STATE OF ALASKA

ALASKA HOUSING FINANCE CORPORATION

GOAL PROGRAM

(Greater Opportunities for Affordable Living Program)

RATING AND AWARD CRITERIA PLAN

(Qualified Allocation Plan)

2002

LOW-INCOME HOUSING TAX CREDIT PROGRAM (LIHTC)

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

SENIOR CITIZENS HOUSING DEVELOPMENT FUND (SCHDF)

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I. PURPOSE

The rating and award criteria outlined herein has been prepared by the Alaska Housing Finance Corporation (AHFC) to establish the criteria which will be used to award Greater Opportunities for Affordable Living (GOAL) Program funds. This program contains three funding sources - Low-Income Housing Tax Credits (LIHTCs), Home Investment Partnership Program (HOME) funds, and Senior Citizen's Housing Development Fund (SCHDF) grants.

The rating and award criteria established herein, also referred to as the Qualified Allocation Plan, complies with the requirements of Title 26, U.S.C. Section 42 of the Internal Revenue Service Code, as amended ("Section 42").

Definitions:

"accessible unit" – is a unit or property that is compliance with the design requirements for all multi-family properties covered under the Fair Housing Act Amendments of 1989. Generally refers to the egress into a unit and the ability of a person in a wheelchair to maneuver within the unit.

"community revitalization plan" – a local comprehensive planning document that specifically includes community revitalization as a priority or defines community revitalization efforts that are consistent with that comprehensive document. If no comprehensive planning document is prepared in a community, then a letter from the chief executive officer of the local government attesting to a proposed project's role in achieving community revitalization will substitute.

"development proforma" – a listing of all of the costs associated with the development of a project and the sources of funds used to pay for the development.

"equipped" means all the requirements of an accessible unit have been satisfied plus the unit is equipped with grab bars, roll-under counters, bathrooms with roll-in or seated shower stalls or tubs, and other applicable equipment for persons with hearing or vision disabilities.

"GOAL" - Greater Opportunities for Affordable Living is the term used to describe the three funding programs (Low-Income Housing Tax Credits (LIHTCs), Home Investment Partnership Program (HOME) funds, and Senior Citizen s Housing Development Fund (SCHDF)) that have been combined into one application process.

"Home Investment Partnerships Program (HOME)" – a program of the U.S. Department of Housing and Urban Development which provides grant funds administered by AHFC for the development of affordable low-moderate income housing.

"leverage" – sources of development cost funding that do not meet the federal definition of "match" under the HOME program (i.e. owner cash).

"Low-Income Housing Tax Credits (LIHTC)" – a program of the Internal Revenue Service operated by AHFC which provides federal tax credits to owners of low-moderate income affordable housing.

"match" – sources of funding for development costs that meet the federal definition under the HOME program (land donations, below market interest rate savings, etc.)

"operating proforma" – a listing of all of the operating expenses (utilities, taxes, insurance, etc.) associated with managing and maintaining a rental property and a listing of the anticipated revenue to be obtained from the property.

"operating reserve" – an amount of money included as part of the development budget to be used as a cushion against unforeseen changes in operating expenses for a proejct in future years.

"Qualified Census Tract" – a federally designated area that has a relatively high cost of housing development relative to the income of the residents. Enables a LIHTC project located in this area to receive 30% more tax credit.

"replacement reserve" – also known as a reserve for capital replacement. An amount of money used to pay for major capital expenses that occur during the life of the project, such as boiler replacement, roof repairs, appliance replacement, etc.

Rural community" – defined under state statute as a community with a population of 6,500 or less that is not connected by road or rail to Anchorage or Fairbanks, or with a population of 1,600 or less that is connected by road or rail to Anchorage or Fairbanks and at least fifty (50) statute miles outside of Anchorage or twenty-five (25) statute miles outside of Fairbanks. In this definition, a connected by road's does not include a connection by the Alaska Marine Highway System.

"Senior Citizen's Housing Development Fund (SCHDF)" – an AHFC funded program through annual appropriations from the Alaska State Legislature. Program funds may be granted to not-for-profit organizations for senior housing that meets the state definition of "senior household."

"Special Needs Populations" – defined as senior households, households with persons with mental or physical disabilities, the homeless, and person earning less than 30% of the median income for their area.

"Senior Citizen" – for federally funded projects, households must meet the definition established in the Fair Housing Act Amendments of 1989. For the SCHDF program, the definition is 60 years of age or older.

"USDA- RD Section 515 program" – a federal program for low-income rental housing which provides low-interest financing and rental assistance to private for-profit or not-for-profit owners/developers.

"very-low income" – defined as families at or below 50% of the area median income adjusted for family size.

II. PROGRAM POLICY

It is AHFC's policy to encourage the responsible development of housing for seniors, lower-income persons and families through the allocation of GOAL program funds. A separate policy and procedures manual for the GOAL program is available from AHFC.

Additionally, it is AHFC's policy to minimize the impact of the GOAL program on existing residents of buildings that will be acquired or rehabilitated, where relocation of existing residents will occur.

The award of GOAL program funds is subject to the following funding considerations:

- The amount necessary to achieve financial feasibility and long-term viability of the project;

- Legal funding limits for LIHTCs and HOME funds;

- A limit of $675,000 per project for HOME funds.

- Set-Aside for USDA Rural Development Section 515 Projects:

  There will be a set-aside of 10% of the available low income housing tax credit in the first round of annual funding reserved for Section 515 projects for the GOAL program. If there are no Section 515 projects that are awarded funds in the first round, or those Section 515 projects that are funded do not use the entire 10% set-aside, then AHFC may reallocate the set-aside tax credit to other qualified non-Section 515 projects.

- Limitations on SCHDF Project Funding

  For grant requests over $500,000, the underwriting analysis performed by AHFC for determining the recommended amount of senior housing grant funds will be based on analysis of the debt carrying capacity of the project. AHFC will use the underwriting criteria for its multi-family loan program to determine the potential amount of debt the project could support. Project income will be estimated by using the HUD established Fair Market Rent for the geographic location. The maximum SCHDF award will be the difference between the estimated debt capacity (loan amount) and total development costs.

- Set-Aside for Tax-Exempt Organizations:

  There will be a set-aside of 10% of the available low income housing tax credit annual funding reserved for projects sponsored by eligible 501(c)(3) tax-exempt organizations who have as one of their tax-exempt purposes, the provision of low-income housing. This set-aside is mandated under 26 U.S.C. Section 42(i)(5), the Internal Revenue Service Code.

- Set-asides for Other Purposes:

  AHFC, at its discretion, may use a portion of the annual state tax credit cap to engage in demonstration projects that fulfill the mission of AHFC and are consistent with this qualified allocation plan and the requirements of 26 U.S.C. Section 42 of the Internal Revenue Service Code.

In determining the appropriate amount of GOAL program funds to be awarded, AHFC will consider the sources and availability of other funds, the reasonableness of development and operating costs, anticipated project operating revenue, and the expected proceeds from the sale of LIHTCs (if applicable).

Fair Housing and Civil Rights Statement

It is a requirement of receipt of any funding under the GOAL program that any owner/developer/borrower and any of its employees, agents or sub-contractors understands and agrees that it is the total responsibility of the owner to adhere to and comply with all Federal Civil Rights legislation inclusive of the Fair Housing Laws, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act as well as any state or local Civil Rights legislation along with any required related codes and Laws. Should AHFC not specify any requirements, such as design, it is none the less the owners responsibility to be aware of and comply with all non-discrimination provisions relating to race, color religion, sex, handicap, familial status, national origin and any other classes protected in Alaska. This includes design requirements for construction and rehabilitation, Equal Opportunity in regard to marketing and tenant selection and reasonable accommodation and modification for those tenants covered under the law.

III. FEDERAL CONSIDERATIONS

26 U.S.C. Section 42 (IRS Code) establishes the following preferences for the LIHTC program:

1. Projects that serve the lowest income tenants;
2. Projects that are obligated to serve qualified tenants for the longest period of time.
3. Projects that are located in a qualified census tract (as defined in subsection 42 (d)(5)(C)) and the development of which contributes to a concerted community revitalization plan.

26 U.S.C. Section 42 also requires that AHFC consider the following project characteristic factors in selecting applications that receive LIHTCs:

1. Project Location (rural versus urban; revitalization area, etc.);
2. Housing Needs Characteristics (demand and need for the project);
3. Project Characteristics, including whether the project includes the use of existing housing as a part of a community revitalization plan (accessible units; unit & project size; design features, etc.);
4. Sponsor (applicant) Characteristics (experience in developing, owning, managing);
5. Targeting of Individuals on Public Housing Waiting Lists (preferences);
6. Targeting of Special Needs Populations (preferences for defined special needs);
7. Tenant populations of households with children; and
8. Projects intended for eventual tenant ownership.

These priorities and additional criteria are consistent with the AHFC's corporate mission and the State of Alaska's Housing and Community Development Plan (HCD Plan). They are incorporated as priorities under the entire GOAL program, including HOME and SCHDF. AHFC will award points in the rating process to projects that commit to meeting these objectives.

IV. STATE OF ALASKA PRIORITIES

State of Alaska priorities shall include projects that:

1. Have only the amount of subsidy necessary, over and above the amount of debt that can be supported, to make the project financially feasible (from both a developmental and operational viewpoint);
2. Leverage GOAL program funds with other funding sources, including those which qualify as “match” under 24 CFR part 92 of the HUD regulations;
3. Will be developed by applicants/sponsors who demonstrate the greatest capability to carry out the project;
4. Address the highest need for low-income housing in the local rental market;
5. Target “special needs populations” (i.e. senior citizens, persons who experience mental or physical disabilities, homeless persons, and families whose income does not exceed 30% of the area median income, adjusted for family size);
6. Include larger units (i.e., greater number of bedrooms) for families;
7. Are smaller in size (i.e., number of units);
8. Are located in “rural” communities, as defined by AHFC;
9. Are located in state declared disaster areas;
10. Provide meaningful training and employment opportunities for Alaskans.

AHFC will award points in the rating process to projects that address these priorities.

V. APPLICATION EVALUATION REVIEW PROCESS

Each application received by AHFC will be reviewed by staff to determine whether the minimum application submission requirements have been satisfied by the applicant ("threshold evaluation"). If the applicant fails to submit required application material by the deadline established by AHFC, the application will be denied any further review or consideration. Applications that pass the threshold evaluation will be forwarded to an Evaluation Review Committee consisting of persons appointed by AHFC's executive director/chief executive officer, or his/her designee.

The committee shall include at least three, but no more than five evaluation members. Evaluation members may include, but will not be limited to, a representative(s) from AHFC, the U.S. Department of Housing and Urban Development, and/or the real estate, construction, or finance industries. Committee members will evaluate and rate applications which pass the threshold review, in accordance with the rating criteria outlined in this plan. Based on the results of the rating process and the selection criteria identified herein, an award recommendation will be submitted to AHFC’s executive director/chief executive officer.

Funding Considerations

The Executive Director may use considerations other than the point ranking to make the final funding awards. These considerations are:

1. The maximum legal and AHFC annual programmatic funding limits;

2. Levels of funding necessary, in AHFC's opinion, to result in a financially feasible project, including a recommendation of no funding if sufficient debt can be supported;

3. Distribution of GOAL funds in such a manner to maximize the number of financially feasible projects which receive funding, even though this may result in the award of funds or tax credits outside of actual application rankings established by the rating process. This ability is necessary to ensure that a high ranked application(s) would not necessarily secure all, or most, of the available GOAL funds at the expense of a greater number of other worthy lesser ranked projects;

4. Levels of funding necessary, in AHFC's opinion, to satisfy the financing needs of earlier funded HOME, SCHDF, or LIHTC projects, which, as a result of amended underwriting assumptions (i.e., higher development costs or lesser net operating income than expected, etc.) or insufficient previous GOAL funding, have not yet resulted in a developed or completed project

5. A different amount of GOAL program funds or a different mix of funding sources than that requested by the applicant may be recommended in order to avoid over subsidizing, and to maximize leveraging and efficient utilization of all GOAL resources.

6. Geographic location.

7. Responsible bidder. AHFC reserves the right to reject any grant application or request for funding from any applicant who has failed to perform or is partnered with a person or organization who has failed to perform any previous grant or contract with AHFC; who has previously failed to perform properly or to complete on time contracts of a similar nature; who qualifies or changes terms and conditions of the Notice of Funding Availability (NOFA), applicable restrictive covenants or loans in such a manner that is not responsive to the purpose sought by AHFC in issuing the NOFA, covenants or loans; who submits an application that contains faulty specifications or insufficient information that , in the opinion of AHFC, makes an application non-responsive to the NOFA; who submits a late application; who has not signed the application; who is not in a position to perform the work proposed in the application; who habitually and without just cause neglected the payment of bills or otherwise disregarded its obligations to subcontractors, material suppliers, or employees; who has shown a consistent practice of non-compliance with State and federal rules that govern housing development programs; who has unpaid taxes due

to the State of Alaska or the U.S. government; where there is a conflict of interest with the applicant and board member or employee of AHFC; or when AHFC determines that the application is not in AHFC's best interest.

In those cases where the funding decision approved by AHFC's Executive Director/Chief Executive officer varies from that requested by the applicant, the applicant will be given notice of AHFC's intent to award the alternative funding reservation and/or award, and will be allowed to accept or deny the offered funding package. If the applicant chooses not to accept the funding package offered, no additional consideration will be given to that applicant during that funding cycle, and the declined GOAL program funds may be offered to another qualifying applicant(s). An applicant may have the right to appeal this decision under 15 AAC 151.830 and 15 AAC 150.220.

For any allocation of Low-income Housing Tax Credit that is made outside the priorities and selection criteria established by AHFC in this allocation plan, a written explanation will be made available to the general public, upon request.

AHFC reserves the right to deny GOAL funds to any applicant, regardless of that applicant's point ranking if, in AHFC's sole determination, the applicant's proposed project is not financially feasible or viable. Additionally, GOAL funds may be awarded out of the ranking order established by the points earned. In such cases, this recommendation shall be based on the amount of GOAL funds requested, relative to the amount of funding available, as well as other selection criteria identified within the rating criteria plan.

Evaluation of Financial Feasibility

Under IRS Regulations 1.42-17, AHFC must evaluate the financial feasibility of a project three times during the development of the project. The three stages are application, allocation (carryover or issuance of 8609) and the placed in service date. The final evaluation for the issuance of the IRS Form 8609, "Low income Housing Credit Allocation Certification", must occur after the placed in service date.

Under IRS Regulation 1.42-17, owners must certify to all sources and uses of funds and the total financing planned for the project. Section 1.42-17 also specifies the type of information that must be provided by the owner and reviewed by AHFC as part of the evaluation.

For purposes of the evaluation done at allocation (carryover and/or 8609), the schedule of costs prepared by the owner must also include a Certified Public Accountant's audit report on the schedule. The CPA's audit must be conducted in accordance with generally accepted auditing standards. The audit report must be unqualified.

This requirement also pertains to all tax-exempt, bond-financed projects that are seeking credit under the provisions of Section XII of this allocation plan.

VI. INITIAL THRESHOLD EVALUATION REQUIREMENTS

To satisfy minimum application requirements (threshold evaluation), the application package must include the following material, unless otherwise approved in writing by AHFC:

1. Completed application forms and all applicable certifications;
2. Submission of all required application material;
3. Payment of all applicable application fees;
4. Sufficient data, in AHFC's opinion, to determine the financial feasibility and long term viability of the project.
5. Sufficient data, in AHFC's opinion, to determine that the applicant and project is eligible to receive the GOAL program-funding source requested.
6. Applicant is considered to be a "responsible bidder."

After receipt of this information AHFC will determine the financial feasibility of the project before submitting it to a review committee for final review and ranking. AHFC's feasibility review will examine, among other things, the ability of the project to support debt. If a project, in AHFC's opinion is not financially feasible or has the capacity to support enough debt so that GOAL program funds are not necessary, then the application will not be forwarded to the review committee for failure to pass the initial threshold evaluation.

VII. APPLICATION AWARD PROCESS

Each applicant will receive notification of the proposed GOAL program funding awards upon AHFC's executive director/chief executive officer's approval (or amendment) of the recommendations made by the evaluation review committee. Applicants may appeal the funding decision in accordance with AHFC regulations (15 AAC 151.830, 15 AAC 151.220 or 15 AAC 154.060, as applicable). Subsequent to any appeals processes, AHFC will issue a notice of award to successful applicants.

VIII. APPLICATION RATING AND RANKING CRITERIA

The following criteria and associated points will be utilized to rate and rank applications received for GOAL program funds:

A (1). Project Serves The Lowest Income Tenants (Maximum 20 Points)

Points will be awarded based on the percentage of units in the project which will be restricted to persons/families whose annual income does not exceed 50% of the area gross median income, <u>exceeding</u> the minimum percentage required under the most restrictive program in which funds are requested. Although the applicant may choose to set-aside (restrict) up to 100% of the project's units for low-income families, to encourage mixed-income developments, points will be awarded only up to a set-aside level of 75%.

Calculation Method

$$\frac{\text{(Number of units set-aside – required number)}}{\text{(Number of units in project * .75)}} \quad \text{x 20}$$

Example:

A proposed project has 20 units, with a required set-aside of 5 units. The applicant chooses to set-aside an additional 10 units for families at 50% of the area median.

15-5/((20*.75) = .667% X 20 = 13.34

The rent charged for these units shall not exceed the maximum rent that can be charged under the rental policies established for the program in which funds are requested and/or received. See the application form for instructions on how to calculate the points for this category.

A (2). Exemptions for Senior Citizens Housing Development Fund (SCHDF) Requests

Senior project applications which exclusively request SCHDF program funds will be rated in accordance with the rating criteria plan, excluding this criteria. Senior organizations must establish rental policies, i.e., affordable unit (restricted income and rent) versus market rate units, in accordance with the need in their area and their organizational principles.

Senior project applications which request, but are unsuccessful in obtaining HOME or LIHTC funds due to their ranking, will be grouped with the segregated SCHDF-only applications and scored in the same manner. However, such senior projects will be required to maintain the proposed set-aside level required under the HOME and LIHTC program, or higher level if proposed by the applicant, as the amount of development (subsidy) funds requested is directly related to the restricted rent levels which are proposed by the applicant.

B (1). Extended Low-Income Project Use (10 Points)

Ten (10) Points will be awarded to applications that commit the project to an extended low-income use equaling 30 years. An extended use agreement or other similar agreement, as determined to be appropriate by AHFC, is required.

B (2). Exemptions for Senior Citizens Housing Development Fund (SCHDF) Requests

Senior project applications which exclusively request SCHDF program funds will be rated in accordance with the rating criteria plan, excluding this criteria.

C. Community Revitalization Projects Located in a Qualified Census Tract (5 Points)

Five (5) points will be awarded to any project that is located in a Qualified Census Tract (as defined by HUD, under 42(d)(5)(C)) **and** is considered to contribute to a community revitalization plan.

D. Supporting Development and Operation Data (Maximum 35 Points)

Points will be awarded to applications based on the extent that application material supports the project's developmental and operational feasibility and viability. An application must receive at least 50% of the total possible points in this category to receive any funding under the GOAL program. Points will be awarded based on the following subcategories:

1. The degree to which development cost estimates are reasonable and are supported by a credible third-party bid(s) and/or estimate(s). Examples include bids and/or cost estimates supplied by an architect, appraiser, materials supplier, etc. **(Maximum 10 Points).**

2. The degree to which the project's operating, or "pro-forma", statement provides a reasonable estimate of all sources and amounts of project revenue, vacancy rates, operating expenses, debt capability, and reserves for replacements and repairs. To earn the maximum points in this subcategory, applicants must include credible, third-party support for the project's anticipated rents, vacancy rate, and operating expenses **(Maximum 10 Points)**.

3. The degree to which other proposed project funding sources have been confirmed **(Maximum 10 Points)**.

   In assessing this item, evaluation committee members will consider the following in the order of priority listed below:

   a. Whether written funding commitments have been provided;
   b. Whether a letter(s) of project and debt capability review by the permanent and construction lenders have been provided;
   c. Whether tax credit proceeds (if applicable) accurately reflect current tax credit market sale rates;
   d. Whether letters of interest from other proposed funding sources have been provided.

4. The project schedule and written development narrative demonstrates the

applicant's understanding of housing development concepts, and presents reasonable assurances that the project can be successfully implemented within the proposed time frame **(Maximum of 5 Points)**.

E. Project Leveraging, including "Matching" Contributions (Maximum 20 Points)

Points will be awarded to applications providing a <u>written commitment</u> from additional funding sources to provide contributions to the project which leverage GOAL program funds, as well as those that qualify as "Match" in accordance with 24 CFR Part 92 (HOME Regulations). Contributed funds may not receive points in both the "leverage" and "matching" categories.

Applicants must include a written description of the proposed leverage and "match" contribution(s) and indicate at what point in time the "leveraged" and "matching" funds will be contributed to the project.

<u>Calculation Method:</u>

(Amount of "leverage" and "match" funds contributed divided by the total amount of GOAL program funds requested) X 20 (Maximum 10 Points for "leverage" funds; Maximum 10 Points for "match" funds).

<u>Example:</u> An applicant requests $200,000 in HOME funds and $100,000 (annually, means $1,000,000 over ten years) in LIHTCs. The applicant states (commits) that the following match contributions will be provided: abatement of local government property taxes for first ten years (NPV of $55,000); Federal Home Loan Bank grant $25,000; donated building materials (value of $10,000). Total Matching contributions equal $90,000; Additionally, the applicant states (commits) that the following leverage funds will be contributed: applicant cash contribution $50,000; developer's deferred fee $50,000; applicant's land contribution (value of $75,000)._Total leveraged funds equal $175,000.

In this example, the applicant would earn 1.75 points for matching contributions ($90,000/[200,000 + $1,000,000]) X 20; and 2.92 points for leveraged contributions ($175,000/[200,000 + $1,000,000] X 20.

F. Applicant Characteristics (Maximum 10 Points)

1. Points will be awarded, in accordance with the following schedule, to applications which document that:

   i. The applicant, or developer hired by the applicant, has successful experience in developing and/or constructing similar type projects in Alaska. (Maximum 5 Points)

For this purpose, "successful" shall mean project development which was reasonably complete in accordance with the project=s original projected budget, funding sources, and development schedule.

ii. The applicant has previous positive rental housing ownership and/or management experience. (Maximum 3 Points)

For this purpose "positive" shall mean projects which do not have, in AHFC's opinion, any unresolved or outstanding project compliance findings, or that have a history of receiving numerous project compliance findings.

iii. A tax-exempt organization or Regional Housing Authority is involved in the project on a regular, continuous, and substantial basis in both the development and operation of the project (must be recognized as a tax-exempt organization by the Internal Revenue Service) (2 Points).

2. At AHFC's discretion, ten (10) points will be <u>deducted</u> from the applicant's score in cases where the applicant, or the developer or development consultant hired by the applicant, has developed or is in the process of developing a prior GOAL funded project which has been determined through monitoring reviews by AHFC, HUD or other governmental agencies to be in violation of program criteria, rules or regulation, developed unsatisfactorily, or is significantly behind the development schedule which was originally proposed.

For the purposes of this criteria, an applicant is defined as the entity (including that entity's general partner) applying for the funds available under the subject NOFA. For instance, although the current applicant may be a limited partnership unique only to the proposed project, if in fact the general partner of the limited partnership is the general partner, limited partner, or sole owner of an earlier funded project which has been the subject of monitoring finding(s), points may be deducted from the current application.

G. Need for the Proposed Project in the Local Area (Maximum 20 Points)

A maximum of 20 points may be awarded to applications based on the applicant's documentation supporting the demand and need for the proposed type of rental housing in the subject's area. Documentation must support the demand and need for the type of units which are proposed, i.e., restricted income and market units, unit bedroom sizes, rent affordability, etc.

In determining the demand and need for the subject project, the evaluation committee shall take into consideration the following:

1. Community Support for the project as evidenced by written letters of support from the local government, community council(s), and non-profit organizations located in the project area whose clients will likely benefit from the project. (Maximum 5 Points)

2. Project Market Study meeting AHFC requirements (refer to application kit for project market study guidance) which evidences the demand for the project=s units within a reasonable rent-up period. (Maximum 10 points)

   In consideration of the Project Market Study findings, the evaluation review committee shall use the following scale to assign points in this section:

   Degree of Demand:

Extreme -	10 points
High -	7 points
Moderate -	3 points
Low or none -	0 points

   Under 26 IRS 42 (m)(1)(iii) a market study is required for all projects receiving an allocation of low-income housing tax credit. The law provides no exception for size of project or development activity (new construction, rehabilitation or acquisition with rehabilitation). The market study must be paid for by the developer and conducted by a disinterested third party that has been approved by AHFC.

3. Number of Similar Properties Located in the Area. For this criteria, "similar" is defined as rental housing sharing the same or virtually the same project characteristics, i.e., senior independent housing, senior assisted living, transitional housing for homeless persons, special needs housing for mentally or physically challenged persons, or standard rental housing restricted to low income families. "Area" is defined as local government jurisdiction in which the project is proposed. (Maximum 5 Points)

   Points will be assigned as follows:

No other similar projects in the immediate area:	5 Points
Two or fewer similar projects in the immediate area:	1 Point
More than two similar projects in the immediate area:	0 Points

H. Project Characteristics (Maximum 55 Points)

Points will be awarded to applications that exhibit certain desired characteristics in accordance with the following:

1. **Number of Units Equipped for Persons with Physical Disabilities**

Number of units which are equipped in **excess** of the minimum number required by federal fair housing law, state or local law, or specific program requirements. Applicants must explain the difference between what is required and what is proposed. **(Maximum 10 Points)**

Calculation Method:

(Number or additional equipped units/[total number of project units - minimum required number of equipped units]) X 10

To receive points in this criteria, the units must be constructed or rehabilitated to the applicable standard required by the specific program under which funds are requested, i.e., Fair Housing Act (all programs); Section 504 requirements (HOME), or if specific program requirements do not apply, to the standard established in the Americans with Disabilities Act (all common areas).

Example: A 10-unit project which was required to have 2 equipped units as a result of program requirements, but which committed an additional 3 units to equipped standards, would receive 3.75 points (3/(10-2) X 10). 10 points would be earned if all 8 additional units were adapted to the standards (8/(10-2) X 10).

"Equipped" means all the requirements of an accessible unit have been satisfied plus the unit is equipped with grab bars, roll-under counters, bathrooms with roll-in or seated shower stalls or tubs, and other applicable equipment for persons with hearing or vision disabilities. In addition, if funded with HOME funds, projects must also meet any additional requirements under **Section 504 of the Rehabilitation Act of 1973**.

All projects must meet the requirements of the following laws:

a. Americans with Disabilities Act
b. U.S. Fair Housing Amendments Act of 1989
c. Alaska Statute AS 18.80.240
d. Local Government Ordinances

2. **Projects which Principally Serve Special Needs Populations (15 Points)**

For this purpose, "principally" shall mean projects in which no less than 50% of the project units are restricted to persons/families qualifying as a "special needs" person/family. Except in the case of housing for senior citizens which

<u>must be designated as “senior only” and meet one of the three exemptions for “seniors-only” housing in the U.S. Fair Housing Amendments Act of 1989.</u>

A "Special Needs" person or family consists of one or more of the following:

i Senior citizens (must meet definition in Fair Housing Act Amendments of 1989);
ii. Persons with a mental or physical disability;
iii. Persons/families whose annual income does not exceed 30% of the area median income, as determined by HUD, adjusted for family size;
iv. Homeless persons (may include persons "overcrowded" as defined by AHFC).

3. Availability of Larger Units for Households with Children (Maximum 15 Points)

Points will be awarded to applications based on the percentage of units in the project with two or more bedrooms, according to the following rating scale:

Percentage (%) of 2-Bedroom Units (Threshold requirement of at least 50% to earn points) X 5 points.

Percentage (%) of 3-Bedroom Units (Threshold requirement of at least 25% to earn points) X 10 points.

Percentage (%) of 4-Bedroom Units (Threshold requirement of at least 10% to earn points) X 15 points.

TOTAL Points Earned in the criteria NOT TO EXCEED 15 Points.

Example: A 10-unit project in which 8 of the project’s units contained two bedrooms and the remaining units were efficiency or one-bedroom units would receive 4 points (80% X 5 points).

Example: A 10 unit project in which 6 of the project’s units contained three bedrooms and the remaining units were two-bedroom units or less would receive 6 points (60% X 10 points).

Example: A 10 unit project in which there were 6 two bedroom units, 3 three bedroom units and 1 four bedroom units would receive 7.5 points (60% X 5 points) + (30% X 10 points) + (10% X 15 points).

Example: A 10-unit project in which all of the project's units contained four bedrooms would receive 15 points (100% X 15 points)

4. Size of Project (Maximum 5 points)

Points will be awarded to based on project size, according to the following:

Project Size	Points Earned
For new construction or acquisition:	
35 units or more	0 Points
17 - 34 units	2 Points
16 or fewer units	5 Points
For acquisition with rehabilitation, or rehabilitation:	
35 units or more	5 Points
17 - 34 units	3 Points
16 or fewer units	1 Point

Note: For LIHTC projects, rehabilitation costs must be the greater of $3,000 per unit or 10% of the "adjusted basis" of the building and must consist of work items that are more than just cosmetic in nature.

5. Use of Existing Housing as Part of a Community Revitalization Plan (5 Points)

If a proposed project for acquisition and rehabilitation or rehabilitation-only, is considered to be part of a local community revitalization plan, then five (5) points will be awarded.

6. Projects Intended for Eventual Tenant Ownership (5 Points)

For any project that is designed and operated so that the units will be eventually sold to the tenants, five (5) points will be awarded. In order to receive points in this category, applicants must provide documentation showing a comprehensive plan for tenant home ownership counseling which includes maintenance techniques for the home.

7. Project Design (Maximum 10 points)

Up to ten (10) points may be awarded to applications for the appropriateness of the project's design for the intended tenant population (i.e. families with children, special needs, transitional housing, etc.). Consideration will be given to, but not limited to, the following:

a. unit design and size;
b. common areas including recreation areas, community rooms, etc.;
c. layout of buildings on the site;
d. parking and storage facilities
e. an energy efficient design that <u>exceeds</u> the State of Alaska Building Energy Efficiency Standard;
f. projects which incorporate substantive social services which are appropriate to the tenant population, on an ongoing basis;
g. projects which provide a <u>long-term commitment</u> to incorporate rental assistance subsidies to low income tenants. For instance, subsidies available through the Rural Development Loan Program, or through tribally designated entities use of Native American Housing Assistance and Self Determination Act (NAHASDA) funds.
h. The percentage of units meeting the definition of "universal design" as defined on the Center for Universal Designs' housing checklist (available from AHFC).

I. Project Location (15 Points)

Fifteen points will be awarded to applications in which the project will be located in a rural area. A rural area is defined as a community with a population of 6,500 or less that is not connected by road or rail to Anchorage or Fairbanks, or with a population of 1,600 or less that is connected by road or rail to Anchorage or Fairbanks and at least fifty (50) statute miles outside of Anchorage or twenty-five (25) statute miles outside of Fairbanks. In this definition, Aconnected by road≅ does not include a connection by the Alaska Marine Highway System.

J. Serving Areas Receiving Declarations of Disasters (10 Points)

Under 26.23.020, the Governor of Alaska has the power to declare a condition of disaster emergency. Any projects located in an area receiving a disaster declaration issued by the Governor of Alaska will qualify for ten additional points in the ranking process.

K. Public Housing Waiting Lists (4 Points)

Four (4) points will be awarded to applications that contain a **<u>written commitment</u>** to give priority to households on waiting lists for subsidized housing. A commitment means establishing gross rents below the "Fair Market Rent" limits established by the U.S. Department of Housing and Urban Development **<u>AND</u>** establishing a referral relationship with the local public or Indian housing authority. Applicants must describe how a referral relationship will be achieved.

In accordance with federal law, LIHTC and HOME funded projects may <u>not</u> refuse to lease to a holder of a certificate of family participation under the Section 8 Existing Voucher Program (Housing Choice Voucher) or to a holder of a comparable document evidencing participation in a HOME tenant-based assistance program because of the status of the prospective tenant as a holder of such certificate, voucher, or comparable HOME tenant-based assistance document.

L. Job Training Program (Maximum 10 Points)

Up to 10 points may be awarded to an applicant committing to operate a job-training program, targeting low- and moderate-income families, during the construction of the project. The trainees must be prepared for meaningful employment opportunities after the program is completed. Apprenticeship training in a recognized trade union is one example. If an applicant receives points in this category, but fails to implement the training program, AHFC will recapture any reservation or funding commitment made from GOAL program funds.

Applicants must provide letters of financial commitment for program operation, and signed memorandums of agreement with the agency operating the training program, and all other parties involved. **No points** will be awarded under this category without firm written commitments, and a detailed summary of the program which specifies the goals and objectives for the program, the number of training positions, the target group of people, how the program will be funded, the skills learned by the trainees, the duration of the training and what future employment opportunities will be available to trainees.

IX. PROJECT CHANGES AND NON-COMPLIANCE WITH RATING CRITERIA AFTER AWARD

A. AHFC will not approve any project changes pertaining to rating criteria that would modify the order in which applications were ranked during the rating process. For requested changes which would not affect the ranking order, AHFC will consider such changes only if there is substantive reason(s), in AHFC's opinion, to believe that in not approving the change, the financial feasibility of the project will be compromised.

B. All project characteristics proposed by the applicant become part of the extended use agreement (LIHTC program) or deed restriction (HOME & SCHDF programs) which are recorded on a funded project. Failure to meet any of these requirements which are incorporated in to the extended use agreement or deed restriction is a considered a violation of this award plan (Qualified Allocation Plan for LIHTC). Such violations are considered reportable to the Internal Revenue Service (LIHTC program) as non-compliance, or in the case of HOME & SCHDF program funds (and not corrected in a timely manner), are events which may cause AHFC to demand repayment of the HOME and/or SCHDF program funds.

X. RATING AND RANKING CRITERIA SUMMARY

Evaluation Criteria	Maximum Points
A. Project Serves The Lowest Income Tenants	20
B. Extended Low-Income Project Use	10
C. Community Revitalization Projects Located in a Qualified Census Tract	5
D. Supporting Development and Operation Data	35
E. Project Leveraging and "Matching" Contributions	20
F. Applicant Characteristics	10
G. Need for the Project in the Local Area	20
H. Project Characteristics: 1. Number of equipped units for persons with disabilities (10) 2. Serving Special Needs Populations (15) 3. Availability of Larger Units for Households with Children (15) 4. Tenant Ownership (5) 5. Use of Existing Housing as Part of Community Revitalization Plan (5) 6. Size of Project (5) 7. Project Design (10)	65
I. Project Location	15
J. Serving Areas Receiving Declarations of Disasters	10
K. Public Housing Waiting List Preference	4
L. Job Training Program	10
TOTAL POINTS POSSIBLE	224

Projects that do not receive a minimum of one third (1/3) of the total possible points and at least 50% of the points available in criteria “D”, based on the ranking by the review committee, will not be considered for funding under any of the programs covered by this rating and award plan. Points in the “Serving Areas Receiving Declarations of Disasters” category do not count towards the minimum threshold number of points. The projects may be re-submitted for review in subsequent funding rounds.

XI. PROJECT COST LIMITATIONS

The following cost limitations shall apply in determining a project's eligible basis, and the resulting amount of GOAL program funds that may be awarded. These cost limits shall not be exceeded unless substantive evidence, acceptable to AHFC, is supplied by the applicant to justify higher cost limitations.

A. Total Development Costs Limits (HUD 221(d)(3/4) Limits for Alaska):

The total development cost (total project cost minus cost of land) per unit must not exceed the HUD 221 (d)(3/4) mortgage limits by bedroom size unless substantive evidence (in AHFC's sole opinion) is presented to justify allowing an exception. Please consult the GOAL program guidelines for the most recent HUD 221 (d)(3/4) limits.

B. Developer/General Contractor Fees and Costs:

The maximum gross developer and contractor fee/overhead charged to the development may not exceed the amounts specified in the following table. Where an identity of interest exists between the developer, contractor, consultants or any other party to the development, the maximum developer and/or contractor fee may be further reduced to an amount determined to be appropriate by AHFC. Exceptions will be considered only if significant evidence is provided which suggests that the project is of a nature that warrants such higher fees.

Development Type	Maximum Gross Developer Fee/Overhead*	Maximum Gross Contractor Fee/ Overhead**	General Requirements **
New Construction	15%	10%	10%
Acquisition with Rehabilitation or Rehabilitation Only	15% of Rehabilitation Cost	10% of Rehabilitation Cost	10% of Rehabilitation Cost
Acquisition Only (HOME & SCHDF Programs only)	5% of Acquisition Cost	0%	0%

*The maximum fee/overhead must be calculated against the total development cost of the project, net any payments to the developer or related parties. ** The maximum fee/overhead and general requirements is calculated against total construction cost.

Please refer to the program policy and procedures guide for the definitions of general requirements, and builder/contractor profit and overhead.

C. Consultant Fees and Cost of Intermediaries

All payments made to consultants or other intermediaries who are performing tasks normally performed by a developer, are considered development overhead charges and must be included in the maximum 15% allowable for the developer fee and overhead.

D. Operating Reserves

Operating reserves that are funded with proceeds from the GOAL program are limited to an amount up to one year of the projects' total operating expenses, not including replacement reserves. This limitation may be waived at AHFC's discretion if it is considered to be in the best interests of the project or the GOAL program.

E. Replacement Reserves

All projects funded with GOAL funds will be required to maintain a $300 per unit/per year replacement reserves for capital expenses (roof repair, boiler replacement, etc.). The replacement reserve account must be jointly controlled by the project owner and AHFC or some other secondary lender. This requirement will be subordinate to any terms or conditions placed on loan or grant financing associated with the project.

XII. ALLOCATION OF TAX CREDITS TO PROJECTS FINANCED WITH TAX-EXEMPT BONDS EXCEEDING 50% OF TOTAL PROJECT COSTS

Applicants may apply to AHFC for LIHTCs that are obtained automatically with the use of tax-exempt bond financing on a project. To be eligible for these "non-competitive" credits, more than 50% of the project costs must be financed with bonds that are exempt from taxes under the IRS Code (tax-exempt bond issue). The bonds must be issued subject to Alaska's private activity bond volume cap. Additionally, the project must be considered eligible for LIHTCs under Alaska's Qualified Allocation Plan (Rating and Award Criteria), including the minimum threshold requirements and points criteria.

All requirements of the competitive tax credit program pertain to the non-competitive program, including all application, processing and monitoring fees and the requirements regarding feasibility and viability.

XIII. COMPLIANCE MONITORING FOR SCHDF AND HOME

The SCHDF and HOME program have separate monitoring requirements that are not required under IRS statutes to be incorporated into this allocation plan. The compliance requirements for these programs are detailed in the policy and procedures manual for the GOAL program and in a compliance manual available from AHFC.

XIV. COMPLIANCE MONITORING PLAN FOR LIHTC PROJECTS

(a)(1)(A) **Monitoring Authority** - All projects -placed in service- since the 1986 enactment of the Low-Income Housing Tax Credit Program, are subject to monitoring for compliance with the rules and regulations of 26 U.S.C. Section 42.

(B) Compliance monitoring of all tax credit projects will be conducted by the Alaska Housing Finance Corporation (the Corporation), in accordance with the procedures outlined below. The Corporation's obligation to monitor for compliance with the requirements of Section 42 does not make the Corporation liable for an owner's noncompliance.

(C) The areas to be reviewed for compliance shall include, but are not limited to:

i. Tenant income qualifications, calculations and appropriate supporting documentation.

ii. Gross rent payments and any components of the gross rent figure (including utility allowances.

iii. The project rental history of the low-income and market rate units.

iv. Certifications made by the Owner during the application process regarding project design and other building characteristics (e.g. accessibility for people with disabilities, use of non-residential space, etc.) that are part of the restrictive covenant recorded on the property.

vi. The annual amount of eligible basis, the applicable fraction claimed for the property and compliance with habitability standards.

vii. Affirmative marketing efforts

viii. Fair housing compliance

ix. Occupancy rules contained in Section 42

x. Building code violation reports

(b)(1) **Record Keeping** - The owner of a project receiving a credit allocation shall maintain project records (A - M, below) for six years past the due date (with extensions) for filing the federal income tax return for that year. **<u>The records for the first year of the credit period must be retained for at least six years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period of the building</u>.**

The records must include, but are not limited to, the following:

(A) the total number of residential rental units in the project (including the number of bedrooms and square footage of each residential rental unit);

(B) the percentage of residential rental units in the building that are low-income units;

(C) the rent charged on each unit in the project, including the utility allowance amount used and the method of calculation;

(D) the project rental history of the low-income units and information that shows when and to whom the next available units were rented;

(E) annual income certifications for each low-income tenant and sufficient documentation to prove that annual income was calculated in a manner consistent with the requirements of Section 8 of the U.S. Housing Act of 1937;

(F) the character and use of the non-residential portion of the building(s) within the project (common areas, etc.) if included in eligible basis;

(G) the number of occupants in each low-income unit;

(H) the eligible basis and qualified basis of the building at the end of the first year of the credit period; and if in the following years the project has received additional federal funds reducing the eligible basis of the building(s);

(I) evidence that supports any of the project characteristics the Owner may have certified to, in his/her application for tax credits, to receive points in the ranking process;

(J) evidence supporting that the project Affirmative Marketing efforts are on going and directed towards the correct tenant population;

(K) evidence supporting that the project complies with the Fair Housing Act and does not discriminate in the provision of housing;

(L) evidence that the project has in place procedures to ensure compliance with the occupancy rules regarding full time students under the LIHTC program; and

(M) documentation detailing all building code violations and corrections noted within the prior 12-month period of time.

(2) **Corporation Record Retention** - The Corporation must retain the records and certifications used to review the projects for compliance, for three years after the end of the calendar year in which it receives them. If non-compliance is found, records and certifications related to that specific compliance review must be retained for 6 years beyond

the filing of the IRS Form 8823.

(c)(1)(A) **Monitoring Review Procedures** - Upon request from the Corporation, the owner of the subject project shall submit project information required by the Corporation to complete a monitoring review. The required information is detailed in section (b)(1)(A-M), above. After receipt of the information described in section (b)(1)(A-M), the Corporation will review the documentation for compliance with 26 U.S.C. Section 42. The Corporation shall notify the owner within 15 working days of the completion of the review, as to the result of the initial review. If additional information is required by the Corporation to complete its review, the owner shall respond within 10 working days. A $25 per day late fee will be assessed on owners who do not submit the requested compliance information within the deadlines established by the Corporation. Failure to respond will be considered non-compliance with program criteria and will be reported to the IRS.

(B) Monitoring Review Schedule – In the first year of the credit period, 100% of the tenant files and 20% of all units in the project will be reviewed during an on-site visit. Every third year, 20% of all units in the project will be reviewed during an on-site visit. Annually, a compliance documentation review will take place. The following items will be submitted to the Internal Audit department for review:

- i. Owners Certificate of Compliance
- ii. Project History or Unit status Report
- iii. Rent Roll
- iv. Utility Allowances
- v. Affirmative Marketing Plan
- vi. Building Violation Reports
- vii. LIHTC Allocation Certificates (IRS Forms 8586, 8609, and 8609A)
- viii. Student Household Statement

AHFC reserves the right to visit any project on an annual basis if the prior year's performance was determined to be less than satisfactory.

(C) Inspections - The Corporation has the right to perform audits which may include site inspections on any tax credit project during the full term of the agreed-upon compliance period or eighteen (18) years, whichever is greater. The compliance period is established in an extended-use agreement, which is recorded as a restrictive covenant when the project is placed in service. The focus of the inspection(s) will include, but not be limited to, those items referred to in (a)(1)(C) and (b)(1)(A-M), above.

- i. For New Buildings – physical inspections will be conducted on at least 20% of the property's LIHTC-eligible units.
- ii. For Existing Buildings – physical inspections will be conducted on at least 20% of the property's LIHTC-eligible units every three years.

(D) Required Certifications - In addition to the required information referred to in subsection (b)(1)(A-M) above, owners of tax credit projects shall submit annual certifications attesting to compliance with the requirements of Section 42, under penalty of perjury. The owner shall also certify that the residents of the low-income facilities were informed of the Corporation's right and intent to review tenant income certifications for compliance with Section 42 and the procedures of this section.

(E) Exceptions For Federally Subsidized Projects - Projects financed under USDA, Rural Development's Section 515 program (RD), or receiving rental assistance through HUD's Project Based Section 8 Program, may submit the same tenant income certification forms to the Corporation, as are required by the RD or HUD.

(d)(1)(A) **Calculating Family Income** - All families living in the designated low-income units of a building receiving tax credits must be income qualified. Owners of tax credit projects shall use the guidelines established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 Voucher program for calculating family income.

(e)(1)(A) **Notification of Non-Compliance** - If the Corporation does not receive the required certifications, is denied access to income certification forms, support documents, or rent records for any tenant family or unit, or finds general non-compliance with the requirements of Section 42, the owner will be immediately notified of the violation, in writing, and the time period for correcting it.

(B) Correction Periods - An owner shall have sixty (60) days from the date of the notice of non-compliance to correct the finding, except in the case of a missed certification where the cure period is 10 working days.

(C) IRS Notification - The Corporation will notify the Internal Revenue Service (IRS) of a finding of non-compliance within 45 days of the end of the correction period, regardless if the finding was corrected. The Corporation will also notify the IRS of instances of non-compliance that it becomes aware of that may have occurred prior to January 1, 1992.

(f)(1)(A) **Monitoring Fees** - An annual fee will be charged to all projects for compliance monitoring, except as otherwise noted in (f)(1)(C). The monitoring fee shall be established by the Corporation and reviewed on a yearly basis to ensure it adequately covers the administrative cost of monitoring.

(B) The monitoring fee will be $25 per tax credit unit up to a maximum of $1,000 per project in the first year and every third year. In the other years the monitoring fee will be 50% of the original amount.

AHFC reserves the right to charge the full $1,000 fee, or the actual cost to AHFC of conducting an annual audit for compliance, for those projects that continue to exhibit poor performance.

For projects financed under the United States Department of Agriculture, Rural Development

Section 515 program, the maximum compliance-monitoring fee will be $300.

(C) The monitoring fee for the first year of the credit period shall be payable upon issuance of the IRS Form 8609. For the following years, the monitoring fee shall be payable by the anniversary of the placed-in-service date for the project.

(D) For projects placed in service before December 31, 1989, and that did not make the 1994 election to calculate gross rent based on the method established for properties placed in service after December 31, 1989, there will be no monitoring fee assessed, unless otherwise requested by AHFC. All other monitoring requirements apply.

(E) Failure to pay monitoring fees when due will constitute a violation of the terms of the extended-use agreement under which a credit allocation is made. The project owners will be barred from receiving any future credit reservation and the Corporation will reserve the right to pursue legal action and/or the recapture of the credit allocation to the fullest extent permissible by state and federal law.

(g)(1)Monitoring Office Contact - All information specified under this section shall be submitted to:

Alaska Housing Finance Corporation
P.O. Box 101020
Anchorage, Alaska 99510
Attn: Internal Audit Department