TAX CREDIT APPLICATION PACKAGE SUPPLEMENT

HOUSING DEVELOPMENT FUND

- If applying for Low Income Housing Tax Credits **and** a Housing Development Fund Loan, please review the attached which describes the Housing Development Fund program.

- Please note, when there is a conflict between the Low Income Housing Tax Credit program and the Housing Development Fund program, the most restrictive rule, regulation, and/or requirement will apply.

- Any questions concerning the Housing Development Fund application process should be directed to the Housing Development Section, by phone at (302) 739-4263, by fax at (302) 739-1118, by mail at Delaware State Housing Authority, 18 The Green, Dover, Delaware 19901 or by e-mail, cindy@destatehousing.com.

TAX CREDIT APPLICATION PACKAGE SUPPLEMENT
HOUSING DEVELOPMENT FUND

Delaware State Housing Authority
State Of Delaware

PURPOSE

The purpose of the Housing Development Fund (HDF) is to provide affordable decent, safe and sanitary housing to responsible very low-, low- and moderate-income households.

PROGRAM DESCRIPTION

This program is designed to primarily provide multi-family rental financing. Types of developments that will be considered include, but are not limited to, the acquisition and/or rehabilitation of existing housing, the adaptive reuse of non-residential buildings, and new construction.

The Project and Neighborhood Standards (attached) provides guidance as to the level of detail required to demonstrate to the State that the proposed development meets the purpose of the HDF.

Because the HDF has limited funds, the developer must demonstrate that other potential sources of funding have been explored to ensure that the HDF is used only to the extent necessary.

ASSISTANCE AVAILABLE

Funds will be available for construction loans at 3% interest and permanent loans at 1% interest. Permanent loan interest may be deferred depending on the development's cash flow. Interest rates and repayment schedules of loans will be influenced by the income mix of the persons to be served, as well as the financial viability of the development.

CRITERIA FOR SELECTION

Major criteria, which will be considered in judging the soundness of a proposal and determining its merits are as, listed below and must be addressed in the application. A development must satisfy at least one of these criteria to be funded.

1. Priority will be placed on developments benefiting very low/low/moderate-income people, as defined from time to time by the Delaware State Housing Authority (DSHA). See income limits in this application. The period of time for which it is assured that the units will be inhabited by very low/low/moderate-income households is an important consideration in determining if this criteria is met, but in any event shall not be less than 20 years.

2. It is important to provide housing opportunities in neighborhoods where there is currently little very low/low/moderate-income housing.

3. Rehabilitation of substandard rental housing providing moderately priced units. The applicant must assure that the units will remain available and affordable to very low/low/moderate-income families for an extended period of time.

DETERMINATION FOR LOAN APPROVAL AND AMOUNT

The following specific items will be taken into consideration when determining the merits of an application:

Key Issues

1. Organization's past performance.
2. Community comments.
3. Demonstrated need for development.
4. Suitability of development location.
5. Cost efficiency of the development.
6. Amount of loan per unit serving very low/low/ moderate-income persons.
7. Length of payback period.
8. Position of the loan and how it is secured/length of repayment.
9. Source of permanent financing (if appropriate).
10. Percentage of total development cost funded by HDF.
11. Cash and noncash equity participation of developer.
12. Evidence that alternate sources of financing have been utilized/exhausted.
13. Evidence that housing will be provided in neighborhoods where there is little very low/low/moderate income housing available.
14. Extent to which proposal will assist in revitalization of deteriorating neighborhood.
15. Extent to which current Housing Development Fund loans are in good standing.

It will be the responsibility of the applicant to clearly address the above-stated criteria in order to be considered for a loan. The loan application includes further explanation of what must be addressed on these points. Developments that fail to adequately address these items will not be considered for funding.

MINIMUM ELIGIBILITY REQUIREMENTS

9% Tax Credit Properties:

- A set-aside of approximately $8,250,000 will be available for applications receiving a preliminary ranking in the 9% competitive application cycle. DSHA's determination that a property satisfies the requirements of the QAP will be based on the property meeting all of the threshold and all other requirements described in the QAP to DSHA’s satisfaction.

- DSHA will limit its total deferred permanent financing to $2.75 million or $45,000 per unit whichever is less.

- HDF funds may also be used for construction financing and requests may exceed permanent financing limits.

- DSHA reserves the right, in all cases, to limit the amount of funds available from the HDF.

- For developments using Tax Credits, DSHA requires that a minimum amount of net equity raised be contributed to the development depending on current market conditions. The current minimum equity factor required may be found in the QAP Attachments. However, DSHA reserves the right to deny DSHA financing where proposed net equity to the development is below current market standards. Net equity is defined as all equity raised for the development less syndication fees imposed by the syndicator and allowances by DSHA (see Note 2 on Page 11 for Tax Credit monitoring fee requirement and other allowances).

- It will be the responsibility of the developer when leasing units to very low/low/ moderate-income families to insure that the rents are approved by the Delaware State Housing Authority and that all rent increases during the period of the regulatory agreement also be so approved.

- Property owners on rental developments must agree to retain their housing as rental housing <u>for at least 20 years or the duration of the loan(s), whichever is longer.</u>

- The developer will be responsible for following the Department of Housing and Urban Development's guidelines as it relates to tenant relocation. If relocation is a part of the development, Developers <u>must</u> contact DSHA for consultation prior to application submission. DSHA will assist the developer in receiving all necessary relocation information.

- For developments involving Tax Credits and using HDF financing, DSHA requires a minimum resident income mix, with rents appropriately affordable, as follows:

    - 20% of units rented to families at or below 50% of area median income at the published rent limits for 50% of median income tenants; and
    - 80% of units rented to families at or below 60% of area median income at the

published rent limits for 60% of median income tenants, unless otherwise approved by DSHA.
    - Developments targeting lower tenant incomes, other than described above, must provide financing from other sources. NOTE: If a developer fee pledge is to be utilized to fill a funding gap, no more than 50% of the developer fee may be used. Developments using Rural Development project-based subsidies will be exempt from the above requirements.

- If DSHA elects to use HOME Program funds in a development, it may be necessary to adjust development rents to meet the requirements of the HOME Program.

- DSHA reserves the right, in all cases, to limit the amount of funds available from the HDF.

- If DSHA elects to use HOME Program funds in a development, it may be necessary to adjust development rents to meet the requirements of the HOME Program.

- ~~Developments proposed to be financed with tax-exempt mortgage revenue bonds (MRB) receiving Private Activity Volume Cap and requesting funding from the Housing Development Fund, must apply to DSHA during DSHA's annual Tax Credit application round for 9% credits. However, DSHA reserves the right to waive this requirement at its sole discretion. To the extent that such development does not receive 9% credits, DSHA will consider providing HDF funding under the following, but not limited to, conditions:~~

4% Tax-Exempt Bond Properties with DSHA Financing:

- Developments proposed to be financed with tax-exempt bond financing and requesting funding from the Housing Development Fund or DSHA, must apply to DSHA on the same deadline as DSHA requires for its annual Tax Credit application round for 9% Tax Credits. **NOTE: Developments applying for 4% tax-exempt bond financing and DSHA financing are not required to compete with the 9% Tax Credit applications.**

- DSHA will consider providing HDF funding under the following, but not limited to, conditions:

- A set-aside of **$5,500,000** of HDF funds will be made available for 4% tax exempt bond applications seeking HDF funding.

- DSHA will limit its total deferred permanent financing to $2.75 million or $45,000 per unit whichever is less.

- DSHA reserves the right, in all cases, to limit the amount of funds available from the HDF.

- If DSHA elects to use HOME Program funds in a development, it may be necessary to adjust development rents to meet the requirements of the HOME Program.

- Eligible projects will include:
  - Preservation projects, which include Year-15 tax credit projects currently in DSHA's LIHTC portfolio; and
  - New Creation which includes new construction and conversion projects.

- Projects will only receive Tax Credits on the full amount of their eligible basis only if at least 50% of the development's aggregate basis is financed with tax-exempt bonds. In the event that a tax-exempt bond property is proposed in the same area as competing Tax Credit properties, the market study must provide an acceptable demand analysis.

- An application must score a minimum of sixty-five (65) ~~seventy (70)~~ points. If DSHA receives more than one 4% bond application seeking HDF or DSHA financing, the application(s) with the highest point score will be awarded a preliminary ranking over other applications.

- DSHA's determination that a property satisfies the requirements of the QAP and will be based on the property meeting all of the Threshold Requirements described in the QAP.

- DSHA will be the bond issuer. DSHA's bond application must also be completed when DSHA underwriting and review has been fulfilled. Applications are available at the following links:

http://www.destatehousing.com/Developers/developermedia/mfmrb_bond_policy_v13.pdf
http://www.destatehousing.com/Developers/developermedia/mfmrb_bond_app_v12.pdf

Other Tax Exempt Bond Information:

- For developments seeking tax-exempt financing, DSHA may waive timelines, processing and other QAP requirements, in its discretion, to encourage and facilitate such financings. Additionally, for the purposes of the 4% Tax Credits, DSHA, upon a showing of good cause by the applicant, may waive the $30,000 hard cost minimum requirement for substantial rehabilitation. Such a waiver shall be in the sole discretion of DSHA and shall only be granted upon a showing that the proposed rehabilitation is sufficient in terms of quality and significance, notwithstanding the fact that it does not meet the $30,000 requirement.

- DSHA may, at its sole discretion, may waive the requirement to make application for 4% Tax Credits and HDF financing on the same deadline date as the 9% Tax Credit application round, for applicants where a special appropriation is approved by the State Legislature or new Federal funding/subsidy for a specific development and/or type of development.

- DSHA may consider subsequent financing of phased sites on a case by case basis.

1. ~~DSHA will not provide funds for an MRB deal greater than DSHA otherwise would have provided if the development received 9% credits.~~

2. ~~DSHA will fund no more than the proportionate amount of units below 60% of median income. In other words, if 30% of the units are at 60% of median income, DSHA will provide no more than 30% of the financing.~~

APPLICATION PROCESS (for all applications 4% or 9%)

DSHA Tax Credit Applications may be used for Housing Development Fund requests and are available from and must be returned to: Delaware State Housing Authority, Development Section, 18 The Green, Dover, Delaware 19901. One complete original copy of all documents must be provided with original signatures. One electronic CD copy must also be submitted. For the CD scanned application, the CD should be labeled with the Project Name. A Table of Contents will list the web-based Application and each Exhibit Number and Name of Exhibit. The Exhibits should be scanned as separate files and labeled accordingly.

- The applicant must complete all applicable questions and supply all documents that are requested in the application form. All documents are required, even if applicants have submitted similar documents to DSHA in the past (i.e. financial statements). Failure to do so may result in the application form being returned to the applicant for completion. Final review of the application will occur only after the application is complete and all necessary documentation is provided. DSHA reserves the right to waive certain documentation it deems not of critical importance for loan approval.

- The application is designed to be sufficiently comprehensive and precise to address all information necessary for a responsible funding decision. However, the Delaware State Housing Authority and the Council on Housing reserve the right to ask for additional information during the review process should it be deemed necessary.

- DSHA staff will be available to assist the developer in the application process. Once it is determined that an application is complete, review, including action by the Council on Housing, will take approximately two months to four months, depending on the number of applications currently under review. Applicants will be notified of the date of Council review so that they may be present to answer questions that may arise during the review.

- An application fee is required at the time of submission for all funding requests. The fee structure is as follows:

  Application Fee: $1,000 (Non-refundable)

  Commitment Fee: 1% of the greater approved loan amount if development has different construction and permanent amounts (payable in full at construction loan closing). Such fee shall be deemed as earned by DSHA upon loan approval by the Council on Housing. This fee may also be financed as part of the development costs.

- Applicants will be notified in writing as to the disposition of their funding requests. In the case of funding awards, the commitment letters will enumerate the documents that will be required for the initial and final closings. Normally, initial closing can be scheduled within four to six weeks of the commitment letter, assuming all necessary documents of the applicant are provided.

- **Appraisals: All Tax Credit projects with DSHA financing must meet the following appraisal guidelines:**

1. Appraisals for projects requesting DSHA financing will be commissioned by DSHA when the preliminary rankings for projects are released for the top ranked Applicants. DSHA reserves the right to order appraisals for non-DSHA financed projects at DSHA's discretion.

2. A Summary Appraisal will still be required at application.

3. DSHA will strive to utilize a common appraisal acceptable to all lenders and equity partners.

4. The Applicant/Developer is responsible for providing all information to DSHA that is needed for the appraiser to complete the assignment. DSHA will provide that information to the appraiser. The Applicant/Developer is to have no contact with the appraiser and the appraiser will have no contact with the Applicant/Developer until the appraisal has been completed, reviewed by DSHA and approved. The Applicant/Developer will be supplied with a copy of the approved appraisal.

5. The cost of the appraisal will be reimbursed to DSHA at closing. If the application does not move forward, the Applicant/Developer must reimburse DSHA. Future applications will not meet threshold requirements if there is an outstanding appraisal fee due DSHA.

6. Appraisers will be selected from a pre-approved list with DSHA.

7. DSHA at its sole discretion, may accept an appraisal that is required by another lender and prepared by an independent professional appraiser (from the pre-approved DSHA list) for that lender. For Tax Credit transactions involving acquisition Tax Credits, DSHA may, as a condition of a preliminary reservation, and at its discretion, request an opinion from an independent CPA or tax attorney confirming that the planned acquisition conforms with Section 42(d)(2)(B) of the Internal Revenue Code (i.e. the Ten-Year Rule).

8. **Real Estate Valuation -** For all projects, the acquisition price must meet the following standards:

a. For an arms length transaction, the maximum acquisition price may not exceed the lesser of the contract sales price or the "as is" appraised value of the property.

b. For transactions involving a change in use, appraisals shall include an "as is" value and an after rehabilitation value under its projected use. In such cases, the acquisition cost may not exceed the lesser of the two values or any lower value based upon the standards for related party transactions described in this section.

c. For a related party transaction where the property was acquired less than two years before the application date, the maximum acquisition price may not exceed the lesser of the "as is" appraised value of the property or the original acquisition price plus carrying costs acceptable to DSHA. For a related party transaction where the property was acquired two or more years before the application date, the maximum acquisition price may not exceed the "as is" appraised value of the property.

d. Additionally, for projects with competitive Tax Credits and/or a DSHA loan, any portion of the acquisition price **<u>in excess</u>** of the "as is" value will not be financed or reimbursed by any DSHA funds, will not be used in calculating the developer fee, and may not be reimbursed from cost savings at final closing.
e. DSHA will determine the final appraised value of the property during underwriting.

NOTE 1: Should HDF funds be used in conjunction with HOME Investment Partnerships Program funding, DSHA will charge an additional fee of $1,000.00.

NOTE 2: DSHA charges a non-financeable $500 one-time per unit fee on all Tax Credit eligible units for performing the service of compliance monitoring. This fee must be paid prior to the Tax Credit allocation. DSHA will allow the fee to be funded from proceeds raised from the syndication of Tax Credits to the extent the proceeds exceed DSHA's minimum required net equity contribution for financing. Should equity raised exceed the combined: minimum equity requirement, investor legal/accounting fees, 1% allocation/carryover fees and monitoring fee amounts, such excess may be used to fund investor/DSHA-required operating reserves upon consent of DSHA. Equity available beyond the aforementioned uses must be contributed toward the DSHA-approved project costs of the development, which would reduce the amount of HDF financing. DSHA requires an operating reserve calculated at four months of operating expenses, including debt service. If acquisition/rehabilitation, operating reserve escrow is established at construction closing unless otherwise approved by DSHA.

DSHA requires, at a minimum 15%, of net equity raised be contributed at construction closing. DSHA reserves the right to request additional initial equity contribution as applicable to the financial structure of each project.

Equity raised from the syndication of Tax Credits may <u>not</u> be used to target lower income households in the development's financing structure (except when a rental subsidy reserve is established from additional deferred developer fee basis to serve Extremely Low Income residents); however, other non-DSHA related financial sources may be used.

NOTE 3: DSHA requires that the following documents be submitted to its offices in Dover by the date established by the Council on Housing Resolution: (1) copy of title binder and copies of all listed restrictions or easements; additionally, any new easements with accompanying legal descriptions must be submitted; (2) land survey; (3) plans/specifications; (4) subdivision plan, if applicable; (5) site plan; (6) organizational documents of the ownership entity and the general partner or managing member, as appropriate; (7) identification of all members of the development team, i.e. bonding company, insurance company, architect, engineer, surveyor, attorneys, general contractor, management agent, consultant, etc. Failure to submit all documents may result in borrower using non-project resources to meet the IRS 10% expenditure requirement. Documents must be in a settlement ready format. Construction closing will not be scheduled until DSHA is satisfied with the completeness and accuracy of submitted documents.

NOTE 4: Payment and performance bonds are required for all construction activities. Letters of credit are not acceptable.

NOTE 5: A working capital letter of credit (LOC) or cash in the amount of 2 ½% of the combined construction financing will be required at construction closing. This amount cannot be financed by any lending, equity or grant sources involved in the development. However, LOC fees may be paid from construction financing sources but not from development operational funds. The working capital will be released at permanent closing, subject to not having outstanding construction or financial issues.

NOTE 6: Developer fee is defined as follows: 12 % of total development cost excluding developer's fee, transferred reserves, bond prepayment penalty or other penalties and land cost. The developer fee cannot exceed $1,000,000 (except when a rental subsidy reserve is established from additional deferred developer fee basis to serve Extremely Low Income residents). For identity of interest (related party) acquisitions of existing rental properties, the developer's fee is calculated at 9% of the Total Development Cost excluding developer's fee, transferred reserves, bond prepayment penalty, relocation operating deficit reserve, or other penalties and land cost, and cannot exceed $1,000,000 (except when a rental subsidy reserve is established from additional deferred developer fee basis to serve Extremely Low Income residents).

NOTE 7: Total Equity Contribution – Any equity contribution made for the benefit of the Development:

a. In excess of the total equity contribution and the additional equity contributions used to fund the Syndicator Costs, Tax Credit Monitoring Fee, the Tax Credit Allocation Fee and the Operating Reserve, before or after the permanent loan closing will be:

   (i) Allocated to the payment of DSHA's loans in the order and priority set forth in the Regulatory Agreement; or

   (ii) In the event there are insufficient funds to pay for eligible development costs (as determined by DSHA), and there are no other available monies in any of the funds, accounts or reserves related to the development which have been previously approved for such use by DSHA and all other development secured lenders and such eligible development costs could otherwise only be paid through the developer's fee, then at the discretion of DSHA, such excess equity contribution may be used to pay such eligible development costs. Any equity contribution remaining after paying such eligible development costs must then be allocated to the payment of the DSHA loans in the order and priority set forth in the Regulatory Agreement.

a. In the event the equity contributions are less than the total equity contribution and the equity contributions used to fund the Syndicator Costs, Tax Credit Monitoring Fee, the Tax Credit allocation Fee, and the Operating Reserve, before or after the permanent loan closing, then such equity shortfall shall solely be the responsibility of the developer. No monies in any of the funds, accounts or reserves related to the development may be used to pay any such shortfall. In no case may the developer's fee exceed the developer fee approved by DSHA.

NOTE 7: DSHA requires the draft partnership agreement be submitted at least 15 working days before construction closing or closing will automatically be postponed.

NOTE 8: Borrowers will be charged a loan closing extension fee of $250 per day on any and all extensions requested once construction/permanent closing dates are agreed upon. Such fee may not be funded from the project's loan proceeds, equity or operating funds.

IMPORTANT HDF ADMINISTRATION POLICIES:

1. DSHA will return all incomplete draws and change orders and charge a minimum $250 fee for each draw/change order that must be reprocessed. This fee is not an eligible project cost.

2. DSHA will charge a $500 re-inspection fee after the first two inspections on a given area for each additional inspection required. This fee is not an eligible project cost and must be paid prior to re-inspection or issuance of approval to occupy the units by DSHA.

3. A cost certification guide will be provided by DSHA for use by the developer and general contractor in submitting all information. The cost certification for the development must include all sources and uses of funds including all syndication fees. The final cost certification will be due ninety (90) days after substantial completion or certificate of occupancy or temporary certificates of occupancy, whichever occurs earlier. The substantial completion date is defined as the date DSHA acknowledges through written documentation that 100% of the units are completed and ready for occupancy or the date of the certificate of occupancy for the last completed building, whichever is earlier. If the final cost certification is submitted after the deadline date, a $5,000 penalty fee plus an additional $500 penalty fee for each additional week that the cost certification remains outstanding will be assessed to the Applicant. The penalty fee cannot be paid from loan(s) or equity proceeds.

4. All General Contractors must be pre-approved by DSHA through the General Contractor's Certification and Questionnaire process. After DSHA has approved the General Contractor, they will be placed on the LIHTC Approved General Contractor List. The LIHTC Approved General Contractor List and General Contractor's Certification Process is located at the following link:
   http://www.destatehousing.com/services/servicesmedia/contractor_questionnaire.pdf

5. **Bidding Protocol:**

Developers /Applicants of LIHTC and DSHA financed projects may chose between two bidding options for General Contractors in order to arrive at construction costs for the proposed development:

1. **<u>Option 1</u>**

   The Developer/Owner of the development may determine the General Contractor at application and shall disclose the General Contractor as part of the Development Team.

   a. The General Contractor will agree to a maximum of 7% General Requirements for new construction, 8% General Requirements for rehabilitation and 7% Builders Overhead and Profit, including all change orders. No increase in the percentage of General Requirements or Overhead and Profit will be allowed after application.

   b. DSHA shall review and approve plans and specifications for construction work prior to release for bidding.

   c. The General Contractor will obtain at least three bids from all subcontractors when the General Contract is self-performing work for trade payment line items. If the General Contractor is not self-performing work for trade line items, two bids are required from all subcontractors.

   d. The General Contractor will open all bids with their contracted architect, all project costs will be totaled (in a format specified by DSHA) and the results forwarded to DSHA and the Developer/Owner for approval. Subcontractor bids shall be awarded to the lowest bidder unless low bid is incomplete.

   e. If the General Contractor proposes to perform any work with his/her own employees, the General Contractor shall obtain three bids for the work and may not charge any more than the lowest bid for the work.

   f. The Developer/Owner may not pre-bid certain aspects of the work and require the General Contractor to use those sub-contractors.

2. **<u>Option 2</u>**

   Developers/Owners may also choose to add the General Contractor to the Development Team after awards of credits or approval of DSHA financing have been made by DSHA. The work must then be bid as follows:

   a. Developer/Owners shall invite **<u>all</u>** firms on DSHA's LIHTC Approved General Contractor List to bid and obtain a minimum of three bids from the approved list of General Contractors that will provide bid estimates for the proposed projects.

   b. General Contractors may not exceed 10% Builder's Overhead and Profit and either 10% (rehabilitation projects) or 8% (new construction projects) General Requirements. No increase in the percentage of General Requirements or Overhead and Profit will be allowed over the percentage as contained in the General Contractor’s bid.

c. DSHA shall review/approve bid documents prior to release for bidding.

d. The bids shall be sent to the architect of record in a sealed envelope, clearly marked with the project name and date stamped. Faxed or e-mailed bids shall not be accepted. The bids shall be privately opened, tallied and the results forwarded to DSHA and Developer.

e. If the General Contractor proposes to perform any work with his/her own employees, the General Contractor shall obtain three bids for the work and may not charge any more than the lowest bid of the work.

f. The Developer/Owner may not pre-bid certain aspects of the work and require the General Contractor to use those sub-contractors.

Note: For any funding sources that require bidding of the construction costs (i.e. USDA, HUD), then option 2 must be followed.

PROJECT AND NEIGHBORHOOD STANDARDS
HOUSING DEVELOPMENT FUND
Delaware State Housing Authority
State Of Delaware

Proposed developments must meet the standards in this section.

1. The development shall be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and Delaware Code Chapter 46, Title 6, The Equal Right To Housing provisions.

2. New Creation (conversion or new construction) of units must promote greater choice of housing opportunities and avoid undue concentration of lower-income persons in areas containing a high proportion of low-income persons or high proportion of affordable rental units. Due to the saturation of affordable units, new housing creation applications within census tracts 1, 4, 17, 20, 21, 409 and 425 will not be accepted for funding from the HDF or HOME program. Note: does not apply to preservation or replenishment of public housing applications.

3. The site must be free from adverse environmental conditions, natural or manmade, such as instability, flooding, septic tank backups, sewage hazards, or mud slides; harmful air pollution, smoke or dust; excessive noise vibration or vehicular traffic; rodent or vermin infestation; or fire hazards. The neighborhood must not be one, which is seriously detrimental to family life or in which substandard dwellings, or other undesirable elements predominate, unless there is activity in progress to remedy the undesirable conditions. Phase I and Phase II environmental audits may be required.

4. The site must be adequate in size, exposure and contour to accommodate the number and type of units proposed and must conform to all local zoning ordinances/laws.

5. Adequate utilities (water, sewer, gas and electricity) and streets will be available to the site.

6. The housing must be accessible to social, recreational, educational, commercial and health facilities and services as well as other municipal facilities that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents/sale prices.

7. Travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for the targeted population must not be excessive. (While it is important that elderly housing not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such developments.)

8. Developments that require permanent or temporary relocation of current tenants, homeowners, and/or businesses will be considered only if HUD relocation guidelines are followed.

9. The development may not be in an area that has been identified as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the development is covered by Flood Disaster Protection of 1973, and it meets any relevant Department of Housing and Urban Development standards and local requirements.

10. The marketing survey, submitted in the application, must reflect a satisfactory unit absorption rate, as well as a demonstrated need for this development. Verification of market information must be a part of the application.

11. The repayment schedule of the Housing Development Fund loan proceeds will be taken into consideration when making a determination in the approval of the loan request. Applications that show a shorter loan period, and that do not jeopardize the integrity of the development, will be given a higher priority ranking when a final decision is made.

12. It will be the responsibility of the general contractor to supply references at the time that the application is submitted. If the general contractor is not selected at the time of application submission, references must be submitted at the time of selection, and DSHA reserves the right to reject the general contractor. The general contractor must provide payment and performance bonds from an approved bonding company prior to beginning work on a development.

13. A limited-profit or limited liability corporation applicant who is applying for HDF or conventional permanent financing will agree to limit the amount of profit/equity distributable per year to partners/equity holders to amounts not to exceed 10% of initial investment on the development. Applicants operating on this basis will be permitted to receive a return on their initial investment in accordance with the DSHA regulatory agreement, which will be executed at the time of final closing. In the regulatory agreement, the Applicant will legally obligate itself to regulate rents, charges, rates of return, and methods of operations. Initial investment is defined as total development costs less all permanent loans and grants, whether from DSHA or other sources. Where Low Income Housing Tax Credits are involved, the amount of annual equity distribution is limited to 1.5% of initial investment. DSHA reserves the right to adjust profit/equity distribution at its sole discretion.

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