

2016 LIHTC and HOME NOFA Frequently Asked Questions

Questions and Answers as of July 8, 2016

Submit questions to MFNOFA@oregon.gov

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General Questions:

Q: Is there a more comprehensive list of what is meant by “special needs”?

A: We do not have a more comprehensive list of “special needs” populations. We are looking for the sponsor to present us with their plan to serve populations such as those listed in the QAP. However, this is not meant to be a comprehensive or exclusive list. If you have additional populations that you feel are underserved and have special needs then please make the case for that in your application.

Q: The 2016 QAP says it is a Preservation Project if your project is:

- at least twenty-five percent of the residential units have federal Project-based rent subsidies and the HUD Section 8 contract is expiring or the USDA Rural Development (RD) loan is maturing within 7 years, RD restrictive use covenants have expired, **or the Project needs recapitalization, per capital needs assessment, of at least \$30,000 per unit, or:**
- Projects with public housing units undergoing a preservation transaction involving a comprehensive recapitalization.

Our read of that second part of the highlighted sentence is that it stands alone and as long as a project meets that part of the sentence it doesn’t need to comply with the first part. Is that how you would read it?

A: The highlighted portion should not be a standalone sentence. It was intended to be incorporated as part of “RD restrictive use covenants have expired or the Project needs recapitalization, per capital needs assessment, of at least \$30,000 per unit”. The intent is to allow for RD Preservation projects that have a high need of recapitalization but still have existing restrictive use covenants.

Q: Are you required to have a general contractor on board to be part of your development team at application?

A: You are not required to have a general contractor be part of your development team at application, however in detailing the experience of your development team you must demonstrate that it has the expertise/experience needed to successfully complete a development. As long as you have the needed expertise in your development team, bidding to general contractors at a later date works

fine. Relatedly, we do also have (3.1) MWESB contracting plans as part of the NOFA this year, which could be another consideration for when you do the GC bid.

Q: What is the MWESB requirement?

A: Applicants are required to submit their plans to engage Minority Women and Emerging Small Businesses in their contracts / sub contracts through development and operation of the proposed project. There are no established targets; however funded projects will be required to report on their ability to engage MWESB registered businesses. More information about MWESB program and the complete statewide registry can be found online here: <http://www.oregon4biz.com/How-We-Can-Help/COBID/>.

Q: I would like to attend the NOFA training session on 7/13. Do I need to register for this session?

A: Please refer to this [Technical Advisory](#) regarding the NOFA training.

Q: In Section 4.6, Architectural Review Submission, there is no indication that architectural drawings are required. Please confirm whether drawings are required at time of submission for any project type.

A: We do require drawings (just a site plan) and this is not a change from the previous NOFA. Please refer to the NOFA Application Forms, Part 4.6 Architectural for submission requirements.

Q: In the Part 2 submission "Applicant and Project Information", on the table on page 6 of Section 2, please clarify what rents are expected to be shown in the "Rents not to exceed percent of Median Income" column. Does OHCS expect these rents to be the **pre-OAHTC (OHCS Restricted) rents; or the rents including OAHTC pass-through?**

A: The rents entered into the chart on Part 2.0 of the NOFA Application (Applicant and Project Information) are required to be the pre-OAHTC rents. These are the rents that the Project will be restricted to in the REAU and Declaration.

Q: Would Per the OAHTC program manual, it is our understanding that units with Section 8 PBRA are not eligible to demonstrate OAHTC pass-through. **Please confirm, therefore, that a new construction project with 100% Section 8 units is exempt from OAHTC pass-through requirements.**

A: Only Preservation projects, as defined in the OAHTC manual and the QAP are exempt from the requirement to demonstrate pass-through on the use of the OAHTCs. However, if the Project does not qualify as a Preservation project but has project-based vouchers, then you must demonstrate that the required pass-through can be achieved through the remaining units that do not have project-based vouchers.

In the circumstance where a project is new construction and has qualified for new project-based vouchers, the project would not qualify as Preservation and therefore must demonstrate the required pass-through but cannot utilize the project-based voucher units to meet that pass-through.

Q: Would an Exclusive Negotiating Agreement (ENA) with a jurisdiction be accepted by OHCS as evidence of "site control" for the purposes of the NOFA?

A: Exclusive Negotiating Agreements are acceptable for site control when the Project involves negotiating with a municipality. As with other site control documents the agreement must be valid through the date of your construction closing as referenced in your estimated project schedule and it must demonstrate exclusive rights to negotiate with that municipality.

HOME Program:

Q: How can my project get maximum points for HOME leverage in participating jurisdictions (Metro and Non Metro PJ regions); do I need to have more than \$500,000 in HOME commitments?

A: In the LIHTC NOFA competitive scoring, there are points awarded under Impact (two possible for new construction / acquisition rehab projects and one possible for Preservation projects) for those projects that have a HOME commitment. In the Balance of State region, there is a stated \$500,000 minimum request for the use of the state's HOME funds; any projects requesting \$500,000 or more in the states HOME dollars will get full points. In the Metro and Non Metro PJ regions, HOME funds would come from the local participating jurisdiction; any project with HOME / CDBG commitments of any dollar value, will receive maximum points. In addition, if a participating jurisdiction uses Tax Increment Financing (or another source) in lieu of HOME as a gap funding source, as long as they can explain that this is the case in the application, maximum points will be awarded. [This issue was also clarified in an updated NOFA and competitive questionnaire posted 7/6/2016]

Q: Can I request HOME funds from OHCS if I am located in a HUD HOME Participating Jurisdiction?

A: No, OHCS HOME funds are only able to be awarded to those projects located in the Balance of State region.

Q: I am unclear as to what to submit in my NOFA Application under the HOME Program Market Study section.

A: The Market Study requirement for HOME funded projects has been removed from the NOFA; instead of providing this information at application the Market Study requirement for HOME funded projects will be included in the Reservation Letter for those projects receiving funding.

Q: For HOME projects, is it permissible to use the local PHA schedule in the application and then, upon award, complete the HUD Utility Schedule or Energy Consumption Model?

A: No, the HUD Utility Schedule Model or an Energy Consumption Model should be used to project tenant paid utilities in the NOFA Application. The local PHA utility schedule is no longer approved for HOME funded projects. If you select the Energy Consumption Model, the OHCS list of qualified contractors can be found at:

www.oregon.gov/ohcs/APMD/PCS/pdf/Approved_UA_Calculator_Contacts.pdf

Q: Is it permissible to use an alternate UA schedule for HOME-assisted units and the PHA utility schedule in non-HOME units?

A: No, all units in a project must use the same utility allowance.

Q: Please advise on how the new HOME utility allowance requirement will work with Section 8 PBRA, when units receiving PBRA are required to use the utility allowance established by the local housing authority.

A: Projects with Section 8 PBRA should use the utility allowance calculation method required by the Section 8 PBRA Program. This is also true for projects with RD Rental Assistance. The 2013 HOME Final Rule suggests Participating Jurisdictions should request a waiver of 24 CFR Part 92.252(d) for projects with conflicting utility allowance requirements. OHCS plans to prepare such a waiver request for the states HOME Program.