



2011

Low-Income Housing Tax Credit  
*Manual*

Virginia Housing Development Authority  
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## Reference Documents and Forms Needed to Complete VHDA Tax Credit Applications

You will need the following reference documents and forms to complete your Application for Low Income Housing Tax Credits.

### Parameters

1. [VHDA Unit Square Feet Parameters](#)
2. Efficient Use of Resources (EUR) Parameters
  - Elderly – 1 Story - [Cost](#) & [Credit](#)
  - Elderly - >1 Story - [Cost](#) & [Credit](#)
  - Family – Garden - [Cost](#) & [Credit](#)
  - Family – Townhouse – [Cost](#) & [Credit](#)

### Market Study and Appraisal Requirements

1. [Market Study Requirements](#)
2. [Market Study Analyst Listing](#)
3. [Appraisal Requirements](#)

### Sample Documents

1. *Sample* [State Corporation Commission \(SCC\) Certification](#)
2. *Sample* [Unit Size Calculation](#)
3. *Sample* [EUR Cost Per Unit Calculation](#)
4. *Sample* [EUR Credit Per Unit Calculation](#)
5. *Sample* [EUR Rehab Parameter Calculation](#)

### Guidelines

[Relocation Assistance Guidelines](#)

### Lists

1. [Qualified Census Tracts](#)
2. [Census Tract with Poverty Levels Below 10% & No Other Tax Credit Developments](#)
3. [RD Priority Rehabs](#)
4. [Existing Tax Credit Developments](#)
5. [Universal Design Certificate Holder Listing](#)
6. [EarthCraft Multifamily Professional Training Listing](#)

### VHDA Forms

1. [Architect's Certification](#)
2. Attorney's Opinion Letter - [Competitive and Non-Competitive](#) and [Tax-Exempt Bonds](#)
3. Locality CEO Support Letter - [Competitive](#) and [Non-Competitive & Tax Exempt Bonds](#)
4. [Non-Profit Questionnaire](#)
5. [PHA/Sec. 8 Notification Letter](#)
6. [Plan of Development Certification](#)
7. [Previous Participation Certification](#)
8. [Qualified Census Tract \(QCT\) Certification](#)
9. [Revitalization Area Certification](#)
10. [Surveyor's Certification of Proximity to Transportation](#)
11. [Zoning Certification](#)

# I. GENERAL PROGRAM INFO

## A. Federal Low-Income Housing Tax Credit (LIHTC) Program

### 1. Overview

This is a very brief, general overview of the rules applicable to the tax credit program and should not be substituted for competent legal counsel and accounting advice.

The Tax Reform Act of 1986 established the LIHTC to encourage private investment in affordable housing. More specifically, the LIHTC is a dollar-for-dollar reduction in tax liability to the owner of a qualified low-income housing development for the acquisition, rehabilitation ("rehab"), or construction of low-income rental housing units. The amount of credits allocated is based directly on the number of qualified low-income units that meet federal rent and income targeting requirements.

To qualify for tax credits, a development must meet a number of conditions set forth in Section 42 of the Internal Revenue Code (IRC). In particular, the development must provide low-income housing units that meet certain occupancy and rent requirements.

The developer of a residential rental development that qualifies for tax credits will typically establish a general partnership or limited liability company (LLC) to own the development. The developer usually assumes the role of Managing General Partner or Managing Member, retaining 0.01% of the ownership. The remaining 99.99% share is sold to investors interested in using the tax credits to reduce their federal tax liability. The capital invested by the investor partner accounts for all or most of the development's equity. This reduces the need for debt financing and thereby reduces the amount of the development's annual debt service. While there is no direct rental subsidy to households under this program, the increased equity and reduced debt allows for lower rents than would otherwise be possible.

Investors can claim these tax credits annually over a ten-year term, beginning with the tax year in which the development is placed in service (i.e., available for occupancy and meeting tax credit requirements) or, at the owner's election, the following tax year.

States receive tax credits based on population, so the amount of available competitive 9% credits in each state is limited. Most credits are allocated by the states during one or more competitive cycles held each year. Selection priorities and procedures vary in each state and are outlined in a Qualified Allocation Plan ("QAP").

While the LIHTC is a federal credit, the LIHTC program is administered by state housing finance agencies in each state. In Virginia, VHDA is responsible for administering the LIHTC program in Virginia.

## 2. Types of Low-income Housing Tax Credits

There are three types of low-income housing tax credits, 9%, 4% for new construction or substantial rehab and 4% for the acquisition of existing developments.

- **9% credit** – The 9% credit is determined on a ten-year, present value calculation of 70% of the qualified basis of the low-income units for new construction or substantial rehab of developments not federally subsidized or financed with tax-exempt bonds. In Virginia, rehab developments must incur a minimum of \$15,000 of contractor construction rehab expenditures, on average, per unit in order to qualify for credits.
- **4% for New Construction or Substantial Rehab** - The 4% credit is available to new construction and substantial rehab developments that are federally subsidized with tax- exempt bonds. This credit amount is determined by a present value calculation on 30% of the qualified basis over ten years. In Virginia, developments financed with tax-exempt bonds must incur a minimum of \$10,000 of contractor construction rehab expenditures, on average, per unit in order to qualify for 4% credits.
- **4% for the Acquisition of Existing Developments** - The 4% credit is also available for the acquisition of existing developments, if the development was not previously placed in service by the owner or a related party and is acquired at least 10 years after the later of (a) the date the development was last placed in service or (b) the date of the most recent non-qualified substantial improvements. The IRC provides some exceptions to the 10-year look back rule. All acquisitions must meet the minimum rehab expenditures discussed in the above paragraph.

## 3. Subsidy Layering

Combining tax credits with certain other forms of federal assistance will necessitate certification by HUD that the assistance will not be more than is necessary to make the development feasible. If you expect to combine low-income housing tax credits with one of the forms of federal subsidy listed below, please contact HUD to determine the process, requirements, and timing of the required subsidy layering review. For more details on the programs, click on this link to the [Electronic Code of Federal Regulations](#).

- Section 312 Rehabilitation Loans (24 CFR 3.V.510), multifamily
- Rental Rehabilitation Grant Program (24 CFR 3.V.511)
- Community Development Block Grants (24 CFR 3.V.570) -only loan guarantees under subpart M, grants to Indian tribes under title I of the Housing and Community Development Act of 1974, and grants under the HUD-administered Small Cities program under subpart F.
- Loan Guarantee Recovery Fund (24 CFR 3.V.573)
- Housing Opportunities For Persons With Aids (24 CFR 3.V.574)
- Emergency Shelter Grants Program: Stewart B. McKinney Homeless Assistance Act (24 CFR 3.V.576)
- Use Of Federal Real Property to Assist the Homeless (24 CFR 3.V.581)
- Shelter Plus Care (24 CFR 3.V.582)
- Supportive Housing Program (24 CFR 3.V.583)
- Youth Build Program (24 CFR 3.V.585)
- Revitalizing Base Closure Communities and Community Assistance Community Redevelopment and Homeless Assistance (24 CFR 3.V.586)
- Urban Homesteading (24 CFR 3.V.590)

- John Heinz Neighborhood Development Program (24 CFR 3.V.594)
- Urban Empowerment Zones and Enterprise Communities: Round One Designations (24 CFR 3.V.597)
- Urban Empowerment Zones: Round Two and Three Designations (24 CFR 3.V.598)
- Renewal Communities (24 CFR 3.V.599)

#### **4. Occupancy Requirement**

A minimum of 20% of the units must be occupied by households with incomes at or below 50% of the area median gross income (AMGI), as adjusted for family size; or a minimum of 40% of the units must be occupied by households, which incomes are at or below 60% of the AMGI, adjusted for family size. The AMGI is published annually by the United States Department of Housing and Urban Development (HUD). The owner must irrevocably elect to comply with either the 20-50 or the 40-60 test. The development must comply with these income restrictions within 12 months of the placed-in-service date (slight variations apply when a development has more than one building). Those units that are subject to such income restrictions are regarded as "low-income units". The owner may designate more than 20% or 40% of the units as low-income, thereby increasing the qualified basis on which the credits are based. A development unit does not qualify as a low-income unit for tax credit purposes until it is initially occupied by a qualified household.

In the event that the income of a household, which qualified at the time of initial occupancy, rises above 140% of the maximum qualifying income, that unit will continue to be a qualified unit if the next available unit of comparable or smaller size in the building is rented to a qualified household.

Failure to comply with occupancy requirements will result in a recapture of credits.

#### **5. Rent Requirements**

The gross rent charged for a low-income unit may not exceed 30% of the imputed income limit applicable to such unit size. For purposes of calculating the maximum gross rent only, the multiplier is "1" for an efficiency unit (0 bedrooms) and "1.5" for one or more bedrooms (i.e. if a unit has 3 bedrooms and the owner has selected a 40%-60% income restriction, the maximum gross rent for that unit will be 30% of 60% of the AMGI for a family size of 4.5 persons). The actual family size may be larger or smaller than this assumption. The rent that a given household pays may be more or less than 30% of their actual income. Click on this link for [Maximum LIHTC Gross Rents](#) by unit size for various Virginia localities.

If the household pays any utilities (excluding telephone, cable television or internet), an appropriate utility allowance must be subtracted from the gross rent limit to determine the maximum net rent chargeable. Please confirm these amounts by calculating maximum rents for your development individually.

Failure to comply with rent requirements will result in a recapture of credits.

#### **6. Compliance**

Pursuant to an Extended Use Regulatory Agreement and Declaration of Restrictive Covenants ("Extended Use Agreement") between the owner and VHDA, which is recorded

in the real estate records of the city or county where the development is located, developments receiving credit allocations on or after January 1, 1990 must comply with LIHTC program requirements for a minimum of 30 years, beginning with the taxable year in which the development is placed in service or, at the election of the taxpayer, the succeeding taxable year. IRC Section 42(h)(6)(f) provides for earlier termination (after a minimum 15 years of program compliance) if the housing agency is unable to present a qualified contract within one year. See Qualified Contract section below for more information on earlier termination.

The Omnibus Budget Reconciliation Act of 1990 amended the IRC to require that state tax credit allocating agencies provide a procedure for monitoring developments for non-compliance with the requirements of the Program under IRC §42(m)(1)(B) and for notifying the Internal Revenue Service of such non-compliance. To offset the costs of compliance monitoring, VHDA charges a reasonable monitoring fee, as allowed by the IRC. VHDA is required by the IRC to monitor developments for compliance with the program requirements and report all non-compliance to the IRS using Form 8823.

## **7. Professional Assistance**

The tax credit program is complex, with many pitfalls awaiting those inexperienced in the process. You are therefore strongly encouraged to seek competent legal and accounting advice early in the development process.

## **8. Suggested Reading**

For a more in-depth explanation of the tax credit program and a more detailed discussion of the many requirements, the following resources may be helpful:

- *Low-Income Housing Tax Credit Handbook, 2010 Edition, Novogradac & Company LLP*
- <http://west.thomson.com/productdetail/160424/13974235/productdetail.aspx>.
- *Tax Credits for Low Income Housing Guidebook, 13th Edition (20th Anniversary Edition)*, by Joseph Guggenheim, Simon Publications, (301) 320-5771, <http://www.housingtaxcredits.net/id36.html>
- *Low-Income Housing Tax Credit Handbook – Market Segment Specialization Program (MSSP)*, <http://unclefed.com/SurviveIRS/MSSP/lihc.pdf>.

# **B. VHDA Program Administration**

## **1. Authorization of the Executive Director**

The Executive Director may set deadlines for submission of applications for reservation and allocation of credits and apply penalties, as appropriate. The Executive Director may also substitute credits when a development is delayed by lawsuit.

## **2. Applications Are Open to the Public**

Applications are subject to review under the Virginia Freedom of Information Act. As such, interested individuals may request the opportunity to inspect and copy them.

Applications are available for viewing by registered VHDA Business Partners. VHDA will post Applications and all attachments (excluding plans, specifications and/or unit-by-unit work write-ups, market studies and appraisals) at VHDA.org, [VHDA's Business Partner](#) website. If you are a first time user click here for [registration](#). By clicking the button marked, "Send to VHDA for Processing," you will register as a Business Partner. VHDA will send to you an e-mail response and a temporary password, which will allow access to the website. Once you are allowed access to the site, you can edit your profile and password. Scanned files are listed alphabetically by development name.

## **3. Related Entities**

No more than 15% of the per capita credit amount may be reserved to any party or related parties, either directly or indirectly, in any credit year. See the QAP for information on related parties and the credit cap. This limitation does not apply to credits awarded to developments receiving tax-exempt bonds but does apply to developments receiving credits in any of the non-competitive 9% pools. The limit is applied to the year credits are reserved.

## **4. Scoring**

The QAP contains the "official" scoring criteria and maximum points per development, by which all Applications will be reviewed (see Section 13 VAC 10-180-60 of the QAP). We encourage applicants to read carefully the QAP as well as this manual.

In order to qualify for a reservation of tax credits, an Application for 9% competitive credits must score a minimum of 500 points, while an Application for tax-exempt (4%) credits must score a minimum of 475 points. Applicants select (on p. 2 of the Application) the pool in which they wish to compete and be scored, then are ranked according to their scores. See Section 5 below, "Rules of Ranking," for additional information.

In addition to scoring applications, VHDA must also determine the amount of credits to award the development. In no case can VHDA provide more credits than necessary to make the development financially feasible. This is a two-step analysis, with the development qualifying for the lesser of: (1) the maximum amount of credits allowed on the development given the amount of eligible basis and the percentage of qualified low-income units (i.e. the applicable fraction), and (2) the amount of credits necessary to generate enough equity to fill the gap between the development's total sources and uses.

## **5. Rules of Ranking**

Applications are ranked according to their scores in the pools used to subdivide the available credits. Reservations will be made to developments in accordance with VHDA's ranking criteria, so long as credits are available within the given pools.

Developments that qualify to compete in the non-profit or local housing authority (LHA) pools will compete there first. Any development that does not rank high enough to be fully funded in one of these two pools, will then compete in one of the five geographic pools.

No more than 20% of the credits in any pool, including the At-Large Pool, may be reserved to developments intended to provide elderly housing unless the feasible credit amount of the single highest ranked elderly development in any pool exceeds 20% of the credits in such pool, in which case that elderly development will be the only elderly development eligible for a reservation of credits in that pool. If either of the above occurs, all remaining lower ranking elderly applications in that pool become ineligible and move in rank order to the bottom of the pool. However, if credits remain available after all eligible non-elderly developments receive a reservation of credits, those remaining credits may be made available to additional elderly developments.

The 20% funding limit does not apply to the rehabilitation of existing rental developments serving elderly households wherein at least 20% of the units have federal project-based subsidy. Those developments will be treated as family developments for ranking purposes. The limitation of credits from any pool shall also not include licensed assisted living facilities.

No development will receive any partial credits remaining in any of the pools; rather, all credits remaining in each pool will be moved to the At-Large Pool.

## **6. Pools and Percentage of Available Credits**

Given the diverse housing needs in Virginia, VHDA divides the available annual credit amount into pools in which applications submitted by developers will compete. A description of each pool, as well as its respective percentage of available credits follows.

### Competitive Credit Pools

#### **Northern Virginia/Planning District 8 (Inner Washington MSA) Pool – 21.28%**

Each development which is located within one of the jurisdictions listed below (including excess nonprofit and LHA developments), will compete in this pool. This pool is a pool with an increasing rent burdened population.

Alexandria City	Falls Church City	Prince William County
Arlington County	Loudoun County	
Fairfax City	Manassas City	
Fairfax County	Manassas Park City	

#### **Northwest/North Central Virginia Area Pool – 10.89%**

Each development located within one of the jurisdictions listed below will compete in this pool (including excess nonprofit and LHA developments). This pool is a pool with an increasing rent burdened population.

Albemarle County	Frederick County	Orange County	Staunton City
Augusta County	Fredericksburg City	Page County	Warren County
Charlottesville City	Greene County	Rappahannock County	Waynesboro City
Clarke County	Harrisonburg City	Rockingham County	Winchester City
Culpeper County	King George County	Shenandoah County	
Fluvanna County	Madison County	Spotsylvania County	
Fauquier County	Nelson County	Stafford County	

**Richmond MSA Pool – 13.65%**

Each development located within one of the jurisdictions listed below will compete in this pool (including excess nonprofit and LHA developments). This pool is a pool with an increasing rent burdened population.

Amelia County	Goochland County	New Kent County
Caroline County	Hanover County	Petersburg City
Charles City County	Henrico County	Powhatan County
Chesterfield County	Hopewell City	Prince George County
Colonial Heights City	King & Queen County	Richmond City
Cumberland County	King William County	Sussex County
Dinwiddie County	Louisa County	

**Tidewater MSA Pool – 21.85%**

Each development (including excess nonprofit and LHA developments) which is located within one of the jurisdictions listed below will compete in this pool. This pool is a pool with an increasing rent burdened population.

Chesapeake City	James City County	Portsmouth City	Virginia Beach City
Gloucester County	Mathews County	Poquoson City	Williamsburg City
Hampton City	Newport News City	Suffolk City	York County
Isle of Wight County	Norfolk City	Surry County	

**Balance of State Pool (Remaining Geographic Areas) – 9.83%**

Each development (including excess non-profit and LHA developments) which is not eligible to compete in any of the four geographic pools above will compete in this pool. This pool is a pool with little or no increase in rent burdened population.

Accomack County	Covington City	Lee County	Richmond County
Alleghany County	Craig County	Lexington City	Roanoke City
Amherst County	Danville City	Lunenburg County	Roanoke County
Appomattox County	Dickenson County	Lynchburg City	Rockbridge County
Bath County	Emporia City	Martinsville City	Russell County
Bedford City	Essex County	Mecklenburg County	Salem City
Bedford County	Floyd County	Middlesex County	Scott County
Bland County	Franklin City	Montgomery County	Smyth County
Botetourt County	Franklin County	Northampton County	Southampton County
Bristol City	Galax City	Northumberland County	Tazewell County
Brunswick County	Giles County	Norton City	Washington County
Buchanan County	Grayson County	Nottoway County	Westmoreland County
Buckingham County	Greensville County	Patrick County	Wise County
Buena Vista City	Halifax County	Pittsylvania County	Wythe County
Campbell County	Henry County	Prince Edward County	

Carroll County  
Charlotte County

Highland County  
Lancaster County

Pulaski County  
Radford City

### **Local Housing Authority Pool – 7.5%**

Any application submitted for competition in the Local Housing Authority Pool must be for a development sponsored by a local housing authority or industrial development authority (if a locality does not have a local housing authority), as sole general partner or managing member (either directly or through a wholly-owned subsidiary), in the jurisdiction of the local housing authority or industrial development authority and/or receiving HOPE VI funds that request \$750,000 or less in credits will compete in this pool. Each development competing in this pool will be scored according to the rent burdened population characteristics of the geographic pool to which such development would be assigned if it did not compete in this pool. Applicants requesting more than \$750,000 in credits will compete in the applicable geographic pool.

### **Non-Profit Pool – 15%**

To participate in the Non-Profit Pool, the non-profit entity must be authorized to do business in Virginia and must be substantially based or active in the community of the development. Each development competing in this pool will be scored according to the rent burdened population characteristics of the geographic pool to which such development would be assigned if it did not compete in this pool.

Answers in the Non-Profit Questionnaire will be used to determine if the non-profit meets the community based test. While a non-profit does not need to answer every question affirmatively, its responses should clearly indicate its commitment to meet the needs of the targeted community. Attachments to the Questionnaire do not have to be sent in unless requested by VHDA. To participate in the Non-Profit Pool, the entity must:

1. Materially participate in the development and operation of the development throughout the compliance period (i.e., maintain regular, continuous and substantial involvement)
2. Own, either directly or through a partnership or limited liability company, 100% of the general partnership or managing member interest
3. Not be affiliated with or controlled by a for-profit organization
4. Not have been formed for the principal purpose of competition in the Non-Profit Pool
5. Not have any staff member, officer or member of the board of directors materially participate, directly or indirectly, in the proposed development as a for-profit entity

With regard to item 5 above, this rule would apply to all members of the Board of Directors regardless of their voting status. It would not apply to a member of an advisory group established by the non-profit to solicit input from a neighborhood or other

interested parties. However, in those cases, care should be taken to avoid even the appearance of impropriety that could adversely affect the local, political and/or financial support for the development.

Non-Profit entities that are seeking more than \$750,000 in annual credits may apply to the Non-Profit Pool, however reservations will be limited to \$750,000 unless all non-profit applications that meet all threshold requirements have been offered credits and unused credits remain in the Non-Profit Pool.

Joint ventures between a for-profit entity and a non-profit are not eligible for the Non-Profit Pool, but may receive points for non-profit participation when competing in the geographic pools. If a for-profit entity is providing development services to the non-profit owner, the consulting or services agreement must be attached to the Nonprofit Questionnaire. It must clearly explain the role of the for-profit and the services it will provide, the period of involvement, and the amount and timing of compensation. Background information on how the non-profit selected the for-profit along with an explanation of how the development was initially conceived will be helpful. VHDA will determine whether the arrangement satisfies the tests for the Non-Profit Pool, or better represents a joint venture eligible to compete in the geographic pools.

### **At-Large Pool**

The At-Large Pool has been created for all applications not ranked high enough for initial funding in the above pools. The At-Large Pool is separated into two tiers.

Tier 1 consists of the next eligible developments from the geographic pools that could not be fully funded with the remaining credits in those pools; those developments, in rank order, that can be fully funded, would receive credits in tier 1.

Tier 2 consists of any Tier 1 developments not funded in Tier 1 and all remaining developments ranking above threshold.

The dollar amount of credits reflected for each of the geographic, Non-Profit and LHA pools includes a pro rata portion of the following year's credits, not to exceed 40% of the current year's per capita credit amount. Developments that will receive a pre-allocation of the following year's credits will be determined when the allocations are issued in December.

### Non-Competitive Credit Pools

#### **Developments for Persons with Disabilities**

Credits for this pool will be reserved from the following year's allocation and will not exceed 6% of the current year's per capita credit amount. These credits are available for non-elderly developments.

Minimum requirements to qualify for credits from this Pool are:

1. At least 50% of the units will serve people with disabilities.
2. The development will conform to HUD regulations interpreting the fully accessible unit requirements of Section 504 of the Rehabilitation Act (reference the requirements set forth in the Uniform Federal Accessibility Standards "UFAS").
3. The development will provide project-based rent subsidies or equivalent assistance in order to ensure occupancy by extremely low-income persons for 50% of the units. Subsidies may apply to any units, not only those built to satisfy Section 504. For purposes of this Pool, "extremely low income" mean households with gross income not greater than 40% of the AMGI paying no more than rent calculated at the 40% level.
4. The units will be actively marketed and rented to households including at least one person with a disability in accordance with a plan submitted as part of the Application for credits and approved by the Executive Director.

Developers may wish to forge collaborative relationships with for profit and not for profit partners:

- To obtain project-based vouchers and local HOME funds through public housing agencies or redevelopment housing agencies.
- To increase affordability and provide targeted services such as accessible transportation or personal care to attract people with disabilities.
- To use unique and creative marketing techniques most effective in reaching people with disabilities.
- To work with local independent living centers or disability services boards to build management relationships and assemble waiting lists.
- To leverage resources and enhance the quality and sustainability of the proposed development.

In addition to any reservations of tax credits made from this Pool, VHDA has also set aside a certain amount of funding with favorable financing through its Resources Enabling Affordable Community Housing (REACH) program. If you are interested in REACH funds, a REACH loan application, in addition to the tax credit application, is required.

Proposals may be sent to VHDA at any time during the year; however, a complete Tax Credit Application, including documentation of the above minimum requirements, must be submitted to VHDA no later than November 1, 2011. These credits are available on a first-come, first-served basis for applications that meet the minimum requirements to receive an allocation.

In the event that other applications to this pool meet program and documentation requirements first, then those developments will receive a reservation first. Applications can be resubmitted to update development characteristics or to correct data for an additional application fee. At the time of any resubmittal, the application risks losing its previous place in the review queue, and another development may receive a reservation. There is no guarantee that there will be enough credits available by the time any application meets the requirements.

Preservation (**SUSPENDED FOR 2011**)

## 7. Change of General Partner or Managing Member

Change of General Partner or Managing Member (direct or indirect) is prohibited prior to the placed-in-service date of the proposed development and is subject to approval by VHDA.

## 8. Minimum Design and Construction Requirements

[VHDA's Minimum Design & Construction Requirements](#) (including Kitchen & Bath Vanity Cabinet Specifications) are mandatory minimum design criteria for any development receiving tax credits and/or VHDA financing.

### Design & Construction Meeting

To ensure that developments conform to minimum design and construction requirements set forth by VHDA and to ensure that owners construct/provide the amenities represented in the Application, construction will be monitored periodically. Before construction monitoring can begin, the Design and Construction Meeting is held with the owner and/or its representatives, the architect, the contractor and VHDA staff to review the requirements, as well as to discuss expectations, the inspection schedule and draw procedures (i.e. if construction is being funded by a VHDA construction loan). In general, the meeting is held after the Scope of Work is finalized. Depending on previous experience with the owner/developer, VHDA Construction Control Officer ("CCO") may waive the requirement for this meeting.

## 9. New In 2011!

- Elderly rehab developments are now eligible to qualify for points in the Accessibility categories (50-30-15 points); Elderly adaptive reuse and mixed construction developments are not eligible for these points
- Tiered points (15, 30 or 45) for LEED or EarthCraft certification plus 5% or 10% basis boost for the 30 or 45 point levels. To be eligible for these points, there is an additional form to be signed by EarthCraft and submitted with the Architect's Certification
- In order to be eligible for LEED or EarthCraft points the Architect of Record must have attended EarthCraft Multifamily Professional training since January 1, 2008.
- Non-Competitive Preservation Pool is suspended for 2011.
- Penalty points for Uncorrected 8823s (non-compliance) will apply, unless developer requests and VHDA determines that individuals associated with the principal attend VHDA-authorized compliance training prior to Application deadline

## 10. Summary of Program Fees

Amount	Description/Due Date/Penalty	Program
\$750	<b>Application Fee</b> - Applications will not be processed until the application fee is paid.	9%, 4%
TBD	<b>Appraisal Fee</b> - The appraisal fee will be based on the complexity of the	9%, 4%

	assignment. VHDA will not order the appraisal until the fee is received.	
7% of annual credit amount	Assessed only to those applicants accepting a 9% credit reservation; the amount is communicated in a letter sent with the Reservation Agreement; due as instructed in Reservation correspondence from VHDA.	9%
7% of annual credit amount	Assessed only to tax-exempt bond applicants who qualify for an allocation of 4% tax credits; due after the submission of the Application, upon written request by VHDA. This fee will be calculated based on the lesser of the credit amount from VHDA's feasibility review or the credit amount requested by the Applicant. If at 8609 Application the review causes a reduction in the feasible credit amount, there will be no refund of the original fee, as it is considered a minimum application fee; the Section 42(m) letter will not be issued until the fee is paid	4%
\$500 per calendar day	<b>Late Submission of Reservation Agreement</b> - fee is assessed when any of the reservation documents, including Reservation Agreement, are not submitted to VHDA by the stated deadlines; communicated to Applicants via Reservation Agreement cover letter; <b>significant delay may result in loss of the reservation</b>	9%
\$500 per calendar day	<b>Late submission of Allocation Application</b> - these fees are applicable only to competitive tax credit applications and are assessed per calendar day for each day after the deadline. After 5 p.m. on any date is considered the following calendar day; applications will not be processed until the fee is paid	9% competitive credits
\$100 per calendar day+	<b>Late Submission of 8609 Application</b> - it is VHDA's policy that completed 8609 Applications be submitted within 6 months of the development's Construction Completion Date, as evidenced by a Certificate of Occupancy or Architect's Certificate of Substantial Completion (if rehab). The fee is \$100 per calendar day, up to \$7,500; thereafter 4% of the outstanding balance each one-month anniversary). Form 8609 will not be issued until the fee is paid.	9%, 4%
\$100 per form	<b>Correction of Form(s) 8609</b> - The fee is assessed when an owner requests VHDA to issue an amended 8609 due to the original being issued with incorrect data supplied by the owner. The amended 8609 will not be issued until the fee is paid.	9%, 4%
\$50	<b>Replacement of Documentation Previously Provided</b> , e.g. original Extended Use Regulatory Agreement	9%, 4%
\$30 per unit per year	<b>Compliance Monitoring Fee</b> - after all buildings are placed in service. The fee is reduced to \$15 per unit during the extended use period (years 16-30).	9%, 4%
\$20 per unit per year	<b>Compliance Monitoring Fee – RD Developments</b> - after all buildings are placed in service. The fee is reduced to \$5 per unit during the extended use period (years 16-30).	9%, 4%
\$3,000	<b>Qualified Contract Application Fee</b>	9%, 4%

For-profit sponsors pay reservation fees at the time signed reservation agreements are due at VHDA. Non-Profit sponsors competing or eligible to compete in the Non-Profit Pool or developments competing or eligible to compete in the Local Housing Authority Pool pay reservation fees at the time of the first syndication payment and no later than the Allocation Application Deadline.

Waiver of application fees and reservation fees are not granted under any circumstances. The Executive Director has the discretion to waive all other fees. Waivers may be granted as circumstances warrant and will be evaluated on a case-by-case basis.

## 11. Updating Program Information

Periodically, it is necessary to update information relating to the tax credit program due to the availability of new information or to clarify program requirements in response to new questions. Updates will be sent via e-mail and will be posted at VHDA's [Low-Income Housing Tax Credit Program](#) website. Applicants are responsible for making sure they receive all necessary information for submitting applications.

## 12. VHDA Program Contacts

If you have any questions about the LIHTC program, you may contact James M. Chandler at (804) 343-5786 or via e-mail, [jim.chandler@vhda.com](mailto:jim.chandler@vhda.com).

For all other inquiries or to provide/update your contact information, contact Dale Wittie at (804) 343-5876, Cara Wallo at (804) 343-5714, Jaynell Pittman-Shaw at (804) 343-5733 or Rebecca Rowe at (804) 343-5518.

Compliance monitoring questions should be directed to Brenda Hawkins at (804) 343-5763 or via e-mail, [brenda.hawkins@vhda.com](mailto:brenda.hawkins@vhda.com).

## C. Allocations

A reservation of credits is made after an initial feasibility analysis by VHDA and is conditioned upon the development's sponsor meeting certain requirements. Those applicants satisfying the requirements are given an allocation of credits. If a development is placed in service in the year of allocation, it qualifies for a **regular allocation** and Forms 8609 may be issued on or before December 31. If the development is not placed in service in the year of allocation, the developer must request a **carryover allocation** (see Carryover Allocation Application section below). A second feasibility analysis is completed by VHDA to reflect any changes in the development's cost and/or financial structure, prior to VHDA granting a Carryover Allocation.

After a building has been placed in service (i.e., the rehab is substantially complete or for new construction, Certificates of Occupancy are received), the Owner will request IRS Form(s) 8609. A third feasibility analysis will be performed at that time. The final credit amount is the lesser of the amount necessary to make the development feasible and the amount of the earlier carryover allocation.

## D. Types of Applications and Application Schedules

### 1. 9% Credit Reservation Application

Following is a summary of the 9% Application process.

#### How to Obtain an 9% Application

Click on this link for the [9% Tax Credit Application](#). The application can also be sent to you as an e-mail attachment, upon request. The application was prepared using Microsoft Office 2003, Excel Version 11.8146.8132 SP-2. If your version of Excel is more current than the version VHDA is using, check "no" to an upgrade when downloading the form from the Internet. This should allow checkboxes to function properly.

Download and save the Excel application using the development's name (i.e., "ABC Apartments").

### 9% Application Deadline

Unless otherwise notified by VHDA in writing by e-mail or posting on the website, the Application Deadline for 9% competitive allocations, is no later than 2:00 p.m. EST on March 11, 2011.

#### **Delivery Address:**

Virginia Housing Development Authority  
Attn: Tax Credit Allocation Department  
601 S. Belvidere Street  
Richmond, VA 23220-6500

### How to Submit the 9% Application

Applicants should submit all application materials in electronic format only! These files should be saved to **one or more CDs** and should include the following:

1. Application for Reservation – the active Microsoft Excel workbook
2. Application for Reservation – a PDF file which includes the following:
  - Application for Reservation – signed version of hard copy, including self score sheet
  - All application attachments (i.e. tab documents, excluding the market study, plans, specs and/or work write-up)
3. Market Study – PDF or Microsoft Word format
4. Plans (may be combined with specs)
5. Specifications (may be combined with plans)
6. Unit by Unit Work Write-up (PDF or other readable electronic format)

- √ **Do not** submit any files on a flash drive.
- √ **Do not** submit hard copies.
- √ **Do not** submit any application materials via TaxCreditApps@VHDA.com or to any email address unless specifically requested by VHDA Allocation Department staff.

Except as follows, VHDA will not accept additional development information separate from the Application.

- Locality Notification Information form - due 1/27/11
- CEO Letter(s) of Support (neutrality or opposition) – due 4/1/11
- Revitalization Area Certification – due 4/1/11

Failure to provide all documentation noted as "mandatory" on the Application Checklist (also, see section below), will result in the disqualification of the Application, unless VHDA's Executive Director approves an exception. If approved, each exception will incur a 10-point penalty.

VHDA reserves the right to request additional information for purposes of clarification.

## Mandatory Documents to be Submitted with the 9% Credit Reservation Application

Mandatory documentation and explanations thereof follow. Please refer to the Application Checklist for correct tab placement and VHDA forms to be submitted with the Application.

Electronic Copy of Application and Attachments (on CD)	Submit as noted above.  The scanned copy of the Tax Credit Application (in its entirety) will be posted on VHDA's website.  Use VHDA <a href="#">divider pages</a> to separate attachments.
\$750 Application Fee	To be paid via check to VHDA
Partnership or Operating Agreement	In addition to the Agreement itself, please attach an organization chart for the limited partnership (LP) and LLC depicting the ownership structure (at Tab B), identifying each principal (i.e. individuals' names rather than entities) and percentage of interest. For a housing authority or non-profit principal, the Executive Director should be the named individual. Please follow guidelines below for listing principals. <ol style="list-style-type: none"><li>1. If the owner is a partnership, list the names of all GPs, regardless of % interest in the General Partnership</li><li>2. If the owner is an LLC, list the names of all members regardless of % interest</li><li>3. If the owner is a Corporation (public or private), Organization or Governmental Entity, list the names of officers who are directly responsible to the Board of Directors (or equivalent) and any stockholder having a 25% or more interest</li><li>4. If the owner is a Trust, list the names of all persons having a 25% or more beneficial ownership interest in the assets of the trust</li><li>5. If the owner is an Individual, list the name of anyone having a 25% or more ownership interest of the named individual</li><li>6. If none of the above apply, list the name of any person that directly or indirectly controls or has the power to control a principal</li></ol>
Virginia State Corporation Commission Certification (SCC)	Submit a Certification from the Virginia SCC reflecting ownership entity is: <ul style="list-style-type: none"><li>• Admitted to record in Virginia</li><li>• Authorized to transact business in Virginia</li></ul> Request the Certification from the SCC in time to include it with the Application.
Resume(s) <u>and</u> Principal's Previous Participation Certification (PPC)	Attach a resume for each principal of the general partnership (GP) or limited liability company (LLC).  Information provided in the PPC form and representations made in the ownership section of the Application will be used to enforce the limit on the amount of credits that are reserved for a single sponsor.  No more than 15% of the Virginia per capita credit amount may be reserved to any related general partner(s) or principal(s) of such

general partner(s) or managing member (if LLC), either directly or indirectly, in any credit year (see QAP for information on related parties and the credit cap). This limitation does not apply to credits that are awarded to developments receiving tax-exempt bonds but does apply to developments receiving credits in either non-competitive 9% pool. The limit is applied to the year credits are reserved.

Non-Profit Questionnaire  
(if Applicant/Developer is  
a Non-Profit Organization)

To compete in the Non-Profit Pool and/or receive points for non-profit involvement, submit:

- Completed questionnaire
- Supporting documents need not be submitted unless requested by VHDA.

For more information about competing in the Non-Profit Pool, please refer to Section I.B.6 above.

Architect's Certification

The Architect of Record certifies that all square footages, unit and site amenities indicated in the Application are incorporated into the development plans, specifications or unit-by-unit work write-up, and that all products necessary to fulfill these representations are available. The Certification also documents that VHDA's Minimum Design and Construction Requirements will be incorporated into the design of the property. All representations made in the Architect's Certification **must** agree with those same representations in the Reservation Application. If there are differences, then the Architect's Certification and/or the Reservation Application must be re-submitted, so that the representations agree. For each document that is re-submitted, a 10-point penalty will be assessed.

Site Control  
Documentation

Site control must be in the name of the Owner identified in the Application and documented to remain in place for a minimum of four (4) months beyond the Reservation Application Deadline (9% competitive credits only). The site control document must reference all parcels in the development and should not allow further marketing of the property by the seller. Site Control documentation must be in the form of one of the following:

1. Sole fee simple ownership of the site of the proposed development by the applicant,
2. Lease of such site by the applicant for a term exceeding the compliance period (as defined in the IRC) or for such longer period as the applicant represents in the application that the development will be held for occupancy by low-income persons or families or
3. Right to acquire or lease such site pursuant to a valid and binding written option or contract between the applicant and the fee simple owner of such site; and
4. A copy of the most recent real estate tax assessment

Such option or contract shall have no conditions within the discretion or control of such owner of such site. Any contract for the acquisition of a site with existing residential property may not require an empty building as a condition of such contract, unless relocation assistance is provided to displaced households, if any, at such level required by VHDA. Click here for [Relocation Assistance Guidelines](#).

In the case of acquisition and rehabilitation of developments funded by Rural Development of the U.S. Department of Agriculture ("Rural Development"), any site control document subject to approval of the partners of the seller does not need to be approved by all partners of the seller if the general partner of the seller executing the site control document provides (i) an attorney's opinion that such general partner has the authority to enter into the site control document and such document is binding on the seller or (ii) a letter from the existing syndicator indicating a willingness to secure the necessary partner approvals upon the reservation of credits.

Plans, Specifications and/or Unit by Unit Work Write-up

VHDA must receive copies of Plans, Specs and/or Unit-by-Unit Work Write-up on CD.

Following are the minimum requirements for all property types (new construction, rehab and adaptive reuse).

1. A location map with the property clearly defined
2. Sketch plan of the site showing overall dimensions of main building(s), major site elements (e.g., parking lots and location of existing utilities, and water, sewer, electric, gas in the streets adjacent to the site). Contour lines and elevations are not required.
3. Sketch plans of main building(s) reflecting overall dimensions
4. Typical floor plan(s) showing apartment types and placement
5. Ground floor plan(s) showing common areas
6. Sketch floor plan(s) of typical dwelling unit(s)
7. Typical wall section(s) showing footing, foundation, and wall and floor structure. Notes must indicate basic materials in structure, floor and exterior finish.
8. All items reflected in [VHDA's Minimum Design & Construction Requirements](#).

Sketch plan dimensions must be sufficient to allow VHDA to calculate the Gross Floor Area for the entire development and the net rentable areas for all the units in the development.

In addition to the foregoing required submission, **for rehab developments**, supply a unit-by-unit work write-up sufficient to determine renovations in each unit and common areas throughout the development.

In the event the plans and specifications and/or work write-up do not include VHDA Minimum Design and Construction Requirements, then those requirements still must be met, even though the application is accepted for credits. Please note that this may cause the Application to be ineligible for credits.

Attorney's Opinion (VHDA form)

Any changes to the form of opinion other than filling in blanks or making the appropriate selections in bracketed language must be accompanied by a black-lined version indicating all additional changes to the opinion. Altered opinions submitted without prior

approval are subject to a 10-point penalty. The date in the first paragraph of the Attorney's Opinion Letter should correspond to the date of the Application.

#### Market Study

**NOTE:** The application will be disqualified if the market study is **not** provided with the application!

Market studies must be submitted with the Application (on CD in PDF format or in MS Word). For 9% competitive applications, failure to meet this requirement will disqualify the Application.

The market study must be no more than six (6) months old at the time of submission to VHDA. Market studies more than six (6) months old must be updated. If the study has no material changes, the market study analyst may send an update letter. No study over 12 months old will be accepted. Click this link to find VHDA's current [Market Study Requirements](#).

During its review of the submitted applications, VHDA may conduct its own analysis of the demand for the housing units to be produced by each Applicant's proposed development. Notwithstanding any conclusion in the market study submitted with an application, if VHDA determines that, based upon information from its own loan portfolio or its own market study, inadequate demand exists for the housing units to be produced by an Applicant's proposed development, it may exclude and disregard the Application.

#### Appraisal

**NOTE:** Required for Rehab and Adaptive Reuse Developments (where there is an identity of interest between purchaser and seller and at VHDA's discretion)

VHDA will only order appraisals for developments receiving reservations that are both (1) rehab or adaptive reuse and (2) that have an identity of interest between purchaser and seller. In addition, VHDA, at its discretion, will order appraisals if there are unresolved concerns about feasibility.

Fees will be the sole responsibility of the Owner. VHDA will communicate the fee to the Owner in writing. For Tax-Exempt Bond developments, the fee is due when VHDA notifies the Applicant of the appraisal fee (typically within 7-10 days of receiving the Application). For 9% developments, the fee is due with the signed Reservation Agreement. Appraisals will not be ordered until VHDA receives the fee. Click this link to access VHDA's [Appraisal Requirements](#).

9% Competitive Credit Reservation Application Schedule

Due	Description
Jan 27	Locality Notification Information form due
Mar 11	Deadline for Reservation Application, Market Study (due with Application) & \$750 Application Fee
by Mar 25	Applications posted to VHDA website
Apr 1	Locality CEO Support Letter and Revitalization Area Certification may be submitted after the Reservation Application Deadline, but <b>not later than April 1, 2011.</b>
May 17	Announce Preliminary Rankings/Begin General Comment Period
May 24	Close General Comment Period/Begin Rebuttal Comment period
May 31	Close Rebuttal Comment Period
Jun 8	Announce Final Rankings
Early to mid-July	VHDA mails Reservation Application documents (Agreement, Contract to Enforce Representations, Extended Use Agreement, and Election to Fix %) and Notification of Appraisal Fee (if applicable). The appraisal fee (if applicable) is due upon Developer receiving Notification of Appraisal Fee.
Mid to late July	(Fully executed) reservation documents, Contract to Enforce Representation (original), Election to Fix Applicable Percentage (if applicants choose to lock in rate) and for-profit fees due
Nov 4	Site Control Documentation, Extended Use Agreement (recorded original), Carryover Allocation Application (if applicable), non-profit reservation fees and local housing authority reservation fees due

**2. Carryover Allocation Application**

In general, IRC Section 42 allows an allocation to a building to be carried over if such building is placed in service no later than the end of the second year following the allocation year.

How to Obtain a Carryover Allocation Application

VHDA sends out Carryover Allocation Applications to developers that have accepted a reservation of credits.

If requesting a carryover allocation, the owner/applicant submits an Owner's Certification, an itemized list of expenses and an Attorney's Opinion with the Carryover Allocation Application. If the owner has met the 10% test, no further documentation is necessary.

Carryover Allocation Application Deadline

Carryover Allocation Applications are due back to VHDA no later than November 4, 2011. A late charge of \$500 per day will be assessed for each calendar day past the due date that the Allocation Application is not returned to VHDA.

How to Submit the Carryover Allocation Application

Complete the Allocation Application by verifying and/or updating answers to all questions and include all requested/supporting documentation (via CD).

Mandatory documents to be Submitted with the Carryover Allocation Application

- Excel copy of the Allocation Application
- Electronic/PDF copy (on CD) of signed Allocation Application and attachments
- Attorney's Opinion
- IRS Letter Confirming the Assignment of the EIN Number (Form SS-4) to the owner (i.e. LP, LLC, etc.)
- Site Control Documentation in the form of (1) a copy of the recorded deed or land lease (or memorandum of land lease) or (2) a copy of the document and recording receipt
- Owner's Certification – must include an itemized list of expenditures. Expenditures do not have to be certified by a CPA, unless required by the attorney for the Attorney's Opinion letter. For purposes of calculating the 10% test, the reasonably expected basis in the development consists of land and depreciable property, regardless of whether those items are included in eligible basis. Please perform the correct calculation.
- Recorded Extended Use Agreement - if the recorded Extended Use Agreement is not returned from the locality by the application due date noted below, submit a copy of the Extended Use Agreement and copy of the recording receipt. Remember to submit to VHDA the original recorded Extended Use Agreement when it is received from the locality.
- Attorney's Opinion
- Recorded Non-Profit or Local Housing Authority (LHA) Right of First Refusal
- Letter from Syndicator or Investor (LOI)
- Other documents revised since the Reservation Application

Carryover Allocation Application Schedule

Due	Description
Mid to Late August	VHDA sends out customized Allocation Applications to developers that have received a reservation of credits
Nov 4	(1) Allocation Application; (2) site control documentation; (3) <u>original recorded</u> Extended Use Agreement; (4) Attorney's Opinion; (5) <u>recorded</u> Non-Profit or LHA Purchase Option or Right of First Refusal; (6) Owner's Certification; and (7) IRS Letter with EIN# assignment due
Dec	(1) Allocations are finalized and for regular allocations, 8609s are mailed to developers; (2) Carryover Allocation Agreements are mailed by VHDA to developers
Dec 16	10% Test Certifications due for 2010 allocations
Mid-Jan	Carryover Agreements due back to VHDA

Meeting the 10% Test

If the owner has not incurred 10% of the reasonably expected basis by the Allocation Application due date, then it must submit documentation to VHDA that 10% of the reasonably expected basis has been incurred within 12 months of the Carryover Allocation Agreement date.

**3. 4% Tax-Exempt Bonds**

Developments financed with tax-exempt bonds are eligible to apply for tax credits automatically and **do not need to compete for credits**. These developments, because they are federally subsidized, only qualify for the 4% credit. If bond financing is more than 50% of

the development's aggregate basis plus land, the maximum allowable credits are calculated on 100% of the qualified basis of the low-income units. VHDA must determine that the development satisfies the threshold requirements of the QAP. Only the minimum amount of credits will be allocated to the development to make it financially feasible.

VHDA will prohibit tax-exempt bond developments from receiving credits in those instances where more than 50% of the tax-exempt bonds issued are retired prior to the end of seven years after issuance. If the development has an existing Rural Development 515 loan, where the tax-exempt bonds issued for rehab are less than \$3 million, that development will be exempt from this restriction.

Following is a summary of the 4% tax-exempt bonds process.

#### How to Obtain a 4% Tax-Exempt Bond Application

Click on this link for the [4% Tax Credit Application](#). The application can also be sent to you as an e-mail attachment, upon request. The application was created using Microsoft Office 2003, Excel Version 11.8146.8132 SP-2. If your version of Excel is more current than the version VHDA is using, check "no" to an upgrade when downloading the form from the Internet. This should allow checkboxes to function properly.

Download and save the Excel application using the development's name (i.e., "ABC Apartments").

If you have questions regarding tax-exempt bond credits, contact Dale Wittie at (804) 343-5876.

#### 4% Tax-Exempt Bond Application Deadline

For VHDA bond-issued developments, applications should be submitted at least one month before VHDA bond pricing. For non-VHDA bond issuance, applications should be submitted at least 75 days prior to bond issuance.

#### **Delivery Address:**

Virginia Housing Development Authority  
Attn: Tax Credit Allocation Department  
601 South Belvidere Street  
Richmond, VA 23220-6500

#### How to Submit the 4% Tax-Exempt Bond Application

An Excel copy of the Application, as well as an electronic/PDF copy of the Application and all attachments must be submitted on CD(s). **Do not** e-mail or submit hard copies.

Until a PDF (or other readable format) of the signed copy of the application is received, the application will not be processed.

Step	Description
1	Complete the Locality Notification Information form (online submission)
2	CEO Support Letter due 45 days from date of VHDA's Notification Letter
3	Submit the Application for Reservation
4	The market study is due with the Application
5	A \$750 Application Fee is due with the Application.
6	The appraisal fee (if applicable) is due when VHDA notifies the Applicant of the appraisal fee (typically within 7-10 days of receiving the Application).

#### Mandatory documents to be submitted with the 4% Tax-Exempt Bond Application

Same as "Mandatory 9% Credit Reservation Application Documents," described above.

#### 4% Tax-Exempt Bond Credit Reservation Application Schedule

- VHDA reviews the Application for threshold, financial and market feasibility
- If the Application qualifies for an allocation, VHDA will request payment of the Reservation Fee
- After receipt of the Reservation Fee, VHDA sends Section 42(m) letter, Extended Use Agreement and Election to Fix Applicable Percentage
- If the applicant chooses to lock the rate, an Election to Fix Applicable Percentage must be received at VHDA by close of the 5<sup>th</sup> day of month following the month bonds are issued

## **4. 8609 Application**

VHDA policy relating to both 9% allocations and 4% tax-exempt allocations requires that the owner notify VHDA's Tax Credit Allocation Department in writing within 30 days after the date the units in the last building in the development are ready for occupancy. If the development is new construction, Certificate(s) of Occupancy must be provided. If the development was rehabilitated, a Certificate of Substantial Completion from the Architect must be provided.

Upon receiving such notification, VHDA will schedule the final physical inspection of the development, which will include entry into several representative units. The primary purpose of this inspection is to determine that the building(s) and units were produced in accordance with representations made in the Reservation Application and in accordance with [VHDA's Minimum Design & Construction Requirements](#). Owners will receive written notification of any issues identified as not conforming to the submitted Reservation Application. In the event that the 8609 application is submitted while inspection issues remain unresolved, VHDA may issue 8609's; however, a penalty will be assessed against future Reservation Applications until the earlier of the date deficiencies are corrected to VHDA's satisfaction or 3 years after the date of 8609(s) issuance. Developers with egregious omissions and/or multiple outstanding corrections also risk not being able to participate in the tax credit program.

VHDA prefers that loan closings for permanent financing occur before requesting Form(s) 8609. However, if closing has not occurred, you may still submit an 8609 Application. Submit copies of any funding commitment along with other supporting documentation requested on the 8609 Application Checklist.

If the 8609 Application, including requested supporting documentation, is submitted to VHDA late, the owner will be subject to a fine of \$100 per calendar day, up to \$7,500; thereafter, the owner will be fined 4% of the outstanding balance on each one-month anniversary. Form(s) 8609 will not be issued until the fee is paid.

An Auditor's Report and Final Cost Certification are required prior to the issuance of the final housing credit allocation and IRS Form(s) 8609. The Independent Auditor's Report must be completed in accordance with generally accepted auditing standards, which require that the auditor obtain reasonable assurance about whether the Final Cost Certification is free of material misstatement. The Final Cost Certification is an itemization of final development costs and concludes which portion of those costs is included in eligible basis.

### How to Obtain an 8609 Application

Following notification of readiness for occupancy to VHDA's Tax Credit Allocation Department, the owner should download and complete the 8609 Application, Independent Auditor's Report form and Final Cost Certification form posted on our website.

### 8609 Application Deadline

For both 9% and 4% deals, a completed 8609 Application must be submitted to VHDA within 6 months of the date on which a development's last building becomes ready for occupancy, as evidenced by the Certificate of Occupancy (for new construction) or Architect's Certificate of Substantial Completion (for rehabs).

**Special Rule for 9% Credit Developments:** According to VHDA's Contract to Enforce Representations, 8609 Applications for 9% credit developments are due no later than April 30<sup>th</sup> of the second year following the year of allocation. Extensions may be granted for up to 12 months beyond April 30<sup>th</sup> with prior approval by VHDA.

### How to Submit the 8609 Application

An Excel copy of the Application, as well as an electronic/PDF copy of the signed Application and all attachments must be submitted on CD(s). **Do not** e-mail or submit hard copies.

In rare instances, VHDA may require an Attorney's Opinion in connection with the 8609 Application. You will be notified by VHDA in those instances.

### Mandatory Documents to be submitted with the 8609 Application

If points are awarded during the Reservation Application phase for EarthCraft Certification, LEED Certification and/or Universal Design Certification, the certification(s) **must** be obtained before Form(s) 8609 will be issued.

The following should be submitted on CD:

- Completed 8609 Application (active Excel workbook)
- Electronic/PDF copy of the signed Application
- VHDA-requested supporting documents (see Submission Checklist)

- Permanent financing documentation (or other documentation if closing has not occurred)
- Construction Contract
- Grant Agreement(s), if applicable
- Final Partnership Agreement and Development Agreement (if applicable)
- Independent Auditor's Report
- Final Cost Certification

### 8609 Application Schedule

Due	Description
Within 30 days of construction completion of the units in the last building	Submit notification to VHDA's Tax Credit Allocation Department no later than 30 days after the units in the last building are ready for occupancy, as evidenced by a Certificate of Occupancy or Architect's Certificate of Substantial Completion (if rehab).
No more than 6 months after construction completion of the units in the last building	Submit the 8609 Application, including supporting documentation (see list above and 8609 checklist).
No later than April 30 <sup>th</sup> (of the second year following the year of allocation)	8609 Applications for developments financed with 9% credits are due. Extensions may be granted for up to 12 months beyond April 30 <sup>th</sup> with prior approval by VHDA.

VHDA is often requested to amend previously issued 8609s, e.g. building addresses or placed-in-service dates that are listed incorrectly on the Application by the owner. Once transferred to the 8609, errors may cause the allocation of tax credits to be invalid and subsequently, cause recapture of the tax credits by the IRS. Due to the administrative burden placed on everyone involved, VHDA will charge \$100 for each Form 8609 to be corrected and reissued. Refer to Section B.9 above for fees and penalties information.

## **5. Qualified Contracts**

Section 42(h)(6)(E)(i)(II) of the IRC created a provision that housing credit agencies respond to requests for presentation of a Qualified Contract ("Request for Qualified Contract") for tax credit developments with expiring compliance periods. The Request for Qualified Contract is a request that the housing credit agency find a buyer (who will continue to operate the property as a qualified low-income property) to purchase the property for a qualified contract price, calculated pursuant to IRS Section 42(h)(6)(F). If the housing credit agency is unable to present a qualified contract within one year, the extended use period is terminated. However, the development will remain subject to the requirements set forth in Section 42(h)(6)(E)(ii); that is, for a three-year period commencing on the termination of the compliance period, the owner may not (i) evict or terminate a tenancy (other than for good cause) of an existing tenant of any low-income unit, or (ii) increase the gross rent with respect to any low-income unit except as permitted under Section 42 of the IRC, as well as the requirements of the Extended Use Agreement. A qualified purchaser can be a non-profit or a for-profit entity that agrees to maintain the affordable housing units and fulfill all requirements of the Extended Use Agreement.

Many owners have chosen to waive the right to request a Qualified Contract and have committed to thirty years or more of operation as low-income rental housing. Owners should review the QAP, Tax Credit Application, Carryover Agreement, and Extended Use Agreement to determine whether a waiver is in place for the development.

Below is a brief description of VHDA's process for requesting a Qualified Contract. Complete instructions for requesting a Qualified Contract can be found by clicking this link, [Qualified Contracts Procedures](#).

#### Notice of Intent to File Request (Preliminary Application)

Between January 1 and March 1 of each year, VHDA will accept Preliminary Applications from Owners to determine their eligibility to submit a Request for Qualified Contract. The Preliminary Application does not bind the Owner to submit a Request, nor does it start the one-year period, as defined in §42(h)(6)(l). VHDA will determine eligibility based on confirmation of the following:

1. The owner did not waive its right to request a Qualified Contract during the allocation of the tax credits.
2. The tax credit property meets the basic physical compliance standards that are necessary to claim credits.
3. The owner has secured waivers of purchase options and rights of first refusal connected to the property.
4. The Owner shall certify that it has all the necessary documentation to submit a Request for Qualified Contract.

If after review of the Preliminary Application, VHDA determines the Owner is not eligible to submit a Request for Qualified Contract, VHDA will notify the Owner in writing. Owners, then, will be given a deadline to remedy the grounds for rejection.

#### Filing a Request for Qualified Contract

VHDA will accept Requests for Qualified Contracts from June 15 through September 15 of each year from Owners who have submitted a Preliminary Agreement and who are determined by VHDA to be eligible to submit a Request for Qualified Contract.

The Owner files a Request for Qualified Contract by filing with VHDA a complete Application (on such form(s) as the Executive Director may, from time to time prescribe), together with such documents and additional information as may be requested (collectively, the Application), in order to comply with the IRC and these procedures and to determine the Qualified Contract price in accordance with §42(h)(6)(F). The Executive Director may refuse to process any Qualified Contract Application if the Owner does not provide the proper documentation or information on the required forms. The one-year period does not start until the Owner submits a complete Application to the satisfaction of VHDA.

The Application shall include the owner's proposed Qualified Contract Price, which price shall include an opinion of an independent certified public accountant or other assurances satisfactory to the Executive Director, setting forth the calculation of the Qualified Contract Price requested in the Application and certifying, among other things, that the Owner is entitled to the Qualified Contract Price requested.

## E. Application Criteria

The following summary is an attempt to provide a more complete explanation of Application criteria, answer frequently asked questions, supply expanded details related to VHDA's intent in requesting documentation, as well as to detail the methods of calculation. This summary **should not** be considered a replacement for, but rather a supplement to the 2011 QAP, which in the case of discrepancies will be the overriding document.

In order to qualify for a reservation of tax credits, an Application for 9% Credits must score a minimum of 500 points, while an Application for Tax-Exempt Bonds (4% credits) must score a minimum of 475 points.

Appl. p. 1	Increase to Eligible Basis	<p>Location in a qualified census tract (QCT) or difficult to develop area (DDA) allows a 30% increase to eligible basis. As published by HUD in 2010, Virginia has one designated DDA, Northampton County. Click here for a list of <a href="#">QCTs in Virginia</a>.</p> <p>Up to an additional 10% increase in eligible basis is allowed for developments qualifying as EarthCraft or LEED compliant.</p> <p>VHDA may also allow an increase in eligible basis of up to 30% on a case-by-case basis for those developments that are not located in a QCT or DDA (for 9% credits). You may request this designation on page 1 of the application.</p> <p>The maximum increase in eligible basis any development can receive is 30%</p>
Appl. p. 7	Total # of Rental Units in Development	Exclude units that will not be rented to qualified households, e.g. manager's unit or a unit to be used continuously as a model.
Appl. p. 7	Low- Mid- High-Rise	<p><b>Low-rise</b> – 1 to 5 stories with <u>any</u> structural elements being wood frame construction</p> <p><b>Mid-rise</b> – 5 to 7 stories, with <u>no</u> structural elements being wood frame construction</p> <p><b>High-rise</b> - 8 or more stories with <u>no</u> structural elements of wood frame construction</p>
Appl. p. 8	Total Gross Usable, Heated Sq. Ft. - <b>excludes</b> non-residential, income-producing commercial space included in the structure  *SFPU = sq. ft. per unit	<p>For new construction and rehab developments, the architect must make the determination for the square footage documented on the Architect's Certification. Total gross usable, heated square feet <u>includes</u> the total usable, heated square footage including:</p> <ul style="list-style-type: none"> <li>• Community rooms</li> <li>• Laundry rooms</li> <li>• Enclosed hallways</li> <li>• Leasing office serving residential tenants</li> </ul>

- Other residential common area(s)
- Buildings should be measured from the outside face of exterior walls and the centerline of any party walls.
- If the development is a combination of new, adaptive reuse or rehab units, separate Architect's Certifications should be completed for each type of construction.
- The architect should also indicate the average square footage for each unit type (efficiency, one-bedroom, two-bedroom, etc.) including the pro rata share of usable, heated common area for each unit type. This average square footage per unit type will then be used in the following equation:

$$100 \times \frac{\# \text{ units per unit type}}{\text{Total \# units}} \times \frac{\text{Subj. SF per unit type} - \text{lowest SF per unit type}}{\text{Highest AVG SF} - \text{lowest AVG SF}}$$

See VHDA's [Unit Square Feet Parameters](#) for the lowest and highest parameter numbers to be used in the above calculation. If the subject SFPU type exceeds the high unit type parameter number or is lower than the low unit type parameter number then the highest or lowest parameter number, as the case may be, will be used in the calculation. The total number of points in this category is determined by the sum of the points earned above for each unit type.

#### Appl. p. 8 Amenities

Amenity selections in the Architect's Certification must match the amenity boxes selected on pages 8 and 9 of the Application. If the development receives an allocation of tax credits and optional amenity items are not provided as reflected in the Architect's Certification and Application, then VHDA will assess a penalty of -2x the point value of the amenity not provided for a period of 3 years after the last 8609 is issued. See "Principal Who Did Not Build As Represented" category below. VHDA may also require the payment by the owner of an amount up to 10% of the total development cost of the development (as set forth in the Application) as liquidated damages for such violation or the total loss of credits may result.

If a development consists of mixed construction types (new construction, adaptive reuse and/or rehab), residents living in the rehabbed portion(s) must have an accessible route to access all common area amenities, e.g. residents must be able to access newly constructed laundry facilities from the rehabbed area of the property.

Appl. p. 9	Minimum Design and Construction Requirements	<p><a href="#">VHDA's Minimum Design &amp; Construction</a> Requirements are mandatory minimum design criteria for any development receiving tax credits and/or VHDA financing. Construction will be monitored periodically to ensure requirements are being met.</p> <p>In the event the plans and specifications and/or work write-up do not include VHDA Minimum Design and Construction Requirements, then those requirements still must be met, even though the application is accepted for credits. Please note that this may cause the Application to be ineligible for credits.</p>
Appl. p. 10	Tenant Information	The selections made in this category are used to determine the lower rent bonus points. Rents listed on p. 15 of the Application will not count towards these points.
Appl. p. 14	Operating Budget	Revenue should be projected for the date the buildings are anticipated to be placed in service and using rents not greater than the current maximums.

<b>F. Parameters</b>
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Appl. p. 15	Revenue	<p>If there are no units of a specific type, <b>leave the cell blank</b>. The formula will not calculate properly if you enter "NA" or "None".</p> <p>Enter the number of units by type in both the "Total Units" and "Tax Credit Units" blue-bordered charts. Single Room Occupancy units should be entered into the Assisted Living cells to score properly.</p> <p>Additional space is available to accommodate many different unit floor plan configurations and rent targets. Net rentable floor space requested in the charts here will automatically populate the applicable fraction on page 20 of the Application.</p> <p><u>Net Rentable Square Footage</u> - the square footage of the units that does not include any common space.</p>
Appl. P. 15	Vacancy	The greater of 7% of Gross Potential Income or market vacancy
Appl. p. 16	Operating Expenses	<p>\$3,800 or more per unit excluding replacement reserves and assuming tenants pay their own utilities.</p> <p>Pro forma operating expenses increase is greater than or equal to 3% for purposes of calculating Projections for Financial Feasibility in Section VII-F of the Application.</p>
Appl. p. 16	Replacement Reserves	Minimum replacement reserves should equal \$250 per unit for new construction senior developments and \$300 per unit for all other developments.
Appl. p. 17	Pro forma Rent Increases	Less than or equal to 2% per year for purposes of calculating Projections for Financial Feasibility in Section VII-F of the Application.
Appl. p. 17	Debt Coverage Ratio	Minimum of 1.15
Appl. Gen'l	HUD Section 221(d)(3) Cost Limits	Section 221(d)(3) of the National Housing Act insures lenders against loss on mortgage defaults, in order to facilitate the new construction or substantial rehab of multifamily rental or

cooperative housing for moderate-income families, elderly, and the handicapped. Single Room Occupancy (SRO) developments may also be insured under this section. HUD's current 221 (d)(3) limits follow:

Buildings w/out Elevators	Northern VA (cost per unit)	Remainder of State (cost per unit)
Efficiency Units	\$129,636	\$ 115,675
1 Bedroom Units	149,469	133,372
2 Bedroom Units	180,263	160,850
3 Bedroom Units	230,742	205,893
4 Bedroom Units	257,054	229,371

  

Buildings w/Elevators	Northern VA (cost per unit)	Remainder of State (cost per unit)
Efficiency Units	\$136,422	\$121,730
1 Bedroom Units	156,385	139,543
2 Bedroom Units	190,164	169,685
3 Bedroom Units	246,009	219,516
4 Bedroom Units	270,044	240,962

The 221 (d) (3) amounts for buildings with an elevator apply to any building with an elevator, even though HUD generally considers three-floor structures to be the minimum requirement.

The HUD 221 (d) (3) limits do not include developer's fees as normally included in the development budget of a tax credit application. We will recognize this difference during our analysis.

Appl. p. 18 Contractor Cost

Applications relating to rehab of existing residential units must propose hard construction costs of at least \$10,000 per unit (if financed with tax-exempt bonds) or \$15,000 per unit (for all other developments). This is determined by dividing the Contractor Cost Subtotal (Item 1.Q.) in the development budget by the total number of units.

Commercial space costs and structured parking costs will be automatically subtracted from total costs and construction costs for purposes of determining Efficient Use of Resources points.

Appl. p. 18 Builder's Overhead, Profit and General Requirements

In total, may not exceed 14% of the construction cost excluding bonds and building permits.

Appl. p. 19 Operating Reserve

Minimum of 6 months of operating expenses **and** debt service

Appl. p. 19 Developer Fee

Including developer overhead and profit, organizational costs, bridge loan interest other than during the construction period, investor required construction management costs, consultant fees for activities normally assumed by the developer, and operating reserves in excess of those reasonably necessary for financial feasibility of the development. The maximum developer's fee will be limited to the amount established during the review of the Reservation Application and shall be the lesser of:

1. Acquisition: Less than or equal to 10% of the building's acquisition cost, excluding the developer's fee. (Subtotal 4, Column B) of development budget (page 19) multiplied by 10%). **No developer's fee will be**

**allowed** on the acquisition basis in cases where the there is an identity of interest between the purchaser and seller) and the seller retains a general partnership or managing member interest and/or retains any cash flow or residual value. In addition, the building acquisition portion of the developer fee for all Rural Development developments will not exceed 8%.

**PLUS**

Rehab: Less than or equal to 25% of the building's eligible basis arising from the rehab, excluding the developer's fee. (Subtotal 1 + 2, Column C or D of the development budget multiplied by 25%)

**OR**

New Construction: Less than or equal to 20% of the building's eligible basis, excluding the developer's fee. (Subtotal 1 + 2, Column C or D of the development budget multiplied by 20%)

2. Less than or equal to 15% of the total development costs (Total 5, Column (A) of the development budget exclusive of the developer fee multiplied by 15%).
3. For developers with a related entity contractor the maximum developer's fee shall not exceed the total development costs (Total 5, Column (A) of the development budget exclusive of the developer fee multiplied by 18%), less the contractor's overhead and profit.
4. For developers with a related architectural entity the maximum developer's fee shall not exceed the total development costs (Total 5, Column (A) of the development budget exclusive of the developer fee multiplied by 16.5%), less the architectural and engineering fees.
5. For developers with both a related architectural entity and a related contractor entity the maximum developer's fee shall not exceed the total development costs (Total 5, Column (A) of the development budget exclusive of the developer fee multiplied by 19.5%), less the total development costs exclusive of the developer fee, less the contractor's overhead, profit and all architectural and engineering fees.
6. A cumulating declining scale, as follows:
  - 15% if less than \$1 million total dev. costs (TDC), plus
  - 12% if between \$1 million and \$10 million TDC, plus
  - 8% if greater than \$10 million TDC

Appl. pp. Tax Credit Equity  
22, 26 Factor

Generally does not include syndication, legal, accounting, overhead, sales commissions, and/or required reserves. The Applicant should use amount appropriate for the development.

## II. POINTS CATEGORIES

Please refer to Application Checklist for correct tab placement and forms to be submitted with the Application.

A. Readiness		
Category	Points	Explanation/Instructions
Plan of Development	0 or 40	The appropriate locality official signs the site plan/plan of development without substantive modification and no earlier than 3 months before the Reservation Application Deadline. Please complete and return VHDA's <a href="#">Plan of Development Certification</a> form, which states that the final site plan has been approved or is not required. If the proposed site overlaps the boundary between two political jurisdictions, provide a Certification form from both localities or a letter from one locality must specify that the other would have jurisdiction. Applicants receiving 50 points under the "Developer Experience" section below are not eligible for Plan of Development points.
Zoning Approval	0 or 40	The appropriate locality official or professional civil engineer registered in Virginia certifies proper zoning, without substantive modification and no earlier than three months before the Application Deadline. Please complete and return VHDA's <a href="#">Zoning Certification</a> form, which states that the site has proper zoning.  If the proposed site overlaps the boundary between multiple political jurisdictions, VHDA will accept (1) a Certification form from each locality or (2) a letter from one locality specifying that the other locality has jurisdiction.

## B. Housing Needs Characteristics

Category	Points	Explanation/Instructions
Locality Notification Information form (online submission)	0, or -50	<p>Owner provides contact information for the Locality CEO and Mayor or Chairman of the Board of Supervisors, plus information about the proposed development, that will be used by VHDA to complete notification letters to inform the CEO, Mayor and Chairman of the Board of Supervisors of the planned LIHTC property in his/her jurisdiction. The CEO is the Chief Administrative Officer, City Manager, Town Manager, County Administrator, County Executive or equivalent, as appropriate.</p> <p><b>2 or More Jurisdictions:</b> Select "Add Jurisdiction" only if the property overlaps two or more jurisdictions (i.e. only if a development is located across the boundaries of a city and county or a town and county).</p> <p><b>Registration:</b> If you are already a Business Partner with a password, click <a href="#">here</a>, then enter your username and password.</p> <p>If you are a Business Partner and have forgotten your password, to VHDA.org, then click "Problems Logging On?" to reset your password.</p> <p>If you are a new user, click <a href="#">here</a> to register to be a VHDA Business Partner and gain access to the Locality Notification Information form, as well as be able to review posted "Tax Credit Applications."</p> <p><b>Submission Deadlines:</b> Applicants seeking 9% Competitive credits must submit locality notification information to VHDA online by 2:00 p.m. EST on January 27, 2011. Failure to submit this information by the 9% competitive deadline will result in a <b>50-point penalty</b> against the Reservation Application.</p> <p>Developers seeking Tax-Exempt Bond credits (4%) or 9% Non-Competitive credits are encouraged to submit notification information at least 30 days prior to submission of the tax credit application.</p> <p>If you already have a local support letter, you may include it with the application at TAB I, but must still complete the online form.</p> <p>After receiving the above information and after having sent notices to the localities, VHDA will post on its website a Development Information Summary, listing pertinent facts about each development for which contact and development information is received, including the name of the development and a VHDA-assigned tracking number, which will be used to identify the development on future Application correspondence.</p>

Locality CEO Support Letter

50, 25, 0

A letter addressed to VHDA and signed by the CEO of the locality (as defined above), where the proposed development is to be located, which (1) reflects support; (2) reflects neutrality; or (3) reflects opposition. The locality's letter must be dated **within three months prior to the Application Deadline**, without qualification or limitation. It may be submitted after the Reservation Application Deadline, but **not later than April 1, 2011**. Below is how points will be awarded:

- If the CEO Support Letter states that the development will help meet the housing needs and priorities of the locality **and** the locality supports the allocation of federal housing tax credits requested, then 50 points will be awarded.
- If no letter is received from the CEO or a letter is received from the CEO that meets neither the requirements of support (as described above) nor the requirements of opposition (as described below), then 25 points will be awarded.
- If a letter is received from the locality, opposing the development, based upon the development not being consistent with current zoning or other applicable land use regulations, then the development will not qualify for points under this category (**0 points**).

If you have already received a locality support letter, include it with the Application, as well as submit online the Locality Notification Information Form discussed in the above section.

Location In A Revitalization Area

0 or 30

Revitalization areas are neighborhoods in need of economic and community development and where there is already a strong commitment by the local government.

To qualify for revitalization area points, documentation must be one of the following:

Owner/Applicant certifies that the development is located in a redevelopment project, conservation project or rehab district, pursuant to Title 36, Chapter 1 of the Code of Virginia, which states that the area within a redevelopment project, conservation project, or rehab district established by the city or county, shall be deemed a revitalization area without certification. Provide documentation from the locality of the type of development that will be encouraged, the potential sources of funding, and services to be offered.

**OR**

Evidence (submitted at Tab T of the Reservation

Application) that the development is subject to a plan using Hope VI funds from HUD

**OR**

Locality CEO certifies that the proposed development is located in an area that meets VHDA's tax credit definition of a Revitalization Area. If this option is chosen, the Owner/Applicant must have the Locality CEO complete the Revitalization Area Certification Form Letter that must be returned to VHDA no later than April 1, 2011.

A comprehensive plan does not qualify as certification of a Revitalization Area.

Location in a QCT <b>and</b> Revitalization Area	0 or 5	If the proposed development is located in a QCT <b>and</b> is in a Revitalization Area. Please document by completing VHDA's Qualified Census Tract Certification and Revitalization Area Certification forms.
Sec 8 or PHA Waiting List Preference	0 or 10	Developments where leasing preference is given to households on the local public housing or Section 8 waiting lists maintained by the locality or the nearest Section 8 administrator for the locality in which the proposed development is to be located. To document, include the executed PHA/S8 notification letter or documentation reflecting that the notification was mailed/delivered to and received by the PHA/S8 office (even though the letter itself may not have been executed by the administrator).  Applicants receiving points in this category will not be allowed to impose an annual minimum income requirement on such households that exceeds the greater of \$3,600 or 2.5 times the portion of rent to be paid by such households.
Subsidized Funding Commitments	Up to 40	Documentation of any of the following: (i) firm financing commitment(s) from the local government, local housing authority, Federal Home Loan Bank affordable housing funds, <a href="#">Commonwealth of Virginia Department of Behavioral Health and Development Services Funds from Item 315-Z (11/15/09)</a> or the Rural Development for a below-market rate loan or grant or Rural Development's interest credit (538 Interest Credit) used to reduce the interest rate on the loan financing the proposed development; (ii) a resolution passed by the locality in which the proposed development is to be located committing such financial support to the development in a form approved by VHDA; or (iii) a commitment to donate land, buildings or tap fee waivers from the local government. You <u>must</u> have a firm financing commitment to earn the points (i.e. a letter suggesting you may qualify for the loan will not be sufficient). The amount of such financing <b>or dollar value of local support</b> will be divided by the total development sources of funds and the proposed development will receive two points for each percentage point up to a maximum of 40 points.

Such commitment or obligation may contain conditions, but only within the control of or based upon the performance of the borrower, not the local government. An existing RD loan transferred to a new owner is not eligible for these points.

Existing RD, HUD Section 8 or 236 Program	0 or 20	The development is subject to Rural Development or HUD Section 8 or 236 programs <u>at the time of Application</u> , including program participation. However, if the Applicant is the current owner or has any common interests with the current owner, either directly or indirectly, points will only be awarded if the Applicant waives all rights to any developer's fee and any other fees associated with the acquisition and rehab (or rehab only) of the development. The preceding condition may be waived by VHDA for good cause. Such waiver must be granted prior to Application submission.
Tax Abatement or <b>New Project-</b> Based Rental Subsidy (HUD or RD)	0 or 10	<p>1. Meet the locality's criteria to receive a real estate tax abatement on the increase in the value of the development</p> <p style="text-align: center;"><b>or</b></p> <p>2. Provide documentation of <u>new</u> project-based subsidy from <b>HUD or Rural Development</b> for the greater of 5 units or 10% of the units of the proposed property.</p>
Census Tract with <10% Poverty Rate, No Tax Credit Units	0 or 25	The development is located in a <a href="#">Census Tract with Poverty Levels Below 10% &amp; No Other Tax Credit Developments</a> (based upon Census Bureau data).
Rural Development – “High Priority”	0 or 15	The development is listed as a " <a href="#">High-Priority, Rehab Development</a> " by Rural Development at the time the Application is submitted to VHDA.
New Construction Development (Including Adaptive Re-Use and Rehabilitation that Creates Additional Rental Space) - Pool with Little Or No Increase In Rent Burdened Population	Up to -20	<p>Any proposed new construction development (including adaptive re-use and rehabilitation that creates additional rental space) located in a Pool identified by VHDA as a Pool with little or no increase in rent burdened population.</p> <p>Up to minus 20 points, depending upon the portion of the development that is additional rental space, in all Pools except the at-large pool, 0 points in the At-Large Pool.</p> <p>The Executive Director may make exceptions in the following circumstances: (1) specialized types of housing designed to meet special needs that cannot readily be addressed utilizing existing residential structures; (2) housing designed to serve as a replacement for housing being demolished through redevelopment; or (3) housing that is an integral part of a neighborhood revitalization project sponsored by a local housing authority, in which the LHA is a principal.)</p>
New Construction Development (Including	Up to 20	<p>See below for definition of “Additional Rental Space”</p> <p>Any proposed new construction development (including adaptive re-use and rehabilitation) that creates additional</p>

Adaptive Re-Use and Rehabilitation that Creates Additional Rental Space) - Pool with An Increasing Rent Burdened Population and In An Urban Development Area

rental space and that (1) is located in a pool identified by VHDA as a pool with an increasing rent burdened population and; (2) is also in an urban development area or participating in a locally adopted affordable housing dwelling unit ("ADU") program (see QAP). Attach documentation at Tab U.

0 points in the At-Large Pool

ADDITIONAL RENTAL SPACE (AS NOTED IN THE ABOVE TWO CATEGORIES)

Additional Rental Space is defined as an increase in the amount of Net Rentable Square Feet beyond what exists at the time of site acquisition. Net Rentable Square Feet is defined more specifically in the Architect Certification.

If the development is entirely New Construction or Adaptive Reuse and meets the two criteria above (see first paragraph), the Application will receive 20 points.

If the development is entirely Rehab with new rental space being added to existing units, then the percentage of the proposed Total Net Rentable Square Feet (NRSF) that represents the new rental space being added is used to determine the number of points. The percentage of additional rental spaces must agree to the Architect Certification.

If the development is a combination of new construction, adaptive reuse and/or rehab and meets the two criteria above, then the percentage of the proposed Total Net Rentable Square Feet that represents the new rental space being added is used to determine the number of points. This will be verified using the NRSF values on each of the Architect Certifications submitted for each construction type. While a development can be mixed construction each unit can only be considered rehab/adaptive reuse or new construction.

## C.Development Characteristics - All Units

Category	Points	Explanation/Instructions
Average Unit Size	Up to 100	<p>The formula is as follows:</p> $100 \times \frac{\# \text{ units per unit type} \times \text{Subj. SF per unit type} - \text{lowest SF per unit type}}{\text{Total \# units}} \frac{\text{Highest AVG SF} - \text{lowest AVG SF}}$ <p>If the average square foot per unit for a given unit type is &gt; the highest or &lt; the lowest square foot per unit for a given unit type, as established by the Executive Director, then the Executive Director's square foot shall be used instead of the actual square foot.</p>
Proximity to Public Transportation	0, 10 or 20	<ol style="list-style-type: none"> <li>The development is located within ½ mile of an existing commuter rail, light rail or subway station or ¼ mile of an existing public bus stop, <b>10 points</b></li> <li>The development meets the above qualifications and is competing within the Northern Virginia MSA pool, <b>20 points</b></li> </ol> <p>A certified land surveyor or registered civil engineer must provide a letter, which states that the property entrance is within one of the distances noted above. For your convenience, VHDA has created a <a href="#">Surveyor's Certification of Proximity to Transportation</a>. Attach the letter to the Reservation Application.</p>
EarthCraft or LEED Certification	0,15, 30 or 45	<p>It is now <b>mandatory</b> that the Architect of Record attend <i>Multifamily Professional Training</i> by EarthCraft Virginia for these points. Training must have occurred on January 1, 2008 or later.</p> <p>Furthermore, to qualify for these points, the Applicant must agree to obtain either (i) EarthCraft Certification or (ii) US Green Building Council LEED Green-Building Certification prior to the issuance of an IRS Form 8609, with the proposed development's Architect certifying in the Architect's Certification that the development's design will meet the criteria for such EarthCraft or LEED certification. Please note that there is a separate EarthCraft worksheet for <a href="#">new construction</a> and <a href="#">rehab.</a></p> <p><b>15 points</b> - <u>A LEED Silver development or a new construction development that is 15% more energy efficient than the 2004 International Energy Conservation Code ("IECC") as measured by EarthCraft, or a rehabilitation development that is 30% more energy efficient post-rehabilitation as measured by EarthCraft</u></p> <p><b>30 points</b> - <u>A LEED Gold development or a new construction development that is 20% more energy efficient than the 2004 IECC (as measured by EarthCraft) or a rehabilitation development that is 40% more energy efficient post-rehabilitation (as measured by EarthCraft)</u></p>

45 points – A LEED Platinum development or a new construction development that is 25% more energy efficient than the 2004 IECC as measured by EarthCraft or a rehabilitation development that is 50% more energy efficient post-rehabilitation (as measured by EarthCraft).

In addition to points, the Executive Director may allow, if needed, an adjustment of up to 10% to the eligible basis amount used to calculate the maximum credit for those developments qualifying as EarthCraft or LEED compliant and receiving the full 30 or 45 points here, provided however, any resulting increase in such development's eligible basis shall be limited to 5% for 30 points awarded and 10% for 45 points awarded.

Should the Applicant choose EarthCraft Certification, it will be required to (i) consult with an EarthCraft representative prior to application, (ii) meet with an EarthCraft representative during development planning, (iii) use energy modeling for projections and (iv) accommodate on-site inspections deemed necessary by an EarthCraft representative. To be eligible for these points, there is an additional form to be signed by EarthCraft and submitted with the Architect's Certification. This form can be found as an addendum to the Architect's Certification.

Final Certification is not given until construction is complete; however, energy modeling projections and the areas of emphasis worksheet would show the developer's plans to meet requirements. Find EarthCraft worksheets and contact information by clicking on this link, [www.ecvirginia.org](http://www.ecvirginia.org).

Click on this link to register your development for participation in the [LEED Green-Building Certification Program](#).

VHDA Certified Property Management Agent

0 or 25

Applicant agrees to use a VHDA-certified property manager to manage the development. If so, management companies must be certified by the time leasing begins.

Management companies that are interested in becoming VHDA Certified Management Agents must complete an application, which can be found by clicking this link, [VHDA Certified Management Agent Application](#). Using the application, management companies provide information on their principals, company operations, qualifications of management and multifamily management experience.

Please note that should an owner attempt to circumvent the process by retaining a certified management agent to obtain access to these points only to release the agent shortly thereafter, the owner may be jeopardizing its ability to receive points in the future and may be barred from further participation in the tax credit program.

For additional information, click on this link, [VHDA's Certified](#)

[Management Agent Program.](#)

Developments with Less than 100 Low-Income Housing Units      **Up to 20**      Up to 20 points will be awarded for any development in which the Applicant proposes to produce up to 100 low-income housing units. At 50 units or less, the Applicant can receive the total **20 points**; however, for every unit over 50 units, the score will be reduced **0.4 points**. The Applicant will receive **0 points** for developments with 100 or greater low-income housing units.

Units Constructed to Meet VHDA's Universal Design Standards      **Up to 15**      Universal Design emphasizes use by everyone, to the greatest extent possible, without the need for adaptation or specialized design.

It is now **mandatory** that the Architect of Record attend Universal Design training for these points. Training must have occurred on January 1, 2006 or later.

Points will be awarded to Applications for developments in which the Architect of Record certifies as a part of the Architect's Certification that the development's design will meet VHDA's Universal Design Standards. Final certification must occur prior to issuance of Form(s) 8609. Click this [link](#) for more information.

- Family developments - points will be awarded on a prorated % basis for the number of units meeting this criterion
- 100% of the units in elderly developments must meet this criterion in order to qualify for the points.

<b>D. Development Characteristics – Amenities</b>
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The maximum number of points that can be awarded under any combination of the scoring categories below is 70 points.

Category	Points	Explanation/Instructions
1.5 or 2 Bathrooms	<b>Up to 15</b>	% of 2-bedroom units containing 1.5 bathrooms <b>PLUS</b> % of 3-bedroom or larger units containing 2 bathrooms
Community Room	<b>0 or 5</b>	The development has a community room with a minimum of 749 sq. ft. Points associated with this item are not allowed unless the community room is physically located within the boundaries of the development currently being considered for credits. The IRS has stated that common space (pool, meeting room, community building, laundry room, etc.) located in one phase may not be used by residents from another phase unless the area is treated as commercial space. Therefore, the common space must be subtracted from basis in order to be used by households living in another phase.
Brick Walls	<b>Up to 20</b>	Brick covering 30% or more of the exterior walls; formula is 20 points times the percentage of exterior walls covered by brick, excluding the triangular gable end area, doors, windows, knee walls, columns, retaining walls and any features that are not a part of the facade. Community

buildings are to be included in percentage calculations. Zero points if less than 30%.

Energy Star Kitchen/Laundry Appliances	0 or 5	Every unit in the development and the community area has kitchen and laundry appliances, including range hoods, that meet EPA Energy Star qualified program requirements. If points are requested for rehab on a property, ensure that the work write-up specifies that all appliances meet Energy Star, not just those "being replaced". See: <a href="http://www.energystar.gov">www.energystar.gov</a> > products > specific appliances > product lists on far right of page to determine if an appliance meets the rating at the time of order.
Energy Star Windows	0 or 5	Every unit in the development and the community area (if it has windows), have windows that meet EPA Energy Star qualified program requirements
Heat/AC-SEER-AFUE	0 or 10	Every unit in the development is heated and cooled with either (i) heat pump equipment with both a SEER rating of 15.0 or more and a HSPF rating of 8.5 or more or (ii) air conditioning equipment with a SEER rating of 15.0 or more, combined with a gas furnace with an AFUE rating of 90% or more. Geothermal units qualify for these points.
Sub-metered Water Expense	0 or 5	Every unit in the development is sub-metered (i.e. households pay the water provider directly), with equipment capturing/measuring 100% of the water used in the unit (not just hot water usage). If the locality does not allow water sub-metering, the Applicant does not qualify for these points.
Low Flow Faucets & Showerheads	0 or 3	Every unit in the development has bathroom(s) containing only low-flow faucets (2.2 gpm maximum) and showerheads (2.5 gpm maximum)
High Speed Cable, DSL, Wireless Internet	0 or 1	Necessary infrastructure is provided in all units for high-speed cable, DSL or wireless internet service
Water Heaters Meet EPA Energy Star program	0 or 5	Every unit in the development has hot water heaters that meet the <a href="#">Energy Star Program Requirements for Residential Water Heaters</a> .
Geothermal Heat Pumps	0 or 5	If every unit in the development is heated and cooled with a geothermal heat pump that meets the EPA's Energy Star qualified program requirements
Solar Electric System	Up to 10	If the development has a solar electric system that will remain un-shaded year round, be oriented to within 15 degrees of true south, and be angled horizontally within 15 degrees of latitude  1 point for each 2% of the development's electrical load that can be met by the solar electric system
Front-Control Ranges - <u>Elderly or Physically Disabled Properties</u>	0 or 1	If every unit in the development has a cooking range with front controls
Emergency Call System -	0 or 3	If every unit in the development has an emergency call

<u>Elderly or Physically Disabled Properties</u>		system
Independent/Supplemental Heat Source - <u>Elderly or Physically Disabled Properties</u>	0 or 1	If all full bathrooms in the development have an independent or supplemental heat source, in addition to the unit's standard HVAC system.
Two Eye Viewers - <u>Elderly or Physically Disabled Properties</u>	0 or 1	If every unit in the development has an entrance door with two eye viewers, one at 42" and the other at standard height
Historic Rehab	0 or 5	Structure is listed individually in the National Register of Historic Places or is located in a registered historic district and certified by the Secretary of the Interior as being of historical significance to the district, and the rehab will be completed in such a manner as to be eligible for historic rehab tax credits

## E. Development Characteristics - Accessibility

Please refer to the [Uniform Federal Accessibility Standards](#) when planning to meet 504 specifications. Developments should be built to be "permanently accessible," rather than "adaptable" standards.

Accessibility point categories below are applicable only within the framework of the QAP points determination and are **not** to be confused with or substituted for Building Code accessibility requirements. If selected, the accessibility requirements referenced below **and** Building Code or Fair Housing requirements must be met.

Include a marketing plan for each of the three categories below. There is no standard marketing plan language to copy. The plan should be customized for the property and the special needs resident base that the property is intending to serve. Include information on networking contacts with centers for independent living (ex: <http://www.virginiahousingsearch.com>) and disability services boards and address the efforts that will be necessary to fill a vacant unit. **Units must be held vacant for 60 days during which ongoing marketing must be documented. If a qualified household including a person with a disability is not located in that timeframe, submit the evidence of marketing to VHDA's Program Compliance Officer and request approval to rent the unit to any income-qualified household. If the request is approved, the lease must contain a provision that the household must move to a vacant unit if a household including a person with a disability applies for the unit. The move will be paid for by the owner.** These point categories should be viewed the same as the bonus points for lower incomes and lower rents.

Category	Points	Explanation/Instructions
Federal Project-Based Rent Subsidies or Equivalent – <u>Unit Accessibility</u>	0 or 50	Any non-elderly development or elderly rehabilitation development in which (i) the greater of 5 units or 10% of the units will be subject to federal project-based rent subsidies or equivalent assistance (i.e. does not include portable HCVs or any funding sources, other than federal subsidy, subject to annual appropriations), in order to ensure occupancy by extremely low-income persons; and (ii) the greater of 5 units or 10% of the units will conform to HUD regulations interpreting the accessibility requirements of section 504 of the Rehabilitation Act and be actively marketed to people with special needs in accordance with a plan submitted as part of the Application for credits. All the units described in (ii) above must include roll-in showers and roll under sinks and front controls for ranges, unless

OR

agreed to in writing by VHDA prior to the applicant's submission of the application.

**NOTE:** Subsidies may apply to any units, not only those built to satisfy Section 504.

HUD's Housing Choice Voucher ("HCV") Rent Payment Standard – Unit Accessibility      0 or 30

Any non-elderly development or elderly rehabilitation development in which the greater of 5 units or 10% of the units (i) have rents within HUD's Housing Choice Voucher ("HCV") payment standard; (ii) conform to HUD regulations interpreting the accessibility requirements of section 504 of the Rehabilitation Act; and (iii) are actively marketed to people with mobility impairments including HCV holders in accordance with a plan submitted as part of the Reservation Application.

**OR**

HUD 504 Accessibility – 4% of Units      0 or 15

Any non-elderly development or elderly rehabilitation development in which 4% of the units (i) conform to HUD regulations interpreting the accessibility requirements of section 504 of the Rehabilitation Act and (ii) are actively marketed to people with mobility impairments in accordance with a plan submitted as part of the Reservation Application.

## F. Tenant Population Characteristics

Category	Points	Explanation/Instructions
No More Than 20% Of Units with One Bedroom or Less	0 or 15	The development will have no more than 20% of its units with one bedroom or less.
% of Units with 3 or More Bedrooms	Up to 15	0.75 points for each percent of the low-income units in the development with three or more bedrooms, e.g. 0.75 x 15% = 11.25 points.

## G. Sponsor Characteristics

Category	Points	Explanation/Instructions
Developer Experience	0, 10 or 50	<p><b>10 points</b> - The principal or principals, as a group or individually, for the proposed development must have developed at least one tax credit development that contains at least the number of housing units in the proposed development (can include market units)</p> <p><b>50 points</b> - The principal or principals, as a group or individually, for the proposed development must have developed, as controlling general partner or managing member, (i) at least three tax credit developments that contain at least 3x the number of housing units in the proposed development <b>or</b> (ii) at least six tax credit developments that contain at least the number of housing units in the proposed development. Applicants receiving points under this 50-point subdivision are not eligible for Plan of Development points under "Readiness" section above.</p> <p>Documentation to support developer experience will be 8609s for those developments identified on Schedule A of the Previous Participation Certification (PPC). Provide <u>only one</u> 8609 per development used to qualify for these points. <b>NOTE:</b> a maximum of six 8609s should be submitted.</p>
Developer Experience - Uncorrected Major Violation	0 or -50	<p>Any Applicant that includes a principal who was a principal in a development at the time VHDA reported such development to the IRS for an uncorrected, life-threatening hazard under HUD's Uniform Physical Condition Standards. Negative 50 points will apply for a period of 3 years after the violation has been corrected</p>
Uncorrected Form 8823 to IRS (non-compliance)	0 or -15	<p>Any Applicant that includes a principal who was a principal in a development that either (i) at the time VHDA reported such development to the IRS for non-compliance had not corrected it by the time a Form 8823 was filed by VHDA or (ii) remained out-of-compliance with the terms of its extended use commitment after notice and expiration of any cure period set by VHDA.</p> <p>Penalty points for Uncorrected 8823s (non-compliance) will apply, unless developer requests and VHDA determines that individuals associated with the principal attend VHDA-authorized compliance training prior to Application deadline.</p> <p>Negative 15 points will apply for a period of <u>three calendar years</u> after the year VHDA filed the 8823 or upon expiration of such cure period, unless the Executive Director determines that such principal's attempt to correct such non-compliance was prohibited by a court, local government or governmental agency, in which case, no negative points will be assessed to the Applicant. 0 points, if the appropriate individual or individuals connected to the principal attend compliance training as recommended by</p>

VHDA.

Principal Who Did Not Build As Represented	0 or -2x	The Application includes a principal who, in a previous application, did not build a development as represented in the Application for credit. The penalty, -2x the number of points assigned to the item(s) not built, will apply for a period of three years after the last Form 8609 is issued for the development and is in addition to any other penalties VHDA may seek under its agreements with the Applicant.
Principal Who Failed to Provide a Minimum Building Requirement as Required in a Previous Application	0 or -20	The Application includes a principal who, in a previous application, did not provide either a minimum building requirement as defined in <a href="#">Minimum Design &amp; Construction Requirements</a> or required non-point item as referenced in the Tax Credit Application. -20 points (penalty) will apply for three years after the issuance date of the last Form 8609 and is in addition to any other penalties VHDA may seek under its agreements with the Applicant.
Principal Who Had Credits Terminated by VHDA	0 or -10	The Application includes a principal who, in a previous application, had a reservation of credits involuntarily terminated by VHDA. -10 points (penalty) will apply for three years after the credits are returned to VHDA and is in addition to any other penalties VHDA may seek under its agreements with the Applicant.
Management Company Rated Unsatisfactory by VHDA	0 or -25	<ol style="list-style-type: none"><li>1. Any Applicant that lists in its Application, a management company that is rated "unsatisfactory" by the Executive Director</li></ol> <p>or</p> <ol style="list-style-type: none"><li>2. If the ownership of any Applicant includes a principal, who in a previous application hired a management company to manage a tax credit development, after such management company received an "unsatisfactory" rating from VHDA during the compliance and extended use periods of such development.</li></ol>

## H. Efficient Use of Resources

In response to concern about the cost of tax credit units, VHDA has provided points in the scoring criteria to developers producing units more efficiently.

Both credit-per-unit and cost-per-unit parameter numbers are adjusted to reflect higher costs associated with mid-rise and high-rise structures. Adjustments and calculations are made automatically in the Application; therefore, no manual calculations are necessary. Points appear automatically on the score sheet.

New construction and adaptive reuse properties will be scored separately from rehab properties. Developments combining new construction or adaptive reuse with rehab will be scored on a weighted unit average. For all the unit size and Efficient Use of Resources scoring categories, a Single Room Occupancy ("SRO") development will be scored as an Elderly Assisted Living development. Developments for persons with disabilities will be scored as "family" developments unless they are also 100% elderly.

The total number of points in either of the below point categories will be determined by the sum of the points including negative points earned.

See (Efficient Use of Resources) "[Parameters](#)" for the highest parameter numbers that will be used in the calculations below. There are geographic sets of parameters with separate numbers for Family and Elderly properties. **The locality where the proposed property is located will determine the geographic parameters that will be used.**

For rehab properties with contractor costs less than \$35,000 per unit, the parameter number will be prorated based on the percent difference of the per-unit cost between \$35,000 and \$10,000 (if financed with tax-exempt bonds) or \$15,000 per unit (for all other developments). This fraction will then be multiplied by the difference of the \$35,000 and \$10,000/\$15,000 parameter numbers and this amount added to the \$10,000/\$15,000 parameter number. For those developments located within the Northern Virginia Beltway tier (see below), \$50,000 will be used instead of \$35,000.

The geographic boundaries for both credit-per-unit and cost-per-unit parameters are identical and are as follows:

### Richmond MSA

Amelia County	Cumberland County	Hopewell City	Petersburg City
Caroline County	Dinwiddie County	King & Queen County	Powhatan County
Charles City County	Goochland County	King William County	Prince George County
Chesterfield County	Hanover County	Louisa County	Richmond City
Colonial Heights City	Henrico County	New Kent County	Sussex County

### Tidewater MSA

Chesapeake City	James City County	Portsmouth City	Virginia Beach City
Gloucester County	Mathews County	Poquoson City	Williamsburg City
Hampton City	Newport News City	Suffolk City	York County
Isle of Wight County	Norfolk City	Surry County	

### Small MSA Charlottesville

Albemarle County	Greene County
Charlottesville City	Nelson County
Fluvanna County	

### Small MSA

Amherst County	Craig County	Martinsville City	Salem City
Augusta County	Danville City	Montgomery County	Scott County
Appomattox County	Franklin County	Pittsylvania County	Staunton City
Bedford City	Frederick County	Pulaski County	Tazewell County
Bedford County	Giles County	Radford City	Washington County
Botetourt County	Harrisonburg City	Roanoke City	Waynesboro City
Bristol City	Henry County	Roanoke County	Winchester City
Campbell County	Lynchburg City	Rockingham County	

### Rural

Accomack County	Dickenson County	Lee County	Patrick County
Alleghany County	Emporia City	Lexington City	Prince Edward County
Bath County	Essex County	Lunenburg County	Rappahannock Co.
Bland County	Floyd County	Madison County	Richmond County
Brunswick County	Franklin City	Mecklenburg County	Rockbridge County
Buchanan County	Galax City	Middlesex County	Russell County
Buckingham County	Grayson County	Northampton County	Shenandoah County
Buena Vista City	Greensville County	Northumberland County	Smyth County
Carroll County	Halifax County	Norton City	Southampton County
Charlotte County	Highland County	Nottoway County	Westmoreland County
Covington City	King George County	Orange County	Wise County
Culpeper County	Lancaster County	Page County	Wythe County

### Northern Virginia MSA

Alexandria City	Fairfax County	Loudoun County	Spotsylvania County
Arlington County	Falls Church City	Manassas City	Stafford County
Clarke County	Fauquier County	Manassas Park City	Warren County
Fairfax City	Fredericksburg City	Prince William County	

The boundaries for the Northern Virginia MSA parameters are sub-divided into the following three tiers:

1. Northern Virginia - Beltway - includes the City of Alexandria, the City of Falls Church and the County of Arlington, as well as areas within the following zip codes: (areas tangent to the physical boundaries of the beltway)

- 22003 - Annandale, Fairfax County
- 22041 - Falls Church (Bailey's Crossroad), Fairfax County
- 22042 - Falls Church (Mosby), Fairfax County
- 22043 - Falls Church (Pimmit), Fairfax County
- 22044 - Falls Church (Seven Corners), Fairfax County
- 22046 - Falls Church, City of Falls Church
- 22101 - McLean, Fairfax County
- 22102 - McLean, Fairfax County

- 22151 - Springfield (North Springfield), Fairfax County
- 22311 - Alexandria (Lincolnia), City of Alexandria
- 22312 - Alexandria (Lincolnia), City of Alexandria

3. Northern Virginia - Metro – includes the County of Fairfax (excluding zip codes noted above), the County of Loudoun, the County of Prince William, the City of Manassas and the City of Manassas Park.
4. Northern Virginia (Non-Metro) – includes the Counties of Clarke, Fauquier, Spotsylvania, Stafford, Warren and the City of Fredericksburg.

Category	Points	Explanation/Instructions
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Credit Per Unit	Up to 180	<p>Up to 180 points will be awarded based on the percentage by which the total amount of credits, per low-income housing unit type, for a given property, is less than the highest per-unit-type credit amount. The credits per unit type for the proposed property will be determined by dividing the credits by the total heated residential square feet area. This credit per square foot will then be multiplied by the average unit square footage for each unit type. This average credit per unit type will then be used in the following equation:</p>
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$$1 - \frac{\text{Subject credits per Unit Type}}{\text{Highest credits per Unit Type}} \times \% \text{ of Unit Type} \times 180 \text{ pts}$$

For purposes of the above-referenced credit per unit point calculations, structured parking credits will be deducted from the credit request. In addition, if the development is located in both a revitalization area and a QCT or DDA, then the credit per unit point calculations are made using the lesser of 1) credits requested (as adjusted for structured parking credits) and 2) the maximum allowable credits as unadjusted for the basis increase resulting from the QCT/DDA location. This adjustment does not apply to applications in which the discretionary basis increase is requested due to financial feasibility concerns for developments not physically located in a QCT or DDA.

If a development is located in a QCT or DDA and a Revitalization Area the credit request calculation will exclude the basis boost credit amount.

Please note that it is possible to have a negative score in this category (i.e. score can go below "0").

Cost Per Unit	Up to 75	<p>Up to 75 points will be awarded based on the percentage by which the cost per low-income housing unit type for a given property is less than the highest per unit type cost. The cost per unit type for the proposed property will be determined by dividing the total development costs, as adjusted, by the total heated residential square feet area. The cost calculation will exclude land cost, tap fees, operating reserves, commercial space and structured parking. This cost per square foot will then be multiplied by the average unit square footage for each unit type. This average cost per unit type will then be used in the</p>
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following equation:

$$1 - \frac{\text{Subject cost per Unit Type}}{\text{Highest cost per Unit Type}} \times \% \text{ of Unit Type} \times 75 \text{ pts}$$

If the Application seeks rehab credits only (i.e. no acquisition credits **and** there is no transfer of ownership), the value of the building will be included in the cost per unit calculation. If so, on page 19 of the Application, enter the greater of the appraised or assessed value, and attach the appropriate document at Tab K.

## I. Bonus Points

For purposes of determining scores in the below categories, percentages will be calculated using only tax credit units so as not to penalize mixed-income properties.

Category	Points	Explanation/Instructions
Units rent-restricted at or below 40% of the AMGI	Up to 10	For each percentage point of housing units in the proposed development which are restricted to rents at or below 40% of the AMGI.
Units that are <b>both</b> rent and income restricted and occupancy-restricted to households at or below 50% of the AMGI	Up to 50	Commitment by the Applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development.  The product of (i) <b>50 points</b> multiplied by (ii) the percentage of housing units in the proposed development both rent-restricted to and occupied by households at or below 50% of the AMGI.
<b>OR</b>		
Units that are rent-restricted at or below 50% of the AMGI and income-restricted at or below 60% of the AMGI	Up to 25	The product of (i) 25 points multiplied by (ii) the percentage of housing units in the proposed development rent-restricted at or below 50% of the AMGI.  Applicants receiving points in this 25-point category may not receive points under the above 50-point category.
<b>OR</b>		
Developments in "Low-Income Jurisdictions" - Units that are rent-restricted at or below 50% of the AMGI and income-restricted at or below 60% of the AMGI	Up to 50	The product of (i) 50 points multiplied by (ii) the percentage of housing units in the proposed development rent-restricted at or below 50% of the AMGI and income-restricted at or below 60% AMI.  Applicants receiving points here may not receive points under the 50-point or 25-point categories above.  Regarding the four point categories above, market units (those units exceeding 60% of AMGI) will not be considered in this calculation and only the tax credit units will be used in the calculation of both income and rent bonus points.
Extended Use Restriction	40 or 50	<ul style="list-style-type: none"> <li><b>40 points</b> - Applications documenting that the owner</li> </ul>

will maintain the low-income units in compliance for 10 years over the standard 30-year extended use period (40 years of total compliance)

- **50 points** - Applications documenting that the owner will maintain the low-income units in compliance for 20 years over the standard 30-year extended use period (50 years of total compliance)

If points are requested for extended compliance, no points will be awarded for a purchase option or right of first refusal.

OR

Non-Profit or Local Housing Authority (LHA) Purchase Option

0 or 60

A copy of a fully-executed recordable purchase option or right of first refusal to a qualified non-profit or LHA for the transfer of the property at the end of the minimum 15-year compliance period. The qualified non-profit must have a minimum of 10% ownership in the general partnership or managing member for the full 15-year compliance period to qualify for these points. The acquisition price shall be limited to outstanding debt and exit taxes. Points under this category are not available to Applicants receiving points for extended compliance. If, during the document review and scoring process, VHDA determines that the non-profit or LHA is not qualified, the Applicant may submit a request to select one of the extended compliance options, and VHDA may award the appropriate points.

Homeownership Option

0 or 5

**5 points** if the LHA or qualified non-profit organization with a purchase option or right of first refusal (at the end of the 15-year compliance period) submits a homeownership plan satisfactory to VHDA, in which, the local housing authority or qualified non-profit organization commits to sell the units in the development to tenants.

Any plan submitted must:

- Be based on the premises of the [Cleveland Housing Network Lease Purchase Program](#) and
- Provide for the accumulation of a fund residents may access to subsidize the deficit between the purchase price and the maximum available mortgage financing available based on that household's income.

This category is limited to properties with detached single-family homes on individual lots that are not part of a homeownership association with mandatory dues. Points under this category are not available to applicants receiving points for extended compliance.

The plan should be submitted with the Reservation Application.