access to permanent housing with supportive services for persons with serious mental illness.
4. Be located within priority areas defined by the State’s Consolidated Plan, areas with high poverty, or in high opportunity areas.

These priorities were determined by MHC in accordance with the HTF regulations (24 CFR Parts 93) and the State’s Consolidated (Plan 24 CFR 91) and Annual Action Plan (AAP). Annual Action Plan, a strategic one year-plan, which outlines programs and activities that will meet identified priority needs of the State.

**Citizen Participation in Forming HTF Investment Priorities** - MHC facilitates the development and implementation of the Consolidated Plan and subsequent Annual Action Plan (AAP), the Consolidated Annual Performance and Evaluation Report (Caper) as well as, ensuring Citizen Participation requirements are followed. In identifying uses of HTF funds for 2019, MHC solicited input from an Advisory Team consisting of individuals and groups representing aspects of low- income housing, including Low Income Housing Tax Credit Developers, Planning & Development Districts, For-Profit/Non-Profit Organizations/ Developers and Public Housing Authorities, Disability community, Continuum of Care, ESG grantees and individuals working with HIV/AIDS populations. MHC brought together individuals with a broad range of expertise and suggestions for best utilizing Federal Programs included in the Annual Action Plan; ensure a connection with the community and its needs; and provide a broad understanding of the critical role affordable housing plays in the community.

Acting pursuant to statutory requirements, Public hearings were held on March 6, 13, 14, 20 and 26, 2019 in various locations throughout the state for receiving public comments on a draft of the 2019 State of Mississippi Annual Allocation Plan, of which the National Housing Trust Fund Allocation Plan was a component. In addition to verbal comments received at the hearings, MHC requested written comments from interested members of the public concerning the draft of the AAP. Comments received were taken into consideration and fully evaluated prior to completion of the 2019 Plan.

## GENERAL POLICIES AND GUIDELINES

### COMPLIANCE WITH HTF REQUIREMENTS

A recipient of HTF funds is required to sign a statement certifying that it will comply with the

requirements of the HTF program pertaining to project activities beginning with site selection and continuing through the end of the affordability period.

To be eligible a recipient must comply with the following rules for the Housing Trust Fund contained in C 24 CFR Part 93.

## HTF REQUIREMENTS:

- 1) Eligibility (93.200/93.201)
- 2) Income-Targeting Requirements (93.250 Rental)
- 3) Income Determinations (93.151)
- 4) HTF Funds and Public Housing (93.203)
- 5) Maximum Award
- 6) Administration and Planning Costs (93.202)
- 7) Period of Affordability-(93.205)
- 8) Prohibited Activities-(93.204)
- 9) Maximum Per-Unit Subsidy Amount, Underwriting and Subsidy Layering (93.300)
- 10) Maximum Per-Unit Development Subsidy (93.300)
- 11) Subsidy Layering Review
- 12) Property Standards (93.301)
- 13) Rehabilitation Standards (93.301(b)(1))
- 14) Site and Neighborhood Standards (93.150)
- 15) Distribution of Assistance (93.151)
- 16) Compliance Monitoring (Reference: HTF Regulations/2019 QAP)
- 17) Fair Housing Act /Affirmative Marketing (24 CFR 92.351(a))
- 18) Section 3
- 19) MBE/WBE
- 20) Davis-Bacon
- 21) Violence Against Women Act
- 22) Lead-Based Paint (93.351)
- 23) Accessibility
- 24) Environmental
- 25) Displacement, Relocation, and Acquisition (24 CFR 92.352)
- 26) Conflict of Interest (93.353)
- 27) Funding Accountability and Transparency (93.354)
- 28) Accountability and Financial Management
- 29) Program Disbursement and Information System (93.402)
- 30) Program Income and Repayments (93.403)
- 31) Onsite Inspections (93.404)
- 32) Uniform Administrative (93.405)
- 27) Audit (93.406)
- 28) Administration & Monitoring
- 29) Closeout (92.777)
- 30) Reporting & Recordkeeping (93.408)
- 31) Uniform Relocation Act (URA)



# ELIGIBILITY

## Eligible Households

Households must have incomes between 0 and 30 percent of area median income.

## Eligible Applicants

Organizations eligible to receive funding through the Housing Trust Fund are non-profit and for-profit organizations with demonstrated development experience and capacity with creating, rehabilitating, or preserving affordable housing.

For-profit entity

1. Incorporated
2. In good standing with Mississippi Secretary of State
3. Not on list of entities debarred by the U.S. Department of Housing and Urban Development
4. Legal structure may be one of the following:
  - a. Partnerships
  - b. Limited partnerships
  - c. Limited liability company
  - d. Joint venture
  - e. Sole proprietorship,
  - f. Trust or association

Non-profit entity

1. Established as 501(c)(3) under IRS Code
2. In good standing with Mississippi Secretary of State
3. By-laws include housing purpose
4. If two or more organizations share common by-laws, over 50% of board members, and have a common service area, they will be treated as one entity for application purposes.

## Ineligible Applicants

Applicants/entities that are not in good standing may not file HTF applications. An applicant is not in good standing, if it has failed to comply with the terms of any HTF or HOME Program requirements. The general and limited partners for partnerships and for all applicants, the management agent proposed as a member of the development team must disclose any finding or a violation of any Federal or State laws or regulations pertaining to fair housing, housing accessibility, or non-discrimination in the areas of ownership and rental housing. Applicants disclosing such findings of violations or convictions must obtain a waiver from MHC in order to apply for funding. The granting of such waivers is at the discretion of MHC.

## Eligible Project Types

HTF funds shall be used for rental housing that meets the requirements of the Housing Trust Fund. The following project types are designated as eligible and ineligible for HTF funding:

1. Multi-family rental housing
2. Single family rental housing

## Ineligible Project Type

1. Alcohol treatment facilities

2. Chemical dependency treatment facilities
3. Correctional facilities
4. Facilities providing continual or frequent nursing, medical or psychiatric services
5. Medical treatment facilities
6. Nursing homes
7. Student Housing
8. Private foster care facilities

## **Eligible Expenses**

All project costs must be reasonable, whether paid directly with HTF funds. MHC will review all project costs, including hard and soft costs, to evaluate reasonableness and may, at its option, require applicants to obtain additional quotes, bids, or estimates of costs. A cost analysis will be conducted to determine cost reasonableness.

HTF funds may be used for the following eligible costs:

1. Real Property Acquisition
2. Site improvements and development hard costs (actual cost of constructing or rehabilitating housing)
3. Related soft costs
4. Demolition of existing structures
5. Financing costs (rehabilitated with HTF funds)
6. Relocation assistance
7. Reasonable administrative planning costs
8. HTF assists in the development of public housing units under limited circumstances as outlined in 24 CFR 93.203. This includes:
  1. HTF funds may be used for new construction or rehabilitation of public housing as part of the Choice Neighborhoods (Choice) program under a HUD appropriation act or for new public housing units that have been allocated and will receive low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42);
  2. HTF funds may be used for the rehabilitation of existing public housing units in which the public housing assistance will be converted and used at the properties under the Rental Assistance Demonstration (RAD) program under HUD's 2012 Appropriations Act (Pub. L. 112-55, 125 Stat. 552, approved November 18, 2011) or subsequent statutes;
  3. Public housing units constructed using HTF funds must replace units that were removed from a public housing agency's public housing inventory as part of a Choice program grant, or as part of a mixed-financed development under section 35 of the 1937 Act. The number of replacement units cannot be more than the number of units removed from the public housing agency's inventory.
  4. The public housing units constructed or rehabilitated using HTF funds must receive Public Housing Operating Fund assistance (and may receive Public Housing Capital Fund assistance) under section 9 of the 1937 Act. These units cannot receive operating costs assistance or operating cost assistance reserves from HTF.

## Ineligible Expenses

1. Provide assistance to a project previously assisted with HTF funds, during the affordability period
2. Pay for the acquisition of property owned by the grantee
3. Pay delinquent taxes, fees, or charges on properties to be assisted with HTF funds
4. Pay for political activities, advocacy, lobbying, counseling services, travel expense, and preparing or providing advice on tax returns
5. Pay for administrative, outreach, or other costs to manage and operate the grantee of HTF funds
6. Pay for any cost that is not eligible under 92.371 and 92.732
7. Project owners are prohibited from charging origination fees, or charge more than is customary for parking and laundry room use, among other fees
8. HTF funds shall not be used for
  1. Luxury improvements according to 24 CFR 92.205 and 24 CFR 93.200
  2. Non-residential accessory structures such as free-standing community/leasing buildings, garages, carports, or maintenance structures
  3. Community space or common laundry facilities included in residential buildings
  4. Off-site infrastructure costs, including any costs associated with extending infrastructure to the project site. The cost of connecting to public infrastructure located in an adjacent right-of-way (e.g., water or sewer tap) is an eligible cost
  5. Organizational costs such as partnership formation or syndication costs associated with transactions using equity from Low Income Housing Tax Credits (LIHTC), historic tax credits, or other similar tax incentives

## Eligible Activities

MHC will adhere to Eligible and Prohibited Activities discussed in 24 CFR 93.200. Applicants must describe activities to be undertaken in sufficient detail for MHC to determine that the proposed activities are permitted by Regulation. Activities identified in 24 CFR 93.200 that are eligible under this plan are:

1. production, preservation, and rehabilitation of affordable rental housing
2. new construction, reconstruction, or rehabilitation of nonluxury housing with suitable amenities, including real property acquisition, site improvements, conversion, demolition, and other expenses, including financing costs,
3. relocation expenses of any displaced persons, families, businesses, or organizations
4. acquisition of vacant land or demolition must be undertaken only with respect to a particular housing project

## Eligible Financing

Developments that use 9% Low Income Housing Tax Credits must request a waiver from MHC before applying for HTF. HTF is designed to fill a gap in financing to help make a project financially feasible. There should be no gap in financing for projects that receive LIHTC funding.

MHC solicits applicants that incorporate significant funding from other sources, such as tax-exempt bonds with 4% Low Income Housing Tax Credits, federal and local government programs, or other sources. Tax-Exempt Bond developments must meet the exempt facility bond requirements under 26 US Code §142 as well as the tax credit requirements under 26 US Code §42(h)(4). Applicants that anticipate receiving an award of other funding must provide evidence that they have applied for such funding, including acknowledgement from the funding entity that the application has been received and **the** amount requested is consistent with the sources and uses statement presented with the HTF application.

## MAXIMUM AWARD

The maximum award per applicant is \$1.5 million.

The maximum award per project is \$1.5. The amount of HTF awarded will be determined by performing a subsidy layering review which involves reviewing the applicant's sources and uses, development costs, debt service coverage, and operating revenues.

## FORM OF ASSISTANCE

The level and type of assistance provided by the HTF Program to a specific project must be the minimum amount necessary to achieve the desired degree of affordability. Funds from the HTF Program may be used to support the acquisition, development or preservation of affordable rental housing units.

**Cash Flow Loan.** Loans are structured as payable from cash flow after deducting operating expenses, debt service, and other expenses determined eligible by MHC, from operating revenue. Developments sponsored by non-profit organizations serving high-need individuals that may not generate net operating income are eligible.

Terminated Projects- HTF assisted projects that are terminated before completion, either voluntarily or otherwise, constitutes an ineligible activity. Therefore, the recipient of HTF funds will be responsible for the repay of any HTF funds invested in the project.

### Written Agreement

Written Agreements are used to contract with funded Applicants in order to implement proposed HTF activities and govern project execution. It is an executed written agreement that evidences a commitment of HTF Funds. The agreement must be legally binding, signed by all parties to the agreement, and all signatures must be dated to verify compliance.

Binding commitments required for all financing

MHC will enter into binding commitment of HTF at the same time legally binding commitments are

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present for all other funding sources. The definition of a “commitment” of HTF funds is a legally binding Written Agreement with a State recipient, non-profit developer or for-profit developer to use a specific amount of HTF funds to produce affordable housing. Contingent awards do not constitute a commitment of HTF funds.

#### Extension of Written Agreement

Extensions of Written Agreement periods may, at MHC’s discretion, be permitted for any HTF recipient that can demonstrate that the project is proceeding in a manner such that completion of the project is certain in the time identified. However, Written Agreements cannot be extended beyond the Project completion deadlines set forth in the HTF Interim Rule.

Projects selected for funding in conjunction with Applications for tax-exempt bond financing may receive a reservation of HTF, contingent on closing the bond issue. Contingent reservations may be withdrawn if the Applicant does not close the bond financing within 12 months.

#### Withdrawal of Assistance

Recipients receiving an award of HTF must commit to beginning construction within 12 months of receiving notice of reservation of funds. If MHC determines a project will not proceed within 12 months, MHC may, at its discretion pursuant to 24 CFR Part 93, reallocate the funds to another project in order to meet federal expenditure deadlines for HTF. MHC regularly assesses the performance of its HTF partners. Based on the performance pursuant to the requirements contained in its Written Agreements and the Program regulations, MHC may withdraw funding due to non-performance, poor performance, and/or untimely performance.

## QUALIFICATION AS AFFORDABLE RENTAL HOUSING

### Income Determination

Each family occupying an HTF assisted unit is required to be income eligible to ensure that income targeting requirements are met.

#### Income Verification

Projects shall use the HUD Part 5 definition of income for determining income eligibility.

Prior to signing a lease, income must be verified for all new tenants using at least two months of source documentation in accordance 24 CFR 93.151(d) for HTF. Third party verification can only be used in situations where source documentation is not available.

During the period of affordability, the income of in-place tenants must be recertified using source documentation at least every sixth year of the project’s affordability period (e.g., in the sixth year, all in-place tenants must be recertified using source documentation even if a given tenant is only in his/her second year of occupancy). In other years, owners must recertify the income of existing tenants annually.

## Income Targeting Requirements

The HTF program is limited to household below 30% of Area Median Income. Each family occupying a HTF assisted unit is income eligible by determining the family's annual income as defined in 24 CFR 93.151. For subsequent income determinations during the period of affordability, MHC will use the method which will examine at least 2 months of source documents evidencing annual income (e.g. wage statement, interest statement, unemployment compensation statement) for the family.

A housing development may contain market rate units. However, HTF funds may not be used to support market rate units.

## Eligible Tenants

The HTF assisted units in a rental housing project must be occupied by households in accordance with the income targeting requirements in 93.250 regulations. Eligible tenants selected to occupy HTF-assisted units are Extremely Low- Income (ELI) families. HUD will publish the HTF rent limits on an annual basis and limits will be provided to grantees on an annual basis. MHC will ensure that rents do not exceed the maximum rent limits and are following HTF regulations.

## Rent Limitations

- a) **Extremely Low Income Tenants**- HTF rent plus utilities of an extremely low-income (ELI) tenant shall not exceed the greatest of 30 percent of the federal poverty line or 30 percent of the income a family whose annual income equals 30 percent of the median income for the area, as determined by HUD, with adjustments for the number of bedrooms in the unit.
- b) HTF-assisted units must be rented at or below the HUD-published Housing Trust Fund rent for extremely low-income units. In general, HUD calculates the HTF rent to be 30% of the HTF income limit for the county in which the project is located, adjusted for unit size. If the HTF unit receives Federal or State project-based rental subsidy, and the tenant pays as a contribution toward rent not more than 30% of the tenant's adjusted income, the maximum rent is the rent allowable under the Federal or State project-based rental subsidy program.

## Rent Adjustments

Owners must obtain approval before implementing HTF unit rent increases. Owners shall also provide not less than 30 days' written notice to tenants upon receiving approval of HTF unit rent increases.

In the event a tenant occupying an HTF unit becomes over-income, the HTF-assisted unit continues to qualify as affordable housing despite a temporary noncompliance caused by increases in the existing tenant's income if actions satisfactory to HUD are being taken to ensure that all vacancies are filled in accordance with 24 CFR 93.302 until the noncompliance is corrected.

## **Prohibition on Certain Fees to Tenants**

Pursuant to 24 CFR 93.204 for HTF, program participants may not charge fees to program beneficiaries to cover administrative costs related to the cost of administering the HTF program. Specifically, rental project owners may not charge tenants fees that are not customarily charged to tenants of rental housing (e.g., laundry room access fees). However, Owners may charge fees approved by MHC for the following:

1. Reasonable application fees to prospective tenants;
2. Fees or penalties related to the late payment of rent, non-sufficient funds or returned checks, or the like provided such fees are determined by the Fund to be customary for rental housing projects in the area and not excessive;
3. Parking fees to tenants only if such fees are customary for rental housing projects in the neighborhood; and
4. Fees for optional services such as supportive services for special needs tenants or general services such as bus transportation or meals, as long as the services are voluntary, and fees are charged only for services provided.

MHC will review and approve fee schedules annually to ensure that any fees charged in addition to rent are permissible under the applicable HTF requirements and whether proposed fees are reasonable and customary based on market comparisons.

## **Utility Allowances**

HTF rent limits are gross rent limits. The actual rent collected from a tenant must be adjusted, taking into account an allowance for tenant paid utilities. HTF regulations, 24 CFR 24 CFR 93.302(c), respectively, require that the utility allowance (UA) for the project be based on the type of utilities used at the project.

## **Ongoing Project Requirements**

### **Project Completion Deadline and Period of Affordability**

The period of affordability will be based on the date of project completion as defined by 24 CFR 93.2, which, among other things, requires that all construction activity be complete, all HTF funds drawn from the U.S. Treasury, and project completion information be entered into HUD's IDIS reporting system.

For rental projects, project completion occurs upon completion of construction and before occupancy, and units may be marked vacant in IDIS until complete beneficiary data is received. The Fund requires that all HTF-assisted units must be initially leased within twelve (12) months of construction completion, which is noted on the final approved inspection by MHC's Inspection Department. The Owner's failure to meet this twelve (12) month deadline will constitute an event of default pursuant to the HTF

## **Affordability**

In accordance with the minimum requirements of 24 CFR 93.302(d), rehabilitated and new construction rental projects funded with HTF shall maintain HTF affordability requirements for a period of 30 years as regulated by 24 CFR 93.302.

# **MAXIMUM PER-UNIT DEVELOPMENT SUBSIDY, LAYERING & UNDERWRITING GUIDELINES**

MHC will perform a Subsidy Layering Analysis before committing HTF Funds to a project. The analysis will determine costs are reasonable, verifiable sources and uses of funds, amounts requested are necessary and their uses are determined feasible. MHC's evaluation of developments using HTF funds in combination with other forms of assistance ensures that no more than the necessary amounts of program funds are invested in any one development to provide affordable housing. The subsidy layering review is conducted during the application period. HTF required review elements:

1. Actual total development cost
  - a) Including costs that are not eligible to be paid with HTF
  - b) Costs funded from sources other than HTF
  - c) Costs of meeting applicable codes and standards for rehabilitation or new construction in the area
  - d) Costs Associated with meeting all applicable HTF requirements and other federal requirements
  - e) Costs associated with meeting priority housing needs of the State (e.g., accessibility for special needs populations)
  - f) Costs in producing housing units for extremely low-income families
  - g) An assessment of current market demand for the neighborhood of project location (DATA)
  - h) Financial Return to the Owners or Developers
2. Firm Financial Commitments for the project
3. Geographic location of the project
4. Adjustment for number of bedrooms

MHC has adopted the HOME Program Maximum Per Unit Subsidy Limits. MHC will use the HOME Program maximum per unit subsidy limits which are based on the HUD Section 234-Condominium Housing-limits for elevator-type projects. MHC will follow current Base City High Cost Percentages (BHCP) for specific high-cost areas established annually by the HUD Office of Multifamily Housing to determine maximum subsidy amount in those areas. **(See HTF Attachment- HTF Maximum Subsidy Limits)**



## Project Evaluation

MHC review and evaluate the project from a number of perspectives, including the following:

**Capacity and Financial Strength-** Applicant/Borrower's financial statements and/or tax filings for at least the past two years plus the current year to date to evaluate whether there is sufficient income, equity and cash flow to undertake, carry out and successfully complete the proposed projects.

**Project Budgets and Financing-** The project's pro-forma budgets are reviewed and analyzed to determine and evaluate the project's development costs, operating income and expenses, and sales proceeds. Financial Commitments for the key sources the project have received.

**Sources of Repayment-** During the term of the loan, the project/borrower should have sufficient income and cash flow to make interest payments on loan.

**Loan Collateral-** Properties that serve as collateral for the loan must have sufficient value to support the loan. Liens are subject to be subordinated to other financing under acceptable terms and conditions.

**Appraisals or Indicators of Value-** The HTF Program will not always require an independent appraisal of the properties, if there are other prudent ways to establish the value of the properties. MHC will always request copies of existing appraisals that are obtained by our applicants or lenders. When an applicant provides an existing appraisal to support its application, updated or supplemental information may be required. New appraisals of the property may also be required by a certified licensed appraisal.

## PROPERTY STANDARDS

Rental Projects are subject to property standards throughout the affordability period.

Property Standards: New Construction and Gut Rehabilitation Projects- MHC uses QAP 2019 written standards to ensure that project plans, specifications, and work write-ups are following State and local codes, ordinances, requirements, and standards and cost estimates. HTF-assisted new construction and gut rehabilitation projects must meet all applicable state and local codes, ordinances, and zoning requirements, the International Residential Code or International Building Code (as applicable), or state or local residential and building codes for new construction or gut rehabilitation.

All buildings of five or more residential units in new construction or substantial rehabilitation of HTF projects must include the installation of "broadband infrastructure" as defined by 24 CFR 5.100. In limited circumstances, the Fund may waive this requirement if the project's location makes such installation infeasible or creates an undue financial burden. In practice, this requires the developer to provide the wiring for high-speed internet but does not require the project to provide the internet service itself.

Energy and Water Efficiency- All mid-or high-rise multifamily housing over 3 stories must exceed by 20%, the minimum energy efficiency requirements defined by the American Society

of Heating, Refrigerating, and ad Air-Conditioning engineers (ASHRAE) Standard 90.1-2007. All water-usage products installed in HTF-assisted units must bear the Water Sense label.

Property Standards: Rehabilitation Projects (93.301 (b)) - HTF assisted rehabilitation projects must meet all applicable state and local codes, ordinances, ad requirements upon project completion.

(Reference also to: QAP)

## ENVIRONMENTAL ASSESSMENT-

Applicants must comply with the requirements in 24 CFR 93.301 and HUD CPD Notice 16-14: Requirements for Housing Trust Fund Environmental Provisions.

## OTHER FEDERAL REQUIREMENTS

### **Nondiscrimination and Equal Opportunity**

The following federal nondiscrimination and equal opportunity guidelines apply to all Rental Housing projects and affect both development and operation of assisted housing:

1. The Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations at 24 CFR part 100 et seq.;
2. Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107;
3. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1;
4. The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146;
5. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at part 8 of this title;
6. Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.; 24 CFR part 8;
7. Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135;
8. Executive Order 11246, as amended by Executive Orders 11375, [[Page 41]] 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p. 339; 3 CFR, 1966- 1970 Comp., p. 684; 3 CFR, 1966-1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60;
9. Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971- 1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order

- 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development);
10. Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise). The nondiscrimination provisions of Section 282 of the National Affordable Housing Act of 1982; and
  11. The Equal Access Rule, 24 CFR 5.105(a)(2), requiring that assisted housing be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.

## **Language Access**

Recipients of federal financial assistance, including HTF funds, are required to provide meaningful access to their programs and services for persons with limited English proficiency (LEP). The U.S. Supreme Court has held that failing to take reasonable steps to ensure meaningful access for LEP persons is a form of national origin discrimination prohibited by Title VI of the Civil Rights Act of 1964.

The requirement to provide language assistance to LEP individuals applies to all recipients of federal financial assistance, including HTF funds, regardless of conflicting state or local laws. When meaningful access requires interpretation, interpreters should be provided at no cost to the persons involved. Budgeting adequate funds to ensure language access is essential. While costs are a consideration in determining what language assistance is reasonably required, fiscal pressures do not provide an exemption from civil rights requirements.

Recipients of HTF funds should develop, and periodically update, a written LEP plan that describes their language assistance services and explains how staff and LEP persons can access those services. Guidance regarding LEP compliance can be accessed on the HUD website at [www.hud.gov](http://www.hud.gov).

## **Uniform Relocation Act (URA)**

All Rental Housing projects fall under requirements of the URA. Applicants must further document that any purchase of property meets the requirements of URA, including provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain. To ensure compliance with URA applicants should see regulation:

## **Labor Standards**

The HTF was established under Title I of the Housing and Economic Recovery Act of 2008, Section 1131 (Public Law 110-289). This statute did not make the labor standards of Davis-Bacon applicable to the HTF Program. Prevailing wages will be paid to all laborers and mechanics employed on the job, and such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (42 CFR Part 327-333). All contractors, subcontractors, and other participants must comply with regulations issued under these Acts and with other federal laws and regulations pertaining to labor standards including HUD Handbook 1344.1 (Federal Labor Standards Compliance in Housing and Community Development Programs), as applicable. The developer is responsible for monitoring, compiling the appropriate documentation and forwarding copies to MHC.

## **Minority Business Enterprise and Women Business Enterprise (MBE/WBE) Plan**

Developers must maintain a MBE/WBE plan that demonstrates marketing and solicitation of MBE/WBE businesses and contractors for the construction of the project.

## **Section 3**

Section 3 requires that economic opportunities generated by certain HUD financial assistance (including public and Indian housing) and community development programs shall, to the greatest extent feasible, be given to extremely-low, low and very-low income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons. This is a statutory requirement for the award of jobs and contracts generated from projects that receive HUD funding. Developers must maintain a Section 3 plan that demonstrates a marketing plan to include Section 3 contractors and all tiers of subcontractors in the construction of the project.

### **Excluded Parties**

MHC will not fund projects owned, developed, or otherwise sponsored by any individual, corporation, or other entity that is suspended, debarred, or otherwise precluded from receiving federal awards. Furthermore, the owner may not contract with any other entity (including but not limited to builders/general contractors, property management companies, or other members of the development team) that are suspended, debarred, or otherwise so precluded. Similarly, the general contractor will be required to determine that subcontractors are not so precluded.

### **Marketing and Leasing**

The owner/developer must establish a written tenant selection plan consistent with the requirements at 24 CFR 93.303 for HTF. Among other requirements, the tenant selection plan must, insofar as is practical, provide for the selection of tenants from a project's waiting list in chronological order of their applications and provide written notification to any rejected applicant of the reason for their rejection.

### **Affirmative Fair Housing Marketing Plan**

HTF-funded projects must establish an Affirmative Fair Housing Marketing Plan detailing marketing procedure to attract eligible occupants without regard to race, color, national origin, sex, religion, familial status, disability, or sexual orientation. Affirmative Fair Housing Marketing Plans shall include all required aspects as stated in 24 CFR 93.350 for HTF.

### **Leases**

Leases between the tenant and owner shall be for one year, unless by mutual agreement between the tenant and the owner. Owners are required to provide 30 days' written notice prior to terminating or refusing to renew the lease. In accordance with the provisions 24 CFR 93.303 for HTF, the following terms are prohibited from HTF project leases:

1. agreement to be sued;
2. treatment of personal property;
3. excusing owner from responsibility;
4. waiver of notice;
5. waiver of legal proceedings;
6. waiver of a jury trial;
7. waiver of right to appeal court decision;
8. tenant chargeable with cost of legal actions regardless of outcome; and
9. mandatory participation in supportive services (note, transitional housing projects funded with HOME may be permitted to require service participation under limited circumstances).

## **Violence Against Women's Act (VAWA)**

HTF-Assisted projects must comply with the requirements of the Violence Against Women's Act (VAWA) as required by 24 CFR 93.356 for HTF. VAWA provides certain additional tenant protections to applicants and tenants who are victims of domestic violence, sexual assault, and/or stalking. In general, among other requirements owners must provide notices to all tenants of the VAWA provisions, may not deny an application or terminate or refuse to renew a lease as a result of a person's status as a victim or on the basis of criminal activity related to such status, and must allow for the bifurcation of a lease in order to evict the perpetrator of such criminal activity while allowing the victim to maintain occupancy.

MHC will provide a standard form lease-addendum for use by owners of HTF-assisted housing that will provide required tenant protections and eliminate any prohibited provisions from uses, otherwise used by owners. The following forms are located at [www.mshc.com](http://www.mshc.com):

- Notice of Occupancy Rights Under VAWA-HUD Form 5380
- Emergency Transfer Plan VAWA-HUD Form 5381
- Certification of Domestic Violence-VAWA-HUD Form 5382
- Emergency Transfer Request-VAWA-HUD Form 5383

The period of applicability of requirements shall apply to the owner of the HTF-assisted rental housing for the duration of the affordability period.

## **Reporting and Recordkeeping**

The owner of a low-income housing project must keep records for each HTF-assisted project for each year of the compliance period and the extended use period. To allow effective oversight of funded projects and document compliance with applicable HTF requirements, all projects must submit periodic reports to MHC. MHC reserves the right to require additional reporting or to alter the reporting format or frequency based on future changes to HTF requirements or its policy and procedures guidelines. In addition, MHC reserves the right to require additional or more frequent reporting for projects with compliance deficiencies.

Owners are required to report quarterly during the development phase and lease up phase. Quarterly reports will be due on the 15<sup>th</sup> of the month following the end of the prior quarter (e.g., by April 15<sup>th</sup> reports on the first quarter are due).

During the construction phase, owners must provide monthly reports detailing construction progress and barriers to progress, copies of invoices being paid, and evidence of appropriate lien waivers.

During the initial phase of lease-up, MHC may request owners to provide monthly or quarterly reports detailing the number of additional leases, total project leases, marketing activity, and monthly income and expenses. Once the owner has leased 100% of units, leasing and marketing reporting will be required annually.

Annual Reports shall be required for HTF projects, and shall include an Annual Occupancy Report, utility allowance documentation, and examples of marketing materials.

HTF projects shall be required to submit annual budgets to MHC for review and approval. Additionally, all projects will be required to submit an audit prepared by an independent Certified Public Accountant within 180 days of the end of its fiscal year. For small projects where the cost of a project-specific audit is deemed by MHC to be burdensome, MHC may accept a statement of financial condition with prior approval by the manager of Asset Management.

Owners and developers shall allow MHC and HUD the right to inspect records and property.

Owners must annually submit any updates to their Tenant Selection Plan and Affirmative Fair Housing Marketing Plan and must maintain records of annual efforts to affirmatively further fair housing in accordance with 24 CFR 93.350. Updates must clearly detail all changes.

Owners must annually report to the Fund on compliance with the provisions of the Violence Against Women Act (VAWA) as applied through 24 CFR 93.356 (HTF) including records related to any emergency transfer requests and their disposition.

MHC may periodically require owners to obtain a capital needs assessment prepared by an independent third-party architect, engineer, or other qualified firm approved by MHC. Such capital needs assessments shall be used for the purposes of determining the adequacy of the Replacement Reserve, taking into account its existing balance, planned deposits, and anticipated future capital replacement costs for the Project. If the capital needs assessment indicates the Replacement Reserve is not sufficient to address anticipated capital costs during the Affordability Period, the owner must, at MHC's option, either make an additional deposit or increase its annual deposits sufficient to meet any underfunding. If an additional deposit is required by MHC, the owner (or the Guarantors) must replenish the Replacement Reserve Account within six months.

## REHABILITATION STANDARDS

### Rehabilitation Projects

All rehabilitation of multi-family and single-family dwellings that utilize HTF funds will meet requirements @ 24 CFR 93.301 (b). MHC will adhere to HTF Rehabilitation Standards by adopting the **(Minimum Design Quality Standards (MDQS))** established by **MHC's Housing Tax Credit Department** and **Housing Credit Compliance Department**. The Compliance Department will inspect properties in accordance with HUD Physical Condition Standards and Inspection Requirements 5.701; Physical Condition Standards for HUD housing that is decent, safe, sanitary and in good repair; 5.703; Uniform Physical Inspection Requirements 5.705)-Subpart G. MHC will follow the QAP written standards and to ensure that project plans, specifications, and work write-ups are in compliance with State and local codes, ordinances, requirements, and standards and cost estimates.

The QAP standards are designed to assist in achieving consistency throughout the State for all LIHTC rehabilitation activities. These standards are intended to provide the acceptable standards for development units rehabilitated according to LIHTC. Considering HTF regulations encourage the use

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of other funding sources to achieve financial feasibility and the most with the HTF Allocation. MHC will use LIHTC in conjunction with HTF funds in developing units for extremely low-income households. The adopted standards are following the following HTF rehabilitation standards requirement@ 93.301 (b).

MHC will assure that knowledgeable inspectors and Architects will thoroughly inspect each dwelling for compliance of regulations and certification that the development complies with all the minimum requirements. Inspections will verify compliance of HTF rehabilitation standards, which is inclusive of health and safety, major systems, state and local codes, ordinances, and zoning requirements, uniform physical condition standards, capital needs assessment, lead-based paint requirement, accessibility, disaster mitigation, construction documents and cost estimates and frequency of Inspections.

### **Rehabilitation Requirements (24CFR 93.301 (b))**

**Health and Safety-** MHC certifies that all dwelling will be free of all health and safety defects 12 months after project completion and during the period of affordability. All properties assisted with HTF must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of property. MHC adopted the Uniform Physical Condition Standards (UPCS) utilized by the LIHTC Department to serve as a guide and an assure compliance.

**Onsite inspections** will occur 12 months after project completion and at least once every 3 years thereafter during the period of affordability. MHC will issue a preliminary audit review letter, in writing, within 45 days of the date of the initial inspection. MHC's Inspection Department will randomly select samples of HTF-assisted units for inspection to determine compliance. For projects with one to four HTF-assisted units, the inspectable items (site, building exterior, building systems, and common areas) for each building with HTF-assisted units and 100 percent of the HTF-assisted dwelling units will be inspected.

If there are any health and safety deficiencies according to the standards adopted by MHC and depending on the severity of the deficiency, they must be addressed and corrected within 12 months or immediately. Any deficiencies considered **LIFE THREATENING HAZARD** will be addressed immediately and **NON-LIFE THREATENING** but generates health and safety issues will be addressed within 12 months.

To adhere to HTF requirements, property owners are required to certify on an annual basis that each unit in the development is suitable for occupancy; considering State and local health, safety, and other applicable codes, ordinances, HTF requirements, and property standards established.

**Major Systems-** Major systems are structural support; roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning. MHC's designated inspector will estimate (based on age and condition) the remaining useful life of these systems, upon project completion of each major system. For multifamily housing projects of 26 units or more the inspector will determine the useful life of

major systems through a capital needs assessment of the project. For rental housing, if the remaining useful life of one or more major system is less than the applicable period of affordability, MHC will ensure that a replacement reserve is established. All components, systems, and equipment of a development unit shall be in good working order and condition and be capable of being used for the purpose for which they were intended and/or designed. Components, systems and/or equipment that are not in good working order and condition shall be repaired or replaced. Energy Star labeled and Water Sense labeled products are installed when older obsolete products such as windows, doors, lighting, fans, water heaters, furnaces, boilers, air conditioning units, refrigerators clothes washers dryers, dishwashers, toilets, showers, and faucets) are replaced as part of the approved rehabilitation work and such products are appropriate for achieving energy efficiency for the climate area in which the housing is located. When it is necessary to replace items, the replacement items must conform to the LIHTC Minimum Design Quality Standards and HTF Rehabilitation Standards.

**Lead-Based Paint-** Housing will meet the lead-based paint requirements at (24 CFR Part 35). HTF assisted housing is subject to the regulations at 24 CFR Part 34, Subparts A, B, J, K, and R which govern lead-based paint poisoning prevention in residential structures. Applicants, developers, and builder of any project requiring the rehabilitation of structures built prior to 1978 must comply with this regulation. A license lead-based paint inspector will be used to certify that units are complying.

**Accessibility-** All units will meet the accessibility requirements at 24 CFR Part 8, which implements section 504 of the Rehabilitation Act of 1973, and Titles II and III of the Americans with Disabilities Act, implemented at 28 CFR Parts 35 and 36, as applicable. If the rehabilitation includes an addition, covered multifamily dwellings, as defined t 24 CFR Part 100.201, must also meet the designed construction requirements at 24 CFR Part 100.205, which implements the Fair Housing Act. The development units will comply with energy and water efficiency requirements. Energy Star labeled and Water Sense labeled products are to be installed, when older obsoleted products are replaced as part of the approved rehabilitation work and as appropriate for achieving energy efficiency.

**Disaster Mitigation-**Where relevant, the housing will be improved to mitigate the impact of potential disasters, (e.g., earthquake, hurricanes, flooding, and wildfires) in accordance with applicable State and local codes, ordinances, and requirements, or such other requirements established by HUD.

**State and local codes, Ordinances, and Zoning requirements-** HTF assisted housing will meet all applicable State and local codes, ordinances, and requirements or, in the absence of a State or local building code, the International Existing Building Code of the International Code Council.

**Uniform Physical Condition Standards-** Housing assisted with HTF funds and which are placed in service must follow property standards which include all inspect able items and inspect able areas specified by the US Department of Housing and Urban Development (HUD) based on the HUD physical inspection procedures, known as the Uniform Physical conditions (UPCS) prescribed by HUD pursuant to 24 CFR Part 5 G. Upon completion, the HTF-assisted project and units will be decent, safe, sanitary, and in good repair. Units will be free of all health and safety defects



according to the Uniform Physical Conditions Standards for Multi-family. The housing will meet minimum standards of habitability and functionality, and all inspected items with an observed deficiency will be corrected.

**Capital Needs Assessment-** For multifamily rental housing projects of 26 or more total units, MHC determine all work that will be performed in the rehabilitation of the housing and the long-term physical needs of the project through a capital needs assessment of the project.

- 1) The CNA will be completed by a competent, independent third party, such as a licensed architect and/or engineer.
- 2) The assessment will include a site visit and a physical inspection of the interior and exterior of all units and structures.
- 3) The assessment will consider the presence of environmental hazards such as asbestos, lead paint and mold on the site. In addition, the assessment will examine and analyze the following:
  1. Site, including topography, drainage pavement, curbing, sidewalks, parking, landscaping, amenities, water, sewer, storm drainage, and gas and electric utilities and lines.
  2. Structural systems including exterior walls and balconies, exterior doors and windows, roofing system, and drainage
  3. Interiors, including unit and common area finishes (carpeting, tile, plaster walls, paint condition, etc.), including unit kitchen finishes, cabinets and appliances, unit bathroom finishes, cabinets and appliances, unit bathroom finishes and fixtures, and common area lobbies and corridors
  4. Mechanical systems, including plumbing and domestic hot water; HVAC, electrical, lighting fixtures, fire protection, and elevators.
  5. Verification of modest amenities and aesthetic features and non-luxury improvements.

**Construction Documents and Cost Estimates-** MHC will adhere to HTF Rehabilitation Standards by adopting the Minimum Design Quality Standards established by MHC's Housing Tax Credit Department. MHC will follow the QAP written standards to ensure that project plans, specifications, and work write-ups are following State and local codes, ordinances, requirements, and standards and cost estimates. (Reference MDQS Addendum B/Pages 80-81)

**Frequency of Inspections-** When the final plans and specifications are submitted, the Architect shall include a statement that the development has met the minimum criteria. Plans will be submitted as 1/4 scales. At the completion of construction, the Architect shall certify that the development complied with all the minimum requirements.

See HTF-Attachments

**\*(Reference to the Housing Tax Credit Allocation Plan -Minimum Design Quality Standards, Addendum B Pages 77-81 and the HTF Rehabilitation Standards @ 24CFR 93.301 (b)-Federal Register); 24CFR 5.701; 5.703; 5.705)**

**\*Reference Inspectable Area: Physical Condition Inspection & Health & Safety Defects:**

**(See Housing Tax Credit Compliance Monitoring Plan 2019- Pages 120-123) Attachment-HTF)**

**\*Reference Uniform Physical Standards (UPCS) - HTF Allocation Plan- (Attachment)**

# DEVELOPMENT REQUIREMENTS

## Readiness to Proceed

Recipients must commit to beginning construction within 12 months of receiving a reservation of funds. The application announcement and award letter will identify a specific date by which the start of construction is expected to begin.

MHC will determine Applicants readiness to proceed by reviewing the following information:

- 1) Applicant files a complete application and the proposed development meets eligibility requirements stated in these Guidelines. Commitment of other financing evidenced by Letters of commitment
- 2) Underwriting Guidelines
- 3) Evidence of Affirmative Fair Housing Marketing Plan
- 4) Applicants with developments subject to bidding requirements must submit a letter from the agency describing the bid schedule and a copy of the agency's bid policy
- 5) Evidence of site control of a site suitable for the intended purpose;
- 6) Evidence of necessary environmental clearances, including Flood Zone. If a project is to be located in a flood zone, developer must provide evidence the project will maintain flood insurance for the duration of the Period of Affordability.
- 7) Relocation Plan
- 8) Written evidence of zoning approval
- 9) Development team in place, including architect, general contractor, relocation specialist, if applicable, and management agent
- 10) Outline specifications, written description indicating the level of rehabilitation based on a capital needs analysis performed by a licensed architect or engineer
- 11) Evidence of availability of utilities and access to the site.

# PROGRAM REQUIREMENTS

## Monitoring

MHC's compliance monitoring requirements apply to all HTF projects; however, additional compliance requirements may be applicable based other funding sources in addition to those required under the HTF Program.

MHC will monitor HTF-assisted units for the following:

1. Compliance of HTF regulations/requirements/policies and procedures
2. Impact of HTF funded projects that reached targeted populations
3. Community Certification of Supportive Services
4. Affirmative Furthering Fair Housing
5. The extent to which beneficiaries and communities live improved and were enhanced
6. Recordkeeping and Retention

**Period of Affordability**-The Minimum Period of Affordability for HTF assisted units is 30 years. A Land Use Restrictive Agreement (LURA) and Declaration of Land Use Restrictive Covenant must be executed and recorded. Projects willing to extend the affordability period beyond this minimum period by at least 5 years will receive preference. Funds are subject to be recaptured, if commitment requirements are not met.

**Affirmative Furthering Fair Housing**-Projects receiving HTF funds must comply with Affirmative Furthering Fair Housing by encouraging development in high opportunity areas. Areas which will give the ELI and VLI populations accessibility to services, jobs, transportation, better school system and amenities. Developers are strongly encouraged and will be given preference.

**Site and Neighborhood Standards** -HTF assisted new construction projects must comply with (24 CFR 983.57 (e). Site and neighborhood standards do not apply to rehabilitation projects under HTF. However, if project-based vouchers are used in an HTF rehabilitation unit, the site and neighborhood standards for project-based vouchers will apply. In addition, the requirements of 24 CFR Part 8 (which implement section 504 of the Rehabilitation Act of 1973) apply to the HTF, and specifically address the site selection with respect to accessibility for persons with disabilities.

**Inspections**-Property Inspections will comply in accordance with 93.404 and guidelines of LIHTC (QAP).

## Conflict of Interest (93.353)

To comply with HTF requirements and to maintain a high standard of accountability to the public, conflicts of interest and perceived conflicts of interest must be avoided.

Owners shall maintain compliance with all HUD conflict of interest provisions as stated in 24 CFR 93.353 for HTF.

Applicant and Related Parties. Developers and owners with employees, family members, consultants, or agents that are otherwise eligible to occupy HTF-funded units must receive approval from MHC before entering into a lease with HTF eligible employees, family members, consultants, or agents 24 CFR 93.353(f) provisions apply to all HTF projects.

Grantee. Conflict of Interest applies to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the grantee or sub grantee. No persons described above who exercise or have exercised any functions or responsibilities with respect to activities assisted with HTF funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or financial benefit from a HTF assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to HTF- assisted activity, either for themselves or those with whom they have business or immediate families ties, during their tenure or for one year, thereafter.

## REFINANCE GUIDELINES & CONDITIONS

Guidelines and conditions for refinancing existing debt on a multi-family rental property will be implemented according to HTF requirements and MHC's policy and procedures. Refinancing of an existing debt under the HTF Program is an eligible activity.

The following refinance guidelines and conditions are:

- 1) The new investment is being made to create additional affordable units
- 2) The housing has not been previously financed with HTF funds
- 3) A review of the management practices of the applicant must demonstrate that the proposed rehabilitation is not the result of disinvestment in the property by any entity involved in the application for HTF funds
- 4) A review of the proposed operating budget for the project must demonstrate that both the cost of refinancing and rehabilitation of the project can be met and still result in units affordable to HTF-eligible tenants for a period of 30 years or the term of the refinancing, whichever is longer
- 5) The activity does not involve the refinancing of a multifamily loan made or insured by any state or federal program, including the CDBG program, unless additional affordable units will be income-restricted to extremely low-income households
- 6) Demonstrate that rehabilitation is the primary eligible activity.
- 7) Cost to refinance existing debt is secured by rental housing units that are being rehabilitated with HTF funds.
- 8) Refinancing the existing debt is necessary to reduce the overall housing costs.
- 9) The proportional rehabilitation cost must be greater than the proportional amount of debt that is refinanced.

# APPLICATION REQUIREMENTS

MHC will conduct application and implementation workshops providing information in preparation of application submission and implementation of the projects. **MHC will take applications 60 days after the application workshop.** The announcement of MHC's Application and Implementation Workshops and deadline for applications will be posted on MHC's website.

## APPLICATION SUBMISSION

Interested parties will submit applications on-line via MHC's website. Applications will be submitted to the Mississippi Home Corporation, 735 Riverside Drive, Jackson, MS 39202. Applicant is to submit 2 application in separate binders with each exhibit labeled and tabbed.

MHC will to the extent practicable, underwrite the project, make a determination of whether the project is ready to proceed, confirm that the development has a financing gap that requires HTF funding.

## CRITERIA FOR SELECTION OF APPLICATIONS

MHC will use a ranking process to select projects for funding. Applications will be subject to a subsidy layering review of all sources of financing to determine that HTF fills a financing gap and does not result in federal funds providing excess in subsidy. Projects that will use Housing Tax Credits will undergo a separate review under the Housing Tax Credit Qualified Allocation Plan and procedures. Applications with incomplete supporting documentation will not be considered for funding. Applicants will receive a letter of rejection and may re-submit during subsequent competitive processes. The application process consists of two steps:

- 1) Threshold Review - Does the application meet Threshold requirements to be considered for funding (Addendum 1);  
Applications are reviewed for completeness. Applicants will be notified if documentation provided is unclear and will have 3 calendar days to clarify requested items. This does not apply to missing items. MHC will permit such additional documentation and/or clarification to be provided electronically unless a document with an original signature is required. Complete applications will proceed to scoring.
- 2) Application Scoring - Applications must score a minimum of 75 on a 100-point scale to be considered for funding. (Addendum 2)

Regardless of strict numerical ranking, the Selection Criteria does not operate to vest in an applicant or development any right to a reservation or allocation of HTF in any amount. Further, notwithstanding the point ranking system set forth above, MHC reserves the right and shall have the power to allocate funds to a development irrespective of its point ranking, if such intended allocation is:

- 1) In compliance with 24 CFR Part 93, of the National Housing Trust Fund regulations
- 2) In furtherance of the housing goals stated herein; and
- 3) Determined by MHC to be in the interests of the citizens of the State of Mississippi

**Projects scored below Seventy-five percent will not be funded.** MHC will make funding offers to the highest scoring projects until available funds are exhausted.

If there is a **tie in the scoring** among proposed developments, MHC reserves the right to utilize a tie- breaking system identified herein to break the tie. In the event of a tie in the scores, the Tiebreaking System will be used in the following order:

- 1) Priority funding will be given to the development that has the lowest cost per unit (CPU).
- 2) Address the most critical rental housing demand
- 3) A development located in a poverty-stricken area of the State
- 4) Developers firm commitment to provide project-based rental assistance

**Funding Announcements-** Upon the completion of the application review process in a competitive cycle, MHC Staff will make approval recommendation to its Board of Directors (the Board) at its next regularly scheduled board meeting. Once the Board approves the recommendations, a commitment letter will be mailed to applicant. **(See Addendum 2/Scoring)**

# Addendum 1 THRESHOLD FACTORS

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MHC will use the following threshold and selection criteria items to process and select applications for funding.

An application must meet all threshold requirements in order to be eligible for reservation of an HTF award. Any application that does not meet all the threshold requirements will be disqualified.

(1)	Eligible Applicant
(2)	Eligible Project Type/Activity
(3)	Financial Feasibility
(4)	Merits: Addressing State's Priority Housing Needs
(5)	Evidence of Affirmatively Furthering Fair Housing
(6)	Firm Commitment of Other Funding Sources
(7)	Implementation of Supportive Services
(8)	Applicants Experience
(9)	Certification of HTF Requirements
(10)	Readiness to Proceed

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## Eligible Applicant

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Organizations eligible to receive funding through the National Housing Trust Fund are non-profit and for-profit organizations with demonstrated development experience and capacity with creating, rehabilitating, or preserving affordable housing. **Applicants are required to provide a description of activities or projects proposed to be developed in accordance with 24 CFR 93.200.**

The application must include the following documents:

### **Organizational Documentation**

Formation documents for the owner and general partner entities (see chart below), which bear the committal stamp of the Mississippi Secretary of State. For entities that are not formed in Mississippi, the formation documents and a Certificate to do Business in the State of Mississippi must be submitted. (Formation documents are required to be submitted with the application and



Operation documents are required to be submitted during the final scoring for HTF funds)

Entity Type	Formation Document	Operation Document
Corporation	Articles of Incorporation	Bylaws
Limited Partnership	Certificate of Partnership	Partnership Agreement
Limited Liability	Certificate of Formation	Operating Agreement

Certificate of Good Standing (dated within 30 days of the application date) for the owner and general partner entities

A detailed Organizational Chart which illustrates the business structure of the principal members of the ownership entity. The chart must detail each principal member down to natural persons for every entity listed and it must reflect the ownership percentage of each entity and natural person.

(See Attachment)

### **Non-Profit Documentation**

**Non-Profit Organization Requirements-** To be considered a qualified non-profit entity, the entity must be a 501(c) 3 or 501(c) 4 organization with an exempt purpose of fostering low income housing. The non-profit organization cannot be formed by one or more individuals of for-profit entities for the principal purpose of being eligible for funding. In addition, the non-profit entity must not have any staff member or member of the nonprofit's board of directors materially participate in the proposed development as a for-profit entity in any capacity as staff, executive, or boardmember.

A copy of the Non-Profit Entity's Articles of Incorporation and Bylaws, and all relative amendments, one of which must contain a description of the Non-Profit Organization and its activities that include the fostering of low-income housing in its Articles of Incorporation or Bylaws, as may be amended must be included in the application.

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### **Eligible Project Type/Activity**

HTF funds shall be used for projects supplying rental housing that meet the requirements of the Housing Trust Fund. Construction and rehabilitation of multi-family and single-family rentals are eligible. Activity includes construction or rehabilitation of rental housing for extremely low-income families.

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### **Financial Feasibility**

MHC will conduct a financial feasibility analysis at the time of application to (1) determine the development's feasibility and (2) determine the amount of HTF funds needed to make the development feasible. The analysis is designed to ensure that developments do not receive excessive assistance. In cases where the results of MHC's analysis indicate that there will be excess assistance, MHC will reduce the amount of HTF to eliminate the excess. HTF funds are provided as "gap" financing. The applicant must show that it has maximized all available tax credits (based on eligible basis), and all available public and/or private financing.

A cost certification analysis will be conducted once the development is complete. MHC will require owners to submit for the agency's review an independent third-party CPA cost certification. As part of the evaluation, MHC will ascertain the reasonableness of the cost components. It is the owner's responsibility to review the cost certification in its entirety prior to its submittal to MHC. Once submitted, the cost certification cannot be amended or supplemented except as may be required by MHC.

If there is a substantial difference in certified costs and the costs proposed at application, MHC has the option to award additional funds or recapture HTF funds invested. The award of additional funds will be based on justification, amount and availability of funds.

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### **Merits: Addressing State's Priority Housing Needs**

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All developments must meet the priority housing needs of the State's Consolidated Plan. Developments assisted with HTF funds are required to set aside at least twenty percent (20%) of the total units for persons whose income does not exceed thirty percent (30%) of the area median income. HTF –Assisted units developed will be designated for Special Needs Housing.

Based on the Special Needs Category listed below:

- 1) Percentage of the units are assigned for Housing for Disabled Persons;
- 2) Percentage of the units are assigned for Housing for Homeless

**A Land Use Restrictive Agreement (LURA)** committing to serve tenants at this income level for a period of 30 years or longer must be executed and recorded prior to final approval. Applicants must indicate this election on the application form. In addition, a statement, executed by a principal member of the Ownership Entity, electing to set aside 20% of the total units for persons at or below 30% of the area median income must be included in the application package.

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### **Evidence of Affirmatively Furthering Fair Housing**

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Fair Housing requirements, including affirmatively furthering fair housing, apply to the HTF program and any limitation or preference must not violate nondiscrimination requirements. Applicants must adhere to 24 CFR 200.615) and provide an Affirmative Marketing Plan demonstrating the goal and effort to affirmatively further fair housing for ELI households, according to HTF requirements and the State's Consolidated Plan. The Affirmative Marketing Plan must include the following elements:

- 1) Implement a method that is effective in marketing the availability of housing opportunities to individuals of both minority and non-minority groups that are least likely to apply for occupancy.
- 2) Identify a housing market area from which a multi-family housing project owner/agent may reasonably expect to draw a substantial number of its tenants
- 3) Identify an expanded housing market area which is a larger geographic area which may provide additional demographic diversity in terms of race, color, national origin, religion, sex, familial status,

or disability.

- 4) Include marketing material in other languages for limited English proficient individuals, and alternative formats for persons with disabilities in public view.
- 5) Include community contacts to help market the project to those least likely to apply.
- 6) Describe the proposed method of advertising to market those least likely to apply.
- 7) Marketing Plan must be in effect throughout the life of the affordability period.
- 8) Made available for public inspection at the sales or rental offices of the designated project
- 9) Fair Housing Poster must be prominently displayed in all offices in which sale or rental activity takes place
- 10) Project site sign must display in a conspicuous position the HUD-approved Equal Opportunity Housing Opportunity log, slogan, or statement

(See Exhibit 2)

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### **Firm Commitment of Other Funding Sources**

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The HTF must be used in conjunction with other sources of funds. Applicants must demonstrate through a Sources and Uses Statement that other sources of funding, such as LIHTC, HOME and other federal and local housing programs will be utilized. The extent to which application make use of other funding sources (non-federal funding sources), such as, State and local publicly-controlled funds and/or land donated by state or local government to achieve deep affordability for ELI households or the extent which application make use of private funds or in-kind commitments, including donation of land, for production, preservation, or operation of the project to achieve deep affordability for ELI households.

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### **Implementation of Supportive Services**

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Applicants must demonstrate a connection with the community and its needs by implementing programs and/or community activities to assist in building wealth and assets, promoting life skills and the enhancement of beneficiaries and the community. All developments must commit to provide a minimum of two (2) community services in at least two (2) unrelated areas not otherwise typically present in low-income rental housing (**See examples below**). Applicants must select services that will meet the needs of beneficiaries and the community. In addition, the types of services must be kept current as to changing needs, economic conditions, and social change.

Applicants must list all services that will be provided by the development in the application. Upon receipt of a reservation of HTF funds, Applicants must provide supporting documentation for each service. Additionally, development owners will be responsible for making sure that property managers maintain evidence that the services are being provided (e.g. sign-in sheets, letters/memos to beneficiaries/ tents advertising the event/service, service log book and/or activity reports). Requests for changes from prior approved community services must be approved by MHC. Development Owners/Property Managers must provide an annual performance report as evidence that Community Service requirements have been met. Community Service activity must be provided during the duration of the affordability period.

Examples of Acceptable Community Services:

Personal Development	Child Development
Computer Classes	After School Program
GED Training	Child Care Services
Job Training	Parenting Classes
Health/Nutrition Classes	
Counseling Programs	Community Awareness Events/Activities
Credit Counseling	Health Fair
Personal Budget	Fire Safety
Homebuyer Education	Crime Watch
Drug and Alcohol Prevention	Mental Health Programs

\*Community Services Certification Form must be submitted with application. (See HTF Attachment)

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## Applicant Experience

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**Applicant's experience and capacity to develop and manage the project-** Proof documentation, such as, resume, references, and financial statements demonstrating applicant's capacity and years of hands on experience in developing multi-family and single-family housing, evidence of successful completion and operation of similar projects for ELI populations. **Have demonstrated experience and capacity to conduct an eligible HTF activity as evidenced by its ability to:**

- 1) Own, construct or rehabilitate, and manage and operate an affordable multifamily rental housing development and
- 2) Serve extremely low-income households and special needs populations, such as homeless families and people with disabilities
- 3) Demonstrate ability and financial capacity to undertake, comply, and manage eligible activities
- 4) Demonstrate its familiarity with the requirements of other federal, state, or local housing programs that may be used in conjunction with HTF funds to ensure compliance with all applicable program requirements and regulations.

When applicants do not have direct experience, the applicant must provide legally binding agreements with other parties with the necessary experience that will carry out activities required for the project being proposed. In addition, other training and related experience maybe taken into consideration, when evaluating applicant's capacity.

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## **Certification of HTF Requirements**

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Recipients of HTF funds are to submit written certification assuring that HTF assisted housing units will comply with all Regulatory and Statutory HTF requirements, during the entire period, which is inclusive of the selection to receive funds and at the end of all HTF funded activities/affordability period. This certification must be provided on company's letterhead signed by owner/ developer of the Development. (See Appendix)

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## **Readiness to Proceed**

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The applicant demonstrates the ability to commit HTF dollars and undertake funded activities in a timely manner. Funds must be committed within 24 months and expended within 5 years.

For new construction or rehabilitation, construction must start within 12 months of date of contract between the recipient and MHC. MHC will not fund any project that does not indicate in its application the ability to adhere to this requirement.

Points will be awarded for the Applicant's ability to undertake eligible activities in a timely manner, as evidenced by the following documentation:

### **Documentation Requirements:**

- 1) Proof of acceptable form of ownership/site control-ownership, purchase contract or purchase option. For Acquisition and Acquisition/Rehabilitation, explain plan to obtain.
- 2) Production and implementation schedule, of no more than twenty-four (24) months from the date of Written Agreement, which clearly identifies all major phases of the proposed Projecting a thorough and detailed manner. If funds are awarded the schedule will be incorporated into the Special Conditions of the Written Agreement between MHC and the Recipient. This schedule will be used for monitoring the progress of all phases of the Project prior to completion. Funded Applicants will be required to provide progress reports at least quarterly. MHC will utilize these progress reports in order to determine if the Project is proceeding on schedule.
- 3) Include preliminary plans and specifications.
- 4) Document that the zoning required for the Project is in place.

\*Any documentation regarding readiness to proceed that is not provided with the application will be required before the execution of a Written Agreement for HTF funds.

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# Addendum 2 Scoring

## Selection Criteria

MHC will score each application based on the selection criteria listed below. An application must score a minimum of seventy- five (75) points in order to be considered for an HTF award.

(1) Geographic Diversity	Up to 15 pts
(2) Affordable Rent	15 pts
(3) Affordability Period for Rental Housing	10 pts
(4) Other Special Needs Housing	Up to 20 pts
(5) Development in High Opportunity Areas	Up to 10 pts
(6) Development Experience/Qualified Principal Member	Up to 10 pts
(7) Management Experience	Up to 10 pts
(8) Development Amenities	10 p t s
Total	100 pts

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### Geographic Diversity 15 pts

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Geographic diversity as reflected in the Con Plan – Projects that focus and achieve the most impact of the State’s priorities in rural and urban areas of the State.

- 1) Projects developed are in locations that are considered poverty driven and address the affordable rental housing needs for extremely low-income (30 % of AMI) households. **(See Exhibit 3-Mississippi Poverty Rate by County) Preference will be given to developments located in counties with a poverty rate above 30 percent. 5 Pts**
- 2) Address critical housing needs with an emphasis on the prevention, reduction, and expansion of permanent housing opportunities for persons experiencing homelessness and persons with serious mental illness. **5 Pts**
- 3) Projects will be funded according to the shortage or strong evidence of an inadequate supply of rental housing affordable to extremely low-income households. **5 pts**

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## **Affordable Rent 15 pts**

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Fifteen Points will be awarded to developments that provide project-based rental assistance to ELI income-qualified tenants/families to the extent rents will be affordable. "Affordable to extremely low-income families" is defined as families not paying more than 30% of their household income for housing cost, including utilities. Project-based rental assistance includes, but is not limited to, unit-based rental assistance, operating subsidies, or cross-subsidization of rents within the project.

The rental assistance must be provided to the development for a minimum of thirty (30) years starting on the later of the development's place in service date or the date of issuance of the first subsidy payment. The application must include a copy of the fully executed rental assistance contract or a rental assistance commitment letter between the proposed development ownership entity and the provider of the rental assistance. The contract/commitment letter must include the name of the proposed development, the amount of rental assistance, the number of units that will be subsidized, the duration of the contract, and any qualifying terms and/or conditions.

To qualify, the development must meet all the following criteria:

- 1) The rental subsidy provided must be no less than what is necessary to bring the tenant paid rent and utility below 30 % of the household monthly gross income.
- 2) The tenant households receiving the rental assistance must have an income of 30% or less of the area median income.
- 3) The development's Pro Forma must demonstrate the ability to provide the rental assistance and continue to have a positive cash flow throughout the compliance period.

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## **Affordability Period for Rental Housing 10 pts**

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The length of the units' affordability period for rental housing- The extent to which a project extends the 30-year minimum affordability period by 5 years. A Land Use Restrictive Agreement (LURA) committing to for a period that exceeds the 30-year affordability period must be executed and recorded prior to issuance of approval of HTF funds.

### **Documentation Requirement:**

The Applicant must provide a signed certification that the affordability period will be extended longer than the minimum affordability period. This extended affordability period will be incorporated into the Written Agreement between MHC and the Recipient of the HTF funds.

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## **Other Special Needs Housing Up to 20 pts**

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Up to twenty points will be awarded to developments that target the Special Needs categories listed below:

## ***Housing for Disabled Persons-Mississippi Olmstead Initiative (20 pts)***

Individuals diagnosed with serious mental illness and meeting one or more of the following criteria:

- 1) Priority 1: Individuals being discharged from a State psychiatric hospital after a stay of more than ninety (90) days; or, nursing facility, or intermediate care facility for individuals with intellectual disabilities after a stay of more than ninety (90) days; or
- 2) Priority 2: Individuals who have been discharged from a State psychiatric hospital within the last two (2) years and; had multiple hospital visits in the last year due to mental illness; or Are known to the mental health or state housing agency to have been arrested or Incarcerated in the last year due to conduct related to mental illness; or Are known to the mental health or state housing agency to have been homeless for one (1) full year or have had four (4) or more episodes of homelessness in the last three (3) years.
- 3) Priority 3: Individuals who lack a fixed, regular, and adequate nighttime residence and includes a subset for an individual who is exiting an institution where he or she resided for ninety (90) days or less and who resides in an emergency shelter or a place not meant for human habitation immediately before entering that institution."

Points will be awarded to developments that set aside a minimum of 10% but no more than 20% of the total development units for persons targeted by the Mississippi Affirmative Olmstead Initiative.

To qualify for this incentive, the owner must agree to accept referrals from the Mississippi Olmstead initiative referral network and execute a memorandum of understanding between the owner, property manager, and the Community Mental Health Center serving the area under the Mississippi Olmstead Initiative for the period of the targeting agreement.

Applicants must indicate this election on the application form. In addition, a statement, executed by a principal member of the Ownership Entity, electing to set aside 10% of the total units for persons targeted in the Mississippi Affirmative Olmstead Initiative at or below 30% of the area median gross income must be included in the application package.

Owners and Management Entities must demonstrate continuous marketing efforts by adhering to its marketing plan and seeking referrals from agencies serving targeted populations. Documentation of the marketing efforts must be kept on file with the site manager.

Tenant paid rents must be reduced by the amount of the owner rental assistance payment. **The application must include a certification from the development's owner to commit to provide rental assistance payments.** The certification must state that the Owner will provide rental assistance to persons targeted in the Mississippi Affirmative Olmstead Initiative that are at or below the 30% area median income level, state that the TPR for the selected tenants will not exceed \$235.00, indicate the number of units that will be subsidized, and state the number of years the assistance will be provided. Prior to HTF approval, the Owner must provide the most

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current rent roll that identifies (a) which tenants are at or below the 30% AMI, (b) the amount of tenant paid rent, (c) the amount of the rental subsidy and (d) the number of bedrooms in the unit. The development must meet all the requirements of the Housing for Disabled Persons Targeted by Mississippi Affirmative Olmstead Initiative and the State's Consolidated Plan. The disbursement of assistance will be monitored in accordance with H T F requirements and the compliance monitoring requirements outlined in the Compliance Monitoring Plan in effect at the time of the issuance of the 8609 forms. Development owners and/or management entities that fail to meet all the owner-based rental assistance requirements will subject the development team to penalties as outlined in Section 1.4(6) of the QAP.

\*Developments that receive points for Veterans and Homeless are not eligible for these points.

### ***Housing for Veterans (10 pts)***

Housing for Veterans is defined as a household that includes one or more persons that is eligible for Veteran benefits as documented by the United States Department of Veterans Affairs. **A minimum of 10% of the units must be set aside for Veterans.** Letters of support and collaboration from the nearest Veterans Administration Hospital or community-based outreach clinic are required to demonstrate coordination of veteran-specific resources and services.

\*Developments that receive points for Housing for Disabled Persons Targeted by Mississippi Affirmative Olmstead Initiative and Homeless are not eligible for these points.

### ***Housing for the Homeless (10 pts)***

Housing for the homeless is defined as an Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- 1) Has a primary nighttime residence that is a public or private place not meant for human habitation;
- 2) Is living in a publicly or privately-operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or
- 3) Is exiting an institution where (s) he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Recordkeeping and documentation requirements must include the following:

- 1) Written observation by the outreach worker; or
- 2) Written referral by another housing or service provider; or
- 3) Certification by the individual or head of household seeking assistance stating that (s) he was living on the streets or in shelter;

\*Developments that receive points for Housing for Disabled Persons Targeted by Mississippi

Affirmative Olmstead Initiative and Veterans are not eligible for these points.

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<b>Development in High Opportunity Areas</b>	<b>Up to 10 Pts</b>
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Projects developed in High Opportunity Areas where there is availability of sustainable employment, a low poverty rate, high- performing schools, housing accessible to hospitals; employment centers; transportation corridors and hubs. MHC has identified several opportunity tracts as being qualified as High Opportunity Areas. Applicants may utilize the interactive map provided on MHC’s website to determine if the proposed development is in an area of high opportunity. **(See Exhibit 1 Map)**

To make this determination, MHC considered the following: **Each item is assigned 2 points.**

- 1) Areas which include a high concentration of extremely low-income populations and a shortage of affordable housing in the geographical area
- 2) High-performing school districts: defined as areas that have a public-school district with a “B” or higher rating as listed in the Mississippi Department of Education’s Accountability Results
- 3) Housing accessible to transportation corridors and hubs
- 4) Housing accessible to hospitals
- 5) Housing accessible to employment centers.

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<b>Development Experience</b>	<b>Up to 10 Pts</b>
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Up to 10 points will be awarded to an applicant that has at least one qualified principal member. Points awarded will be based on the number of developments placed in service between 2000 and 2015. Applicants must complete the Development Experience Form for each Qualified Principal Member.

A **qualified principal member** is a person who has previous experience (as a developer or general partner) in the Low-Income Housing Tax Credit Program or other affordable housing programs (i.e., Rural Development, HUD). A qualified principal member must have a minimum of 51% ownership interest in the general partnership to be eligible. In cases where the principal of the general partner is an entity, the qualifying principal member must own a minimum of 51% ownership of the entity. Additionally, all members of the general partner must be in good standing with all MHC programs. Development experience preference will not be acknowledged, if a principal of the general partner entity has any outstanding major noncompliance issues, which occurred prior to the application date.

**Experience (any state)**

Qualified Principal Members that have developments that Placed in Service (in any state) between 2000 and 2015 will be awarded points as stated in Chart 11.

**Chart 11: Development Experience Points (any state)**

No. of Developments Placed in Service between 2000 - 2015	Eligible Points
One Development	2 points
Two Developments	4 points
Three Developments	6 points
Four Developments	8 points
Five (or more) Developments	10 points

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## Management Experience      Up to 10 Pts

### Housing Tax Credit Experience

Up to 10 points will be awarded to applicants that have a contract with a property management company that has at least three (3) years previous experience in managing low income housing tax credit developments. Additional points may be awarded if the contact person of the management entity has an HTC Certification. The application package must include a complete Management Performance Form (**QAP Attachment 7**). Points will not be awarded if this form is not accurately completed. MHC will consider requests for Joint Ventures (experienced management entities partnering with inexperienced management entities) after the management entity has completed a minimum of three successful years in operation from the development's placed in-service date.

Two points will be deducted from an applicant's score if the Management Entity has any major noncompliance issues that occurred prior to the application date. Applicants are encouraged to request verification of their compliance status prior to submission of application.

**Chart 12: Management Experience Points**

Scoring Criteria	Eligible Points
Qualified Development(s)	8 pts
HTC Certification	2 pts
Major Non-Compliance not corrected by 12/31/18	-2 pts

1. Qualified Development(s) (6 points)

The proposed management entity must have experience in managing at least one qualified development. A development will be considered qualified for Management Experience points if it is an LIHTC development that placed in service prior to January 1, 2016. The proposed management entity must have begun managing the development no later than January 1, 2016 and must be currently managing the development.

2. HTC Certification (2 points)

Two points will be awarded to a development if the contact person listed on the application form (under "Management Entity") has at least one of the following HTC Certifications: ***Housing Credit Certified Professional (HCCP), Certified Credit Compliance Professional (C3P), and/or Specialist in Housing Credit Management (SHCM)***. The experience must be documented on the Management Performance Form (QAP Attachment 7).

### Experience other than Housing Tax Credits

Applicants may be awarded points for documenting at least 3-years' experience managing rental property serving ELI households.

9. Identify properties being claimed for management experience, including number of units and years managed.

10. Document that the entity has primary management responsibility, e.g. by evidence of ownership, or contracts with property owners.
11. If the property or any unit's house Housing Choice Voucher holders, provide evidence of Housing Assistance Payment contract which may serve as evidence the property has passed Housing Quality Standards or higher quality standards.
12. Other documentation may be accepted by MHC. Applicants must receive approval from MHC in advance of filing an application if using alternative documentation.

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## **Development Amenities      10 Pts**

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**Developments will be awarded two points per development amenity up to a maximum of ten points.** Amenities must be appropriate to the proposed tenant population. All proposed amenities must be selected on the application and notated and highlighted on the Plans/Drawings or Physical Needs Assessment. Applicants must adhere to all amenities selected on the application, regardless of whether points are awarded.

### **Advanced Community Services/Classes**

Developments that offer at least one advanced service/class beyond the required services notated below will receive two points. All services/classes must meet all requirements. Acceptable advance services/classes are as follow:

- Mentoring Program for At-Risk Boys and Girls
- Reading Programs for adults that have difficulty reading or do not know how to read

The required services must be conducted by a third-party service provider. Classes/Services conducted by employees of the management entity or unqualified individuals will not be considered acceptable.

### **Neighborhood Services**

Points may be awarded to a proposed development that has at least two of the following services located within one half (1/2) mile of the proposed site:

- Grocery Store
- Pharmacy
- Bank or Credit Union
- Hospital or Medical Clinic

### **Furnished Clubhouse or Community Building**

The Clubhouse/Community Building must have a designated room for tenant activities and meetings. Also, it must meet the requirements of MHC's Minimum Design Quality Standards. Multi-phase developments may share the Clubhouse/Community Building provided that it will accommodate the development size.

### **On-site Business/Education Center**

Must have its own dedicated equipment (including desktop computers with Internet access, scanner, fax machine, and copier/printer) separate and apart from the equipment used by the development manager's office staff. Detailed drawings of the community building to include business center and its equipment must be shown.

Full perimeter fencing with controlled access gate

The fencing and gate must be either wrought iron or wood. Chain-link fencing is unacceptable.

**Exterior Security**

The security system must consist of a camera system, motion detector sensors and lighting that will provide adequate monitoring and coverage of the property.

**Fitness Center**

The Fitness Center must have a minimum of five pieces of equipment. The equipment must be of commercial grade and consist of strength training machines and cardiovascular machines. A photo and specifications of the equipment must be included in the application.

**On-site Laundry Facility**

The laundry facility must contain a minimum of one washer and one dryer for every eight residential units.

**Walking, Jogging, or Biking Trail****Basketball, Volleyball, or Tennis Court****Landscaped area including a gazebo with sitting area**

The landscaped area must include a site built and permanently affixed gazebo with sitting area. The gazebo must be a minimum of 400 square ft. Under roof.

**Playground**

The playground equipment must be of commercial grade with a minimum of four separate play activities. Multi-functional single structures are acceptable provided that it has at least four separate play activities. A photo and specifications of the equipment must be included in the application. Multi-phase developments must each have its own playground.

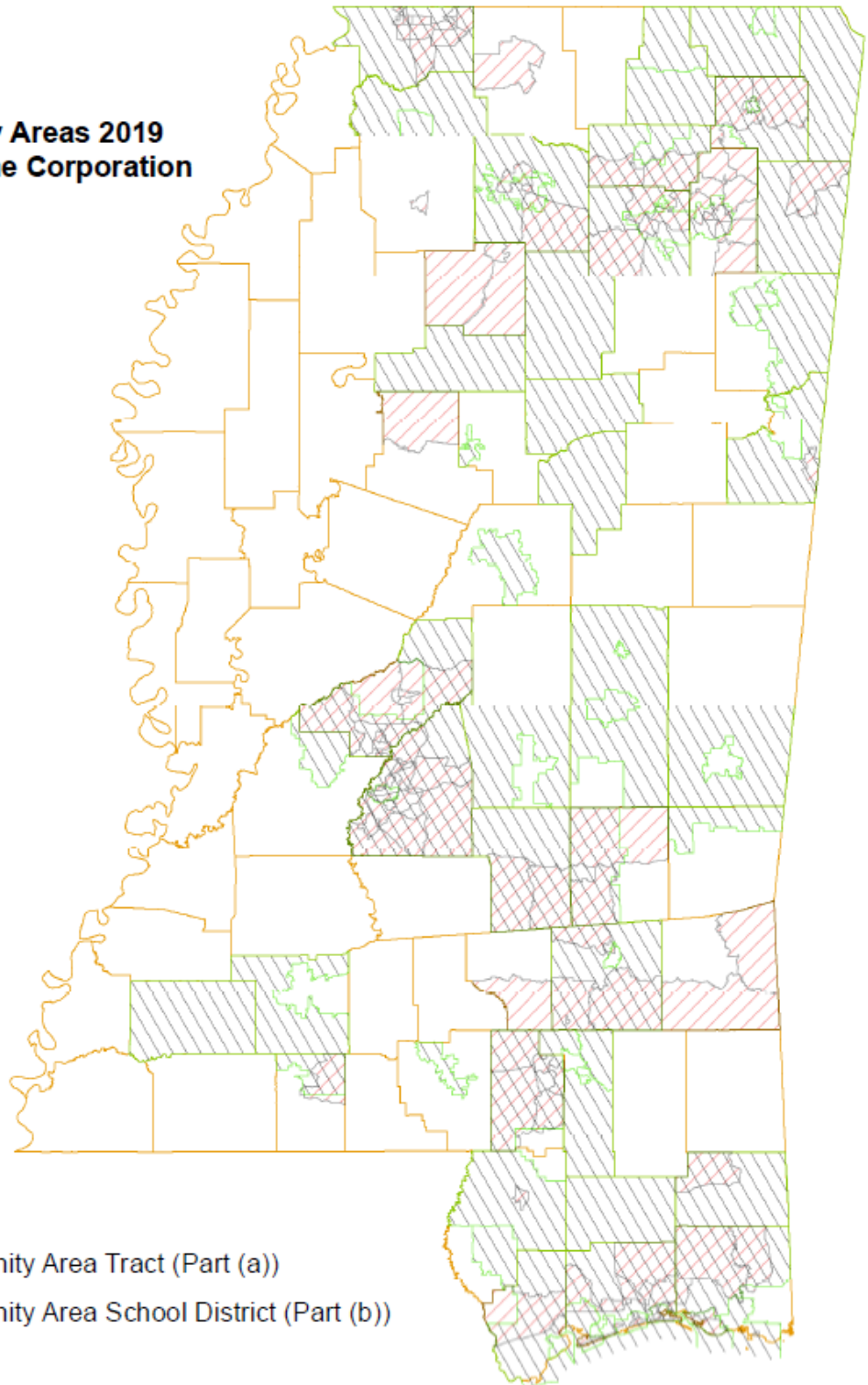
# ATTACHMENTS

- Exhibits 1, 2, & 3
- Federal Register
- HTF Table of Contents Form
- Housing Trust Fund Loan Application
- Sources of Funds
- Project Development Cost Budget and Timeline
- Subsidy Layering Worksheet
- State of Mississippi HTF Maximum Mortgage Limits
- Long Term Rental Assistance Commitment Certification
- Initial Site Assessment Form
- Construction Certification Form
- Minimum Design Quality Standards (MDQS)
- MHC Housing Tax Credit Compliance Monitoring Plan
- Period of Affordability Awareness Statement
- Notice of Occupancy Rights Under VAMA-HUD Form 5380
- Emergency Transfer Plan VAWA-HUD Form 5381
- Certification of Domestic Violence-VAWA-HUD Form 5382
- Emergency Transfer Request-VAMA-HUD Form 5383
- Rehabilitation Standards
- Uniform Physical Condition Standards (UPCS)
- Physical Needs Assessment Form
- Development Experience Form
- Management Experience Form
- Special Needs Housing Commitment Certificate
- Community Services Certification Form
- Development Organization Chart
- Development Narrative (location map & neighborhood description)
- Income Limits
- Definitions
- References






# Exhibit 1

## High Opportunity Areas 2019 Mississippi Home Corporation



### Legend

-  High Opportunity Area Tract (Part (a))
-  High Opportunity Area School District (Part (b))
-  US Counties

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<b>Affirmative Fair Housing Marketing Plan (AFHMP)</b>
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## Exhibit 2

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### Affirmative Fair Housing Marketing Plan Form - Multifamily Housing and Single-Family Housing

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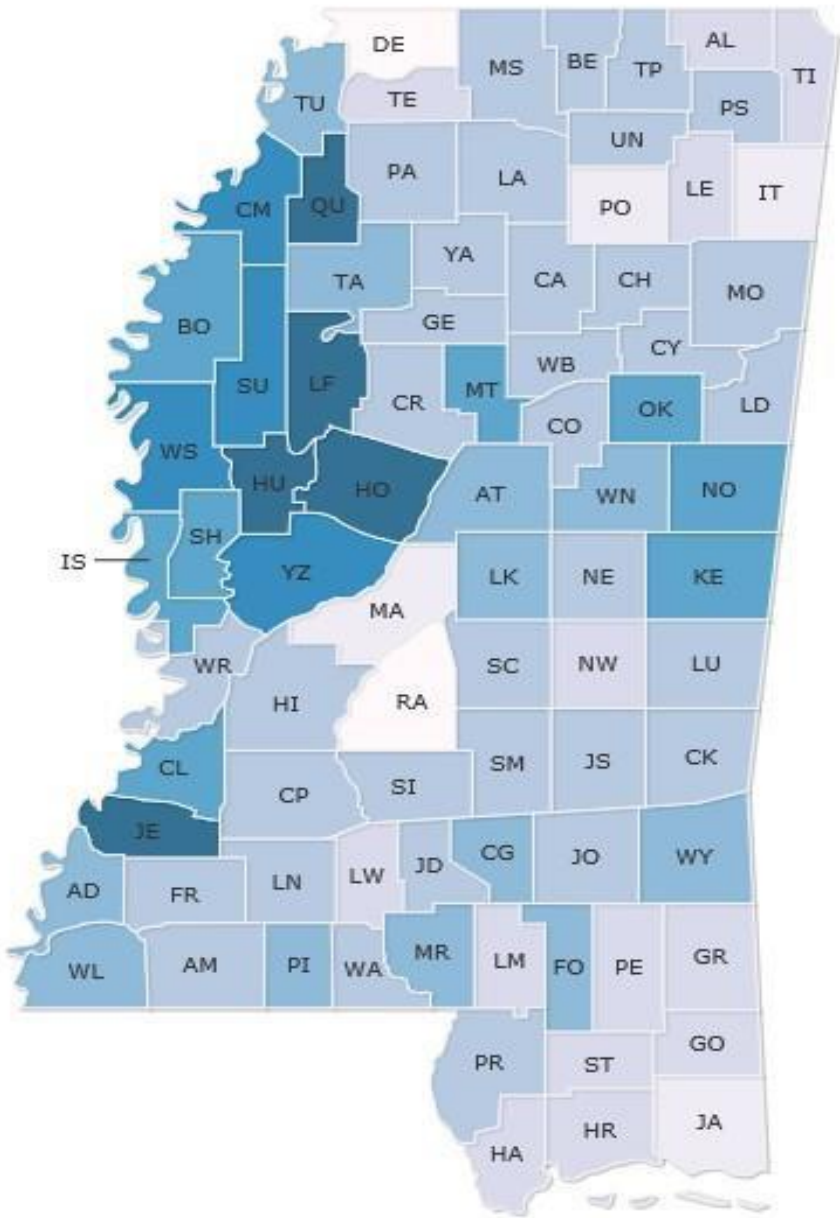
The purpose of the AFHMP is to help applicants offer equal housing opportunities regardless of race, color, national origin, religion, sex, familial status, or disability. The AFHMP helps owners/agents (respondents) effectively market the availability of housing opportunities to individuals of both minority and non-minority groups that are least likely to apply for occupancy. Affirmative fair housing marketing and planning should be part of all new construction, substantial rehabilitation, and existing project marketing and advertising activities.

All Owners and Management Entities of Special Needs Housing Developments are required to demonstrate continuous marketing efforts to serve the targeted special need population elected. The application package must include (a) a marketing plan that identifies how the development will market to the targeted population; and (c) a comprehensive service plan that identifies each supportive service to be provided, the location of the services, the anticipated service provider for each service and their experience in providing service to the targeted population.

(See Attachment)

# Exhibit 3

Mississippi Poverty Rate by County



**Mississippi Poverty Rate by  
Counties**

<b><u>Rank</u></b>	<b><u>County</u></b>	<b><u>Poverty Rate</u></b>
41st	<a href="#">Attala County</a>	24.4%
76th	<a href="#">Bolivar County</a>	37.8%
80th	<a href="#">Claiborne County</a>	41.2%
82nd	<a href="#">Holmes County</a>	45.0%
36th	<a href="#">Newton County</a>	23.3%
39th	<a href="#">Warren County</a>	23.7%
72nd	<a href="#">Washington County</a>	34.9%
69th	<a href="#">Yazoo County</a>	34.5%
2nd	<a href="#">DeSoto County</a>	10.0%
54th	<a href="#">Forrest County</a>	27.3%
81st	<a href="#">Humphreys County</a>	42.5%
79th	<a href="#">Leflore County</a>	40.4%
3rd	<a href="#">Madison County</a>	12.7%
67th	<a href="#">Noxubee County</a>	32.4%
22nd	<a href="#">Pearl River County</a>	20.3%
1st	<a href="#">Rankin County</a>	9.6%
21st	<a href="#">Stone County</a>	20.3%
5th	<a href="#">Tate County</a>	15.7%
61st	<a href="#">Tunica County</a>	28.4%

**Mississippi Poverty Rate by  
Counties**

<b><u>Rank</u></b>	<b><u>County</u></b>	<b><u>Poverty Rate</u></b>
74th	<a href="#">Wilkinson County</a>	35.6%
16th	<a href="#">Union County</a>	19.1%
60th	<a href="#">Winston County</a>	28.3%
64th	<a href="#">Adams County</a>	30.4%
58th	<a href="#">Copiah County</a>	28.1%
78th	<a href="#">Issaquena County</a>	40.4%
28th	<a href="#">Lowndes County</a>	21.9%
46th	<a href="#">Hinds County</a>	25.5%
59th	<a href="#">Tallahatchie County</a>	28.2%
37th	<a href="#">Tippah County</a>	23.5%
25th	<a href="#">Webster County</a>	21.5%
26th	<a href="#">Yalobusha County</a>	21.6%
18th	<a href="#">Perry County</a>	19.7%
43rd	<a href="#">Lafayette County</a>	25.3%
35th	<a href="#">Lauderdale County</a>	23.1%
55th	<a href="#">Marion County</a>	27.3%
23rd	<a href="#">Monroe County</a>	20.6%
75th	<a href="#">Quitman County</a>	37.8%
34th	<a href="#">Smith County</a>	22.7%

15th	<a href="#">Franklin County</a>	18.7%
12th	<a href="#">Lee County</a>	18.5%
65th	<a href="#">Sharkey County</a>	31.4%
56th	<a href="#">Simpson County</a>	27.4%
7th	<a href="#">Carroll County</a>	17.4%
11th	<a href="#">Marshall County</a>	18.2%

\*\*\*\*The Average Poverty Rate in Mississippi is  
22.3%

# Federal Register

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(Attachment)

# HTF Table of Contents Form

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(Attachment)

# Housing Trust Fund Loan Application

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# Sources of Funds Statement

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Applicants must demonstrate through a Sources & Uses Statement that other sources of funding will be utilized.

(Attachment)

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# Project Development Cost Budget and Timeline

Submit a Development Cost budget in sufficient detail to determine total project development cost and funding. List the number of units included in the development.

A detailed development timeline that lists expected dates of all phases of the construction and development (including but not limited to funding source closing dates, construction start and end dates, lease-up dates, etc.)

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# Subsidy Layering Worksheet

A Subsidy Layering Analysis will be conducted before committing HTF Funds to a project. The analysis will determine costs are reasonable, verifiable sources and uses of funds, amounts requested are necessary and their uses are determined feasible.

# Housing Trust Fund Maximum Subsidy Limits

Pursuant to 24 CFR 93.300(a), all HTF grantees must establish maximum limits pursuant to 24 The maximum per-unit development subsidy provides the maximum limitations on the total amount of HTF funds that maybe invested per-unit for development of non-luxury housing.

## HUD Publishes New 2019 Limits for HTF Maximum Per-Unit Subsidies

The following HTF limits were in effect as of January 1, 2018:

Bedrooms	Section 234 Basic Elevator-type Limit*	HTF Maximum Per-Unit Subsidy Limit	Base City High Cost Limit (229%)**
0	\$ 61,281	\$ 61,281	\$140,333
1	\$ 70,250	\$ 70,250	\$160,873
2	\$ 85,424	\$ 85,424	\$195,621
3	\$110,512	\$110,512	\$253,072
4+	\$121,307	\$121,307	\$277,793

\*2018 Limits for HTF Maximum Per-Unit Subsidies are adopted for 2019 and remain in effect until further notice from HUD.

# Long Term Rental Assistance Commitment Certification

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A Land Use Restrictive Agreement (LURA) committing to providing rental assistance for tenants at or below 30% of the area median income level for a period of 30 years or longer must be executed and recorded prior to final approval.

# Initial Site Assessment Form

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(Attachment QAP)

# Construction Certification Form

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For new construction or rehabilitation, construction must start within 12 months of date of contract between the recipient and MHC.

Construction Documents- a Construction Financing Letter showing the construction loan amount and terms. A properly executed and dated Construction Contract Construction Certification Form (**Attachment 3 (QAP)**) properly executed by the development's owner, architect/engineer and general contractor.

# Period of Affordability Period Awareness Statement

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The commitment to executing a Land Use Restrictive Agreement (LURA sets forth, as covenants running with the land for a minimum of 30 years (or additional years if the development owner has committed to a longer use period), the low-income unit set-asides, the percentages of low income to be served, the special housing needs units committed to (if any), and such other requirements as MHC may apply based on HTF requirements and the (QAP).



# Violence Against Women Act (VAWA) Certification

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The commitment to adhere to maintaining compliance with all applicable legal requirements imposed by VAWA; Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, sexual assault and stalking; Providing and maintaining housing opportunities for victims of domestic violence, dating violence, sexual assault and stalking; Creating and maintaining collaborative arrangements between the HHA, law enforcement authorities, victim service providers and others to promote the safety and well-being of victims of actual or threatened domestic violence, dating violence, sexual assault and stalking; and Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, sexual assault and stalking affecting individuals assisted by the HOME, HTF and LIHTC Programs.

# Physical Needs Assessment Form

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A physical needs assessment for each building and each unit certified by a licensed architect or engineer must accompany the application **(See Attachment QAP 4): Physical Needs Assessment)**

# Development Experience Form

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(Attachment)

# Management Experience Form

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(Attachment)

# Special Needs Housing Commitment Certification

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Certification from the development's owner committing to a set-a-side at least 20% of total units developed for targeted population, whose income does not exceed thirty percent (30%) of the area median income.

# Community Service Certification Form

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Community Services Requirements- All developments must commit to provide a minimum of two (2) community services listed in the HTF Allocation Plan. Applicants must select services that will meet the needs of its tenants. In addition, commit that these services will be kept current as to changing tenant needs, economic conditions, social change and duration of Affordability Period.

(Attachment)

# Development Organizational Chart

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Organizational Documents –The application must include the formation documents, Certificate of Good Standing, and a detailed Organization Chart as outlined in Section 1.2(3). See (QAP)

(Attachment)

# Development Narrative (location map and neighborhood description)

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A written narrative describing the proposed development including the type of development to be constructed/rehabilitated, proposed targeted population, and the financing to be utilized. Applicants are encouraged to provide as much additional detail and background information about the proposed development as possible; particularly for describing areas in the application involving unusual or complex elements. The narrative must also provide a breakdown listing the specific roles and responsibilities of the developer(s), general partner(s), and consultant.

Location Map: Development map(s) identifying the development location and the general county boundaries.



# HTF Rehabilitation Standards

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(Attachment)

# Housing Tax Credit Compliance

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Attachment

# Housing Tax Credit Allocation Plan- Minimum Design Quality Standards (Addendum B)

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Attachment (QAP)

# Uniform Physical Standards (UPCS)

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Attachment

# Uniform Physical Standards (UPCS)

## Physical Condition Standards for HUD Housing (24 CFR 5.703)

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HUD housing must be decent, safe, sanitary and in good repair. Owners of housing described in § 5.701(a), mortgagors of housing described in § 5.701(b), and PHAs and other entities approved by HUD owning housing described in § 5.701(c), must maintain such housing in a manner that meets the physical condition standards set forth in this section in order to be considered decent, safe, sanitary and in good repair. These standards address the major areas of the HUD housing: the site; the building exterior; the building systems; the dwelling units; the common areas; and health and safety considerations.

**(a) Site.** The site components, such as fencing and retaining walls, grounds, lighting, mailboxes/project signs, parking lots/driveways, play areas and equipment, refuse disposal, roads, storm drainage and walkways must be free of health and safety hazards and be in good repair. The site must not be subject to material adverse conditions, such as abandoned vehicles, dangerous walks or steps, poor drainage, septic tank back-ups, sewer hazards, excess accumulations of trash, vermin or rodent infestation or fire hazards.

**(b) Building exterior.** Each building on the site must be structurally sound, secure, habitable, and in good repair. Each building's doors, fire escapes, foundations, lighting, roofs, walls, and windows, where applicable, must be free of health and safety hazards, operable, and in good repair.

**(c) Building systems.** Each building's domestic water, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system must be free of health and safety hazards, functionally adequate, operable, and in good repair.

**(d) Dwelling units.**

**(1)** Each dwelling unit within a building must be structurally sound, habitable, and in good repair. All areas and aspects of the dwelling unit (for example, the unit's bathroom, call-for-aid (if applicable), ceiling, doors, electrical systems, floors, hot water heater, HVAC (where individual units are provided), kitchen, lighting, outlets/switches, patio/porch/balcony, smoke detectors, stairs, walls, and windows) must be free of health and safety hazards, functionally adequate, operable, and in good repair.

**(2)** Where applicable, the dwelling unit must have hot and cold running water, including an adequate source of potable water (note for example that single room occupancy units need not contain water facilities).

**(3)** If the dwelling unit includes its own sanitary facility, it must be in proper operating condition, usable in privacy, and adequate for personal hygiene and the disposal of human waste.

**(4)** The dwelling unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each level of the unit.

**(e)** Common areas. The common areas must be structurally sound, secure, and functionally adequate for the purposes intended. The basement/garage/carport, restrooms, closets, utility, mechanical, community rooms, day care, halls/corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas, if applicable, must be free of health and safety hazards, operable, and in good repair. All common area ceilings, doors, floors, HVAC, lighting, outlets/switches, smoke detectors, stairs, walls, and windows, to the extent applicable, must be free of health and safety hazards, operable, and in good repair. These standards for common areas apply, to a varying extent, to all HUD housing, but will be particularly relevant to congregate housing, independent group homes/residences, and single room occupancy units, in which the individual dwelling units (sleeping areas) do not contain kitchen and/or bathroom facilities.

**(f)** Health and safety concerns. All areas and components of the housing must be free of health and safety hazards. These areas include, but are not limited to, air quality, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, handrail hazards, infestation, and lead-based paint. For example, the buildings must have fire exits that are not blocked and have handrails that are undamaged and have no other observable deficiencies. The housing must have no evidence of infestation by rats, mice, or other vermin, or of garbage and debris. The housing must have no evidence of electrical hazards, natural hazards, or fire hazards. The dwelling units and common areas must have proper ventilation and be free of mold, odor (e.g., propane, natural gas, methane gas), or other observable deficiencies. The housing must comply with all requirements related to the evaluation and reduction of lead-based paint hazards and have available proper certifications of such (see 24 CFR Part 35).

**(g)** Compliance with State and local codes. The physical condition standards in this section do not supersede or preempt State and local codes for building and maintenance with which HUD housing must comply. HUD housing must continue to adhere to these codes.

# Income Limits

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Rents on HTF assisted units are restricted. The maximum allowable rent is based on the number of bedrooms and area median income as established annually by HUD.

(Attachment)

# Subpart A-93.2 Definitions

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Reference Federal Register



## Reference (QAP)

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- Initial Site Assessment Form-
- Construction Certification Form-
- Physical needs Assessment
- Description of Materials-
- Development Experience Form Attachment
- Management Experience-
- Community Service Certification Form
- Development Organizational Chart-
- Selection Criteria- High Opportunity Area
- Selection Criteria- Development Amenities
- Selection Criteria- Mississippi Olmstead Initiative
- Compliance Monitoring Plan Summary
- Fair Housing Accessibility Requirements