



2024 Multifamily Programs Application Procedures Manual

Texas Department of Housing and Community Affairs

221 East 11th Street Austin, Texas 78701

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This manual is not a rule. The manual is a resource made available to help Applicants prepare and submit accurate information for complete and compliant Applications. Applicants should understand that this type of guidance is limited by its nature and that staff will apply the Qualified Allocation Plan (QAP), Multifamily Housing Revenue Bond (MRB) Rules, Multifamily Direct Loan (MFDL) Rule, and any other applicable rules to each specific situation as it is presented. The Multifamily Programs Application Procedures Manual and the Application webinar are provided as good faith guidance and assistance, but in all respects the statutes, rules, and NOFAs governing multifamily programs supersede these guidelines and are controlling. Furthermore, any staff guidance is subject to the Governing Board's right to be the final interpreter of its rules.

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Using this Manual

The purpose of this manual is to provide a brief and general description of each tab in the Application, high level guidance as to the Department's submission requirements and what staff would generally view as acceptable supporting documentation. Guidance is also provided regarding actions that may be necessary in the course of Application review, such as waiver requests or appeals. While this guide cannot and will not contemplate all situations, we hope that the information provides a foundation upon which you may build your Application in accordance with the Rules. This manual provides limited examples of documentation that could be submitted to comply with a particular rule or requirement. In some instances the rule may allow for alternative documentation not specifically contemplated in this manual, and in those instances staff will review the documentation for compliance with and fulfillment of the substantive requirements articulated in the applicable rule.

Although the Department may compile data from outside sources in order to assist Applicants in the application process, it remains the sole responsibility of the Applicant to perform independently all necessary due diligence to research, confirm, and verify any data, opinions, interpretations, or other information upon which an Applicant bases an Application or includes in any submittal in connection with an Application.

All American Community Survey data must be 5-year estimates as published in the Site Demographics report posted to the Department's website, unless otherwise specified. The availability of more current data will be disregarded. Where other data sources are specifically required, such as Neighborhood Scout or OnTheMap, the data available after August 1, but before Pre-Application Final Delivery Date, will be permissible. The Application must include a copy of the reports including the report date.

Any Application that staff identifies as having insufficient supporting information may be directed to cure the matter via Administrative Deficiency as described in 10 TAC §11.1(d)(2). The sole purpose of the deficiency process will, in accordance with Tex. Gov't Code §2306.6708(b), be to substantiate, correct, or clarify one or more aspects of the Application to enable an efficient and effective review by staff.

The Department will offer limited direct assistance (subject to the strictures imposed by Tex. Gov't Code §2306.1113 including, without limitation, the provisions of §2306.113(a-2)(1)) to any individual that requires this service in the preparation of the multifamily Application. However, the Department staff cannot and will not take responsibility for completing an Application package or any portion thereof, including issuing deficiency notices that ultimately serve as instructions to complete a materially incomplete and deficient Application. Applicants should refer to 10 TAC §11.1(b) Due Diligence and Applicant Responsibility regarding guidance received from staff.

Introduction to the 2024 Multifamily Uniform Application

Programs

All multifamily funding programs are subject to the Qualified Allocation Plan (QAP). Specific Applications may be subject to the Multifamily Direct Loan Program (MFDL) or Multifamily Housing Revenue Bond (MRB) rules. The programs administered by the Multifamily Finance Division include:

- 9% Competitive Housing Tax Credits (9% HTC)
- Multifamily Direct Loan Program (MFDL or Direct Loan), which may include but are not limited to:
 - HOME Investments Partnerships Program (HOME)
 - Tax Credit Assistance Program Repayment Funds (TCAP RF)
 - National Housing Trust Fund (NHTF)

The programs administered by the Multifamily Bond Division include:

- 4% Housing Tax Credits (4% HTC)
- Private Activity Bonds (TDHCA as Bond Issuer)

Consistent with the Department's rules that govern the aforementioned programs, staff has updated the Multifamily Uniform Application and this Manual for 2024.

Pre-Application Requirements

An Applicant for Tax Exempt Bonds **where TDHCA is the bond issuer** must submit a pre-application. Prior to submitting a pre-application, the Department will require the submission of the Pre-Inducement Questionnaire, properly and fully completed, which will give the Department a preliminary understanding of the proposed Development. The Pre-Inducement Questionnaire, the Multifamily Bond Pre-application Submission Procedures Manual, the Uniform Multifamily Application (parts of which constitute the Bond pre-application) and the Multifamily Bond Pre-Application Supplement can be found on the Department's website at: <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

Applicants for 9% HTC **may** submit a pre-application to be eligible for six (6) points on the Application self-score. The pre-application collects limited information and is divided into five parts, listed below, each of which will be fully explained later in this Manual.

- Applicant Contact Information
- Development Information
- Notifications
- Self-Score
- Attachments and Certifications

The Multifamily Direct Loan Program (MFDL) does not have a pre-application requirement. If MFDL is paired with either the 4% or 9% program, the pre-application requirements of those programs must be

General Organization of the Application

The 2024 Multifamily Uniform Application has incorporated each of the Multifamily Programs in one Application that is divided into nine parts. Certain parts of the Application are applicable to a specific Program, and will be explained throughout this Manual:

- Administrative;
- Development Site;
- Development Activities;
- Finance;
- Organization;
- Community Input (9% HTC only);
- Third Party Reports;
- Tie-Breakers (9% HTC only); and
- Review Tabs (for Department use only).

The **Administrative** section of the Application collects certain high level information about the proposed Development and the Applicant's contact information. In this section the Applicant must identify the program(s) for which the Application is being submitted and provide the completed Applicant and Developer Certifications.

The **Development Site** section of the Application requires information related to the physical location of the proposed Development Site, such as the development address, census tract number, and flood zone designation, as well as information about the schools that will serve the Development and elected officials in the community who must receive notifications.

The **Development Activities** section of the Application requires information about the proposed Development, including construction and services provided to the tenants. This section also includes the architectural drawings and information regarding existing structures on the Development Site.

The **Finance** section of the Application requires the identification of all sources and terms of financing, the development cost schedule, *pro forma* annual operating expenses, and the proposed rent schedule.

The **Organization** section of the Application requires certain information about the Development Owner, Developer, Guarantor, Affiliates, Development Team and Nonprofit entities involved with the Application, along with their Owners, managers, and members. It includes the organizational charts and evidence of experience as well as credit limit documentation. The information in this section is used for, among other things, conducting Previous Participation Reviews under 10 TAC §1.301.

The **Community Input** applies to scoring for the 9% HTC only. The section may include Local Government Support in the form of a resolution(s), State Representative letters, and letters and supporting documentation from Community Organizations.

The **Third Party Reports** section briefly identifies who performed the Environmental Site Assessment, Market Study, and Property Condition Assessment, as well as any other required reports.

The **Tie-Breakers** section collects information relevant to the tie-breakers for the 9% HTC program.

The **Review Tabs** section is used by Department staff to place Application review documents in the posted Application. This section will not be used by the Applicant but must be included in the submitted

PDF Application.

Instructions for Completing the 9% HTC Electronic Pre-Application

Applicants for programs other than the 9% HTC may skip these instructions and this section. The 9% HTC pre-application will be submitted via an online form, a link to which will be posted on the Department's website on Tuesday, January 2, 2024. A courtesy PDF of the pre-application form, and a webinar showing how to complete the form, are available on the Department's website at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>. **The courtesy PDF is for planning purposes only and will not be accepted as the submitted pre-application.**

The Pre-application Final Delivery Date is Friday, January 5, 2024, at 5:00 p.m. (Austin local time).

What you will learn in this section:

- ✓ Pre-application Documentation and Assembly
- ✓ Pre-application Delivery

Pre-Application Documentation and Assembly

The 9% HTC pre-application is not mandatory; however, Applicants that provide a pre-application are eligible for six (6) points in the full Application (assuming all applicable requirements are met), and Applicants that do not submit a pre-application will not be eligible for those points.

For each pre-application, the Applicant will follow a link on the Department's webpage to initiate submission. Once opened, the link will require the Applicant to enter an email address and the name of the Development. This information will be used to create a unique URL to access the pre-application form. An email including a link to the form will be sent to the email address entered, so ensure that the address is one that the person that will complete the pre-application can access. The Applicant will use this link to initiate the pre-application.

The online pre-application is divided into the pages described below. There are certain fields marked with an asterisk, which are all required to be completed. The form will not allow the Applicant to move to the next page without completing these fields.

Page 1: Contact Information

- This page identifies the persons responsible for responding to questions and deficiencies issued by staff regarding the pre-application. The information entered for the primary and secondary contacts is included on the pre-application Log.
- This form must be completed and saved before an Application number can be assigned. Once the form is saved, an email including the assigned Application number and a link to the form will be sent to the email address entered. The Applicant will use this link to complete and edit the pre-application prior to submission.
- To avoid having to re-enter information, applicants are encouraged to "save" the document regularly. Depending on the next action desired, use the "Save", or "Save and Continue" button.

Page 2: Development Information

- Enter the Proposed Entity Name and Development Name.
- Choose the appropriate Development Type from the drop down list, then the Secondary Development Type if applicable. Note that Applications proposing adaptive reuse must select “New Construction” as the construction type and select “Adaptive Reuse” as the secondary type. If applicable, enter the Previous TDHCA #. If the Development did not previously receive an award, you do not need to enter a number.
 - If Acquisition/Rehab, Adaptive Reuse, or Rehab Only is selected, enter Initial construction year.
 - If Reconstruction is selected, enter Units Demolished and Units Reconstructed.
- Enter a number (even if zero) for Number of Noncontiguous Sites.
- Enter Number of Census Tracts.
- Choose the applicable Target Population from the drop down list.
- Enter the Development’s Address, City, ZIP Code, ETJ, County, Region and Rural/Urban designation.
- Enter the Development’s Latitude and Longitude coordinates.
- Select whether or not the Development will provide a High Quality Pre-Kindergarten.
- Enter the 11-digit Census Tract number; the field will not allow less than 11 digits. If the Development Site is located within multiple census tracts, click “Add” for additional fields. If you add a row, you must complete it or delete it.
 - Note: Double check that the census tract number is correct, as a change in census tract between pre-application and full Application may result in a loss of Pre-application Participation points!
- Enter the Total Low Income (LI) Units, as well as the Total Market Rate (MR) Units (enter 0 if none). The form will calculate the Total Units.
- Enter the Annual Housing Tax Credit Request. Note that pursuant to 10 TAC §11.4(b), related to Maximum Request Limit, an Applicant may not request more than 150 percent of the credit amount available in the subregion based on estimates released by the Department, or \$2,000,000, whichever is less, or \$2,000,000 for Applications under the At-Risk Set-Aside. The amount entered should not exceed the maximum funding request/award limits posted in the “2024 HTC Award Limits and Estimated Regional Allocation”.
 - The form will calculate the pre-application fee due. This fee is calculated without consideration for discounts related to Applications with a private nonprofit sponsor, so the actual fee may be less than what appears on this form. When submitting fees, ensure that each check is accompanied by a completed Multifamily Payment Receipt, which is available on the Apply for Funds webpage at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>. If the nonprofit discount applies, upload documentation of nonprofit status at the end of the form. The Applicant is responsible for calculating the correct amount of the fee due if requesting the nonprofit sponsor discount. Fees are refundable only if the pre-application is withdrawn. **In order to protect your financial information, do not include a copy of the check in your pre-application.**
- If payment has already been submitted to the Department select “Yes” from the drop-down menu, and a box will appear where the Check Name and Check # can be entered.
- Check the boxes for the appropriate Set-Aside Elections.
- Enter the total cumulative distance for the Closest Amenities Tiebreaker (Must be consistent with tiebreaker supplement).
- If USDA Set-Aside is selected, enter the USDA year of initial construction (Tiebreaker).
- Enter the closest HTC Development serving the same Population, File Number for the nearest development, address of the nearest development, Year of Award, and Target Population of

nearest development.

- Depending on the next action desired, use the “Save and Go Back”, “Save”, or “Save and Continue” button.

Page 3: Notifications

- Enter the U.S. Representative. The Department staff will notify the U.S. Representative. The Applicant is responsible for all other notifications.
- Enter the State Senator and State Representative and the appropriate Districts.
- Enter the School District officers.
- Enter ALL of the Local Elected Officials. As with the Census Tract fields, click “Add” for additional fields. If you add a row, you must complete it or delete it.
- Answer the question, “Are there Neighborhood Organizations whose boundaries contain the Development Site?”
 - If the answer is no, read the certification. When you submit the pre-application you are certifying to an understanding of the program requirements and the accuracy of the submission. Depending on the next action desired, use the “Save and Go Back”, “Save”, or Save and Continue” button.
 - If yes, then a space will appear allowing you to list the name of the organization and its address. As with previous items, click “Add” for additional fields. If you add a row, you must complete it or delete it.
- Depending on the next action desired, use the “Save and Go Back”, “Save”, or Save and Continue” button.
- **It is the applicant's responsibility to identify all neighborhood organizations that must be notified.** You should retain records of the due diligence you performed to identify all of the organizations.

Page 4: Self-Score

- Select points for each scoring item from the drop-down boxes. Subtotals and the total self-score will auto-populate. Note that this score cannot change by more than four (4) points between pre-application and full Application in order to qualify for Pre-application Participation points.
- The Readiness to Proceed, Local Government Support, Quantifiable Community Participation, Support from State Representative, Input from Community Organizations, and Concerted Revitalization Plan sections are not available for Applicants to Self-Score. While these scoring items will not be included in the calculation to determine eligibility for Pre-application Participation points in the full Application, **you MUST indicate points you intend to claim for these items.**
- There is a point adjustment field prior to the Final Self Score. This can be used to adjust a self-score based on a staff determination. For example, a scattered site Development may have an Opportunity Index score calculated to be six (6) points, which is not an option on the drop-down menu for that scoring item. In this case, an Applicant may need to adjust the final self-score. Enter negative numbers to reduce the score. This field must not be used for manipulation of the self-score in order to increase chances of being eligible for Pre-application Participation points and Applicants entering information in this field must also upload their staff determination or request for such determination under the “Other Pertinent Information” section on the next page of the pre-application.
- Depending on the next action desired, use the “Save and Go Back”, “Save”, or Save and Continue” button.

Page 5: Attachments and Certifications

- Read the certifications regarding the Electronic Filing Agreement. Multiple documents may be attached under each section as needed. Select the type of file to be uploaded from the drop-down menu and click the “Choose File” button to navigate to the document you wish to upload. The pre-application uploads should show up as hyperlinks. Make sure the documents open and

that they are complete.

- To ensure that the correct documents are uploaded, staff recommends applicants establish a “Final Documents” folder that includes ONLY the final documents to be uploaded, named to specify the type of document.
- Attach Site Control Documentation. By attaching the document(s), the Applicant is certifying that the site control conforms to all applicable rules. Files should not be larger than 7 MB total.
- Attach a Census Tract Map(s). You can find census tract maps here: https://www.huduser.gov/portal/sadda/sadda_qct.html. Make sure the map shows the entire census tract and the full tract number, and identifies the Development Site. If an information box showing the tract demographics and full tract number does not appear, take a screen shot that shows the full tract number entered in the box above the map (“ctrl, PrtScn” on the keyboard, then paste to a blank document, format as needed, then PDF). The census tract map(s) will be verified against the census tract(s) entered on the Development Information Page. Files should not be larger than 5 MB total.
- Attach Proximity to Jobs (if Applicant plans to request points during Full Application Review). Please follow the instructions on pages 24-28 & 65 for submitting all required attachments for this scoring item. During pre-application review, Proximity to Jobs will not impact eligibility for receiving pre-application points.
- Attach Underserved Area (if Applicant plans to request points during Full Application Review). Please follow the instructions on page 65 for submitting all required attachments for this scoring item. During pre-application review, Underserved Area will not impact eligibility for receiving pre-application points.
- Attach Amenities Tie Breaker Supplement.
- If Development selected USDA Set-Aside, attach USDA Loan Documentation.
- Other Pertinent Information: For prospective developments that do not fit neatly within the pre-application, there is an attachment field that can be used to provide further information. Files should not be larger than 5 MB total.
- Read the notes related to uploads. Text is included below each upload section.
- The pre-application uploads should show up as hyperlinks. Make sure the documents open properly and that they are complete. If they will not open for you, they will not open for us.
- Depending on the next action desired, use the “Back” or “Continue” button.

Pre-Application Delivery

The Electronic Filing Agreement is incorporated into the pre-application form and does not need to be submitted separately. No hard copies of signed certifications are required, but by submitting the pre-application, Applicants are certifying to an understanding of the program requirements and the accuracy and completeness of the submission. It is strongly recommended that the Applicant use the “Back” button to review the entire pre-application before submission.

The browser will display a submission confirmation page, which includes a link to a printer-friendly version of the submitted pre-application. You can save a PDF copy if you wish. In the event that an error is identified after submission, the Applicant can revoke the submission, edit the form, and then resubmit prior to the submission deadline. Review the posted pre-application webinar for more information.

Applicants are encouraged to submit the pre-application well before the deadline as **the ability to edit submissions will be disabled at 5:00 p.m. (Austin local time) on Friday, January 5, 2024**. If the complete pre-application is not submitted by the deadline, the Applicant will be deemed to have not made a pre-application submission.

Applicants will not be able to access, edit or submit a pre-application after the deadline.

Instructions for Completing the Electronic Application

What you will learn in this section:

- ✓ How to download the Electronic Application Materials
- ✓ How to complete the Excel Application
- ✓ How to convert the Excel Application to PDF
- ✓ How to insert documents into the PDF
- ✓ How to set Bookmarks
- ✓ How to submit the Application

Key deadlines:

- The Full Application Delivery Date for 9% HTC Applications is Friday, March 1, 2024, at 5:00 p.m., Austin local time.
- 4% HTC Applications may be submitted on the 5th of every month, or as required under the Certificate of Reservation, pursuant to 10 TAC §11.201(2).
- For Direct Loan,, the Application Acceptance periods are listed in NOFAs.

Application Download

All Applicants are required to use the 2024 Multifamily Uniform Application, along with the applicable supplemental files provided by TDHCA located at the following link:

<http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>

To download any of the electronic Application files, right-click on the link at the website provided above, select "Save Target As" and choose the storage location on your computer. The Excel file should be named in the following format -- <Application #_Development Name>.xls (e.g. 24001_Austin_Crossing.xls). If an application number has not been previously assigned then the file should be named as follows -- <Development Name>.xls (e.g. Austin_Crossing.xls).

Please do not transfer tabs from one Excel file to another, even if it is for the same Application. If you plan to submit more than one Application, please make additional copies of the 2024 Multifamily Uniform Application file after completing portions of the Application that are common to all of your Applications and before completing any portions that are not common to all of your Applications.

Any cell that is highlighted yellow is available to be manipulated by the applicant. All other cells (unless specifically stated) are for Department use only, have been pre-formatted to automatically calculate information provided, and are locked. Applicants may view any formulas within the cells. Applicants may not add additional columns or rows to the spreadsheets, unless otherwise stated.

All questions are intended to elicit a response, so do not leave out any requested information. If references are made by the Applicant to external spreadsheets those references must be removed prior to submission to TDHCA as this may hamper the proper functioning of internal evaluation tools and

make pertinent information unavailable to TDHCA.

The electronic Application has been designed so that many of the calculations regarding development cost, eligible basis, and eligible point items will automatically compute once enough information has been entered. If you see a “#VALUE” or “DIV/0” in a cell these values should disappear upon data entry in other tabs.

If you have difficulty downloading files from the website, contact Jason Burr at (512) 475-3986, or Jason.burr@tdhca.state.tx.us.

Completing Required Forms and Exhibits

For 9% HTC, if a pre-application was not submitted, the Applicant must separately submit the Electronic Filing Agreement form. For 9% HTC Applications submitted by the March 1, 2024 deadline, the Electronic Filing Agreement form is due by **February 15, 2024**.

For 4% Housing Tax Credit Applications, the Electronic Filing Agreement should be submitted **3-5 business days prior to the anticipated Application submission date**.

For Multifamily Direct Loans, if the Application is submitted as part of a 4% or 9% HTC Application, no additional Electronic Filing Agreement is required. Otherwise, the form should be submitted **3-5 business days prior to the anticipated Application submission date**.

The 2024 Multifamily Uniform Application consists of eight (8) parts for the Applicant to complete. Complete all applicable parts. Any portion of the Application that the Applicant considers not applicable must be included in the Application with an indication that the Applicant believes that section to be “not applicable.” Those cells that require entry are highlighted yellow. Some of the required information for this form has been entered in a previous tab and will auto fill here as applicable. Where applicable, Applicants should mark boxes with an “x.” The use of a different symbol may result in misinformation in another part of the Application. Please review and ensure all information is accurate.

The Application **must** include any supporting documentation needed to evidence that the Application meets the specific requirements of the rules. Where supportive information has been published by the Department, e.g., information included in the Site Demographic Characteristics Report, the Application may refer to that information.

Applicants are cautioned that some parts of the Application are specific to certain fund sources and programs. For instance, parts of the Application are labeled “Direct Loan Only” and should only be completed if requesting that funding source. However, where a specific funding source is not stated, Applicants must complete all other parts of the Application.

Administrative Tabs

Tab 1a: Application Certification

- Enter data in yellow highlighted cells.
- The certification can be found in the 2024 Multifamily Uniform Application Certifications document posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>. The

Application Certification must be signed by the Applicant or person with authority to execute

documents on the Applicant's behalf and must be dated and notarized. No hard copy is required, only a LEGIBLE scanned copy within the PDF file. The Applicant must, however, retain the originals and provide them to the Department on request.

Tab 1b: 4% HTC-Bond Filing

The 4% HTC/Bond Application Filing form is required for 4% HTC Applications only. Select the yellow boxes associated with the Application type (i.e. Lottery or Non-Lottery), select the targeted board meeting/Determination Notice date and note the due date for the complete Application. **A 4% HTC Application will not be accepted by the Department unless evidence of a Certificate of Reservation is attached to the payment receipt or Bond Review Board (BRB) has issued notice that the Application is next in line for a reservation.** The Department will require at least 90 days to review an Application. If the Application is layered with other Department funds (i.e. MFDL) the Department will require at least 120 days to review the Application. Applicants are cautioned that while the Department will make its best efforts to present the Application at the requested meeting or issue the Determination Notice by the requested date, as applicable, delays with reviewing and underwriting along with peak volume of Applications being processed may result in the Application being presented at a subsequent board meeting or issuance of a Determination Notice at a later date. Applications will be subject to the review priority established under §11.205(5)(B) of the QAP.

Tab 1c: 4% HTC HOME Match Certification

For Tax-Exempt Bond Developments through a local issuer where the Development Site is located in a Participating Jurisdiction, the signed and notarized certification is included behind this tab from an authorized representative of the Participating Jurisdiction that states the bond proceeds are being used as HOME Match funds for the Participating Jurisdiction.

Tab 2: Development Owner Certification

- Complete the yellow boxes on Tab 2 of the Application regarding disclosure of 10 TAC §§11.101(a)(2), §11.101(a)(3), §11.202(1)(M), §11.202(1)(N), and §11.901(15), if applicable.
- The certification can be found in the 2024 Multifamily Uniform Application Certifications document posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> and must be executed by the Development Owner. This certification addresses the specific requirements associated with the Development, and the Person executing the certification is responsible for ensuring all individuals referenced therein are in compliance with the certification.
- Applicants are encouraged to read the certification carefully as it contains certain construction and Development specifications that each Development must meet.
- Note that the certification includes the Applicant's understanding that all third party reports will be posted on the Department's website.
- Note that the certification includes the Applicant's understanding of the penalty ramifications if they do not perform under readiness to proceed for 9% HTC Applications.
- Check the appropriate boxes for any disclosures pursuant to the QAP regarding Undesirable Site Features (§11.101(a)(2)), Neighborhood Risk Factors (§11.101(a)(3)), termination of a relationship in an affordable housing transaction (§11.202(1)(M)), voluntary compliance agreements (§11.202(1)(N)), and Unused Credit Fee (§11.901(15)).
- Submit any relevant documentation behind the tab based on the disclosure made.
- If the Development Site is located within the attendance zone of an elementary school, middle school, or a high school that has a TEA Accountability Rating of "Not Rated: Senate Bill 1365" for 2022, the appropriate boxes agreeing to the mitigation and providing the required documentation must be checked.
- The form must be signed, dated, and notarized. No hard copy is required, only a LEGIBLE scanned copy within the PDF file. The Applicant must, however, retain the originals and provide

them to the Department on request.

Tab 3: Applicant Eligibility Certification

- Complete the yellow boxes.
 - The certification identifies the various criteria relating to eligibility requirements associated with multifamily funding from the Department and can be found in the 2024 Multifamily Uniform Application Certifications document posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.
- The form must be executed by all individuals included on the organizational chart who are identified pursuant to 10 TAC §11.204(2) and who have the ability to exercise control over the Development.
- The submission may include one copy of the certification along with a copy of each signature page. A signed, dated, and notarized signature page for each individual described above must be included. No hard copy is required, only a LEGIBLE scanned copy within the PDF file. The Applicant must, however, retain the originals and provide them to the Department on request.
- The requirement for individuals that must execute Certifications ties directly to the definition of Control at 10 TAC §11.1(d)(29). If a board member is not able to exercise control over actions of the organization other than as a voting member, they may not have control that fits within the definition. If a Board member is able to execute contracts or take other actions on behalf of the organization, they likely will meet the definition of Control and should provide execution of the Certifications. If there is a question, the Applicant will be best served by having all parties sign the Certification.

Tab 4: Multifamily Direct Loan Certification (if applying for Multifamily Direct Loan funds)

- Complete the yellow boxes.
- The certification can be found in the 2024 Multifamily Uniform Application Certifications document posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> and must be executed by the Development Owner. It addresses the specific requirements associated with the Development, and the Person executing the certification is responsible for ensuring all individuals referenced therein are in compliance with the certification. Applicants are encouraged to read the certification carefully as it contains certain statements regarding lead based paint, Section 3 requirements, environmental requirements, relocation requirements, and a general threshold certification.
- Initial all the boxes on the Certification or it will be deemed incomplete and may result in termination of the Application. The form must be signed, dated, and notarized. No hard copy is required, only a LEGIBLE scanned copy within the final PDF file. The Applicant must, however, retain the originals and provide them to the Department upon request.
- URA Applicability to MFDL. Select the box and provide additional information as applicable.
- Complete the certification.
- Residential Anti-Displacement and Relocation Assistance Plan (RARAP) Certification (MFDL Only). If any yellow highlighted box is marked, then the RARAP Certification must be submitted.

Tab 5: Applicant Information Page

Section 1 must include contact information for the person responsible for responding to Administrative Deficiencies. Note that this may not necessarily be the Development Owner or Applicant. The person listed here will be required to submit requested documentation within a relatively short time period, and should be generally available throughout the review process. The person listed here is also expected to be available primarily via email. Contact may include the persons listed in sections 2 and 3 as well.

Tabs 6a (Competitive HTC Only) and 6b (MFDL Only or MFDL Layered with HTC): Self-Score

- These forms completely auto-populate from information entered throughout the Application. As noted in the introduction, the Application has been divided into sections that more closely follow the development process than the selection criteria in the QAP. Near the beginning of each section of the Application is a form that reflects information related to a particular aspect of Development (e.g. site, finance, ownership), and that form may include statements or selections that result in the Application being eligible for points.
- The self-score form contains hyperlinks that allow the Applicant to skip to the part of the Application that is relevant to that particular scoring item. For example, clicking on “Financial Feasibility” takes you to the Finance Scoring tab, where the Applicant can manipulate cells. As revisions are made to scoring items within the Application, the self-score will auto-populate and also produces a real-time self-score in the top right corner of the relevant tab. The Applicant can then click on “Self Score Total” at a number of different places in the Application and return to the self-score form. These internal links are designed to allow an Applicant is quickly toggle back and forth between the self-score form and the location in the Application where support documentation for that scoring item is required.
- If the Self Score does not reflect points that the Applicant expects to receive, changes must be made on the appropriate linked tab; not on the self-score form.

Development Site

The blue colored Development Site tabs (7-16) collect all information specific to the physical location of the Development Site.

Tab 7: Site Information Form Part I

Complete the yellow highlighted cells in each part as applicable. Some portions of this form will make reference to supporting documents, which are listed and collected in Tab 8.

- Part 1: Development Address
 - Enter the information in this section as indicated by the label for each of the boxes present. If there is no mailing address for the site, please only indicate direction from an intersection. Also, avoid the use of all capital letters. Use the drop-down menu to indicate whether the site is within city boundaries, in the ETJ, etc.
- Part 2: Census Tract Information: Enter the 11-digit 2020 census tract number with no dashes, commas, decimals, or spaces. Indicate whether or not the tract is a Qualified Census Tract (QCT). Each of the subsequent highlighted cells further describing the demographics of the census tract will auto-populate. Applicants should exercise caution in identifying the correct census tract. It is the Applicant’s responsibility to identify the correct census tract.
 - Applicants may need to provide Census tract information based on the 2020 boundaries.
 - **Remember: If the poverty rate in a census tract is greater than 40% for individuals (or 55% for Regions 11 and 13), mitigation may include a resolution as described in 10 TAC §11.101(a)(3)(E)(i). Rehabilitation Developments are exempt from this Neighborhood Risk Factor.**
 - Applicants can double-check this information using the US Census Bureau’s tool at data.census.gov.
 - Any clarifying notes about the address or census tract(s) can be entered in the space provided.
- Part 3: Resolutions
 - Mark the appropriate box indicating whether or not a resolution is required in order to

- satisfy a requirement under §11.3 related to Housing De-concentration factors or 10 TAC §11.101(a)(3)(D).
 - For Competitive HTC Applications pursuant to 10 TAC §11.3, these are due with the Application and must be included behind this tab.
 - For Tax-Exempt Bond Applications, these resolutions should be included behind this tab if available at the time of Application submission. Otherwise, they must be submitted no later than the Resolutions Delivery Date described in 10 TAC §11.2(b).
 - If no resolution is required, this section can be marked “Not Applicable”.
- Part 4: Two Mile Same Year Rule (9% HTC Only)
 - Per 10 TAC §11.3(b)(2), the Two Mile Same Year rule exempts certain municipalities with a population of two million or more where a federal disaster has been declared and the municipality is authorized to administer disaster recovery funds as a sub-grant recipient for the disaster that has been declared, if the Development has been authorized by resolution.
- Part 5: Proximity of Development Sites
 - This section has been added to collect information about the proposed Development Site and the proximity of any other Development Sites
- Part 6: One Award per Census Tract Limitation
 - Per 10 TAC §11.3(g), if two or more Competitive HTC Applications are proposing Developments in the same census tract in an Urban subregion, the lower scoring Application(s), including consideration of tie breakers, will be considered ineligible and will not be reviewed unless the higher scoring Application is terminated or withdrawn. This rule does not apply to Applications submitted under the USDA or the At-Risk Set-Aside.
- Part 7: Zoning and Flood Zone Designation
 - For the Zoning Designation, enter the code or descriptive name of the Site’s current zoning exactly as it is stated in the local zoning code. For Flood Zone Designation, enter the FEMA description exactly as it appears on the FEMA floodplain map that is included in the ESA. Determine if the Site is inside or outside the 100-year floodplain according to the FEMA description corresponding to the FEMA code for the Development Site that appears on the map. Requirements regarding the floodplain are specified in detail in 10 TAC §11.101(a)(1).
 - Farmland Designation: to be completed if requesting Direct Loan funds.
- Part 8: Site and Neighborhood Standards (New Construction (HOME or NHTF) or Reconstruction (NHTF only))
 - Both boxes in this part must be checked if requesting Direct Loan funds and proposing new construction/reconstruction.
- Part 9: School Rating
 - Complete the form by listing each type of school and their respective TEA Accountability Rating. If an Applicant lists a school that received a TEA Accountability Rating of “Not Rated: Senate Bill 1365” for 2022, the Applicant must check the appropriate boxes on the Certification of Development Owner and provide the school letter pursuant to 10 TAC §11.101(a)(3)(E) behind this tab.
 - Note: Elderly Developments, Supportive Housing SRO Developments or Supportive Housing Developments where all Units are Efficiency Units, and Applications in the

USDA Set-Aside for Rehabilitation of existing properties are exempt and are not required to provide mitigation, **but are still required to provide rating information in the Application.**

Tab 8: Supporting Documentation for the Site Information Form

Each of the applicable exhibits listed on this form must be included behind it. Some of the boxes on the Supporting Documentation page will auto-populate. Supporting documents must be included for any that auto-populate or the response that originated the automatically marked box must be corrected.

- Street Map should indicate the location and approximate shape of the Development Site outlined on the map.
- Census Tract Map: must bear the full 11-digit number and indicate the location of the Development Site.
- Resolutions: sample resolutions are provided in the 2024 Multifamily Uniform Application Template file on the Department’s website. If using a prior year resolution, be sure to check the 2024 templates to see if an applicable resolution was revised.
- Evidence of Zoning or Re-zoning in process: must exactly match the representation made in the Site Information Form. Applicants should refer to 10 TAC §11.204(10) for acceptable evidence.
 - Note: In instances where annexation of a Development Site occurs while the Application is under review, the Applicant must submit evidence of appropriate zoning with the Commitment or Determination Notice.
- Flood Zone Designation: must be the FEMA flood map submitted in the Environmental Site Assessment that contains the development area or documentation that substantiates sufficient mitigation efforts the local government has undertaken. Refer to 10 TAC §§11.101(a)(1) and 11.305(b)(3).
 - Note: The Certification of Development Owner includes stipulations regarding the conformity of the Site with the Department’s rules regarding the floodplain.
- Farmland Designation: to be completed only if requesting Direct Loan funds.
- Site and Neighborhood Standards: A statement from the Applicant regarding how the Development will promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons AND DP-5 demographic Census data must be submitted behind this tab if the Applicant for Direct Loan funds is proposing a New Construction or Reconstruction Development.
- School Rating:
 - The table allows you to identify up to five public schools, the grade levels served at those schools, and their TEA Accountability Ratings.
 - Complete the yellow box if the school district has no attendance zones.

Tab 9: Site Information Form Part II

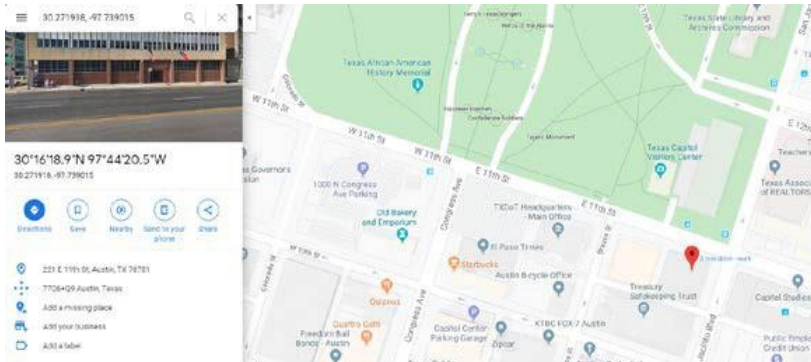
This form should be completed for Competitive HTC and Direct Loan Applications. All items on this form are related to scoring criteria and the selections made here will populate the self-score form. **The Concerted Revitalization Plan (CRP) packet should be included in the Application behind Tab 10.** The packet is posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

- Part 1 – Opportunity Index:
 - Applications must meet one of the threshold requirements in order to score points for amenities.

- Use the drop-down boxes to indicate items selected for points Distance from a veteran’s hospital, veteran’s affairs medical center, or veteran’s affairs health care center has been added.
- The Application must include one or more maps indicating the location of the Development Site and the related distance to the applicable facility.
- Distances are to be measured from the nearest boundary of the Development Site to the nearest boundary of the property or easement containing the facility, unless otherwise noted. For the purposes of this section, all measurements will include ingress/egress requirements and any easements regardless of how they will be held.
- Include backup documentation for ALL selections.
- Certify that no members of the Applicant or Affiliates had an ownership position in the amenity or served on the board or staff of a nonprofit that owned or managed that amenity within the year preceding the pre-application Final Delivery Date.
- Select the Total Points Claimed from the drop-down box.
- Part 2 – Underserved Area: Select from the seven options available if requesting points for this item, and select the Total Points Claimed from the drop-down box.
 - Years are measured in whole years, and are calculated by deducting the year of the award from the “Board Approval” column of the property inventory of the Site Demographic Characteristics Report from the current year.
 - If §11.9(c)(6)(F) is selected and there are more than six contiguous tracts, include a separate page in the PDF Application listing those tracts.
 - If an Application qualifies for points under Opportunity Index (§11.9(c)(5)), then the Application is not eligible for points under the Colonia or Economically Distressed Area items (§11.9(c)(6)).
- Part 3: Proximity to Job Areas
 - Applicants can score under only one option.
 - Complete the applicable section based on the population of the municipality/unincorporated area if the Development Site is located within the required distance of the corresponding number of jobs.
 - Select the Total Points Claimed from the drop-down box.
- Part 4: Concerted Revitalization
 - If claiming points, be sure that no points are being claimed under the Opportunity Index. Complete the appropriate boxes and select amenities in the Urban or Rural section of Opportunity Index. The CRP Packet is required for Urban and Rural Applications requesting these points, and must be included behind Tab 10. Make sure supporting documentation is included in the CRP packet. The CRP packet must include evidence that the CRP is current at the time of Application Select the Total Points Claimed from the drop-down box.
- Part 5: Declared Disaster Area
 - If claiming points, simply mark the yellow box and select the Total Points Claimed from the drop-down box. The 2024 list of eligible counties is posted on the TDHCA website at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.
- Part 6: Readiness to Proceed
 - For 9% Housing Tax Credit Applications, 1 point is available for applications that meet all the requirements of the section.

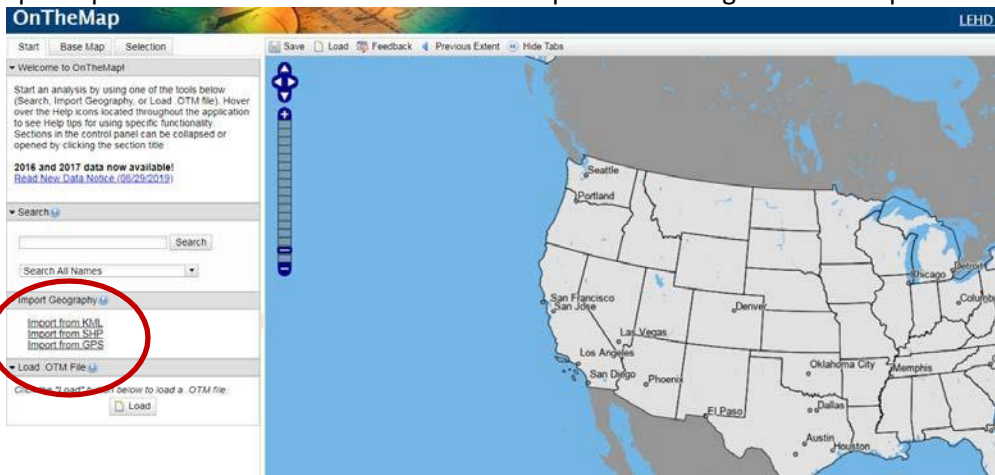
Instructions for using the OnTheMap tool for Proximity to Jobs

Step 1: Provide the GPS coordinates that clearly fall within the boundaries of the Development Site. An Application may have coordinates on the survey provided to meet the requirements of 10 TAC §11.204(14)(D), however this is not required. Staff will accept Applicant verification of GPS coordinates through an online map like Google Maps or Google Earth, **but it must be clear to staff that the GPS coordinates are tied to a spatial point that unequivocally falls within the boundaries of the Development Site.**

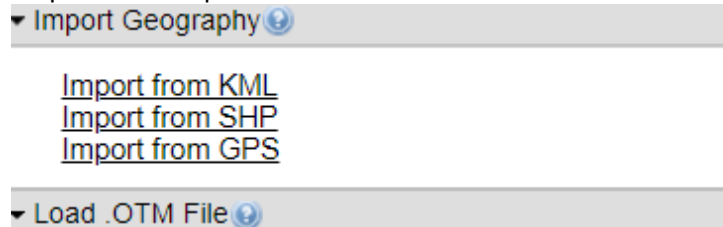


If using Google Maps or Google Earth or a similar mapping program/software, evidence similar to what is seen above must be placed in the Application.

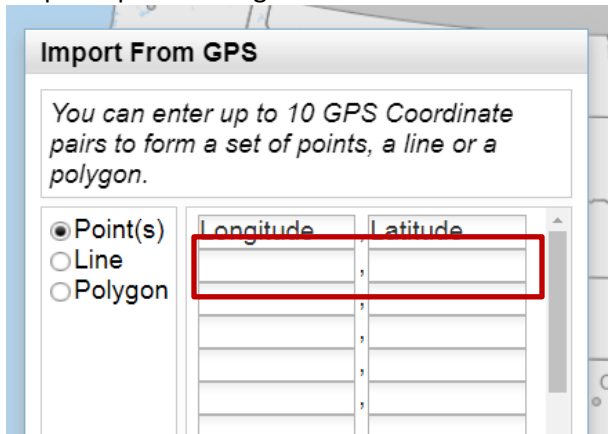
Step 2: Input the Coordinates into the OnTheMap website using their GPS Import function.



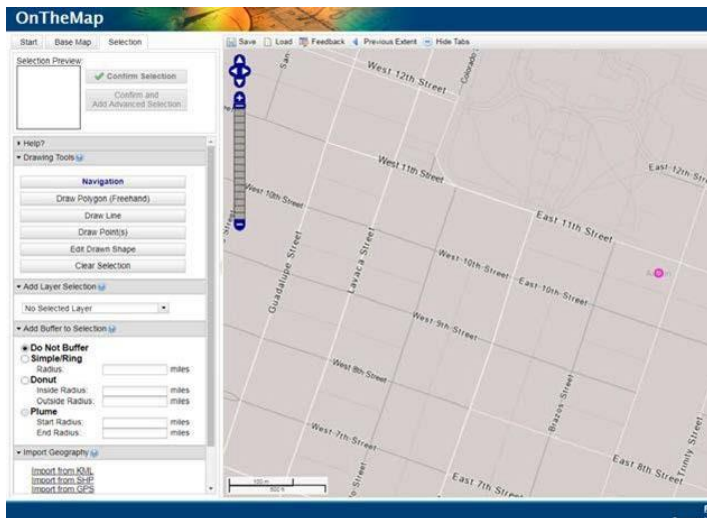
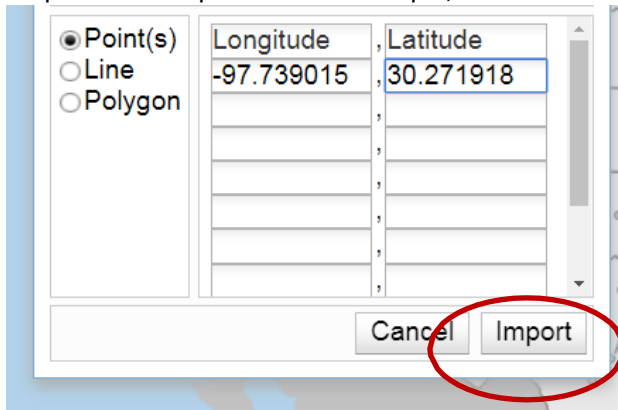
Step 3: Click “Import from GPS” in the area circled above.



Step 4: Input the Longitude and Latitude coordinates.



Step 5: Click "Import." As an example, here are coordinates for the TDHCA headquarters.



Step 6: After clicking "Import," you will see a screen similar to above, with your GPS coordinates now represented as a spatial point. In the area circled above, you now specify that you will look at jobs within a 2 mile radius of the spatial point.

▼ Add Buffer to Selection ⓘ

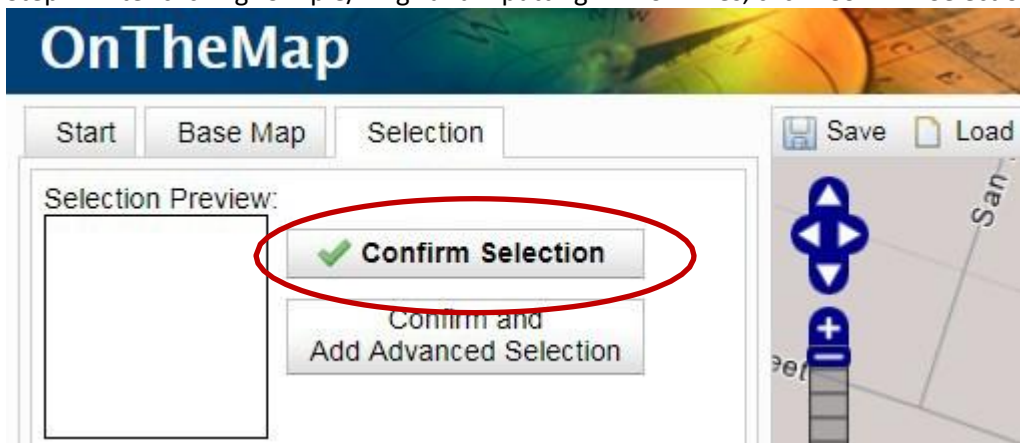
Do Not Buffer

Simple/Ring
 Radius: miles

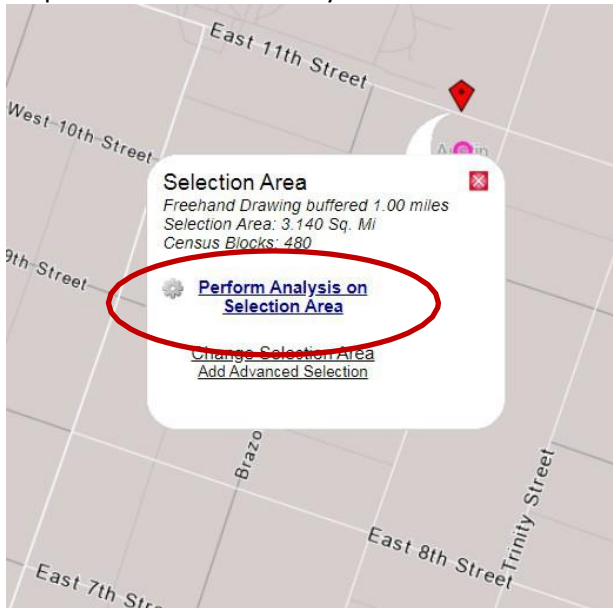
Donut
 Inside Radius: miles
 Outside Radius: miles

Plume
 Start Radius: miles
 End Radius: miles

Step 7: After clicking “Simple/Ring” and inputting “2” for miles, click “Confirm Selection.”

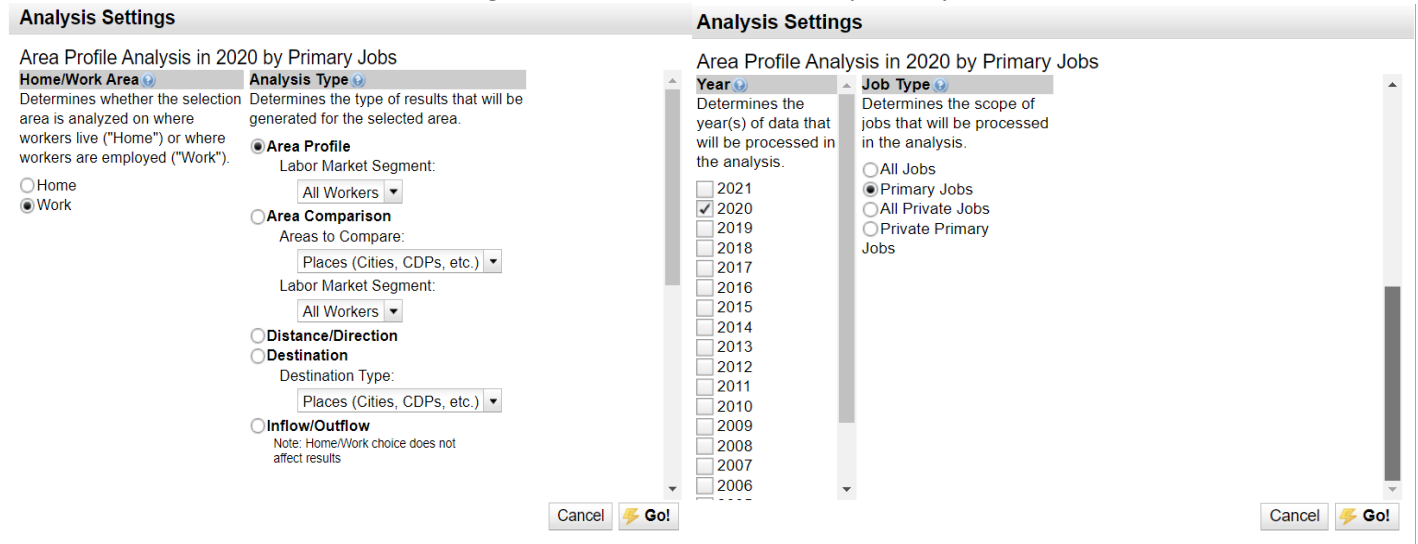


Step 8: Click “Perform Analysis on Selection Area”

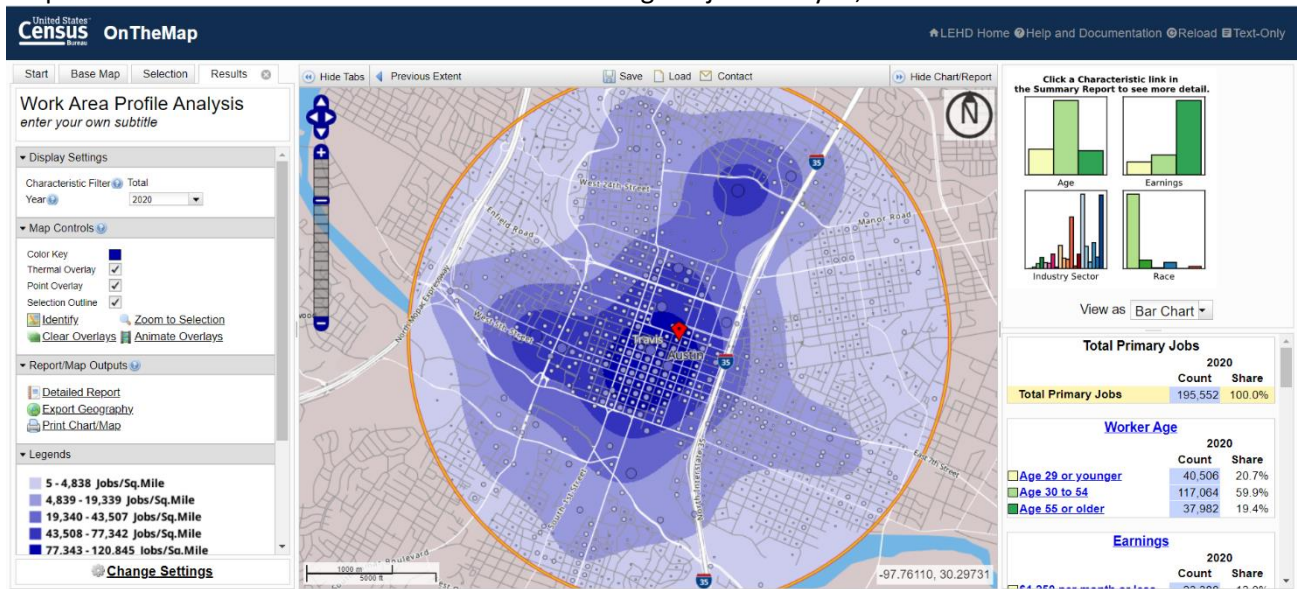


Step 9: Check the following boxes for certain categories: “Work” in column 1; “Area Profile” and “All Workers” in column 2; “2020” in column 3; and “Primary Jobs” in column 4. The latest data set posted to

the US Census website on or before August 1, 2023 will be used as required by the QAP.



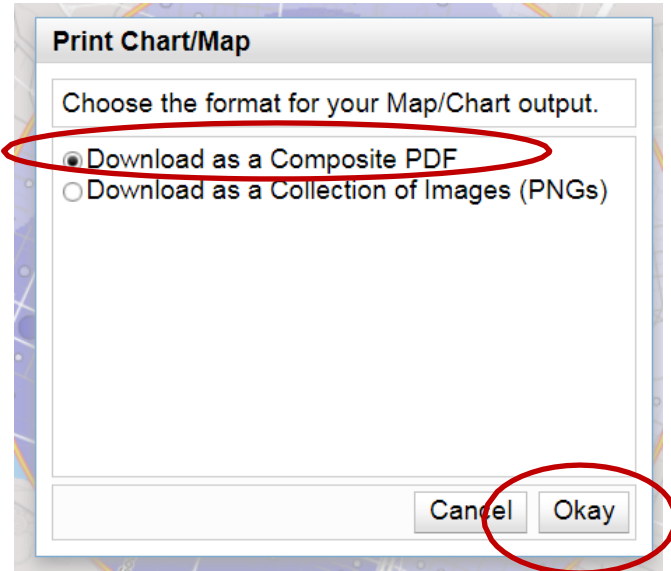
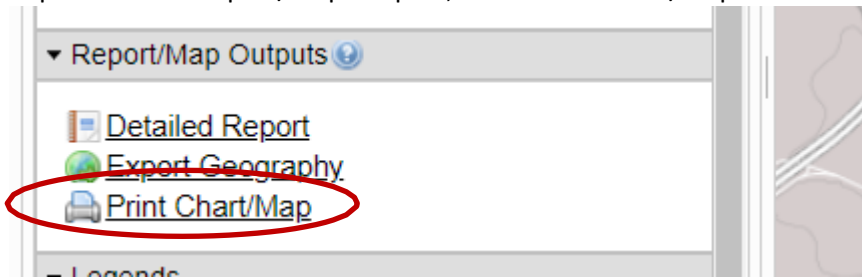
Step 10: Click “Go.” You will then see a screen showing the jobs analysis, similar to this:



Be sure to zoom out, using the zoom tools circled above, so that the entire 2 mile radius can be seen around the spatial point.

IMPORTANT: take a screen shot at this point to show evidence of the coordinates (“ctrl, PrtScn” on the keyboard, then paste to a blank document, format as needed, then PDF). Include the screenshot behind Tab 2 in the PDF Application.

Step 11: Under “Report/Map Outputs,” click “Print Chart/Map.”



Select “Download as a Composite PDF” and then click “Okay.” This produces a PDF report, with the map and the total job count. This report also has a time stamp so that staff can confirm that the report was generated on or after August 1, 2023 but before the Pre-Application Final Delivery Date. **Include this report and the screen shot in the PDF Application.**

Tab 10: Supporting Documentation for the Site Information Form Part II

- Opportunity Index information:
 - The map(s) should indicate the location of the Development Site and include an accurate radius appropriate for the asset. Refer to §11.9(c)(5)(B) for details regarding the radius.
 - Supporting documentation for each amenity selected should be included behind this tab. The documentation must provide evidence that the amenity meets each requirement of the QAP.
 - Written statements that the amenity meets the rules are not sufficient; evidence of how the amenity meets the rule is required.
 - Where applicable, Applicant must include a print-out of an online form showing that the entity is included in the applicable database:
 1. Evidence of the licenses held by child care centers can be found by searching for the child care center on the Department of Family and Protective Services (DFPS) website at: http://www.dfps.state.tx.us/Child_Care/Search_Texas_Child_Care/ppFacilitySearchDayCare.asp.
 2. Evidence of university of community college accreditation can be found by downloading the list of universities or community colleges on the Texas Higher Education Coordination Board (THECB) website. If the institution is listed, it is properly accredited: <http://www.txhighereddata.org/Interactive/Institutions.cfm>.
- Evidence of Underserved Area (§11.9(c)(6)):
 - For sites located within a colonia, Evidence of the boundaries of the colonia from the Office of the Attorney General and a map showing the colonia is located within 150 miles of the Rio Grande river border is also required. Information regarding colonias can be found by using the Border Colonia Geography Online tool on the Attorney General’s website at: <https://www.texasattorneygeneral.gov/cpd/colonias>.
 - For sites in an economically distressed area, the Application must include evidence that the site is located in both of the following:
 1. A census tract that has a median household income that is less than 75 percent of the statewide median household income.
 2. A municipality or county that has been awarded EDAP funds administered by the Texas Water Development Board (TWDB) within the five (5) years ending at the beginning of the Application Acceptance Period This information can be found by clicking on “EDAP status report” on the right side of the page of the TWDB website at: <http://www.twdb.texas.gov/financial/programs/EDAP/index.asp>.
 - For sites located in areas covered in items (C), (D), (E) or (F), the year count will be based on January 1 of the year of award.. **Use the year indicated in the “Board Approval Year” column of the Property**

Inventory tab of the Site Demographic Characteristics Report to find this information.

- For item (G), include evidence of the date the Development was placed in service, evidence that the Development is still occupied, and evidence of the source(s) of funds for any rehabilitation that has been performed on the Development.
- Proximity to Job Areas:
 - Provide the Composite PDF report showing the date the report was run. **Data will be based on the latest data set posted to the US Census website on or before August 1, 2023.**
- Concerted Revitalization Plan:
 - **If requesting points for a concerted revitalization plan, the CRP packet must be submitted behind this tab.** The packet may include either the entire plan or a link to the plan. In general, the CRP packet must include a description of where specific information can be found in the plan including evidence of adoption and any delegation of parts of the plan. Identify where each component of §11.9(d)(7)(A) for Urban and §11.9(d)(7)(B) for Rural have been met within the plan itself or using third party evidence. No more than two (2) plans may be submitted for each Application.
- Declared Disaster Area:
 - If the county in which the Development Site is located is listed on the 2024 List of Declared Disaster Areas, no further documentation is required.
 - If the Applicant believes the county in which the Development Site is located was omitted from the list and should be listed, include evidence that the Development Site is located in an area declared to be a disaster area under Tex. Gov't Code §418.014 at the time of the Full Application Delivery Date, or at any time within the two-year period preceding the Full Application Delivery Date (on or after March 1, 2024).
- Readiness to Proceed:
 - If claiming points, the Application must include a certification from the Applicant stating that site acquisition and building construction permit submission will occur on or before the last day of March of the following year. Applications must include acknowledgement from all lenders and the syndicator of the required closing date.
 -
 - **These points are not available in the At-Risk or USDA Set-Asides.**
 - **The Board cannot and will not waive the deadline and will not consider a waiver under its general rule regarding waivers. Failure to acquire the site and submit construction permits by March deadline will result in penalty under 10 TAC §11.9(f), as determined solely by the Board.**
 - Applications that remain on the waiting list after awards are made in late July that ultimately receive an award will receive an extension of the March deadline equivalent to the period of time between the late July meeting and the date that the Commitment Notice for the Application is issued.

Tab 11: Site Information Form Part III

- This form is divided into 5 parts. All Applicants must complete the first four parts, and part five is relevant for tax credit (9% and 4%) Applications only.
 - Part 1: Site Acreage
 - Identify the acreage listed on each of the four Application exhibits. The site acreage in each of the four spaces should agree. If there are discrepancies, the acreage of the site plan should at least be contained within the acreage of each of the other exhibits.
 - The site control document (e.g. purchase contract, lease and/or deed) often reflects more land than the site plan but may never indicate less (unless the site

control documents include multiple documents, each relating to a portion of the site, all of which encompass the entirety of the site).

- The entry for the site plan is the most important of the four entries. It must be the actual size of the final Development Site, taking into account any reductions for any circumstances (easements, dedications, etc.) that require land to be taken away from the final Site as it will be defined in the LURA.
 - The size of the Site that is reflected by the appraisal, if applicable, should match the size indicated by the site plan in that it should never be less than the size in the site plan. However, under certain circumstances, more land might be appraised than the final Site.
 - The ESA, like the site control document, often encompasses more land than the area of the final Development Site, but it may never be a lesser amount.
 - Added are the survey and the engineer’s Site Plan that are found in the Feasibility Report.
 - Note: Any differences in the sizes of the land stated in any of the four responses should be explained in the space provided, e.g., more land was purchased and studied in the ESA than is projected to be used for the Development Site. **We need to know any and all factors that may make the size of the final Development Site different from that presented in Application documents.**
 - Part 2: Site Control
 - Complete the yellow highlighted cells identifying the seller, date of sale and any relationship between the seller and the Applicant and/or any member of the Development Team. Explain any relevant affiliations.
 - Identify all sellers of the property or any interest therein for the 36 months prior to January 2, 2024, and their relationship to the Applicant.
 - Be sure to include the date of last sale.
 - NEW: For Tax-Exempt Bond Developments, if the Application involves an Identity of Interest transaction, an explanation regarding how the project qualifies for acquisition credits given the requirements of IRC §42(d)(2)(B)(iii) must be provided in the box.
 - Indicate the document being presented as evidence of site control by marking the appropriate box and fill in the expiration date and estimated closing date of the contract for lease, purchase, or other form of conveyance as applicable.
 - If the Applicant will not have fee simple ownership of the property upon closing on the financing, please indicate the type of interest the Applicant will have in the property in the text box at the bottom of Part 2.
 - For Tax-exempt Bond Developments that do not include a request for Direct Loan or include the Department as the bond issuer, the Applicant must select one of the two boxes indicating whether the Site Control submitted to the BRB for the Certificate of Reservation to be issued is still valid OR that there have been changes to the Site Control since reviewed by BRB. If there have been changes the Applicant should include a description of the changes in the box provided. **NOTE: If Identity of Interest land acquisition or Acquisition/Rehabilitation then Site Control must be provided regardless.**
 - Part 3: Ingress/Egress and Easements
 - If land for ingress and/or egress and any easements is held separately from the property described in the site control documents, describe how the land is held. Documentation of rights of ingress/egress must be included within site control.
 - Part 4: Re-platting or Vacating Requirement
 - If control of the entire proposed Development Site requires that a plat or right

of way be vacated, evidence that the vacation/re-platting process has started must be included in the Application, and evidence of control of the entire Development Site must be provided by the time of Commitment, or Contract, as applicable.

- Part 5: 30% Increase in Eligible Basis (“Basis Boost”)
 - The “boost” may be granted to tax credit Developments in certain locations and/or for certain types of Developments. If the Development is in an eligible QCT, Rural, Supportive Housing, or in a high opportunity area, these boxes will auto-populate. If claiming the boost under §11.4(c)(2) or §11.4(c)(3)(D) or (E) or (F), mark the appropriate box.
 - If claiming eligibility for the boost for a Development located in a Small Area Difficult Development Area (SADDA), or for Rural areas located in a Difficult Development Area (non-metro DDA), a SADDA or non-metro DDA map must be submitted that clearly shows the proposed Development is located within the boundaries of a SADDA or non-metro DDA, as applicable.
https://www.huduser.gov/portal/sadda/sadda_qct.html
 - If claiming eligibility for the boost by restricting additional units for households below 30% AMGI, note that the Application does not make this calculation and that applicants should reference 10 TAC §11.4(c)(3)(D) as well as 10 TAC §11.9(c)(1) and (2) to ensure that enough units are set aside to meet these requirements.
 - For Competitive HTC Applications submitted in 2024, the 2024 lists of Qualified Census Tracts (QCTs) and DDAs are effective. For 4% HTC Applications, refer to 10 TAC §11.4(c)(4) regarding how the boost will be considered based on effective dates and other factors relating to QCTs and DDAs.
 - If claiming eligibility for the boost for a Development located in a Qualified Opportunity Zone, a Qualified Opportunity Zone map must be submitted that clearly shows the proposed Development is located within the boundaries of an eligible census tract.
 - [Opportunity Zones - Map | opportunityzones.hud.gov](https://www.opportunityzones.hud.gov)
 - Note: Per IRS Announcement 2021-10, the boundaries of opportunity zones are unaffected by 2020 census changes.

Tab 12 – Supporting Documentation from Site Information Part III

Provide the site control document, title commitment or policy, and each MFDL exhibit as applicable according to the list provided in the Application. Note: **For Applications involving scattered sites, please group all applicable items below**, identifying the Site by the line number in the Multiple Site Information Form (e.g. if there are five different scattered sites, provide the site control, zoning, etc. for Site #1 in a group, and the same for Site #2, etc.).

- Evidence of Site Control: See 10 TAC §11.204(9) for details regarding site control. Be aware that for Competitive HTC Applications the rules for scoring the submission of a pre-application are affected by site control.
 - If the evidence is not in the name of the Development Owner, then an Affiliate of the Development Owner must have site control that does not expressly preclude an ability to assign the Site Control to the Development Owner or another party.
 - If in the form of a lease or contract for lease, the existing lease must have 45 years remaining, or the contract must be for a minimum 45-year term.
 - For identity of interest transactions, refer to 10 TAC §11.302(e)(1) regarding how the acquisition cost will be underwritten.
 - For scattered sites, if submitting multiple contracts, deeds, etc. each one must meet all

- of the requirements of 10 TAC §11.204(9). Each must clearly have the address identified and be consistent with the Scattered Site Information Form (e.g. If the Development consists of 3 parcels of Property, 3 contracts/deeds, etc. must be provided or one form of site control must clearly identify and cover all 3 parcels).
- If ingress and egress to a public right of way are not part of the Property described in the site control documentation, the Applicant must provide evidence of an easement, leasehold, or similar documented access, along with evidence that the fee title owner of the property agrees that the LURA may extend to the access easement.
 - Title Commitment or Title Policy: See 10 TAC §11.204(11) for detailed requirements regarding title documents.
 - Tax-Exempt Bond Developments that do not include a request for Direct Loan or include the Department as the bond issuer and do not involve an Identity of Interest are exempt from this requirement.
 - The title commitment or policy should be in the name of the Development Owner. In addition, the current owner reflected on any title commitment or policy should match the current owner listed on any purchase or lease agreements.
 - If documentation is more than six months old prior to the beginning of the Application Acceptance Period a letter from the title company/Bureau of Indian Affairs indicating that nothing further has transpired on the policy, commitment, or status report must be provided.
 - For scattered sites, a title for each separate Site must be submitted. Each must have the Site clearly identified. It must be consistent with the site control document submitted for the same piece of Property as well as the Scattered Site Information Form (e.g. if the Development consists of 3 parcels of Property, 3 separate labeled titles must be provided).
 - Increase in Eligible Basis (For 9% or 4% HTC)
 - If claiming eligibility for the boost for a Development located in a QCT, a QCT map must be submitted that clearly shows the proposed Development is located within the boundaries of a QCT. In addition, New Construction or Adaptive Reuse Developments must include a resolution if claiming eligibility for the boost for a Development located in a QCT with greater than 20% HTC Units per total households, pursuant to 10 TAC §11.4(c)(1).
 - If claiming eligibility for the boost for a Development located in a SADDA or non-metro DDA, a SADDA or non-metro DDA map must be submitted that clearly shows the proposed Development is located within the boundaries of a SADDA or non-metro DDA.
 - 30% Units used for the boost cannot be used to meet any scoring criteria or to meet any MFDL program requirement.

Tab 13: Multiple Site Information Form

The Multiple Site Information Form was created as an aid to determining how lots and tracts that have separate descriptions fit together to form the Development.

- If a Development proposal requires the submission of more than one purchase contract, lease contract or deed to evidence Site Control, the Applicant must complete one block of the Multiple Site Information Form for each Property that will be aggregated into the Development.
- In general, the Application must sufficiently describe the properties in the contracts and deeds so that each Property can be identified within the survey(s) of the Development Site(s).
- Evidence must show that the Property determined by the survey of the Development Site is entirely under the Applicant’s Control and any land that is purchased in excess of the Development Site must be described in a way that makes the excess area apparent in both quantity and location.

- In all cases, the Application must include a survey that indicates the legal description of each lot, alley, roadway and tract as described in the documents evidencing the Applicant’s Control. If more than one survey is necessary to depict the land under control, the relative locations of the land should be clear and the fit of each part into the whole should be apparent. If a contract includes land that is only described by metes and bounds, a survey showing the boundaries corresponding to these same metes and bounds and labeled with the corresponding bearings and distances should be provided.
- **In all cases, the Application must include an overlay plat of the Development Site, including any accessible pedestrian routes or private roads that the Development Owner controls, and any public road or similar barrier where the Development Owner has a written agreement with the public entity stating that the accessible route will remain for at least the term of the LURA.**
- The desired result of these descriptions and drawings is a clear depiction of the land under the Applicant’s Control and the relationship of this land to the Property that will be the Development Site(s). A further explanation of the information requested for multiple site development proposals is provided by the instructions for filling out the Multiple Site Information Form in the Application itself.
 - Note: Lines 163-437 are hidden and available should additional spaces be needed.

Tab 14: Public Notifications

- If a pre-application was submitted that correctly identified all the elected officials, and no re-notifications or corrections are required (e.g., no information has changed), check the first box and leave the rest of the form blank.
- If a pre-application was submitted and additional notification or re-notification was required for any reason, check the second box. Complete the entire form, indicating the elected official(s) that were notified or re-notified prior to submission of the full Application.
- If no pre-application was submitted, check the third box and complete the entire form.
- Please note that this form becomes part of the Certification of Notifications. For details regarding the notification requirements, refer to 10 TAC §11.203.

Tab 15: Neighborhood Organizations

- If a pre-application was submitted that correctly identified all the Neighborhood Organizations, and no re-notifications or corrections are required (e.g., no information has changed), check the first box and leave the rest of the form blank.
- If a pre-application was submitted and additional notification or re-notification was required for any reason (whether changes to the Application or to the Neighborhood Organization), check the second box. Complete the entire form, indicating the Neighborhood Organization(s) that were notified or re-notified prior to submission of the full Application.
- If no pre-application was submitted, check the third box and complete the entire form.
- **This includes all Neighborhood Organizations on record with the state or county 30 days prior to the beginning of the Application Acceptance Period whose boundaries include the entire proposed Development Site.**

Development Activities

Tab 17: Development Narrative

The Development Activities tabs are colored red, and contain all information regarding the planned

construction on the Site. This includes physical features, such as architectural drawings, Development amenities, and Target Population.

- Part 1: Construction Type
 - Choose one construction type from the drop-down menu and answer all appropriate questions. Note that Applications proposing adaptive reuse must select “New Construction” as the construction type and select “Adaptive Reuse” as the secondary type (adaptive reuse for new construction or rehab for MFDL). If questions are not relevant, answer with N/A, leaving no yellow highlighted cells blank.
 - If Application is proposing to be an additional phase to an existing, previously awarded Development, indicate the name of the existing Development and the Application ID associated with that Development.
- Part 2: Target Population
 - Identify the Target Population from the drop-down menu provided.
 - Refer to 10 TAC §11.1(d)(47) for more information on how Elderly Development is defined. **If selecting Elderly because the proposed Development receives federal funding that has a requirement for a preference or limitation for elderly persons or households, but must accept qualified households with children, complete the statement in this section by choosing the funding source from the drop-down menu in the space provided and submit supporting documentation for that financing behind the tab.** To the extent that the Development will receive other funding that has a requirement for a preference or limitation with regard to population(s) served, a text box is available for Applicants to indicate the type of funding and the preference or limitation imposed by that type of funding.
- Part 3: Staff Determinations
 - If a staff determination was made pursuant to §11.1(l), mark the box with an “x” and submit a copy of the determination behind this tab. If a waiver was previously approved by the Board, mark the box with an “x” and submit a copy of the Board write-up behind this tab. If no determination or waiver was required, simply leave the box blank.
- Part 4: Narrative
 - Applicants are required to provide a brief development narrative and should also use this space as an opportunity to explain any unique circumstances surrounding the proposed Development. The narrative must describe unusual aspects including, but not limited to, the following:
 - Unusual or complex Site Control arrangements and/or relationships between buyer and seller or landlord and tenant, e.g., condominium, leasehold, leased fee, Related Parties, etc.;
 - Unusual building types, e.g., mid-rise, high-rise, modular construction, historic structure;
 - Uses other than residential rental units, e.g., structured parking garage, commercial space (retail, office, etc.), community center, etc.;
 - Rental subsidies and/or operating subsidies (summary in Development Narrative with detail in Financing Narrative);
 - Age or population restrictions
 - Considerations regarding general public use requirements and the Integrated Housing Rule;
 - Descriptions of unusual tenant services; e.g., if space will be provided for medical services/exams, state clearly who will provide those services to ensure no violation of 10 TAC §11.101(b)(1)(A)(iii);
 - Unit configuration changes on Rehabilitation Developments; and

- Any and all issues that would require approval or clearance by staff or the Board.
 - **Please double-check that any specific information about the Development that is also provided elsewhere in the Application is consistent. For example, if the narrative describes 4 residential buildings, then the architectural plans and Building/Unit Configuration form should reflect the same.**
- Part 5: Funding Request
 - Applicants should carefully fill in all relevant cells highlighted in yellow. This form is used to auto-populate other parts of the Application, including the scoring item related to Leveraging of Private, State and Federal Resources. Applicants are encouraged to review this form carefully for errors.
 - There is no verification of funding amounts built into the Application, so Applicants should also be aware of any funding limit requirements before completing this form.
 - NOTE: For Tax-Exempt Bond Developments, pursuant to §11.201(2), if at the time of Application submission, other Department funding is over-subscribed, the submitted Application cannot include a request for such funds.
- Part 6: Set-Aside
 - This section is applicable to Multifamily Direct Loan and Competitive HTC Applications only.
 - Applicant should indicate if Development will provide a High Quality Kindergarten at the Development Site.
 - Applicants will be asked to submit the appropriate supporting documentation for the set-aside at different parts of the Application. **Selections for At-Risk and USDA are independent of each other. Only select both if both apply. An Application can be At-Risk without being USDA, and the opposite is true. Only select what is true for your Application.**
 - For the MFDL selections, indicate which NOFA applies and which Set-Aside applies.
 - **For Competitive HTC Applications seeking Pre-application Participation points, Set-Asides may not be changed from pre-application to Application.**
 - Part 7: Previously Awarded State and Federal Funding All cells highlighted in yellow require data entry or selection by the Applicant. If a particular question is not applicable to the Application, type in “N/A.”
- Part 8: Qualified Low Income Housing Development Election
 - This applies only to HTC (9% and 4%) Applications. Applicants should understand that once an election is made it is irrevocable. Applicants are also encouraged to check this election against the Rent Schedule to ensure that there are enough 50% or 60% Units (whichever is applicable) to be consistent with the election, or that the average does not exceed 60% AMFI if electing Average Income, and, for competitive HTC Applications, that the average does not exceed the percentage pursued through competitive scoring in §11.9(c)(1)(C) or (D).
- Part 9: Scope of Work Narrative
 - For Rehabilitation (excluding Reconstruction) and Adaptive Reuse Tax-Exempt Bond Developments that do not include a request for Direct Loan or where the Department is not the bond issuer, a Scope and Cost Review is not required. However, the Application must include a Scope of Work Narrative, as described in 10 TAC §11.306(k), behind this tab.
 - **Remember: 20/50 requires ALL Units in the set-aside to be 50% or less and they can NEVER rise to 60%. 40/60 allows for Units to be at 50% and they can rise to 60% in the future.**
 -

Tab 18 – Development Activities Part I

This tab is divided into 4 parts, all of which need to be completed for all Applications. The selections made here serve to certify that the Development will meet various requirements under 10 TAC §11.101.

- Part 1: Common Amenities
 - The number of units and points will auto-populate. Applicants proposing scattered site Developments should review this rule carefully in order to determine the appropriate number of points.
- Part 2: Unit Requirements
 - Mark the one appropriate highlighted cell each from Part A and Part B.
- Part 3: Resident Supportive Services
 - Mark the highlighted cell that is applicable.
- Part 4 – Development Accessibility Requirements - Mark the appropriate cells. Applicants should pay special attention to ensure that the design of the Development is in compliance with 10 TAC §11.101(b)(8).

Tab 19 – Development Activities Part II

This tab is divided into 12 parts. All items on this form relate to scoring criteria and are not applicable to 4% HTC. Except for Parts 2 and 3 that relate to MFDL, the selections made here will populate the self-score form.

- Part 1: Size and Quality of the Units
 - Mark the appropriate highlighted cell. Points claimed will auto-populate.
- Part 2: Quantity of Low Income Units
 - Only Applicants applying for 9% Competitive Housing Tax Credits can complete this part. If an application elects to score points under the Quantity of Low Income Units, the applicant must select one of the available box's based on their designation of Urban or Rural.
- Part 3: Income Levels of the Residents
 - For Applications electing 20% at 50% or 40% at 60%:
 - The Rent Schedule must be completed before a score can be calculated.
 - The Total Number of Low-Income Units at 50% or less of AMGI will auto-populate from the Rent Schedule.
 - You must enter (in the second box) the number of 30% Units from the above number that will be used for points under 10 TAC §11.9(c)(2).
 - **Note: This number cannot be greater than but can be less than or equal to the total number of 30% Units indicated in the Rent Schedule.**
 - You must enter (in the third box) the number of 30% Units that will be used to satisfy the requirements of §11.4(c)(3)(D) related to the Increase in Eligible Basis (30% boost). **Applicants not requesting the boost or achieving the boost under another provision (QCT, Rural, etc.) should leave this box blank.**
 - The fourth box will subtract all of the 30% Units used for either points or the boost from the total number of Units at 50% or less of AMGI.
 - The fifth box will calculate the percentage of Units at or below 50% of AMGI available for points under 10 TAC §11.9(c)(1).
 - The boxes to the right of the scoring items will populate based on the information entered. This is to allow the Applicant to see the score supported by the entries. These scores do not populate the Self Score form. Select your score in the yellow box at the end of the scoring item.
 - For Applications electing Average Income:
 - See the average income calculation worksheet added under Tab 24a. Based on data entered in the Tab 24 worksheet, the average income percentage

calculation will populate. Changes must be made on the calculation worksheet if the average is not what the Applicant intended. Include this worksheet in both the Excel and PDF versions of the Application.

- Select requested points in the yellow highlighted cell (if requesting points).
- Part 4: Rent Levels of the Residents
 - Select the highlighted cell that is applicable. The Rent Schedule must be complete before a score can be calculated, and the Total Points claimed will not auto-populate if more than one box is marked.
 - Note: There is no calculation to determine eligibility for points. Applicants need to double check that points claimed here are consistent with the number of Units represented in Part 3, cell B36, “Number of Units used to score points under §11.9(c)(2).”

Income & Rent Levels of Residents Worksheet The worksheet does not apply for those Applications electing average income. Except for the income averaging portion, Parts 3 and 4 above both relate to income targeting and are similar in many ways. However, it is important to note that the Income Levels of Residents awards points for the number of Units at or below 50% AMGI, which may include 30% Units. The Rent Levels of Residents awards points solely on the number of Units at 30% AMGI. **It is important that the same 30% Units are not counted for both scoring items.** Staff created a table located outside of the print area of the Development Activities exhibit (Tab 19a) to assist Applicants in determining their eligibility for points. The worksheet should be submitted in the PDF Application. The worksheet is a tool for use by Applicants to determine their eligibility for points under 10 TAC §§11.9(c)(1)(A) or (B) and 11.9(c)(2) depending on how many total LI Units are proposed.

- Column (a) contains a highlighted yellow cell that represents the total number of LI Units. Applicants can manipulate this cell to determine the number of Units at or below 50% AMGI needed for points under §11.9(c)(1) and the number of LI Units left over to qualify for points under §11.9(c)(2).
- Once the Rent Schedule has been completed, the top right-hand corner of the worksheet pulls from it the total number of low-income (LI) Units as well as the total number of 30% Units. These two numbers cannot be manipulated.
- Above column (a), there is a cell for Applicants to input the number of 30% Units being used to satisfy the boost provision under §11.4(c)(2)(D); Applicants not requesting the boost or achieving the boost under another provision (QCT, Rural, etc.) should not enter anything into this cell in order to effectively use the worksheet. TIP: In order to double-check the final Application submission and eligibility for points, this number should equal the red bolded number that auto-populates in the right-hand corner.

Applicants should always independently verify that the calculations are correct and that the spreadsheet is not rounding. Staff attempts to include calculations in certain areas as a courtesy but it is the Applicant's responsibility to verify that their Application meets the underlying rules.

- Part 5: Resident Supportive Services
 - This is a scoring item for all 9% HTC and MFDL Applications.
 - Select a highlighted cell if applicable.
- Part 6: Resident Populations with Special Housing Needs
 - This is a three-part scoring item for 9% HTC Applications worth up to three (3) points. Refer to the rule for all of the requirements for the scoring items:
 - In Part A, the Applicant elects to commit at least 5% of the total Units for Persons with Special Housing Needs. Units identified for this scoring item may not be the same Units identified previously for the Section 811 Program. Part A is worth two (2) points.
 - One (1) point can be scored in Part B only if points were elected in Part A. In Part B, the Applicant elects to commit at least an additional 2% of the total Units to Persons referred from the Continuum of Care or local homeless service providers to be made available for those experiencing homelessness.
 - In Part C, If the Development is Supportive Housing and has a proposed occupancy preference or limitation for Veterans or a subgroup of only Veterans that is required or allowed by other federal or state financing by the Full Application Delivery Date. These points are only available to the Developments that are proposed to be located on sites owned by the United States Department of Veterans Affairs (1 point).
- Part 7: Pre-application Participation

- Mark the highlighted cell if claiming points.
- Part 8: Extended Affordability
 - Mark the highlighted cell of the applicable election if claiming points.
- Part 9: Historic Preservation
 - If claiming points for Historic Preservation, documentation must be submitted behind this tab. All appropriate boxes must remain checked for points. A letter from the Texas Historical Commission stating that the property is already a Certified Historic Structure OR that the Commission has established preliminary eligibility for the structure are acceptable for points.
- Part 10: Right of First Refusal
 - Mark the highlighted cells if claiming points.
- Part 11: Funding Request Amount
 - Mark the highlighted cell if claiming points.

Tab 20: Existing Development Information

This form is divided into three sections, which are all relevant to specific types of Applications. See the headings for each part to determine if it is applicable.

- Part 1: At-Risk Set-Aside (Competitive HTC Developments applying under the At-Risk Set-Aside Only)
 - Section A: Mark the highlighted cell next to all applicable subsidies or benefits. Mark each condition that is applicable.
 - Section B: If the At-Risk units are owned by a Public Housing Authority, mark each box that is applicable. Be sure to include all applicable information for RAD Developments. The Application should indicate the PHA under which the RAD Units proposed for the Development have been reserved.
 - All boxes that apply to a Development applying under the At-Risk Set-Aside under Sections C, D, and E should be marked.
- Part 2: Existing Development Assistance (All Applications)
 - Section A. Indicate the type of assistance the Development is expected to have or continue from the drop down box and include a brief description of the restrictions or subsidies in the space provided. Fill in the remaining highlighted cells based on the information in the contract, which should be included behind Tab 35.
 - Section B. If claiming acquisition credits in an HTC Application, fill in all applicable highlighted cells.
 - **Note: A box has been added that requires an Applicant to describe how the acquisition will meet the requirements of IRC §42(d)(2)(B). If the Development does not meet the requirements under Section 42 relating to the 10-year hold period and the Applicant believes it qualifies for the exemptions under Section 42 then an explanation must be included in the box provided.**
- Part 3: Lead Based Paint (Multifamily Direct Loan Applications Only)
 - If the Development was constructed before January 1, 1978, mark each of the highlighted cells that apply

Tab 21 – Occupied Developments

- If any structure on the Development Site is occupied at any time after the beginning of the

Application Acceptance Period, even if demolition is proposed, or if a federal subsidy is being transferred from another site and the costs of relocation will be part of the Total Development Costs one of the following items must be provided (Mark the appropriate box):

- Historical monthly operating statements for 12 consecutive months ending not more than three months from the first day of the Application Acceptance Period; or
- The two most recent consecutive annual operating statement summaries; or
- The most recent consecutive six months of operating statements and the most recent available annual operating summary; or
- All monthly or annual operating summaries available.
- Each of the following items, as applicable, must be provided:
 - A rent roll not more than six months old as of the first day of the Application Acceptance Period that discloses the terms and rates of leases, rental rates offered at the date of the rent roll, Unit mix, and tenant names or vacancy;
 - The rent roll should not be included in the Application, submit it as a separate document to protect resident information. Ensure rent rolls do not include unnecessary information, such as identifying who lives in mobility accessible units.
 - A written explanation of the process used to notify and consult with the tenants in preparing the Application;
 - A relocation plan outlining relocation requirements and a budget with an identified funding source;
 - Any documentation necessary for the Department to facilitate, or advise an Applicant with respect to or to ensure compliance with the Uniform Relocation Act and any other relocation laws or regulations as may be applicable; and
 - Evidence that a relocation plan has been submitted to the appropriate legal or governmental agency.
- If one or more of the above is not applicable, based upon the type of occupied structures on the Development Site, provide an explanation in the highlighted box.

Tab 22 – Architectural Drawings

Please ensure all drawings are legible. Do not submit drawings above and beyond those required under the rules. Anything submitted beyond what is required must be reviewed by staff and will slow down the review process. **Do not submit layered plans.** If when you open your plans the document loads a little bit at a time, the document is layered and we cannot accept it. In order to reduce the file size and speed review of drawings, Applicants are encouraged to submit plans as 600dpi images. Following these steps in Adobe Acrobat will convert most plans:

File > Print > Printer: Adobe PDF > Advanced > Settings: Custom > [v] Print As Image 600dpi > OK
Properties > Adobe PDF Settings > Default Settings: High Quality Print

To mitigate against inconsistencies in the Application, if accessible units are of the same floor plan/unit type as other units, Applicants are not required to specially denote such accessible units within the architect’s table or Building/Unit Type Configuration exhibit as long as these units are specified in the site plan or building floor plans.

- Site Plan
 - Be sure that your architect follows the list closely.
- Building Floor Plans
 - These plans be submitted for each building type. Building floor plans must include the

locations of the accessible Units and must also include square footage calculations for balconies, breezeways, corridors and any other areas not included in Net Rentable Area. These must also include the exterior dimensions (exterior stud face to exterior stud face) of each building type.

- If average income is elected, Application must provide assurance that 20%, 30%, 40%, 50%, 60%, 70% and 80% Unit designations are/will be dispersed across all Unit Types in a manner that does not violate fair housing laws. (10 TAC §10.605).
- Unit Floor Plans:
 - These plans must be submitted for each Unit type and must include the square footage for each type of Unit. Applications for Adaptive Reuse are only required to submit Unit floor plans for each typical Unit type and for all Unit types that vary in NRA by more than 10% from the typical Unit of each type. Unit floor plans must be submitted for the accessible Units for all Developments and must include the exterior dimensions (exterior stud face to exterior stud face) of each Unit Type
- Building Elevations
 - This information be submitted for each side of each building type (or include a statement that all other sides are of similar composition to the front) and must include percentage estimates of exterior composition of each elevation, roofing material and proposed roof pitch. Rehabilitation Developments may submit photographs if the Unit configurations are not being altered and post-renovation drawings must be submitted if Unit configurations are proposed to be altered.

Applicants are encouraged to submit architectural plans grouped by type of plans (e.g., building floor plans for all buildings, followed by unit plans for all units, followed by elevations for all buildings) as opposed to building by building (e.g., all plan sheets for building one, all plan sheets for building two).

Tab 23: Specifications and Building/Unit Configuration

- Specifications and Amenities
 - Required for all Development types (i.e. New Construction, Rehabilitation, etc.); no exceptions. Complete all yellow highlighted cells as applicable. Under parking requirements, indicate number of spaces of each parking type that will be free of charge and number of spaces that will be available to tenants for a fee.
- Building/Unit Configuration
 - Information on this chart should be consistent with the Rent Schedule and the architectural drawings. For Supportive Housing Applications Only: The breakdown of common area square footage at the bottom of the page must agree with the architectural plans.
 - This form includes worksheets 23a, 23b, and 23c. These worksheets will help you determine the distribution of mobility and hearing/visual accessible Units and accessible parking spaces. Include these worksheets in the Application.
 - Parking:
 - Basic requirement: The number of parking spaces must be adequate and consistent with local code, unless there is no local code, in which case the requirement is one and a half (1.5) spaces per Unit for non- Elderly Developments and one (1) space per Unit for Elderly Developments. The minimum number of required spaces must be available to the tenants at no cost.
 - ADA Chapter 2 Section 208 standards always apply to all parking in every

development. In some instances, Fair Housing Accessibility (FHA) requirements will also apply. Below are links to both standards.

<https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.pdf>

<https://www.huduser.gov/publications/pdf/fairhousing/fairch2.pdf>

- **Do not use the information at the bottom of the form unless your Application proposes supportive housing.**
 - Per 10 TAC §11.9(e)(2) related to Cost of Development per Square Feet: If the proposed Development is a Supportive Housing Development, the NRA will include Common Area up to 75 square feet per Unit, of which at least 50 square feet will be conditioned.
- If a revised form is submitted during the Application review process, indicate the date of submission at the bottom of the form.

Tab 23d: Engineer/Architect Certification

- This certification must be executed by the Development engineer or accredited architect can be found on the Department’s website at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.
- New Construction Direct Loan Applicants must have the architect certify Development Site is sufficient in size, exposure, and contour to accommodate the number of Units proposed.
- If the Architect has not signed the accessibility forms in Tab 23 of the Application, the certification requires a separate statement be submitted that describes how the accessibility requirements for the physically accessible/hearing and visual impaired Units will be met, along with related parking requirements. Be sure this statement is attached to this certification.
- The form must be signed, and dated. **No hard copy with original signature/stamp is required, only a scanned copy within the final PDF file. However, a signed and stamped original must be retained and provided on request.**

Development Financing

Tab 24: Rent Schedule

- Submit the final Rent Schedule after deleting any rows that indicate zero (0) as the unit count. The Rent Schedule has been intentionally placed immediately following the Building/Unit Configuration exhibit in an effort to reduce the number of inconsistencies.
- Gross Rent cannot exceed the HUD maximum rent limits unless documentation of project-based rental assistance is provided.
- The unit mix and net rentable square footages must be consistent with the site plan and architectural drawings.
- If any non-rental income is included, describe the source(s) of the income. “Misc” or “Etc.” in the income description is not acceptable.
- If the Development includes loft/efficiency Units, label these Units as “0” bedrooms as provided in the drop-down list.
- **New Construction, or Reconstruction (excluding Elderly Developments and Supportive Housing Developments), there cannot be more than 30% efficiency and/or one-Bedroom Units. New: For Historic Developments, this requirement will not apply to any units constructed within the Historic structure. For any New Construction or Reconstruction undertaken as part of a Historic Application, those newly constructed or reconstructed Units must meet this standard.**
- If applying for HOME funds, the column titled “MFDL-HOME Units” also includes the Income level required for each MFDL Unit designation.
- If applying for NHTF funds, please use the NHTF Units column to indicate Direct Loan units

- **For Tax-Exempt Bond Developments Only:**
 - Choose the applicable Private Activity Bond Priority from the drop-down list.
 - Priority must be designated, as submitted to the Bond Review Board, regardless of Bond Issuer. The income and rent restrictions pursuant to the Applicant’s election under Tex. Gov’t Code §1372.0321 must be identified in the “HTC Units” column. The priority designations include the following:
 - Priority 1(a): Set-aside 50% of the Units at 50% AMGI and 50% at 60% AMGI.
 - Priority 1(b): Set-aside 15% of the Units at 30% AMGI and 85% at 60% AMGI.
 - Priority 1(c): Set-aside 100% of the Units at 60% AMGI for Developments located in a census tract with a median income that is higher than the median income of the county, MSA or PMSA in which the census tract is located.
 - Priority 2: Set-aside 80% of the Units at 60% AMGI; up to 20% of the Units can be at market rate.
 - Priority 3: Includes any qualified residential rental Development. Market rate Units can be included under this priority.
 - Carryforward: in lieu of a Certification of Reservation, a Carryforward Designation was issued.
 - Cost of Development per Square Foot. These cells will calculate automatically when both the Rent Schedule and Development Cost Schedule are completed.
 - Points for this item will be selected at the end of the Development Cost Schedule.
 - NEW: If the Development Site is not in a Participating Jurisdiction and the bonds issued by the local issuer will be claimed by the Department as HOME Match, then the appropriate number of HOME Match-Eligible Units must be included in the HOME Match column.

Tab 24a: Average Income Calculator

Average Income Distribution Tool must be included in the Excel and PDF Application if proposing Average Income.

- Enter information in the yellow boxes as applicable. Other boxes will auto-populate.
- A number, even if it is zero, must be entered in the box for “Number of 30% Units used for 30% boost.”
- The average will not calculate unless a number is entered for the boost Units and the table is completed.
- If this does not apply to you, skip this section.
- If a revised form is submitted during the Application review process, indicate the date of submission at the bottom of the form.

Tab 25: Utility Allowances

- Where the Applicant uses any method that requires Department review, including Applications for Direct Loan, such review must have been requested prior to submission of the Application.
- Drop down lists are provided to identify “Who Pays” for the utility service and what type of “Energy Source” will be used.
- If Development is all bills paid, utilities and energy source is still required.
- The “Total paid by tenant” calculates only those energy sources for which it is indicated the

tenant pays.

- Applicants with HOME annual or HOME matching units may be prohibited from using the PHA schedule per HUD regulations.
- Remember to include your support documentation:
 - Current PHA utility allowances sheet
 - USDA Rural Housing Services utility schedule (for RHS-regulated buildings)
 - HUD utility schedule (for HUD-regulated buildings)
 - TDHCA pre-approval of the following is required prior to Application submission (10 TAC §10.614(k)):
 - HUD Utility Schedule Model
 - Written Local Estimate
 - Energy Consumption Model
 - Actual Use Method/Agency Estimate
- If a revised form is submitted during the Application review process, indicate the date of submission at the bottom of the form.
- More information can be found at: <https://www.tdhca.state.tx.us/pmcomp/utility-allowance.htm>.

Tab 26: Annual Operating Expenses

- Fill in all yellow highlighted cells.
- You must describe any “Other” cost included in any of the expense categories. “Misc” and “Etc.” are not acceptable descriptions. The cells state “describe” in red to remind you to enter a description.
- Annual Debt Service should be consistent with information provided in the Summary of Sources and Uses of Funds form as well as the 15 Year Pro Forma.
- Expense per Unit, Expense to Income ratio, and Debt Service Ratio will be calculated automatically. Applicants should familiarize themselves with the underwriting rules (Subchapter D of the QAP) regarding thresholds for these items.
- Bond Trustee Fees and Issuer Ongoing Compliances Fees require an entry or an explanation must be provided. If Issuer Compliance Fee is a one-time, up-front fee and not an ongoing fee, Applicant’s must provide an explanation of where this fee is located in the Application.
- Annual Issuer Fees (Local Issuer or TDHCA Issuer) should be included under Annual Debt Service.
- If a revised form is submitted during the Application review process, indicate the date of submission at the bottom of the form.

Tab 27: 15 Year Pro Forma

- Refer to 10 TAC §11.302(d) regarding the underwriting analysis for a discussion that encompasses the items in the pro forma.
- Any deferred developer’s fee must be shown to be fully repaid by year 15.
- Enter rental concessions as a negative value.
- You must describe any “Other” debt service included in the pro forma.
- The form includes an optional certification, signature, and contact information for the lender for Competitive HTC Applications claiming points under 10 TAC §11.9(e)(1).
- A signature is required for all Tax-Exempt Bond Applications.
- If a revised form is submitted during the Application review process, indicate the date of submission at the bottom of the form.

Tab 28: Offsite Costs Breakdown

- This form must be completed if there are any offsite costs associated with the Development, whether or not they are included in the Development Cost Schedule. For example, if offsite costs are embedded in the acquisition costs, this form must be completed. If there are any unusual circumstances surrounding the costs and/or payment of off-site costs, please include an explanation behind this tab.
- The form must be completed, signed and sealed by a professional engineer. See 10 TAC §11.204(7)(E)(ii).
- If any Off-site Costs are included in Eligible Basis:
 - A letter from a certified public accountant must be submitted allocating which portions of those costs should be included in Eligible Basis; and
 - If off-site costs are based on PLR 200916007 the certified public accountant must provide a statement of findings describing the facts relevant to the Development and that the fact pattern matches the PLR 200916007.
- If a revised form is submitted during the Application review process, indicate the date of submission at the bottom of the form.

Tab 29: Site Work Costs Breakdown

- This form is applicable to all Developments, regardless of the amount of Site Work cost attributed to the Development.
- If the Site Work cost is above \$20,000 per Unit and are included in Eligible Basis, a letter must be provided from a certified public accountant allocating which portions of those site costs should be included in Eligible Basis.
- The total Site Work costs entered in this exhibit should match the amount reflected in the Development Cost Schedule.
- If a revised form is submitted during the Application review process, indicate the date of submission at the bottom of the form.

Tab 30: Development Cost Schedule

- All applicable yellow highlighted cells under the Total Development Summary (columns C, D, and E) should be completed. A section for notes regarding the costs is provided as well; this should be used to add any information that could be helpful for the underwriting review, to explain line items that may be particularly low or high costs.
- This form separates contingency from general requirements, overhead and profit. “Voluntary Eligible Building/Hard Costs” allows the Applicant to list the **actual** building and hard costs in the schedule, then indicate only the amount of the actual costs to be used to score points under §11.9(e)(2) Cost per Square Foot. The Applicant should adjust the voluntary number until the desired percentage is reached. The score will be entered at the end of the form.
- Supportive Housing Developments should review the “Specifications and Building/Unit Type Configuration” form to ensure that information required for such developments is entered at the bottom of that form. Per 10 TAC §11.9(e)(2) related to Cost of Development per Square Feet: If the proposed Development is a Supportive Housing Development, the NRA will include Common Area up to 75 square feet per Unit, **of which at least 50 square feet will be conditioned.**
- Where development costs are reduced by contributions by local government entities for the purpose of scoring points under §11.9(d)(2) Commitment of Development Funding by Local

Political Subdivision, those reductions should be indicated in the “Notes” column next to the cost.

- No syndication costs should be included in the Eligible Basis.
- The “Credits Supported by Eligible Basis” cell is automatically calculated. This figure should be equal to or greater than the annual Housing Tax Credit Funding Request.
- You must describe any “Other” costs reflected in the Cost Schedule. The cells will prompt you when an amount is inserted to “please specify” under a footnote.
- **Request points for §11.9(e)(2) Development Cost per Square Foot for Competitive HTC Applications.**
- The 50% Test for 4% HTC Applications box at the bottom of this form applies to **all 4% HTC Applications**. Pursuant to §1372.0321(e) and based on Bond Priority, Applications must reflect at least 51% financed by Tax- Exempt Private Activity Bonds. If land cost is being excluded from the calculation then there must be an explanation in the box provided.
- Include the contact name and phone number in the space provided of the person providing the cost estimate for the Hard Costs.
- If a revised form is submitted during the Application review process, indicate the date of submission at the bottom of the form.

Tab 31 – Financing Narrative and Schedule of Sources:

- For Tax-Exempt Bond Applications, the name of the Bond Issuer and the Certificate of Reservation Amount must be entered at the top of this form.
- NEW: For Tax-Exempt Bond Applications, if requesting State Housing Tax Credits pursuant to §11.1009 of the QAP, identify the Financing Participant in the left-hand column under Third Party Equity, along with the amount and syndication rate.
- Identify the name of each Financing Participant in the left-hand column.
- Where there are financial contributions by local government entities for the purpose of scoring points under §11.9(d)(2) Commitment of Development Funding by Local Political Subdivision, those contributions should be entered as debt, a grant, or “Other”, as applicable.
- Match (MF Direct Loan only) is included as “Other”.
- Note that the Funding Description column under “Deferred Developer Fee” and “Other” do not have drop-down menus. Applicants should write in a funding description.
- For each source identified you are required to include the interest rate, amortization, term and syndication rate, where applicable. **The information included here must be consistent with the financing narrative, term sheets, and Development Cost Schedule.**
- The priority of lien must be indicated in the “Lien Position” column for interim and permanent financing.
- Total sources of funds in the “Permanent Period” portion of the form must equal the total uses of funds reflected in the Development Cost Schedule.
- Complete the financing narrative, **ensuring that any information entered here is consistent with the other exhibits in the Application**. The narrative should identify any non-traditional financing arrangements; use of funds with respect to the Development; funding sources including construction, permanent, bridge loans, rents, operating subsidies, and replacement reserves; and commitment status of funding sources for the Development. For Tax-Exempt Bond Applications, the narrative should mention the amount of bonds to be issued, if different from the Certificate of Reservation Amount.
- This form must be signed by the Construction Lender, Permanent Lender and Syndicator.
- If a revised form is submitted during the Application review process, indicate the date of submission at the bottom of the form.

Tab 32: Financial Capacity and Construction Oversight (MFDL Applications only)

This tab is applicable for the Department’s Direct Loan Applications if: (1) the Direct Loan amount to more than 50% of the Total Housing Development Cost, except for Developments also financed through the USDA-515 program, or (2) the Direct Loan is the only source of Department funding (no HTCs are being requested) for the Development. Place the documentation described in the tab behind the tab.

Tab 33 – Matching Funds (Direct Loan Applications only)

This form is applicable for Multifamily Direct Loan Applications, only. Detail the type of Match, amount, and source in the appropriate columns. See the Match Guidance section of the tab page as well as 10 TAC §13.2(6) and the NOFA for information and requirements about Match. Match in the amount of at least the minimum percentage of the MFDL funds requested, pursuant to the applicable NOFA, must be documented.

NOTE: For Tax-Exempt Bond Developments, HOME Match Requirements pursuant to §11.204(15) are addressed under Tab 1c.

Tab 34 – Finance Scoring (Competitive HTC Applications only)

This form is divided into 3 parts and is only applicable to Competitive HTC Applications.

- Part 1: Commitment of Development Funding by Local Political Subdivision (LPS) (10 TAC §11.9(d)(2))
 - To request the point, enter the name of the Local Political Subdivision providing the funding in the highlighted box at the top of this part. Indicate in the following three check boxes that the letter meets each of these criteria. **The letter must indicate the dollar value of the contribution and the dollar value of the contribution must be reflected in the Application.** If the contribution reduces costs, it must be noted on the Development Cost Schedule. If the contribution is in the form of a loan, grant or similar instrument, it must be included with the development sources and uses. Contributions must equal \$500 or more if the Application is Urban and \$250 if the Application is Rural or USDA. The letter committing the funding and naming the same Local Political Subdivision named in the top box of this scoring item must be present in the “Tab 35. Supporting Docs.” The total points claimed will auto-populate the score box only if the boxes above it have entries.
- Part 2: Financial Feasibility (10 TAC §11.9(e)(1))
 - Make only one selection from the options listed on the form in this section. The Total Points Claimed will auto-populate based on your selection. **As support for these points, submit both a 15-year pro forma itemizing all projected income and expenses, signed or otherwise acknowledged by the permanent or construction lender and a lender letter indicating financial feasibility and/or acceptable Principals.** A template exists for an acceptable letter but an alternative letter may be used, as long as it contains the same information as the template.
- Part 3: Leveraging of Private, State, and Federal Resources (10 TAC §11.9(e)(4))
 - At least 5% of the total Units must be restricted to 30% AMGI. The form will calculate the percentage based on the information reflected in the Rent Schedule.
 - If the Development leverages CDBG Disaster Recovery, HOPE VI, RAD, or Choice Neighborhoods funding, mark the appropriate box.
 - The form will calculate Housing Tax Credit funding request as a percent of Total Housing Development Cost based on information reflected in the Development Narrative and the Development Cost Schedule. **Please note that the rule calls for the funding request to be less a certain percentage without rounding.**

- No more than 50% of the developer fee can be deferred to be eligible. **This form does not perform this calculation.**
- No supporting documentation is necessary unless claiming points based on a commitment of CDBG-DR, HOPE VI, RAD or Choice Neighborhood Funding.
- Remember to select the points being requested from the drop-down in the “Total Points Claimed” field. Although the form will calculate eligible points based on the information provided, **the points requested WILL not auto-populate.**

Tab 35 – Supporting Documentation

- Evidence must be consistent with the Summary Sources and Uses of Funds and Financing Narrative. If changes occur, update the form to match the new information.
- Executed Pro Forma from a Permanent or Construction Lender (if requesting points for financial feasibility and for Tax-Exempt Bond Developments). The pro forma must include:
 - The first 5 years and every fifth year thereafter for a 15 year period;
 - All projected income, operating expenses, and debt service;
 - The general growth factor applied to income and expense;
 - A minimum 1.15 DCR throughout the 15-year HTC Compliance Period and/or Multifamily Direct Loan Federal Affordability Period for all Third Party lenders that require scheduled repayment; and
 - Signature and contact information of an authorized representative of the lender.
- Letter from lender regarding approval of Principals.
- Include term sheets for all interim and permanent financing that are consistent with other parts of the Application, and provided in one or more of the forms identified and include the requirements set forth in 10 TAC §11.204(6)(A)-(B).
- Term sheet must include an acknowledgment of the amounts and terms of all other anticipated sources of funds or the Sources and Uses must be signed or otherwise acknowledged by an authorized representative from each funding source.
- For Developments proposing to refinance an existing USDA Section 514, 515, or 516 loan, a letter from the USDA confirming the outstanding loan balance on a specified date and confirming the Preliminary Assessment Tool has been submitted by the Applicant to USDA. **The loan amount that is reported on the Schedule of Sources (Tab 31) and that is used to determine the acquisition cost must be the Applicant’s estimate of the projected outstanding loan balance at the time of closing as calculated on the Department’s USDA Principal Balance Amortization exhibit to be submitted with the application.**
- For Direct Loan Applications or Tax Exempt Bond Applications with TDHCA as the issuer utilizing FHA financing, the Application shall include applicable pages from the *HUD Application for Multifamily Housing Project*. If the HUD application has not yet been submitted then a statement to that effect should be included in the Application along with an estimated date for submission.
- Any federal, state or local gap financing, whether soft or hard debt must be identified at the time of Application and a term sheet reflective of an available fund source must be provided for each.
- If the Development is financed through more than 5% Development Owner contributions provide the required documentation described in §11.204(6)(C) in the full Application.
- Include term sheets for syndication of tax credits that include the requirements set forth in 10 TAC §11.204(6)(D).
 - For Tax-Exempt Bond Developments requesting State Housing Tax Credits pursuant to §11.1009, a term sheet must be included from a syndicator that includes the amount of State Housing Tax Credits requested and pricing information.

- Letter from the Texas Historical Commission as applicable to historic tax credit financing under §11.9(e)(6) or otherwise.
- Include evidence of rental assistance or other subsidies if applicable.

Development Organization

The Development Organization tabs are colored green, and include all information regarding the Development Team members. The Organizational Charts, Previous Participation exhibits, and Credit Limit documents are all located in this section.

Tab 36 – Sponsor Characteristics

This form is only applicable for Competitive HTC Applications, and is divided into two Parts. Applications may qualify for two (2) points for having a Certified HUB or Qualified Nonprofit in the ownership structure, or for one point for having a Certified HUB or nonprofit organization involved with the Development Services or in the provision of on-site tenant services during the Development’s Affordability Period. For HUD 202 Rehabilitation projects that prohibit for-profit ownership, ownership will not be required for a HUB or nonprofit, only for Cash Flow or Developer Fee; the total ownership percentage must still equal 50%, even if it is only attributable to one of the two categories. To be eligible for the two (2) points using a Qualified Nonprofit, the Application must be applying in the Nonprofit Set-Aside (a selection made in the Development Narrative that will be auto-populated in this section.) The HUB must be registered with the Texas Comptroller of Accounts, and evidence of such registration must be provided behind this tab. **Pursuant to 10 TAC §11.9(b)(2), an Application may qualify to receive up to two (2) points provided the ownership structure meets one of the following requirements in Parts 1 or 2 below.**

- Part 1
 - If attempting to score as a Qualified Nonprofit, verify whether the Application is participating in the Nonprofit Set-aside.
 - If attempting to score as a certified HUB, provide evidence of the HUB’s existence from the Texas Comptroller of Public Accounts behind this tab.
 - Complete the yellow highlighted cells with the percentages of ownership interest, cash flow from operations, and developer fee.
 - Certify that the Qualified Nonprofit or certified HUB will materially participate in the Development throughout the Compliance Period.
 - Provide a detailed narrative describing how that material participation will be achieved behind this tab.
 - Indicate the experience of the Qualified Nonprofit or certified HUB by marking the checkboxes (Property Management, Construction, Development, Financing, or Compliance).
 - Certify there is no relationship between the Principals of the HUB and any other Principals of the Applicant or Developer.
 - Provide a narrative describing:
 - The Qualified Nonprofit’s or certified HUB’s direct experience in the housing industry as well as a statement indicating how the Qualified Nonprofit or certified HUB will materially participate in the Development throughout the compliance period. (Acceptable evidence of experience includes, but is not limited to a resume or TDHCA experience certificate)**OR**

- How the certified HUB will be involved with the Development Services or in the provision of on-site tenant services during the Development’s Affordability Period. Evidence of experience in the provision of Development Services or in the provision of on-site tenant services as well as a narrative statement indicating how the HUB will provide such services must be included behind this tab.
- Part 2
 - Certify whether a participating Nonprofit meets the following criteria:
 - The ownership structure contains a nonprofit organization that meets the requirements of IRC §42(h)(5)(C) on the Application Delivery Date, with at least 51% ownership in the General Partner of the Applicant.
 - The nonprofit will maintain Control of the Development and materially participate in the operation of the Development throughout the compliance Period.
 - The Applicant will provide a minimum of three (3) additional points under 10 TAC §11.101(7) related to Resident Supportive Services, in addition to points selected under 10 TAC §11.9(c)(3).
 - The nonprofit organization, or individuals with Control of the nonprofit organization, must provide verifiable documentation of at least 10 years’ experience in the continuous operation of a Development that provides services similar to those in the proposed Development.
 - Indicate points claimed (zero if this option is not selected).
 - The score will populate based on the selections made on this form. If it is not filled out correctly, points will not be included on the self-score form.

Tab 37: Applicant, Developer, and Guarantor Ownership Charts

This sheet shows a basic format for organizational charts. Be sure that charts follow the example given and that they contain the following information:

- Correct name and ownership percentage of each entity and person. Avoid nicknames.
- Clear indication of role, e.g. Member, Member/Manager, Class B, LP, etc., and ability to exercise Control.
- Trusts must include the trustee and list all beneficiaries that have the legal ability to access, control, or direct activities of the trust and are not just financial beneficiaries.
- Nonprofit entities, public housing authorities and publicly traded corporations must show name of organization, individual board members and executive director. For individual board members, indicate those board members that have the ability to exercise Control. Any other persons with the ability to exercise Control must also be identified.
- For HTC Applications only, where there are private equity fund investors who are passive investors in the sponsorship entity, refer to 10 TAC §11.204(12)(B) regarding who must be listed on the organization chart.
- In cases of to-be-formed instrumentalities of PHAs where the board members and executive director remain to be determined, the PHA itself is shown.
- Ownership must be described to the level of natural persons, whether Owners or board members.
- Charts should show the structure of the Owner, Developer and Guarantor and include the following:
 - Any Person receiving more than 10% of the Developer Fee is on the Developer chart;

- Nonprofit entities, public housing authorities and publicly traded corporations show name of organization, individual board members and executive director;
- Ownership to the level of natural persons, whether Owners or board members; and
- Any other relationships involving the power to control the Applicant directly or indirectly.
- Create separate charts for the Owner, Developer and Guarantor, ensuring that each of the three is a complete representation of the structure of each organization, and attach them behind this tab.

Data Entry Tab for Tabs 38 and 42

- Complete the yellow highlighted cells as applicable for Tabs 38 and 42.
- The entries made on this tab will auto-populate Tabs 38 and 42.
- **Applicants should not include the data entry tabs when printing the application to PDF.**

Tab 38: List of Organizations and Principals

- Information for this tab will auto-populate based on the data entered on the Data Entry Tab for Tabs 38 and 42.

Tab 39: Previous Participation Form

- A separate form is required for each Person or entity, regardless of whether the Person or entity has previous experience with TDHCA funding or assistance.
- A separate form must be completed for each entity shown on the Owner and Developer organizational charts, and also for only those natural Persons shown on the Owner and Developer organizational charts that exercise Control.
- For Applications with MFDL, each Person (as defined by 2 CFR Part 180 and 2 CFR part 2424), Board Member, or Affiliate must complete a PPR form. See 10 TAC §1.301 for further information about previous participation review.
- Note that the appropriate fields should be marked at the bottom to indicate other TDHCA programs the entity or person has participated in.
- For “Control Begin”/”Control End” enter the time period a person’s or entity’s role in each property identified began and ended. This applies to any Developments in which a Person or entity was originally involved, but have since been transferred to another Person or entity.
- If the Person’s or entity’s role in a property or service-related activity has not ended then leave the “Control End” column blank.
- If more space is needed, unlock rows before row 40.
- Do not submit pages that are blank.
- The Excel version of the form(s) must be uploaded with the Application.

Tab 40: Nonprofit Participation

All nonprofit Applicants or Principals must complete this form regardless of the level of ownership or Application set-aside.

- Complete all appropriate yellow highlighted cells. Yes/No questions have drop-down menus.
- The worksheet allows listing up to 20 board members. If more space is needed, print additional forms or contact staff.
- Include the Board Members’ **home** addresses.
- Do not submit pages that are blank.

Tab 41: Nonprofit Supporting Documentation

Applications involving 501(c)(3) or (4) nonprofit General Partners that **do not** elect to be included under the Nonprofit Set-Aside only need to submit the IRS determination letter described below, or if the nonprofit designation is not due to a 501(c)(3) or (4) determination, the Application must contain a disclosure of the basis of the nonprofit status. **Tax Exempt Bond Applications only need to submit the first two items below in addition to the Nonprofit Participation Form:**

- A resolution approved at a regular meeting of the majority of the Board of Directors of the nonprofit that meets the requirements of 10 TAC §11.204(13).
- IRS Determination Letter, which states that the nonprofit organization is a §501(c)(3) or (4) entity. This designation must be in place as of the beginning of the Application Acceptance Period. If the organization is a Qualified Nonprofit Organization as defined in the tax code, notwithstanding any apparent limitations in the QAP about the particular parts of the Code under which a nonprofit may qualify, submit an IRS determination letter.

For Competitive HTC Applications, the additional documentation requirements identified in this section must be completed **only** if the Applicant is eligible and has elected to compete under the Nonprofit Set-Aside Allocation pursuant to Tex. Gov't Code §2306.6706, which requires that the organization's 501(c)(3) or (4) designation be in place at the beginning of the Application Acceptance Period:

- Third Party Legal Opinion – Be sure your legal opinion contains all of the required statements pursuant to Tex. Gov't Code §2306.6706 and 10 TAC §11.204(13)(A)(iii). A template is provided on the website at: <https://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.
 - Note: The Third Party Legal Opinion letter template was revised in 2017. Please ensure your counsel has this version of the template so they can determine if they will be able to provide any required opinion or they may contact the Department with any questions.
- Financial Statement - The nonprofit's most recent financial statement prepared by a Certified Public Accountant.
- Certification of Residence- a certification that a majority of the board members reside in the State of Texas if the Development is in a Rural Area, or within 90 miles of the Development if it is not in a Rural Area.

The worksheet allows up to 20 board members to be listed. If more space is needed, simply print out another form or contact staff, but do not submit pages that are blank.

Tab 42: Development Team Members

- Information for this tab will auto-populate based on the data entered on the Data Entry Tab for Tabs 38 and 42.

Data Entry Tab for Tab 45

- Complete the yellow highlighted cells as applicable for Tab 45.
- The entries made on this tab will auto-populate Tab 45.
- **Applicants should not include the data entry tabs when printing the application to PDF.**

Tab 45: Applicant Credit Limit Documentation and Certification (Competitive HTC Only)

Information for this tab will be auto-populated with the data entered on the Data Entry Tab for Tab 45.

Community Input Scoring Items

Tab 46: Community Input

Fill-in the form and include the letters behind the form as applicable.

- Part 1: Local Government Support
 - An Application may qualify for up to seventeen (17) points for a resolution or resolutions voted on and adopted by the bodies reflected in subparagraphs (A) through (C) below. The resolution(s) must be dated prior to and submitted no later than 5:00 p.m. (Austin local time) on March 1, 2024. **Resolution(s) must specifically identify the Development by legal description, address, Development name, or Application number.** A municipality or county should consult its own staff and legal counsel as to whether their handling of actions regarding such resolution(s) are consistent with Fair Housing laws as they may apply, including any Fair Housing Activity Statement-Texas (FHAAT) form on file, any current Analysis of Impediments to Fair Housing Choice, or any current plans such as one year action plans or five year consolidated plans for HUD block grant funds., such as HOME or CDBG funds. Once a resolution is submitted to the Department it may not be changed or withdrawn. For an Application with a proposed Development Site that, at the time of the initial filing of the Application, is:
 - (A) Within a municipality, the Application can receive seventeen (17) points for a resolution from the Governing Body of that municipality expressly stating that the municipality supports the Application or Development; or fourteen (14) points if the resolution states that the municipality has no objection to the Application or Development.
 - (B) Within the extraterritorial jurisdiction of a municipality, the Application may receive(i) eight and one-half (8.5) points for a resolution from the Governing Body of that municipality expressly stating that the municipality supports the

Application or Development; or seven (7) points if the resolution states that the municipality has no objection to the Application or Development. In addition, the Application can receive eight and one-half (8.5) points for a resolution from the Governing Body of the county expressly stating that the county supports the Application or Development; or seven (7) points if the resolution states that the county has no objection to the Application or Development.

- (C) Within a county and not within a municipality or the extraterritorial jurisdiction of a municipality scores seventeen (17) points for a resolution from the Governing Body of that county expressly setting forth that the county supports the Application or Development; or fourteen (14) points if the resolution expressly sets forth that the county has no objection to the Application or Development.
- Part 2 – Quantifiable Community Participation
- Part 3 - Community Support from State Representative
 - Letter from a State Representative:
 - The Applicant may qualify for eight (8) points for letters of support from the appropriate State Representative. **Letters must be on the State Representative's letterhead and be signed by the State Representative, identify the specific Development, and clearly state support for, opposition to or neutrality toward the specific Development.** The letter will be accepted with the Application or via delivery from the Applicant or State Representative and **must be submitted no later than 5:00 p.m. (Austin local time) on March 1, 2024.** After submission, letters may not be changed or withdrawn. Representative letters, whose statements are based on the relevant community's expression of support, will be considered a support letter and will receive eight (8) points. Neutral letters or letters that do not specifically refer to the Development will receive zero (0) points, and letters of opposition will receive negative eight (-8) points. If the relevant Representative's office is vacant, the Application will be considered to have received a neutral letter. Letters opposing the Application/Development will be added to the Application posted on the Department's website.
 - No Letter from a State Representative (or a letter conveys to the Department that no written statement will be provided by the State Representative for a particular Development):
 - **Points available in this scenario will be based on how an Application scores under §11.9(d)(1), of this section, relating to Local Government Support.**
- Part 4: Input from Community Organizations
 - Development Sites outside the boundaries of qualifying Neighborhood Organizations may score up to four (4) points for letters of support submitted with the Application. Once a letter is submitted to the Department it may not be changed or withdrawn. This option means losing one (1) point from the score under this paragraph for each letter in opposition that is from an organization that would otherwise qualify under this paragraph. Letters of opposition will be added to the Application, posted on the Department's website. The score of this item will never be less than zero (0), calculated as follows:
 - Two (2) points for a letter of support from a community or civic organization serving the community containing the Development Site, identifying and stating support for the Development at the proposed location. The organization must

be tax exempt and its primary purpose must be the overall betterment, development, or improvement of the community as a whole or one of its major aspects such as schools, fire protection, law enforcement, city-wide transit, flood mitigation or similar activities. The Applicant must include:

- Evidence of the organization’s tax-exempt status, e.g. a copy of the organization’s IRS determination letter.
 - Evidence that the tax-exempt status of the organization is current as of October 1 of the year preceding Application submission. Evidence of IRS exemption can be found at <https://apps.irs.gov/app/eos/>, and evidence of state exemption can be found at <https://comptroller.texas.gov/taxes/exempt/search.php>.
 - Evidence that it either has a location or conducts activities within the specific city or county of the Development. Evidence can include a listing of activities and where they are held, membership lists showing addresses, brochures indicating activities and the geographical service area, annual reports, etc. Churches can be eligible for these points if they operate a beneficial activity to the community outside of religious services (food pantry, clothes closet, after-school care available to the community regardless of membership, etc.).
 - Community and civic organizations do not include neighborhood organizations, governmental entities (excluding Special Management Districts), or taxing entities so evidence of how the organization was created and by whom/what group, etc., should be included.
- Two (2) points for a letter of support from a property owners association created for a master planned community containing the Development Site that does not meet the requirements of a Neighborhood Organization for the purpose of awarding points under 10 TAC §11.9(d)(4). Include documentation evidencing the establishment of the association and the master planned community to which it belongs.
 - Two (2) points for a letter of support from a Special Management District whose boundaries include the Development Site, as of the Full Application Delivery Date as identified in 10 TAC §11.2(a). Include evidence of the District’s boundaries, indicating the location of the Development Site inside those boundaries, along with evidence of the existence of the District itself.

Please note that input evidencing unlawful discrimination under Fair Housing law or scoring the Department determines to be contrary to the Department's efforts to affirmatively further fair housing will not be considered. The Department will refer input appearing to indicate non-compliance under the Fair Housing Act, to the Texas Workforce Commission for investigation, but the referral will not, standing alone, cause staff or the Department to terminate the Application. Staff will report all such referrals to the Board and summarize the status of any such referrals in any recommendations.

Third Party Reports

All third party reports must be submitted in their entirety by the deadline. Incomplete reports will result in termination of the Application. Reports should be submitted in a searchable electronic copy in the format of a single file containing all of the required information and conform to Subchapter D of the

QAP. Exhibits should be clearly bookmarked. Third Party Reports combined into one PDF will not be accepted.

All third party reports must contain the following statement, “all persons who have a property interest in this report hereby acknowledge that the Department may publish the full report on the Department’s website, release the report in response to a request for public information and make other use of the report as authorized by law.”

Tab 47: Third Party Reports

The required Environmental Site Assessment (ESA) must be submitted to the Department no later than 5:00 p.m. (Austin local time) on March 1, 2024 for 9% HTC Applications under 10 TAC §11.2(a), pursuant to 10 TAC §11.201(2) for Tax-Exempt Bond Applications, or at the time of Application submission for MFDL funds. The ESA must meet the requirements of 10 TAC §§11.205(1) and 11.305.

- All Applications for Direct Loans from the Department, except for those which are ultimately awarded TCAP RF must complete the environmental clearance process in accordance with 24 CFR Part 93 or Part 58 (prior to engaging in choice limiting activities such as closing on land, loans, beginning demolition or construction activities, or entering into construction contracts). A Phase I ESA will not satisfy the environmental clearance required for use of Direct Loan funds. Mark the appropriate yellow highlighted cells.

The Primary Market Area (PMA) Map is required with full Application submission. For 9% HTC Applications, this is on March 1, 2024. A PDF copy of the map as well as the definition of the PMA, based on census tracts, ZIP codes, or census place should be included with the Application to ensure timely submission.

The Market Analysis is required for all Developments and must be submitted no later than 5:00 (Austin local time) on April 4, 2024 for Competitive HTC Applications under 10 TAC §11.2(a), pursuant to 10 TAC §11.201(2) for Tax-Exempt Bond Applications, or at the time of Application submission for MFDL. The Market Analysis must meet the requirements of 10 TAC §§11.205(2) and 11.304.

- It is the responsibility of the Applicant to ensure this analysis forms a sufficient basis for the Applicant to be able to use the information obtained to ensure the Development will comply with fair housing laws.
-

If applicable, the Scope and Cost Review (SCR) must be submitted to the Department no later than 5:00 p.m. (Austin local time) on March 1, 2024 for Competitive HTC Applications under 10 TAC §11.2(a), pursuant to 10 TAC §11.201(2) for Tax-Exempt Bond Applications, or at the time of Application submission for MFDL funds. The SCR must meet the requirements of 10 TAC §§11.205(3) and 11.306.

- For Rehabilitation (excluding Reconstruction) and Adaptive Reuse Tax-Exempt Bond

Developments that do not include a request for Direct Loan or where the Department is not the bond issuer, a Scope and Cost Review is not required. The Application must include a Scope of Work Narrative as described in 10 TAC §11.306(j).

- The Applicant must upload the Department’s SCR Supplement as an Excel workbook, which can be found on the Apply for Funds page of the TDHCA website or at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

If applicable, the Appraisal must be submitted to the Department no later than 5:00 p.m. (Austin local time) on March 1, 2024 for Competitive HTC Applications under §11.2(a), pursuant to 10 TAC §11.201(2) for Tax-Exempt Bond Applications, or at the time of Application submission for MFDL funds. The Appraisal must meet the requirements of 10 TAC §§11.205(4) and 11.304.

- If the Application contains a Market Analysis and the Appraisal is not required to fulfill purposes other than establishing the value of land or buildings, an appraisal is not required if no acquisition costs are entered in the Development Cost Schedule.

If applicable, the Feasibility Report must be submitted to the Department no later than 5:00 p.m. (Austin local time) on March 1, 2024 for Competitive HTC Applications under 10 TAC §11.2(a), pursuant to 10 TAC §11.201(2) for Tax-Exempt Bond Applications, or at the time of Application submission for MFDL funds. The Feasibility Report, if required, must meet the requirements of 10 TAC §11.204(14).

Tie Breakers

Tab 48: Tie Breakers

Pursuant to 10 TAC §11.7(1), there is a three-step tie breaker for 9% HTC Applications in the event of a tie. The first step of the tie breaker is only for applications funded through the USDA Set-Aside, Applications proposing to rehabilitate a property with the earliest year of initial construction. The second step of the tie breaker will apply to all Competitive Applications - proposing a site in closest proximity to the features outlined in the Qualified Allocation Plan. If tied Applications do not meet the second step in the tie breaker process, those tied Applications move to the third step of the tie breaker involving linear distance (10 TAC §11.7(3)).

Review Tabs

These tabs will be used by staff in the review process. While there is nothing to be completed or supplied with these tabs at submission, they should be included and bookmarked.

Tab 53 - Deficiency Documents

Tab 54 – Scoring Notice

Tab 55 - Third-Party Requests for Administrative Deficiency

Tab 56 – REA Division RFI Documents

Tab 58 – Board Action

Tab 59 – Public Comment

Tab 60 – Commitment or Determination Notice

Tab 61 – MFDL Award Letter

Tab 62 – Carryover Documents

Instructions for Converting From Excel to PDF Format

Once the Excel Application file is complete and you are ready to convert the Excel file to PDF, follow these instructions. Be sure to check all of the page breaks in the Excel file before you convert to PDF.

Please note that both the Excel and PDF files must be submitted in order for the Application to be considered complete. The Excel file must be converted to PDF, and **Applications submitted as a scanned copy of the Excel file will be rejected as materially deficient.**

Excel 2016 users should follow these steps:

1. With the file open, click the File menu. Choose Save as Adobe PDF.
2. Choose Sheets or Entire Workbook. If using Sheets, choose each item you would like to convert to PDF by clicking on the item in the Sheets in Excel box and clicking Add. The item will appear in the Sheets in PDF box.
3. Once all items are selected for conversion, click Convert to PDF.
4. Save a copy of the PDF file to your computer.
5. Once files are saved in PDF, click on the Page Thumbnails icon to look through the document.
6. Make sure to insert bookmarks by selecting the Bookmarks icon. Review automatic bookmarks before submitting and edit automatic labels as needed by right clicking and choosing Rename.

Excel 2007 users should follow these steps:

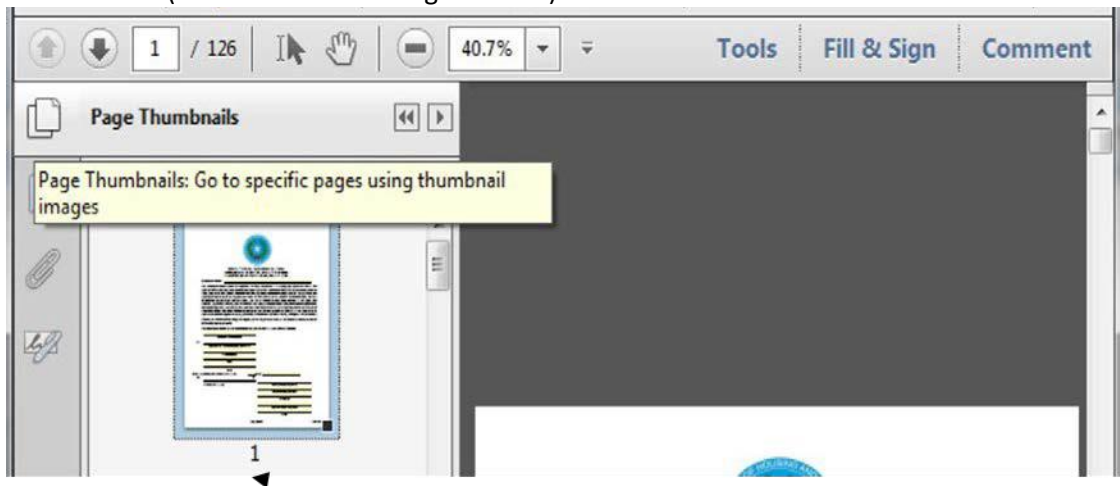
1. Click the Microsoft Office Button, point to the arrow next to Save As, and then click PDF or XPS.
2. In the File Name list, type or select a name for the workbook.
3. In the Save as type list, click PDF.
4. If you want to open the file immediately after saving it, select the Open file after publishing check box. This check box is available only if you have a PDF reader installed on your computer.
5. Next to Optimize for, do one of the following, depending on whether file size or print quality is more important to you:
 - a. If the workbook requires high print quality, click Standard (publishing online and printing).

- b. If the print quality is less important than file size, click Minimum size (publishing online).
6. Click Options. Under Publish What select Entire Workbook and click OK.
7. Click Publish.

Inserting Documents into the PDF

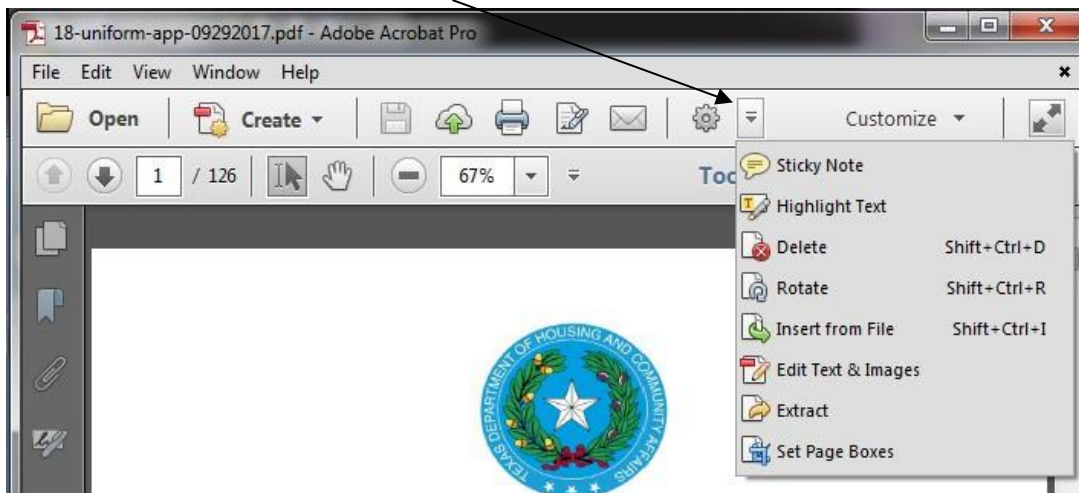
If there are documents to be submitted as part of the Application, include those documents in the PDF Application. To do this, applicants should follow these steps:

1. Convert the Excel application to PDF per the instructions above.
2. Once you have collected all required executed documents, scan them as individual files and name them (“app-cert.pdf”, “owner-cert.pdf”, etc).
3. Insert the scanned forms into the PDF Application in the order required. For instance, you will need to insert the signed Applicant Certification form. You can either:
4. Click the “thumbnails” button, then drag and drop the PDF form before or after the existing form (then delete the un-signed form).



Alternatively, applicants could use the “insert from file” option:

1. Select “Insert from File”, navigate to document to be inserted and select it.
2. In the dialog box, selected appropriate page number and indicate whether the document is to be inserted before or after that page. Click Okay.



The Application submitted should be the PDF file created from converting the Excel file (into which additional documentation has been inserted), as well as the Excel file itself.

Creating Bookmarks

Because they cannot be reviewed, Applications submitted without bookmarks will be terminated.

Once the file has been converted to PDF and all executed forms have been inserted into their appropriate locations within the file, the Applicant will need to create Bookmarks. Bookmarks may or may not have already been created as part of the conversion process. The locations may need to be designated for the rest. To correctly set the Bookmark locations, open the PDF file in Adobe Acrobat. Click on the Bookmark icon located on the left-hand side of the Adobe Acrobat screen, or go to the task bar and select these options in the following order: **View → Navigation Panels → Bookmarks**.

If a Bookmark has already been created for each tab within the Excel file, re-set the bookmarks to the correct locations. To re-set the location for the Bookmarks, go to the first page of each separately labeled form/exhibit, right-click on the corresponding Bookmark for the form/exhibit, **select Set Destination** and a pop-up box will appear ask: "Are you sure you want to set the destination of the selected bookmark to the current location?" Select Yes.

If Bookmarks were not already created within the Excel file, they will need to be created: **Document → Add Bookmark**. Right-click on the first Bookmark and re-name it for the appropriate form or exhibit. Set the location of the Bookmark by going to the first page of each form or exhibit, right click on the corresponding Bookmark and select Set Destination. A pop-up box will appear asking: "Are you sure you want to set the destination of the selected bookmark to the current location?" **Select Yes**.

Tabs within the Excel Application workbook have been color coded to distinguish between "Parts" of the Application consistent with this manual. Additionally, beside each bulleted item a label to use for purposes of bookmarking the final PDF Application file is included in parentheses.

If there are extra blank pages of any exhibit after conversion of the Excel file to PDF, they must be deleted in order to limit the size of the Application file. To delete any extra, unnecessary pages identify the page number(s) to be deleted. On the Adobe Acrobat Task Bar click on Document and select Delete Pages from the drop down list. A box will appear prompting a selection of the page(s) to be deleted. Enter the page numbers to be deleted and hit OK. If a page is deleted, the Applicant is responsible for ensuring it was done correctly and did not inadvertently delete pages that should have been retained.

The PDF formatted file should be checked for the following prior to submission:

- ✓ All tabs and/or volumes must be correctly bookmarked
- ✓ Files should average less than 100 kilobytes per page
- ✓ Files must be readable with free PDF file viewers including Adobe Reader and be compatible with Adobe Reader 5.0 and above
- ✓ Files should be saved so that "Fast Web View" (or page at a time downloading) is enabled
- ✓ Text within the PDF file should be searchable using the "Find" command in the PDF viewer

For questions on using or difficulties with the Microsoft Excel based Application, contact Josh Goldberger via email at josh.goldberger@tdhca.state.tx.us. In some instances a file may have small variations in bookmarks,

file sizes, or readability that are not explicitly cited as requirements in the rule. Staff will use a reasonableness standard in determining when such deviations rise to the level of necessitating termination or other remedy.

Application Assembly Instructions

Prior to submitting any Application fees or the Application itself, a fully-executed 2024 Electronic Application Filing Agreement should have already been submitted.

Applicants are reminded that both the Excel and PDF files must be submitted, along with the Application Fee, in order for the Application to be considered complete. The Excel file must be converted to PDF, Applications submitted as a scanned copy of the Excel file will be rejected as materially deficient.

For each Application, the Applicant must ensure execution of all necessary forms and supporting documentation, and place them in the appropriate order according to this manual. The submitted Application should be the Excel file as well as the PDF created from the Excel file (with added documents). Do not print and scan the Excel file. Do not print and scan the PDF file. Convert the Excel form to a PDF, and then insert scanned pages only as indicated below. Scanned copies of the Application are difficult to read, are not searchable, raise questions regarding accuracy and will not be accepted.

All Application materials must be submitted via the Department’s secure web transfer server. The Applicant must physically deliver the following:

- Completed hard copy of the 2024 Payment Receipt. Attach evidence of nonprofit status (as applicable) and a check for the correct Application Fee made out to “Texas Department of Housing and Community Affairs”. If submitting a Bond pre-application, submit the additional fees pursuant to §12.10 of the Multifamily Housing Revenue Bond Rules and reflect such fees on the Payment Receipt; and
- Copy of the Certificate of Reservation (for Tax-Exempt Bond Developments only).
 - Note: Applicants intending to submit an Application Fee that does not include evidence that a Certificate of Reservation from the Texas Bond Review Board has been issued will not be accepted. **Applications that are uploaded regardless of this provision will not be acknowledged as submitted.**
- The applicable Application Fee pursuant to 10 TAC §11.901(3). Please do not submit checks for more than the applicable fee. In order to protect your financial information, do not include a copy of the check in your Application.

Application Delivery Instructions

Applications are accepted only through the Serv-U portal. Physical delivery of Applications will not be accepted. For guidance on using Serv-U, refer to the Electronic Document Upload User Guide (MF Serv-U FTP) posted on the Department’s “Apply for Funds” page.

Application payments are accepted during regular business hours. **Do not send regular mail to this address.**

Deliver To: Multifamily Finance Division
(overnights) Texas Department of Housing and Community Affairs

221 East 11th Street
Austin, Texas 78701

Regular Mail: P.O. Box 13941 Austin, Texas 78711

The applicant is solely responsible for proper delivery of the Application and payment.

4% HTC and Bond Applications

4% Housing Tax Credit Applications and Multifamily Bond pre-applications can be submitted throughout the year. Submission dates are posted on the Departments website at the following link:

<https://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

Multifamily Direct Loan Program Applications

Multifamily Direct Loan Applications may be submitted throughout the submission period described in the applicable Notice of Funding Availability (NOFA) <http://www.tdhca.state.tx.us/multifamily/nofas-rules.htm>.

9% HTC Applications

The Application and fee payment for competitive Applications must be received by TDHCA no later than 5:00 p.m. (Austin local time) on March 1, 2024. Mailed or couriered payments must be received by the same deadline. TDHCA is not responsible for any delivery failure on the part of the Applicant. If the Applicant chooses to use a postal or courier service to deliver the payment to TDHCA and such service fails to deliver the payment by the deadline, then the Application will be considered untimely and will not be accepted.

The Department will accept walk-in delivery of the Application fee payment by appointment. The Application must be uploaded to Department's ServU system by 5:00 p.m. (Austin local time). All required supplemental reports must be submitted simultaneously with the Application (unless otherwise noted). The ServU system will be disabled at 5:00 p.m. (Austin local time) on March 1, 2024. The Department is not responsible for transmission failures whether caused by malware, internet connectivity problems or equipment failures on the part of the Applicant. Applicants are advised to take any steps necessary to ensure timely delivery of all Application materials.

Multifamily Direct Loan Program Instructions

Application Delivery Instructions

All Applicants must upload a PDF copy and Excel copy of the complete Application to the Department's secure web transfer server. Each copy must be in a single file and individually bookmarked as further described in this manual. Additional files required for Application submission (e.g., Third Party Reports) outside the Multifamily Uniform Application must also be uploaded to the secure web transfer server. It is the responsibility of the Applicant to confirm the upload to the Department's secure web transfer server was successful.

If the Application is for Multifamily Direct Loan (MFDL) funds in conjunction with 4%, then any section within the Application that indicates that it is required for MFDL Applications must be completed. In general, these sections include (but may not necessarily be limited to):

- Multifamily Direct Loan Certification
- Tab 6a – Auto-populated based on selections made in Tabs 9 and 19
- Tab 8 – Site and Neighborhood Standards (New Construction only)
- Tab 17 – Section 5 (Direct Loan request)
- Tab 17 – Section 6
- Tab 20 – Section 3
- Tab 21 – Uniform Relocation Act/104: Actions that involve demolition, Conversion, or removal of housing units, farms, nonprofits or commercial business.
- Tab 24 –National HTF (NHTF) Units or MF Direct Loan Units (all other Set-Asides) column as applicable
- Tab 32 - (if applicable)
- Tab 33 – Match Funds
- Tab 44 – Unique Entity Identifier and SAM.gov Registration (all MFDL) and Davis Bacon Labor Standards (not required for NHTF)
- Tab 47 – Section 2

Applications for Multifamily Direct Loan funds as the only source of Department funds, or applying when the Development has already received an award from the Department must include all sections of the 2024 Multifamily Uniform Application, except for those sections that reference Housing Tax Credit Applications only or as reflected in the NOFA. All applicable Third Party Reports are required in accordance with 10 TAC §11.205 regardless of whether the Application is layered with Housing Tax Credits, except as reflected in the NOFA.

The Application submission deadline and Application Acceptance Dates are described in the NOFAs. If the Application is for HOME funds under the CDHO Set Aside, the CHDO box in Tab 17 of the 2024 Multifamily Uniform Application must be checked, and the 2024 CHDO Certification Packet (located on the Apply for Funds page of the

Multifamily Direct Loan Program Information

Multifamily Direct Loan funds may be made available through program income generated from prior year HOME allocations, de-obligated funds from prior year HOME allocations, the HOME allocations, loan repayments from the Tax Credit Assistance Program (TCAP Repayment Funds or "TCAP RF"), National Housing Trust Fund (NHTF) allocations. Set asides under the annual NOFA for the Multifamily Direct Loan Program include General/Soft Repayment, Community Housing Development Organizations (CHDO), in the amounts described in the NOFA. Other Set-Asides may be described in the annual NOFA or a special purpose NOFA.

Multifamily Direct Loan funds are typically structured as fully amortizing, with a term of 15-40 years and an amortization of 30-40 years. This does not apply in cases where the first lien mortgage is a federally insured HUD or FHA mortgage, as described in 10 TAC §13.8(c)(5) or (6). Additional information on treatment of FHA-insured mortgages is detailed in the NOFA. If the Direct Loan is in a second or third lien position, the term should match within six months of the shortest term of the senior loan(s) so long as neither exceeds 40 years. The interest rate requested on the loan may be as low as the minimum interest rate described in the NOFA.

Please refer to the applicable Multifamily NOFA and 10 TAC Chapter 13 for more information. The NOFA, the QAP, and the Multifamily Direct Loan Rule work in conjunction; Applicants are encouraged to fully review all federal and state laws and regulations.

Community Housing Development Organizations (CHDO)

The 2024 CHDO Certification Packet must be submitted for all Applicants requesting funds under the CHDO Set-Aside. Applicants, or the sole members of the general partners of applicants, for HOME funds under the CHDO Set Aside must meet the requirements of the definition of Community Housing Development Organization in 24 CFR §92.2 and 10 TAC §13.2(4). Applicants are cautioned to read carefully the requirements under the CHDO definition in 24 CFR §92.2 and 10 TAC §13.2(4) to ensure the organization meets these requirements before submitting an Application under the CHDO Set Aside. Furthermore, a CHDO must be the Owner, developer, or sponsor of the housing proposed to be built in accordance with 24 CFR §92.300. Finally, a member of a CHDO's board cannot be a Principal of the Development beyond his/her role as a board member of the CHDO or be an employee of the Development Team, and may not receive financial benefit other than reimbursement of expenses from the CHDO (e.g. a voting board member cannot also be the paid executive director of the CHDO).

A CHDO must demonstrate its accountability to the low income community where the housing is being proposed in accordance with 8(i) and (ii) of the CHDO definition in 24 CFR §92.2. This requirement may be met, in part, by having board members from the community where the housing is being proposed and/or having an advisory board comprised of members from the community where the housing is being proposed. Additionally, the CHDO must have a formal process for low-income input to advise the organization in its decisions regarding the design, siting, development, and management of affordable housing. As a final requirement within 8(i) and (ii), the CHDO must have a designated service area (i.e. the "community" in which it produces housing) and have demonstrated experience serving the community for at least one year prior to applying for HOME funds. A community can be a neighborhood or neighborhoods, city, county, metropolitan area, or multi-county area (but not the entire state).

Supplemental Information

Requests for Waivers and Staff Determinations

The Department will accept requests for waivers and staff determinations during the Application Acceptance Period. These requests can be submitted with the pre-application or full Application submission, or separately. Requests **will not** be accepted after full Application submission for 9% HTC Applications. Requests should be submitted directly to the appropriate staff below and when possible submitted electronically, either through the Serv-U system (with an email to the appropriate staff member), or by email attachment. **Hard copies will not be accepted.** Applicants should refer to 10 TAC §11.207 and 10 TAC §11.1(k) for more information on waivers and staff determinations, respectively. Waivers for Direct Loans are also limited by 10 TAC §13.1(c), and may be further limited by the requirements of an applicable NOFA.

For Competitive 9% HTC Applications, contact Joshua Goldberger at joshua.goldberger@tdhca.state.tx.us.

For 4% HTC/Bond Applications, contact Jon Galvan at jonathan.galvan@tdhca.state.tx.us.

For Multifamily Direct Loan Program Applications, contact Connor Jones at connor.jones@tdhca.state.tx.us.

Appeals

For 9% Applications, an Applicant or Development Owner may appeal decisions made by the Department pursuant to Tex. Gov't Code §2306.0321 and §2306.6715 and the process identified 10 TAC §11.902. Matters that can be appealed are described in the Rule. An Applicant or Development Owner may not appeal a decision made regarding an Application filed by or an issue related to another Applicant or Development Owner.

Appeals must be filed in writing not later than seven (7) calendar days after the date the Department publishes the results of any stage of the Application evaluation or otherwise notifies the Applicant or Development Owner of a decision subject to appeal. The appeal must be signed by the person designated to act on behalf of the Applicant or an attorney that represents the Applicant. The Applicant must specifically identify the grounds for appeal, based on the original Application and additional documentation filed as a result of the Deficiency process. Appeals may not be used to introduce new information or documents that were not available prior to Application submission.

The Executive Director may respond in writing not later than fourteen (14) calendar days after the date of actual receipt of the appeal by the Department. If the Applicant is not satisfied with the Executive Director's response to the appeal or the Executive Director does not respond, the Applicant may appeal directly in writing to the Board.

Generally, an appeal filed with the Board must be received by Department staff not more than seven (7) days after a response from the Executive Director and at least seven (7) days prior to the applicable

Board meeting.

Board review of an Application related appeal will be based on the original Application. A witness in an appeal may not present or refer to any document, instrument, or writing not already contained within the Application. The decision of the Board regarding an appeal is the final decision of the Department.

For 4% HTC, Direct Loan only, an Applicant or Development Owner may appeal decisions made by the Department pursuant to 10 TAC §1.7, as applicable. Matters that can be appealed are described in the Rule.

Applicants must file a written appeal of a staff decision with the Executive Director not later than the seventh calendar day after notice has been provided to the appealing party of the staff decision. Posting of materials or logs on the Department's website is considered "notice". The written appeal must specifically identify the grounds for the appeal.

The Executive Director will respond in writing not later than the fourteenth day after the date of receipt of the appeal. If the Applicant is not satisfied with the Executive Director's response, they may appeal in writing directly to the Board within seven days after the date of the Executive Director's response. The appeal must be received by the Department at least fourteen days prior to the next scheduled Board meeting. Appeals received after the fourteenth calendar day prior to the Board meeting will generally be scheduled at the next subsequent Board meeting.

If the Applicant receives additional information after the Executive Director has denied the appeal, but prior to the posting of the appeal for Board consideration, the new information must be provided to the Executive Director for further consideration or the Board will not consider it. New information will cause the appeal deadlines to begin again.

The Board will hear public comment on the appeal under its Public Comment Procedures in 10 TAC §1.10. While public comment will be heard, persons making public comment are not parties to the appeal and no rights accrue to them as a result of the appeal process.

Applicable appeals not submitted in accordance with 10 TAC §1.7 will not be considered, unless the Executive Director or Board, in the exercise of its discretion, determines there is good cause to consider the appeal.

All written appeals should be submitted to the Multifamily Programs Director and the Administrator of the applicable program. Appeals may be uploaded to the Serv-U file for the Application, in all instances the Applicant must email notification of the appeal to staff as follows in order for it to be considered received:

For all Applications, contact Cody Campbell at cody.campbell@tdhca.state.tx.us.

and

For 9% HTC Applications, contact Joshua Goldberger at joshua.goldberger@tdhca.state.tx.us.

For 4% HTC/Bond Applications, contact Jon Galvan at jonathan.galvan@tdhca.state.tx.us.

For Multifamily Direct Loan Applications, contact Connor Jones at connor.jones@tdhca.state.tx.us.

Public Access to Applications

The Department will allow the public to view any pre-applications or Applications that have been submitted to the Department in an electronic format. These electronic versions should be available within approximately two weeks of the close of the Application Acceptance Period on the Department's website at <http://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/> for 9% HTC Applications and at <http://www.tdhca.state.tx.us/multifamily/housing-tax-credits-4pct/index.htm> for 4% HTC Applications. An Applicant may request, via an open records request, a paper copy between the hours of 8:00 a.m. and 5:00 p.m. (Austin local time) Monday through Friday. There may be an associated cost with requesting this information.

Applicable Rules and Reference Materials

2024 SITE DEMOGRAPHIC CHARACTERISTICS REPORT

2024 Multifamily Housing Revenue Bond Rule (10 TAC Chapter 12)

2024 Multifamily Direct Loan Rule (10 TAC Chapter 13)

2024 Post Award and Asset Management Requirements (10 TAC Chapter 10 Subchapter E)

2024 Qualified Allocation Plan (10 Tac Chapter 11)

Texas Government Code Chapter 2306

Internal Revenue Code Section 42

Texas Government Code Chapter 1372

Notices Of Funding Availability (NOFA)