

**D R A F T 2013 STATE OF GEORGIA
CORE QUALIFIED ALLOCATION PLAN
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* **Not Applicable to Bond Financed Projects**

State of Georgia Qualified Allocation Plan
STATE OF GEORGIA
DRAFT 2013 QUALIFIED ALLOCATION PLAN
FOR
FEDERAL LOW INCOME HOUSING TAX CREDITS
STATE HOUSING TAX CREDITS
HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS
CORE PLAN

SECTION 1. PURPOSE

The Georgia Housing and Finance Authority (GHFA) is authorized to allocate and issue low income housing credits under Section 42 of the Internal Revenue Code of 1986, as amended, and to take all other actions and impose all other conditions which are required by federal law or which in the opinion of the agency are necessary or convenient to ensure the complete, effective, efficient and lawful allocation of and utilization of the low income housing credit program (O.C.G.A. Sec. 50-26-89(a)). As required by §42(m)(1) of the Code, GHFA approved this 2013 Qualified Allocation Plan (QAP) after extensive public consultation including two public hearings and a thirty day public comment period. The final 2013 QAP has been approved by the Board of Directors of GHFA and the Governor of Georgia.

The purpose of the 2013 Qualified Allocation Plan (Plan) is to set forth:

- Legislative and Program requirements for the Georgia Housing Credit Program.
- Federal and State resources that will be awarded under the QAP.
- Selection criteria which will be used to determine housing priorities of GHFA which are appropriate to local conditions
- Process for evaluating funding requests and awarding of resources.

SECTION 2. DEFINITIONS

The following definitions shall apply for the purposes of this Plan:

“4% Credits” means Federal Credit available to Tax Exempt Bond Financed Projects which meet the requirements of this Plan.

“9% Credits” means Federal Credit allocated on a competitive basis under the provisions of this Plan.

“Adjacent” means either immediately contiguous to, across the street from, or diagonally opposite across an intersection.

“AMI” means Area Median Income as defined by HUD.

“Applicant” means any Person that submits an Application to DCA requesting an allocation pursuant to the Plan and any affiliate of such Person. The Applicant shall always include the Owner.

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“Application” means the complete and entire set of required and requested documents, in paper and electronic form, submitted by an Applicant to DCA under this Plan.

“Application Submission” means the date and time, as stipulated in the Core Plan, by which the Application must be submitted to DCA in order to be eligible for funding under this Plan.

“ARRA” means the American Recovery and Reinvestment Act of 2009.

“Bond Financed Projects” means affordable housing developments financed with tax-exempt bonds and therefore eligible for 4% Federal Credit.

“Capital Improvements” mean substantial improvements to the real estate, for items such as re-roofing, structural repairs, or major projects to replace or upgrade existing furnishings, but not including replacement of individual appliances or minor repairs.

“CHDO” means a Community Housing Development Organization, as defined in the HOME regulations at 24 CFR Part 92.

“CHDO Predevelopment Loan Program” means the DCA program designed to make loans exclusively to CHDOs for predevelopment activities involving the preparation of Applications for loans through the HOME Rental Housing Loan Program.

“Code” means Internal Revenue Code, primarily Section 42.

“Competitive Scoring” means the process described in this Plan by which DCA ranks the Applications received. The ranked outcome of the Competitive Scoring process will be a significant factor in DCA’s determination of Applications selected for funding. DCA may choose not to score Applications that fail to meet any applicable Threshold requirement(s) or Applications that are deemed substantially incomplete by DCA.

“Compliance Period” means the fifteen (15) year period during which a project must operate in accordance with the Credit requirements to avoid Federal Credit recapture. The Compliance Period commences with the first taxable year of the Federal Credit period.

“Consultant” means a third party entity that provides consulting services to Project Participants. An entity acting in the capacity of Owner, Developer or General Contractor or which provides technical assistance to the Owner, Developer or General Contractor is considered a Consultant. Consultants include, but are not limited to, construction management consultants, interior design consultants, relocation specialists, tax credit application consultants, tenant certification consultants, HOPE VI consultants, etc. All consulting fees are considered part of the calculation of the maximum allowable Developer fee for each project. DCA will allow a limited exception and not include Consultants retained for the purpose of obtaining green building certifications provided the fee is no more than \$20,000.

“Conversion” means the Conversion of a Loan from a construction loan to a

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permanent loan.

“Credits” means the State Credit and the Federal Credit together.

“DCA” means the Georgia Department of Community Affairs, an executive government agency in the State of Georgia. By state law, DCA administers the programs of the Georgia Housing Finance Authority.

“Developer” means the legal entity designated as the Developer in the Application as well as all persons, affiliates of such persons, corporations, partnerships, joint ventures, associations, or other entities that have a direct or indirect ownership interest in the Developer entity. Any entity or individual that receives all or part of the Developer Fee must be designated as a developer. Material Participation is required for all developers and for all entities that receive any portion of the Developer Fee.

“Elderly” means a person at least 62 years of age.

“Elderly Housing” means housing intended for and only occupied by Elderly persons including a family in which all members are Elderly. All household members must be Elderly (no children, and no disabled persons under the age of 62).

“Exchange” means the Tax Credit Exchange Provisions of American Recovery and Reinvestment Act.

“Extended Use Period” means the period commencing with the first day in the Compliance Period and ending on the date which is fifteen years after the close of the Compliance Period.

“Federal Credit” means the Low Income Housing Tax Credit established by the federal government for the purpose of encouraging the development of affordable housing and governed by the Code.

“Federal Deposit Insurance Corporation (FDIC) / Affordable Housing Disposition Program (AHDP)” means the program that the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) required the Resolution Trust Corporation (FDIC) to develop for selling residential properties to provide affordable housing opportunities. In response to this provision, FDIC established the AHDP, or herein referred to as the Affordable Housing Program (AHP).

“Federal Financial Institutions Examination Council (FFIEC)” means the interagency body established pursuant to Title X of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (FIRA) empowered to prescribe uniform principles, standards, and report forms for the federal examination of financial institutions by the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS) and to make recommendations to promote uniformity in the supervision of financial institutions. The FFIEC website can be found at www.ffiec.gov.

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“**FMR**” means the Fair Market Rents issued by HUD.

“**General Partner**” means the Partner or collective of partners, which has general liability for the partnership during construction, lease up, and operation of the project. In addition, unless the context shall clearly indicate to the contrary, if the entity in question is a limited liability company, the term “General Partner” shall also mean the managing member or other party with management responsibility for the limited liability company.

“**GHFA**” means the Georgia Housing and Finance Authority, a public corporation created by the Georgia General Assembly and designated by the Governor as the State Allocating Agency for Federal and State Low Income Housing Tax Credits and the state-level grantee for federal HOME funds.

“**Guarantor Fee**” means a fee paid by an Owner/Developer to an entity or individual that will provide construction completion guarantees to the project equity investor for an agreed upon price.

“**HOME**” means the HOME Investment Partnership Program.

“**HOME Loans**” means the HOME Rental Housing Loan Program loans.

“**HOME Regulations**” means the regulations at 24 CFR Part 92 governing the HOME Rental Housing Loan Program, promulgated by HUD, including any subsequent amendments to such regulations.

“**HOME Rental Housing Loan Program**” means the program that is designed to provide below market, favorable term financing for affordable rental housing. In Georgia, this program is intended to serve those individuals who have incomes at or below 60% AMI.

“**Housing and Economic Recovery Act of 2008 (HERA)**” means the Act signed into law by President Bush on July 30, 2008 that covers a range of housing issues.

“**Housing for Older Persons**” means housing intended and operated for occupancy by persons 55 years of age or older (“Older Persons”). According to Georgia law, such housing must also have significant facilities and service serving the Older Persons population even though the requirement has been eliminated from the federal definition of an elderly project. At least 80% of the total occupied units in such a housing project must be occupied by at least one Older Person.

Up to 20% of the units may be occupied by others, including the landlord’s employees, the surviving spouses or children of residents who were Older Persons when they died, and caregivers. Owner must adhere to policies and procedures which demonstrate an intent by an owner to provide housing for individuals who are 55 years of age or older. DCA will monitor the required facilities and services during the applicable Compliance Period or the Period of Affordability whichever is longer.

“**HTF**” means the Housing Trust Fund for the Homeless established by O.C.G.A. § 8-3-300.

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“**HUD**” means the U.S. Department of Housing and Urban Development.

“**Identity of Interest**” means a situation in which a Project Participant has a direct or indirect interest in the ownership of an entity which contracts with a Project Participant to provide land, goods or services for the project or where there is a financial, familial, or business relationship that permits less than arm’s length transactions.

“**IRS**” means the Internal Revenue Service, a division of the U.S. Department of Treasury.

“**Letter of Determination**” means a notice issued by GHFA to the issuer of tax exempt bonds for a specific project, which states that the project is eligible for 4% low income housing tax credits without receiving an allocation of credits from the State Housing Credit Ceiling because the project satisfies the requirements of this Plan; and sets forth conditions which must be met by the development before GHFA will issue the IRS Form(s) 8609 to the Owner.

“**Local Government**” means the controlling elected governing body of the local jurisdiction (as defined in its Charter) in which the property is located at the time of Application (e.g., city council if within the city limits, or county commission if in an unincorporated area).

“**LURA**” means the Land Use Restriction Agreement that is a recorded agreement between GHFA and the Owner for a HOME funded project. The LURA is binding upon the Owner and its successors in interest, and that encumbers the project with respect to this Plan and the requirements of the HOME program.

“**LURC**” means the Declaration of Land Use Restrictive Covenant for Low-Income Housing Tax Credits that is a recorded agreement between GHFA and the Owner. The LURC is binding upon the Owner and its successors in interest, and that encumbers the project with respect to this Plan and the requirements of Section 42 of the Code.

“**Manual**” means the Application Manual published by DCA for Applications submitted under the 2013 Qualified Allocation Plan.

“**Material Participation**” means involvement in the development and operation of the project on a basis which is regular, continuous and substantial as defined in Code Section 42 and 469(h) of the regulations promulgated hereunder.

“**Municipality**” means any incorporated city or town in the state.

“**Neighborhood Stabilization Program**” or “**(NSP)**” means HUD’s Neighborhood Stabilization Program enacted to provide emergency assistance to state and local governments to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities. NSP provides grants to every state and certain local communities to purchase foreclosed or abandoned residential properties and to rehabilitate, resell, or redevelop these properties in order to stabilize neighborhoods and stem the decline of neighborhood

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values.

“Non-Metro Median Income Limits” means the higher of the non-metro median income of \$52,400 (as defined in section 530 of the Housing Act of 1949) or the area median income to calculate incomes and rents of projects located in designated Rural areas, as defined by Department of Agriculture and as outlined in HERA. At this time, HUD has not authorized the use of these non-metro income limits for HOME properties.

“O.C.G.A.” means the Official Code of Georgia Annotated.

“Operating Cost” means the costs associated with operating a multifamily development once the project is placed in service.

“Owner” means the single purpose legal entity holding title to the project as well as all persons, affiliates of such persons, corporations, partnerships, joint ventures, associations, or other entities that have a direct or indirect Ownership interest in the Ownership entity. The Owner is also the Applicant.

“Period of Affordability” means the time during which HOME Loan financed units must remain affordable to eligible households, as defined by HOME program regulations and this Plan. The Period of Affordability shall commence upon completion of the project and shall run for the period required under HOME regulations or the term of the HOME Loan, whichever is greater. Completion shall be defined as set forth in the HUD regulations for the HOME program.

“Person” means an individual, corporation, partnership, joint venture, Limited Liability Company, association, trust or any other business entity.

“Phased Development” means one Tax Credit project that will be developed in several adjacent phases with different allocations of Credits under common planning documents. The common planning document(s) may include parks, green space and shared amenities between the different phases. Each phase of the property should have common ownership entities. In order to be considered a “Phased Development”, there must be some form of site control in place at the time the initial phase was commenced.

“PJ” means a Participating Jurisdiction, which is an agency of State or Local Government that administers the HOME Program in its jurisdiction. GHFA is the PJ for the non-entitlement areas of the State of Georgia. The local PJs include the cities of Albany, Atlanta, Macon, and Savannah; Clayton, DeKalb, and Gwinnett Counties; the consolidated governmental units of Athens-Clarke County, Augusta-Richmond County, and Columbus-Muscogee County; the counties and cities comprising the Georgia Urban County Consortium (Cobb, Marietta, Cherokee, Canton) and the Fulton County Consortium (Fulton, Roswell).

“Plan” means this 2013 Qualified Allocation Plan.

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“Project Participants” mean the Owner, Developer, Management Company, Consultants and Syndicator for a project for which an Application is submitted.

“Project Team” means the Owner and Developer for a proposed tax credit project.

“PHA” means a local public housing authority.

“Related Parties” means a relative (including but not limited to grandfather, grandmother, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister) of any principal or any entity that shares common principals, executive directors, board members or officers.

“Rent Standards” means the most recent AMI FMR as issued by HUD and UA as described in the Plan.

“Reservation of Funds” means the securing of funding for a particular project proposal based on the understanding that the project will fully satisfy program and Plan requirements.

“Rural” For scoring purposes and determination of the minimum operating cost per the QAP, means those areas designated by USDA as being Rural or those counties that appear on Exhibit B of Appendix II. A list of USDA Rural areas can be accessed on the USDA website at <http://eligibility.sc.egov.usda.gov/>

“Scoring Criteria” means the criteria detailed in Appendix II by which points are assigned for the purpose of Competitive Scoring.

“State” means the State of Georgia.

“State Credit” means the Housing Tax Credit established by the Georgia General Assembly, as set forth in O.C.G.A. §48-7-29 and §33-1-18.

“Subsidy Layering Review” means the DCA evaluation of projects using DCA program funds in combination with other governmental assistance to ensure that no more than the necessary amount of DCA program funds is invested in any one project to provide affordable housing. For HOME funds, the subsidy layering review will be conducted in accordance with the requirements set forth in the US Department of Housing and Urban Development CPD Notice 98-01 guidelines required by 24 CFR §92.250(b).

“TCAP” means the Tax Credit Assistance Program under the American Recovery and Reinvestment Act of 2009.

“Total Development Cost” means the sum of all anticipated or actual allowable development costs that are necessary to complete the proposed project.

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“**UA**” means the utility allowances used during the compliance period and during the period of affordability as described in the Plan.

“**URFA**” means the Urban Residential Finance Authority.

“**USDA**” means the United States Department of Agriculture.

SECTION 3. AVAILABLE RESOURCES

A. 9% Federal Credit. The annual Federal Credit dollar amount allocated to the State of Georgia is determined by the Internal Revenue Service and based on Georgia’s population and indexed for cost-of living adjustments. The amount of Federal Credit available for the 2013 funding cycle will be comprised of the State’s 2013 Federal Credit ceiling (per capita credit, unused credit, returned credit, and any national pool credit) available to the State less any Federal Credits forward committed. DCA may forward commit 2014 credits to 2013 Applications. DCA estimates that approximately \$20 million of federal credits will be available in the 2013 round.

B. State Credit. The annual State Credit dollar amount will equal that of the Federal Credit. The State Credit will be automatically allocated on a dollar-for-dollar basis with the Federal Credit (for both 9% and 4% Federal Credit) and will be available for the same time period discussed above.

This State Credit will be administered under the same rules and regulations prescribed for the Federal Credit supplemented by any rules, policies, or regulations established by the Georgia Department of Revenue and/or the Office of Insurance and Safety Fire Commissioner. DCA will underwrite the combined Credit allocations to ensure that no development proposal is over-subsidized.

C. HOME Multifamily Program. HUD annually allocates HOME funds to state and larger local governments. The Federal Fiscal Year (FFY2013) HOME allocation is expected to be available to the State on **July 1, 2013**, following approval of the Annual Action Plan for FFY2013 Consolidated Funds (Annual Action Plan). DCA estimates that it will have approximately ten (10) million dollars to award projects that are submitting an application for tax credits in the 2013 competitive round. DCA will update this estimate upon receipt of additional information.

SECTION 4. QAP SELECTION REQUIREMENTS

A. Minimum Requirements. Section 42 provides that each state Allocation Plan must meet certain minimal requirements. The selection criteria must include:

1. Project location
2. Housing needs characteristics
3. Project characteristics, including whether the project involves the use of existing housing as part of a community revitalization plan

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4. Project intended for eventual tenant ownership
5. Tenant populations with special housing needs
6. Sponsor characteristics
7. Tenant populations of individuals with children
8. Public housing waiting lists
9. Energy efficiency
10. Historic nature of the project

B. Statutory Preferences. States must give preference in selection to those projects that:

1. Serve the lowest income tenants
2. Serve qualified tenants for the longest period
3. Are located in Qualified Census Tracts, the development of which contributes to a concerted community revitalization plan

C. Housing Priorities of the State. In order to be selected for an award of credits:

1. The Submitted Application must show that it meets all Program requirements as well as the policies and requirements contained in the Core Qualified Allocation Plan.
2. The Submitted Application must meet all of the requirements set forth in Appendix I (Threshold). Projects that do not meet all Threshold requirements at the time of Application Submission will not be considered for an Award.
3. The projects are scored and selected for funding in accordance with the provisions of the 2013 Qualified Allocation Plan.

Allocations of credits not made in accordance with the established priorities and selection criteria of the QAP shall require a written explanation which is available for general public review as required by Section 42.

SECTION 5. DISCRETION

In the process of administering the Low income housing Tax Credit Program, DCA will make decisions and interpretations regarding project applications and the 2013 Qualified Allocation Plan. Unless otherwise stated, DCA is entitled to the full discretion allowed by law in making all such decisions and interpretations.

Such discretion shall include but is not limited to, the right to allocate and issue low-income housing credits under Section 42 of the Internal Revenue Code of 1986, as amended, and to take all other actions and impose all other conditions which are required by federal law or which in the opinion of the authority are necessary or convenient to ensure the complete, effective, efficient, and lawful allocation of and utilization of the low-income housing credit program and to determine the reasonableness of developmental and operational costs of the program as required by Regulation 1.42-17. Such conditions may include barring applicants from participation in the tax credit program as set forth in statutes and in the QAP and imposing more stringent conditions for receipt of the credit than are required by Section 42 of the Internal Revenue Code.

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SECTION 6. AFFORDABLE RENTAL HOUSING NEEDS

The State's Annual Action Plan for Consolidated Funds identifies the proposed distribution method, geographic allocation, and guidelines for meeting federal requirements for all HOME funded programs of the State. The HOME Program regulations require that each PJ distribute its HOME resources in accordance with the priorities and objectives outlined in its most current approved Annual Action Plan for Consolidated Funds prepared in accordance with established HUD regulations (24 CFR Part 91). The Annual Action Plan incorporates the Plan as the established policy and procedures for the State's review and evaluation of Applications for the HOME Rental Housing Loan Program.

SECTION 7. SET ASIDES

The estimated amount of Federal Credit available includes the following set asides (Selected projects may count for more than one set aside):

- A. Non-profit Set Aside** - 10% of the available 9% Credits are set aside for non-profit-sponsored Applications pursuant to the Code. Qualified non-profit organizations must Materially Participate in the project within the meaning of Section 469(h) of the Code and meet all requirements set forth in Code Section 42(h)(5).
- B. Rural Set Aside** - 30% of the available 9% Credits are set aside for Applications proposing affordable housing developments in Rural areas.
- C. Preservation Set Aside** - 25% of the available 9% Credits are set aside for Applications which propose to preserve existing affordable housing.

SECTION 8. STATE DESIGNATED BASIS BOOST*

HERA authorizes state allocating agencies to designate certain areas not located in a QCT or DDA for up to a 30% basis boost. Projects may receive an allocation of credit based upon 130% of the eligible basis for new construction or substantial rehabilitation. Only projects that conclusively show that the boost is needed and that the project meets all of DCA's underwriting and other criteria are eligible for the Boost. The minimum request for the State Designated Basis Boost is 10% and any state basis boost request should be made on a full percentage point. DCA will evaluate the need for any State Designated Basis Boost at Application Submission and again at final project allocation application.

Projects in the following categories are eligible to apply for the boost:

- A. Multifamily Rural projects without DCA HOME as a source (Projects located in HUD MSAs will be closely scrutinized to determine if boost is needed);
- B. Historic Rehab projects qualifying for historic rehab credits with an equity commitment for such credits;

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- C. Multifamily projects within areas that qualify for the maximum points under Stable Communities (projects which appear to have a primary purpose of subsidizing an ownership transfer do not qualify);
- D. Extraordinary circumstances which further the policies of this QAP.

All requests for State Designated Basis Boost must indicate which category (or categories) of eligibility that the Application falls under and any support documentation must be included in the Application.

DCA will generally require that any project receiving a State Designated Basis Boost defer 1% of the total Developer Fee for every 1% in State Designated Basis Boost granted to the project. This deferred developer fee requirement does not apply if the project receives a new loan or grant from an independent non-related party in the amount of at least 30% of the total Developer Fee. Assumption of an existing loan is not considered a new loan for this purpose. Projects which contain USDA 515 funding may request that DCA waive the matching deferred developer fee.

Please note that a project located in a QCT or DDA is eligible to receive a 30% basis boost for new construction and/or rehabilitation and it is not subject to the State Designated Basis Boost provision.

SECTION 9. TAX CREDIT ADMINISTRATION

A. Land Use Restrictive Covenant. The Owner must execute and record GHFA's prescribed form of the LURC prior to final allocation as required under Section 42(h)(6) of the Code. The LURC shall reflect all representations made in the original Application and any changes made to the original Application that have been approved in writing by GHFA. The LURC will be drafted after GHFA's receipt of the certification of the 10% test, and must be recorded upon its execution. All construction and/or permanent financing for the project must be subordinated to that portion of the recorded LURC that sets forth the requirements of Section 42 (h)(6)(E)(ii) of the Code. The LURC will be for the term of the compliance period and, as applicable, the extended use period.

IRS Revenue Ruling 2004-83 provides that Section 42(h)(6)(B)(i) requires that an extended low income housing commitment must include a prohibition during the extended use period against (1) the eviction or the termination of tenancy (other than for good cause) of an existing tenant of any low income unit (no cause-eviction protection) and (2) any increase in the gross rent with respect to the unit not otherwise permitted under Section 42.

B. Carryover Allocations. To qualify for 9% Credits, a building generally must be placed in service during the year in which it receives an allocation. An exception is provided in the case where the Owner has expended more than ten percent (10%) of the reasonably expected basis in the building (the "Ten Percent Test") no later than twelve (12) months after the Carryover Allocation. No project can receive more than one Carryover Allocation of 2013 Credits.

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SECTION 10. 4% FEDERAL CREDIT – BOND FINANCED PROJECTS

Tax Exempt bond financed projects may be eligible for 4% tax credits that are not subject to the state volume cap as described in Section 42 of the Code.

An Application for Credits for Bond Financed Projects must satisfy all applicable requirements set forth in Appendix I, Threshold Criteria, of the Plan and all applicable requirements set forth in the Plan. Incomplete Applications (as determined solely by DCA) will not be accepted and will be returned in their entirety to the Applicant.

An Application for Credits for Bond Financed Projects must contain an appraisal commissioned by the Lender or by a DCA approved appraiser with an effective date of not more than 6 months earlier than the date of the Application, regardless of whether there is an identity of interest between the buyer and the seller.

DCA shall be the sole entity responsible for making such a determination and must issue its opinion as to the project's 4% Credit eligibility prior to bond closing. The project must comply with the Plan in effect at the time of Application Submission.

In making Application to DCA for a Letter of Determination, an Owner must complete the standard Application, as well as provide all supporting documentation necessary to meet all applicable requirements and pay the appropriate application fee and other applicable fees.

After issuance of the Letter of Determination, significant changes in the financing structure, syndicator or scope of work must be approved in writing by DCA.

DCA reserves the right to determine whether an Applicant or development entity has sufficient capacity to successfully complete the proposed project.

DCA requires all bond applicants to submit those documents set out in the capacity determination in determining whether capacity exists. DCA will terminate its review of the proposed application if it determines that insufficient capacity exists.

Incomplete Bond applications will be returned to the proposed applicants. DCA will not hold bond applications that are being restructured or modified. A new application fee will be required to resubmit such a project.

The Application must be submitted at least 75 days before bond closing. DCA will provide its Letter of Determination within 75 days of the receipt of a **complete** Application.

All waiver requests must be submitted 30 days prior to Application Submission.

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Owners of projects receiving a Letter of Determination for Bond Financed Projects in 2013 must:

1. Close the bond financing within 180 days of the issuance of the Letter of Determination;
2. Have any significant change in the financing structure or scope of work set out in the Application approved by DCA before the start of construction.
3. Complete all construction activity by December 31, 2015,
4. Complete and submit the "DCA Placed in Service" form at the time the first building is placed in service, and
5. Apply for Final Allocation and request for issuance of IRS form(s) 8609 by September 15, 2016.

IRS form(s) 8609 for a project will be issued only once for the entire project as proposed in the Application. Form(s) 8609 will not be issued as buildings are placed in service.

DCA will not issue a favorable Letter of Determination or Form(s) IRS-8609 when an Applicant exhibits a continual pattern of noncompliance, or when the Applicant demonstrates an inability or an unwillingness to resolve noncompliance matters in a timely manner as determined by DCA.

The Owner must execute and record GHFA's prescribed form of the LURC at or prior to bond closing. The LURC shall reflect all representations made in the original Application and any changes made to the original Application that has been approved in writing by GHFA. The LURC must be recorded upon its execution. All construction and/or permanent financing for the project must be subordinated to that portion of the recorded LURC that sets forth the requirements of Section 42(h)(6)(E)(ii) of the Code.

Owners of projects receiving a Letter of Determination from DCA must notify DCA Compliance in writing within 30 days after the first building placed-in-service date by completing the "DCA Placed In Service Form." Failure to do so will be considered non-compliance and also may delay the issuance of IRS Form 8609.

SECTION 11. FINANCING RESOURCES – HOME LOANS*

Applicants that will utilize DCA HOME funds as a funding source in a competitive tax credit Application must obtain DCA's consent during the pre-application process. **Any application that is submitted in the 2013 competitive funding round with DCA HOME funds as a funding source that did not obtain the required consent will be deemed to have failed Threshold under the project feasibility criteria.**

A. Eligibility. Except for Projects submitted by a CHDO, projects located in another "PJ" are not eligible for DCA HOME funds.

B. HOME Loan Limits. The maximum HOME loan amount is \$2.5 million and the minimum HOME loan amount is \$1 million.

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C. Failure to Use 2013 DCA HOME Funds. Applications/Projects that receive consent to utilize HOME funds as a funding source are required to utilize the requested funds if the project is selected for an award of tax credits. Failure to utilize HOME funds may result in the withdrawal of the tax credit award or a finding which may impact future compliance scoring.

D. CHDO Set aside. Fifteen percent (15%) of the State's HOME allocation will be set aside for projects owned by non-profits that have been pre-qualified by DCA as CHDOs.

CHDOs funded under this Plan must act as sole or joint Owners of newly constructed or rehabilitated rental housing for occupancy by low and very low-income households as set forth in the Plan, Manual, and the HOME regulations. The CHDO must be either the sole general partner of the ownership entity or the managing general partner of the ownership entity. The CHDO must also exercise effective control of the project. In the event the CHDO is a general partner with a for-profit or non-profit general partner, the CHDO must own at least 51% of the general partnership interest. The CHDO (or a wholly owned or controlled affiliate) must receive a percentage of the Developer Fee greater than or equal to the percentage of ownership interest. All DCA communication with the ownership entity will be with the CHDO managing general partner. A copy of the general partnership/joint venture agreement indicating the CHDO's general partnership interest and its share (or the share of the wholly owned and controlled affiliate) of the Developer Fee must be included in the Application.

E. HOME Underwriting Policies. DCA's policies for underwriting HOME loans are set out in Exhibit of Appendix II

F. Selection Criteria for Consent. In the event DCA receives requests for HOME Consents that exceed available HOME funds, Consents shall be issued based on the following selection criteria:

1. Rural Projects
2. CHDO Projects
3. Projects that are proposed to have no debt other than DCA HOME
4. Project Teams that are determined by DCA to be Qualified without Conditions
5. Successful* HOME Loan Experience of Owner and Developer (project Owner or Developer must have had a 20% or greater interest in GP or Developer entity)
6. Compliance History

Generally, each Applicant will receive only one HOME consent. Applicants that appear to be requesting HOME funds for point purposes and do not show a clear need will not receive a consent. Applications that do not fully utilize available credits in order to show a need for the HOME loan will not be considered for a consent.

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G. Final HOME Award. DCA will issue a HOME preliminary commitment at the conclusion of the 2013 multifamily competitive funding round. A sample of the commitment letter may be found on the DCA website. Final commitments will be issued when the project completes DCA underwriting and is approved by its project loan committee.

Additional policies related to the funding and underwriting of special needs projects may be posted by DCA at a later date.

SECTION 12. ELIGIBILITY

DCA may perform a full criminal, employment, and credit investigation of all Project Participants.

In order to be eligible to participate, project participants must be current in all outstanding fees owed to DCA, including but not limited to Compliance Monitoring Fees and LIHTC allocation fees.

A. Ineligible Project Participants

Proposed Project Participants may be ineligible to participate in the 2013 competitive round and to receive funding under the Plan if the proposed Project Participant falls within any one of the following categories:

1. Continuing Non-Compliance, Disqualification in DCA Programs. Principals of projects awarded Credits or HOME Loans in previous award cycles must remain materially in compliance with all applicable requirements of the Credits and the HOME Loan programs to remain eligible to compete for future Credits or HOME Loans. Material non-compliance status exists when, an Applicant exhibits a continual pattern of non-compliance or when an Applicant demonstrates an inability or an unwillingness to resolve non-compliance matters in a timely manner.

2. Failure to Commence and Complete Projects. Project Participants must start and complete outstanding DCA HOME Loan or Credits projects in a timely manner and meet all material obligations under applicable loan documents and/or carryover allocations to remain eligible to compete for future Credits or HOME Loans.

Project participants must accurately complete and submit all forms required under Federal regulations in a timely manner including, including but not limited to tenant data and Davis- Bacon documentation.

3. Previous Conduct. Project Participants may be disqualified by DCA from participation based on previous conduct. Examples of conduct which may result in disqualification include, but are not limited to, any Owner, Developer, Manager or principal of such entity

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that has been debarred by HUD, subject to criminal conviction or found to have submitted fraudulent information to DCA or any other government entity.

If an entity is determined to be ineligible to compete for DCA tax credit and HOME resources, the principals of that entity will also be ineligible. A disqualification under this subsection will result in the individual or entity involved not being allowed to participate in the 2013 competitive cycle or the tax exempt bonds 4% tax credits and removing from consideration any application where they are identified.

4. Federally Debarred & Suspended Entities. Any person (individual, corporation, partnership, association), principal (officer, director, Owner, partner, key employee, or person who has critical influence), or agent for a Project Participant (including Consultant) that is under debarment, proposed debarment, or suspension by a federal agency is ineligible to participate in the 2013 Competitive Scoring process. Such Applications will be rejected. Each Project Participant and consultant must include in the Application a statement concerning all criminal convictions, indictments, and pending criminal investigations of all members of the general partnership and must provide dates and details of each circumstance, unless otherwise prohibited by court order, statute or regulation.

5. Failure to Use Previously Awarded Credits. DCA's policy is that projects awarded credits must be completed by the applicable Placed-In-Service date. An owner who cannot utilize awarded credits for any reason must still pay the credit allocation fee for the project. Provided the owner returns the credits and pays the applicable tax credit allocation fee in a timely manner, the project is eligible to be resubmitted in a future application round. If the resubmitted Application is approved, the Owner will pay a new credit allocation fee. The owner must inform DCA of its intent to return credits. DCA will then direct the owner on the proper timing and process for returning the credits.

In very limited circumstances, DCA will consider a forward exchange of credit if a delay in completion is due solely to circumstances beyond the control of the Owner/Developer. Examples of such delays include unforeseen sewer issues, delays due to HUD policy and procedures or for extraordinary delays in the issuance of local development or building permits. In the event DCA does approve a forward exchange, the placed in service date will be extended for only a period of six months.

Failure to meet that extended placed in service date (six months) will be considered a major instance of non compliance and will be considered in DCA Compliance scoring.

6. Financial Insolvency of Participant. Any person (individual, corporation, partnership, association), principal (officer, director, Owner, partner) of a Project Participant (including Consultant) that is bankrupt, insolvent or in danger of insolvency is ineligible to receive an allocation of credits under the QAP. DCA may request information including but not limited to credit reports, financial statements or other documentation relating to a participant's financial status. In making this determination, DCA will also review each Participant's portfolio and consider whether projects are in default, have a high percentage of receivables, have high vacancy rates or have other solvency issues.

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B. Projects

1. Scattered Sites

a) *Eligibility of Scattered Sites.* All Applications proposing scattered sites must meet the following requirements:

- All of the residential units are income and rent restricted as set forth in Section 42 of the Code;
- All buildings in the project must be under the ownership of one entity;
- All buildings in the project must be developed under one plan of financing and considered a single project by all funding sources;
- All units in the scattered site Application must be managed by one management entity;
- The scattered sites must be appraised as a single proposed development, if applicable; and,
- Each site within the proposed project must meet all applicable Threshold and Scoring criteria.

b) *Legal Opinion.* Applications should include a legal opinion on scattered site to support the project's development.

c) *Additional Eligibility Requirements by Building Type*

- *Multifamily Scattered Site Eligibility.* Scattered-site projects involving multifamily properties will be eligible to apply if they have no more than six (6) non-contiguous parcels within a ½ mile radius and a minimum of four (4) residential units per parcel, except for parcels on which the community center is located. In reviewing these waivers, DCA will be looking at the Applicant's management plan for the project as well as whether there is a tenant ownership plan in place.
- *Single Family Scattered Site Eligibility.* Scattered site projects involving single family homes will be eligible to apply if they include no less than 20 single family homes where no more than 50% of the homes are contiguous.

A single family scattered site application which seeks to acquire additional homes after the application deadline date may be eligible to receive a conditional reservation of credits. The applicant must demonstrate control over at least 50% of sites at the application deadline date, with all sites meeting applicable Threshold and Scoring requirements. The Applicant must submit a detailed acquisition plan which includes the projected number of sites to be added along with a description for how the remaining sites will be acquired in a limited timeframe. The Core Application must demonstrate feasibility assuming that all sites will be acquired according to the acquisition plan. Supporting documentation from all financing partners must demonstrate a full understanding of the submitted acquisition plan. Applicants for 9% credits must compete to receive a conditional reservation of credits.

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If the proposed Application receives a conditional reservation of credits, the Project Team will have 120 days from the reservation date to complete acquisition of sites and submit a revised Application for DCA review. The revised Application must satisfy all applicable Threshold requirements for each parcel. Documentation submitted from financing partners must be updated and consistent with the representations of the revised Application. DCA will nullify the reservation of credits if the revised Application fails to satisfy Threshold requirements or if the Application receives a lower score which causes it to fall below the range for selected applicants. Additionally, the following eligibility requirements apply:

- ~ A Qualified Without Conditions entity with single-family development and ownership experience must be the majority owner and developer of the proposed project.
- ~ All properties must be located within the boundaries of a defined neighborhood which is part of a larger community revitalization plan.
- ~ The proposed project must include financial support from the local government and/or 3rd party private foundations and must be designated as a high-priority project by the local government. If a local government issues support for more than 1 scattered site application, then no scattered site application within the local government's jurisdiction will be eligible.
- ~ The proposed management company must have a record of successful single family rental and tax credit experience.

2. *Detached Single-Family Rental Housing.* Detached single family housing proposals will be eligible for funding if they satisfy the following requirements:

- a) The Application must include in its operating budget the costs associated with the continuous upkeep of each rental house, including ground maintenance, at the project Owner's expense. These costs must be supported by a detailed maintenance plan.
- b) The Application must have a detailed Replacement Reserve analysis and plan.
- c) The house designs must reflect architectural diversity through the use of different elevations and styles.
- d) Landscaping must be appropriate for detached, single family housing.

SECTION 13. SUBMISSION REQUIREMENTS AND AWARD LIMITATIONS

A. Pre-Determinations

1. *Pre-determination of proposed Project Team Qualifications.* In order to receive a predetermination of an entity or individual's Qualifications for the 2013 round, Applicants must submit all required documentation for DCA review and approval prior to see Exhibit A DCA Pre-Application Deadlines and Fee Schedule.

2. *DCA HOME Consent.* Applicants that will utilize DCA HOME funds as a funding source in a 2013 competitive application must obtain DCA's consent during the pre-application process. Applicants must submit all required documentation for DCA review and approval prior to see Exhibit A DCA Pre-Application Deadlines and Fee Schedule.

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3. Other Pre-determinations

- a) Architectural Standards Waiver
- b) Amenities Waiver
- c) Site Analysis Packet or Feasibility Study for Sustainable Communities
- d) Noise waiver
- e) Payment and performance bond waivers
- f) Operating expenses waiver

All other material must be submitted in the Application.

B. Application Submission Requirements.

1. Date and Time of Application Submission

- a) *9% Applications.* DCA will conduct one Competitive Application cycle for 9% Credit and HOME Loan funding resources during 2013. Applications must be delivered by the deadline to:

Georgia Department of Community Affairs
Housing Finance Division/Office of Affordable Housing
60 Executive Park South,
N.E. Atlanta, Georgia
30329-2231

The complete Application is due at DCA by 4:00 PM on June 13, 2013. DCA will not accept any applications after this date and after this time. At 4:00 PM, the Application Submission process will be closed and irrespective of any extenuating circumstances, no Applications or portions thereof will be accepted. The use of a third party or common carrier to deliver the Application does not relieve the Applicant of its responsibility for meeting the Application Submission deadline. Consequently, there will be no exceptions to this deadline. In addition, no assemblage, packaging, or other form of Application preparation will be permitted at any time on DCA premises.

- b) *4% Applications.* 4% Tax Credit Applications for Bond Financed Projects can be submitted throughout the year subsequent to Bond Allocation, but no later than seventy five (75) days prior to bond closing date, and are subject to applicable criteria set out in the Core Plan, Threshold Criteria, Core Application Instructions, Core Application and Application Manual. All waiver requests must be submitted no later than 30 days prior to the 4% Tax Credit application submittal.

2. Application Submission Package. A complete Application package must include all required documentation and all applicable Application fees. In the event the electronic version of the Core Application does not conform to the original print out of the Core Application, the electronic version of the Core Application shall be deemed the correct Application.

Applicants must submit complete Applications according to the directions and format prescribed in the 2013 Core Application Instructions and the 2013 Application

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Manual. No additional documentation will be accepted after the Application Submission deadline described in this Section unless specifically requested by DCA as part of the clarification review.

Applicants for 9% Credits and/or HOME funding will be required to self-score their Applications and fully explain their rationale in support of the scoring decision for each criterion. Applicants' self-scores must be done in strict accordance with the provisions of the Plan and the Application Manual.

C. Maximum Number of Applications.* DCA will assign sequential project numbers to all Applications in the order they are received, and prior to any form of Application review. Applicants will be permitted to submit a maximum of four (4) Applications for funding resources under the Plan. This limitation applies to Ownership interests of all proposed Project Participants except for Syndicators. Ownership interests of all Project Participants in the proposed Applications will be reviewed. If it is determined that a Project Participant has proposed Ownership interest in more than four (4) Applications, DCA will only evaluate the first four (4) project Applications submitted to DCA. Any other Applications which include the same Project Participant will be considered ineligible and will not be evaluated.

D. Award Limitations*

1. Project Limitations. DCA will not award more than \$950,000 of credits to any project in the competitive round. In extenuating circumstances, DCA may consider a waiver of these requirements for projects that have received significant federal funding with time sensitive deadlines for expenditures, which have expiring Section 8 contracts or which are necessary to comply with the settlement order relating to housing of tenants with special needs. In no event will such waiver exceed \$1,050,000. Such a waiver must be obtained prior to Application Submission.

2. Maximum Ownership/Development Interests. Applicants will be limited to direct or indirect Ownership/Development interest in projects in which the combined total Federal Credit from the 2013 competitive funding round cannot exceed one million seven hundred thousand dollars (\$1,700,000) and/or total HOME funding cannot exceed twenty five percent (25%) of the total HOME Loan resources available. This limitation applies to direct or indirect Ownership/Development interests of all proposed Project Participants, except Syndicators. Once an applicant has been awarded projects that meet the above limits, all of that Applicant's lower scoring projects will be deemed ineligible. For non-profit applicants, DCA will look at Executive Directors and common threads of effective control as well as whether different non-profit entities have met DCA Qualification requirements through the same individuals or entities.

3. Adjustment of Maximum Number of Projects Allowed. In the event an Owner/Developer fails to meet deadlines on projects, has a significant number of projects under development but not completed or is experiencing a financial issue with regard to an existing project, DCA may elect to reduce the number of projects that can be awarded under the project cap.

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SECTION 14. POST AWARD DEADLINES

A. Construction Documents. For 9% deals, a boundary survey, topographic survey, and geotechnical soils boring report must be submitted to DCA for review and approval no later than **60 days after announcement of awards.** Additional Construction Documents as fully outlined in the Architectural Manual must be submitted to DCA for review and approval no later than the date listed on **Exhibit A DCA Post Award Deadlines and Fee Schedule.** Applicants that fail to meet this deadline may have their credit allocations withdrawn by DCA.

For 4% deals, Construction Documents as fully outlined in the Architectural Manual must be submitted to DCA for review and approval at time of application.

For HOME deals, please comply with the deadlines in the HOME Commitment Letter.

B. Tax Credit only Projects Construction Loan Closing. For tax credit only projects, construction financing and equity closing must occur no later than August 31, 2014. The construction loan documents along with the limited partnership agreement must be submitted to DCA within 10 days of the closing deadline.

C. Tax Credit only Projects Commencement of Construction/Rehabilitation*. Owners of projects receiving 9% Tax Credits for new construction or rehabilitation in the 2013 round must commence construction or rehabilitation no later than **September 30, 2014.** Failure to commence construction as scheduled may cause an automatic recapture of the Credits. DCA will closely monitor construction start dates.

D. Tax Credit and Home Projects Commencement of Construction/Rehabilitation*. Projects receiving HOME Loans must not begin construction prior to DCA's issuance of the environmental release nor prior to the HOME Loan closing. However, all projects receiving a HOME loan award in 2013 must have satisfied all conditions necessary to commence construction within one (1) year of the date of the initial HOME commitment. Exceptions may be granted by DCA in accordance with HUD regulations, but must be requested prior to the start of construction. DCA will closely monitor construction start dates. Failure to comply with this policy may result in cancellation of the HOME Loan Commitment or other penalties.

E. HOME Loan Closing*. All projects receiving a HOME Loan award in 2013 must close their HOME Loans on or before **August 1, 2014.** Applicants unable to close within that time period may have their commitment for HOME funds withdrawn.

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F. Completion of Work Scope.* Owners of projects receiving Credits in the 2013 round for the rehabilitation of an existing property must perform 100% of the work scope in accordance with the original physical needs assessment submitted with the Application no later than December 31, 2015. Owners of properties receiving Credits for new construction in the 2013 round must perform 100% of the work scope as set forth in the DCA approved construction drawings and specifications no later than December 31, 2015. Certificates of Occupancy for the residential buildings must be issued by the local jurisdiction before end of business December 31, 2015. Temporary Certificates of Occupancy that prohibit occupancy or condition occupancy will not be accepted to meet this requirement. DCA will inspect projects requesting IRS Form(s) 8609 to ensure that all work has been completed prior to issuing Form(s) 8609. If a lesser percentage is completed, DCA reserves the right to recapture all Credits allocated. DCA may approve modifications to the proposed work scope upon written request.

G. Placement-In-Service.* Owners of projects receiving Credits in the 2013 round must place all buildings in the project in service by December 31, 2015.

H. Compliance Monitoring Fee Payment Date. All compliance monitoring fees must be paid within eighteen (18) months of issuance of the carryover allocation document, but no later than the placed in service date or December 31, 2015, whichever is earliest. Failure to do so may adversely affect the Applicant's ability to compete in future funding rounds. In no case will the final Federal Credit allocation (IRS Form 8609) be issued before these fees are paid.

I. Final Allocation Application Deadline. Owners of projects receiving Credits or a Determination letter in accordance with this QAP must apply for Final Allocation and request for issuance of IRS form(s) 8609 by February 15, 2016 for 9% credit projects, and September 15, 2016 for 4% credit (tax exempt bond) projects IRS form(s) 8609 for a project will be issued only once for the entire project as proposed in the Application. Form(s) 8609 will not be issued as buildings are placed in service. Extensions may be approved by DCA on a case-by case basis. Before the final allocation is submitted, the final HOME draw must be dispersed and required Contractor cost certifications submitted.

SECTION 15. PROJECT RECONFIGURATION/APPLICATION MODIFICATION

Applicants will not be allowed to make any changes to the Application after Application Submission to DCA and prior to the announcement of awards. DCA may allow Applicants to correct deficiencies in the Application if DCA does not approve a sufficient number of Applications to use all the Credit authority available in an Application cycle *and* it receives Applications that are acceptable except for minor deficiencies that the Applicant can address within a reasonable period of time (generally not to exceed 10 business days).

Subsequent to awards, applicants will generally not be allowed to make any changes to the Application. However, once a project is selected for funding, if Applicants believe extenuating circumstances warrant a change, and the change would not significantly alter the project's original concept or score, a written request for such a change will be

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considered by DCA. The request must be submitted on the Request for Post Award Project Concept Amendment Form and accompanied by the appropriate fee. This provision applies to any changes proposed after Application award, and if an award is made, throughout the project's Compliance Period or Period of Affordability, whichever is longer. Applicants' written requests must clearly establish the importance of the change, and why it is necessary to ensure the project's long-term financial feasibility and economic viability. Examples of substantial changes that must be documented and submitted for approval include but are not limited to: changes in the number of tax credit units, market units, unit mix, amenities, unit count, legal descriptions, and direct or indirect transfers of the general partner's or Developer's interest.

Failure to abide by this provision will adversely affect the Applicant's eligibility to receive future DCA funding.

SECTION 16. FEES AND DEADLINES

The fees indicated in this Section will be charged based on the legal status of the Applicants. All fees must be paid by certified funds or money order made payable to the Georgia Housing and Finance Authority.

A. Compliance Monitoring Fees for Multiple Programs. When DCA is required to monitor projects for compliance with tenant income and/or rent limitations of more than one program e.g., Credits and FDIC, the applicable monitoring fees for each program will be charged. Credit compliance fees must be paid no later than when the project is placed in service. Failure to do so may adversely affect the Applicant's ability to compete in future funding rounds.

B. Non-Compliant Properties. Projects having instances of noncompliance that require additional review and follow-up will be assessed with additional compliance fees based on staff time and travel expense.

C. Late Fees. Any late fees imposed by DCA will not be considered as a project cost for underwriting purposes.

D. Fees and Deadlines can be found in Exhibit "A" to this core (DCA Deadlines and Fees)

SECTION 17. EVALUATION OF APPLICATIONS

A. Stage I - Completeness Review. Applications received by DCA will be reviewed for completeness, including but not limited to:

1. organization of the hard copy and electronic Application submission;
2. inclusion of all required Application forms;
3. inclusion of Environmental Phase I
4. inclusion of Market Study

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5. submission of all required supporting documents; and
6. Completed Electronic Application

Any project which is deemed substantially incomplete will be returned to the applicant and not subject to further review.

B. Stage II – Threshold Review*

Complete Applications will be reviewed to determine if the project meets the requirements set forth in Appendix I (Threshold). Projects that fail to meet any applicable Threshold requirements at the time of Application Submission will not be considered for an Award. Applicants that submit an Application that fails to meet Appendix I requirements will be notified in writing (by email) of the specific requirement(s) that the Application did not meet. If an Applicant believes the requirement(s) was(were) met, the Applicant must respond in writing within 5 calendar days from the date of the DCA's preliminary Threshold failure notification letter. The response must provide a clear and specific explanation of why the Applicant believes DCA's initial determination was incorrect. DCA will review the response and make a final determination of whether the submitted Application meets all Threshold requirements.

Threshold Deficiencies. If an Application contains Appendix I deficiencies which are administrative in nature such as a missing or incomplete document, or need clarification of information submitted in the Application, then DCA may request correction or clarification for such deficiencies. Such a request is referred to as the "clarification request". DCA will provide this request in the form of an email to the Applicant. This clarification period will only be utilized for minor inconsistencies or to help DCA understand the overall project concept. It cannot be used to modify a submitted application or provide documents or reports that were not in existence prior to Application Submission day.

Applicants receiving a clarification request may supply missing or incomplete information and may clarify any inconsistencies related to the specific items identified by DCA in the clarification request. The clarification period will begin on the date of the clarification request and shall end at 4:00 p.m. Eastern Time, on the date specified in the clarification request unless otherwise noted. The clarification request shall specify the means and methods by which missing items may be supplied, incomplete items completed and inconsistencies clarified. It is the applicant's responsibility to ensure that submitted materials are addressed properly to the specified DCA OAH address (electronic or physical).

Applicants may not submit additional items for the purpose of increasing their score. **Any documentation that is provided during the clarification review period that is also applicable to a related scoring item will be reviewed only for Appendix I clarifications and will not be utilized during the scoring review process for the Application.**

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C. Stage III – Scoring*

Complete Applications that meet all Threshold requirements will be scored. Applicants will be ranked in descending order by total DCA point score as set for in Appendix II. (Applicants self scores are advisory and are not considered in the final scoring process.)

DCA will provide the preliminary results of the Competitive Scoring of each application to the Applicant. Applicants will be given a forty-eight (48) hour comment period to provide comments to DCA regarding the preliminary scoring of a submitted Application. Applicants may not submit additional items for the purposes of curing scoring deficiencies, justifying self-scores or increasing their scores. Comments must be limited to the Applicants' opinions regarding DCA's scoring determinations.

DCA will review all comments that are received during the comment period prior to assigning each project its final score.

D. Stage IV - Selection

1. Competitive Application Selection*

Applications with the highest DCA score and a favorable market studies will be allocated resources provided that only one application is submitted in the market area and provided all set asides have been met. DCA will not fund two projects in the same locality with the exception that a new construction and occupied rehab may be selected. In some cases, DCA may select a family and a senior project provided the projects are not located in close proximity to each other and there is a significant showing of demand.

If more than one project receives a competitive score in the same market area, DCA will consider the following factors in selecting the project that will be awarded credits:

- Projects with HOME funds will be selected over projects without HOME funds
- The Project with the higher score will be selected over a lower scoring project.

Applications that do not score high enough to receive an award will be placed on a waiting list. If additional funding becomes available the next highest-scoring Application on the list will be selected for an award.

2. Non-Selection for Market Reasons.

DCA reserves the right to limit the number of projects in a certain geographical area to ensure faster lease up, increase the marketability of the project and increase the likelihood of syndication of projects. DCA recognizes the importance of giving selected projects the maximum chance of success in difficult economic times.

DCA reserves the right to not select a project in a particular market area in order to ensure the success of its existing and funded projects. The following selection criteria will be considered;

- (a) DCA will analyze existing DCA projects located in close proximity to the proposed

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project to determine if selection of the project will have significant adverse financial impact on existing affordable housing inventory.

- (b) In order to ensure that projects can achieve lease up quickly, DCA will not generally select a proposed Application for an allocation if a project awarded an initial allocation of credits between 2010 and 2012 is located in close proximity to the proposed site and serving the same population (Family and Senior). "Close proximity" shall be defined in rural areas as the local government jurisdiction or ten miles, whichever is greater. Close proximity shall be defined in urban areas as a two mile radius. (Phased projects are excluded).
- (c) DCA will not generally fund more than one phase of a project in a round.

3. Tie-Breaker*

In the event one or more projects have the same score, but DCA has insufficient resources to fund all of the projects having that score, the following priorities will be utilized to evaluate projects:

- (a) Projects that use least amount of DCA resources per unit
- (b) First selected project for the project team in this round to help ensure more equitable distribution of resources among Applicants
- (d) PHA sponsored projects that utilize Replacement Factor Funds and reduce public housing waiting lists
- (e) Projects that have demonstrated need by providing documentation that established tax credit projects in the same market area have a significant number of tenants on their waiting list
- (f) Family Projects

Tiebreaking criteria are not listed in any particular order.

4. Special Allocation Considerations*

DCA may allocate Credits, up to the first day of the allocation round, based on the prior year's allocation plan with all applicable terms and conditions to projects that received an allocation in the prior year.

5. Final Notification*

DCA will provide the final results of the Competitive Scoring process to all Applicants as soon as possible after the process has been completed. A separate letter will notify those Applicants whose projects are selected for awards. Also, if a DCA HOME Loan is proposed, DCA will issue to the Applicant/borrower a preliminary loan commitment letter. This commitment letter - while not fully guaranteeing that the HOME Loan will be forthcoming - will set forth all the conditions that, if met, will result in a HOME Loan.

6. Appeal Process

The following are DCA's Administrative Rules for review of DCA Threshold Failures and scoring decisions in the 2013 Qualified Allocation Plan:

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Applicants that submitted an Application requesting an award of Federal Low Income Housing Tax Credits may request for DCA to reconsider a Threshold failure decision or a scoring decision that results in the non selection of a proposed project.

The Request for Reconsideration must be in writing and submitted within ten calendar days of receiving a Notice of Final Threshold Failure or Notification of a Project's final score. Requests should be submitted to the attention of the Office Director of the Office of Housing Finance.

Upon Receipt of Request for Reconsideration, DCA shall schedule a meeting with the DCA Review Committee and the Applicant. At that meeting, the Applicant shall have an opportunity to present evidence to the Review Committee that the Threshold Failure or scoring decision was not correct. Only documentation that meets the requirements of the QAP will be considered by the Review Committee. Documents not submitted with the application will not be considered to reverse a scoring decision. Documents that were not submitted as part of the Threshold clarification will not be considered. The burden shall be on the Applicant to prove that the decision that resulted in the non selection of the project was incorrect and that the Application met all QAP requirements, program requirements and statutory requirements.

Upon completion of its review, DCA shall send the Applicant a Decision Letter stating whether the Threshold failure or scoring decision was affirmed, changed (or reversed).

If Applicant seeks further review of its Request for Reconsideration, Applicant may (within three days of receipt of a Decision Letter denying the Applicant's request for reconsideration) submit to the Deputy Commissioner for Housing a request for an Appeal Review. The appeal review shall consist of an additional review of previously submitted documentation by the Deputy Commissioner and Senior Leadership (Appeal Review Committee) as well as a meeting if requested by the Applicant.

The appeal review meeting shall be recorded and available for transcription upon Applicant upon request.

The decision of the DCA senior leadership team shall be considered the final decision of the Agency and not subject to further internal review.

SECTION 18. GEORGIA OPEN RECORDS ACT

All Applications are subject to disclosure under the Georgia Open Records Act (GORA). Applicants must agree in the Application to hold harmless DCA and GHFA for any and all losses associated with disclosures in accordance with GORA.

SECTION 19. MONITORING AND COMPLIANCE

The following are the procedures that GHFA will follow in monitoring for non compliance with the provisions of this section and in notifying the Internal Revenue Service of such

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non compliance and in monitoring for non compliance with habitability standards through regular site visits.

The Applicant's compliance responsibilities begin with the award of the HOME funds and/or the Credit and will continue through the end of the Compliance Period/Extended Use Period, the Period of Affordability, or the term of the loan, whichever is longer.

Applicants are advised that DCA is required to monitor projects for compliance with the requirements of IRC Section 42, the HOME regulations at 24 CFR Part 92, the representations set forth in the Application, the requirements stated in this Plan, the requirements set forth in the respective program manuals and as represented in all restrictive documents. Although DCA is responsible for monitoring the Owners' compliance with these rules, regulations, and restrictions, this responsibility does not make DCA liable for an Owners' noncompliance.

A. Credit Compliance Monitoring Procedures (Tax Credit and Tax Exempt Bond/ Tax Credit Properties)

Section 1.42-5(a) of U.S. Treasury Regulations requires that each Plan include a procedure that the housing credit agency (DCA) will follow in monitoring for noncompliance with the provisions of Section 42 and in notifying the Internal Revenue Service of any noncompliance of which DCA becomes aware. The procedure for monitoring contained in the Plan must contain procedures consistent with the Regulations that address the following areas: record keeping and record retention; certification and review; on-site inspection; and notification as to noncompliance. This section is included in the Plan to comply with the mandate of the Regulations. DCA reserves the right to make such alteration or amendment to its monitoring procedures as may be required. Specific procedures that Owners must follow to remain in compliance with Program requirements are outlined in Credit Certification Training Materials and in the IRS-issued "Guide for Preparing Form 8823" revised in October 2012. Changes and updates to these materials can be found on the Compliance Section of the DCA web site www.tinyurl.com/dcacompliance.

B. Section 8 Rental Assistance. No project may deny a unit to applicants possessing a Section 8 Rental Assistance certificate or voucher unless those applicants fail to meet the minimum requirements for all leaseholders. Federal statutes prohibit discrimination against Section 8 certificate and voucher holders. The number of Section 8 tenants residing at a property cannot be limited under the IRS program regulations at any property receiving DCA Tax Credits and/or HOME funding. DCA will closely monitor whether the tenant application process is structured to avoid such discrimination or whether any actions are taken to discourage Section 8 Rental Assistance certificate or voucher holders from applying. Likewise, all lease provisions must be compatible and not in conflict with Section 8 leases.

C. Property and Record Compliance. Please refer to The Guide for Completing 8823 Low Income Housing Agencies Report of Noncompliance or Building Disposition revised in October 2012.

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D. Review. DCA will review the certifications submitted to determine whether or not the Owner has complied with the requirements of Section 42.

Annually, DCA will inspect at least thirty-three percent (33%) of affordable developments to which it has made an allocation under Section 42. In each development selected for review, DCA will review the low-income tenant certifications, the documentation the Owner has received to support that certification, the rent record for no fewer than twenty percent (20%) of the low-income units located in each such development. Records relating tenant income, supporting documentation and rent records will be selected at random by DCA's monitoring officer at the time the review is held. In addition, DCA Compliance Officers will conduct a physical inspection of each low-income unit that receives a record review. The purpose of this inspection will be to determine whether or not the units meet Uniform Physical Condition Standards as defined by the Department of Housing and Urban Development.

DCA will conduct a physical inspection of approximately ten percent (10%) of the units at each project and will review approximately ten percent (10%) of the tenant files each year at properties that have received DCA HOME funds. Additional federal requirements will also be reviewed on an annual basis.

As necessary, DCA will review additional documentation to support representation in the Application for funding.

E. Record Keeping and Record Retention

1. Owners awarded HOME Loans must keep records for each assisted building as stipulated in the final HOME regulations.
2. Owners allocated Credit must keep records for each building as stipulated in Section 42 of the IRS Code Section 1.42.5(b).
3. Owners receiving HOME Loans and Credit must follow the most stringent requirements of the two programs.

F. Inspection Record Retention Provision (Tax Credit and Tax-Exempt Bond Tax Credit Properties). The Owner of a Credit property is required to retain all original local health, safety, or building code violation reports or notices that were issued by the State or local government unit for DCA's inspection. After DCA reviews the violation reports or notices and completes its inspection, unless the violation remains uncorrected, the Owner may dispose of these reports or notices.

G. Compliance Standards

1. Assessment of Noncompliance

Principals of projects awarded Credit or HOME in previous cycles must remain materially in compliance with Credit and HOME program requirements (if applicable) to remain eligible to compete for future Credit awards or HOME Loans. Material noncompliance status exists when a party exhibits a continual pattern of noncompliance, or when a party demonstrates an inability or an unwillingness to resolve

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noncompliance matter in a timely manner. DCA will determine those parties ineligible to participate in the OAH financing competition due to noncompliance status.

2. Cure Period Standards

DCA will notify the Owner in writing of any possible findings of noncompliance. Each item of noncompliance will have an assigned cure period. The cure periods will typically range from thirty (30) days to a maximum of ninety days (90) days. Examples of noncompliance matters and typical cure periods are as follows:

<u>Noncompliance Items</u>	<u>Typical Cure Periods</u>
<i>Health and Safety</i>	
Any issue	24-72 hours
<i>Administrative Noncompliance</i>	
Incomplete or incorrect tenant income certifications	30 days
Affidavits not notarized	30 days
Failure to report on a quarterly or annual basis	30 days
<i>Project Wide Noncompliance</i>	
Incorrect utility allowance	60 days
Violations of the 40/50 Rule	60 days
Rent overages	60 days
<i>Incurable Instances of Noncompliance</i>	
Submission of fraudulent information to DCA	No Cure

For additional guidance regarding noncompliance and appropriate cures please refer to the 8823 Guide.

I. Monitoring Fees. DCA charges a monitoring fee for all Tax Credit developments containing five (5) or more low-income units. Credit recipients will be required to pay the entire fee covering the 15-year Compliance Period as indicated in Exhibit A of the Core Plan (DCA Fees and Deadlines). Additional fees may be charged to properties that require additional follow-up due to non-compliance findings. \$50 per unit plus travel expenses will be assessed.

J. Compliance Monitoring Responsibilities

1. DCA may choose to delegate all or a portion of its compliance monitoring responsibilities to an agent or other private contractor. This option, if chosen, does not relieve DCA of its obligation to notify HUD or the IRS of noncompliance instances. DCA may also delegate some or all of its compliance monitoring responsibilities to another State agency. This delegation may include the responsibility of notifying the IRS of noncompliance.

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2. Applicants must inform DCA of all conditions or extenuating circumstances at each project that may impact compliance monitoring duties. Any questions regarding compliance with the Credit or HOME programs should be addressed in writing and faxed to DCA's Compliance Monitoring Section at (404) 327-6849.

SECTION 20. MODIFICATION OF THE PLAN

Without limiting the generality of DCA's power and authority to administer, operate, and manage the allocation of Credits and HOME Loans according to federal law, federal procedures, and the Plan, DCA shall make such determinations and decisions, publish administrative rules, require the use of such forms, establish such procedures, and otherwise administer, operate, and manage allocations of Credits and HOME Loans and funds in such respects as may be, in DCA's determination, necessary, desirable, or incident to its responsibilities as the administrator, operator, and manager of allocations of Credits and HOME Loans.

In accordance with NCSHA best underwriting practices, DCA reserves the right to allow developer fees of up to 20% for projects that DCA deems hard to develop or socially desirable developments, developments produced in difficult to develop areas or in accordance with policy changes necessitated by DCA.

The Governor recognizes and acknowledges that DCA will encounter situations which have not been foreseen or provided for in the Plan and expressly delegates to DCA the power to amend the Plan, after the public has had the opportunity to comment through the public hearing process, and to administer, operate, and manage allocations of Credits and HOME Loans in all situations and circumstances, both foreseen and unforeseen, including, without limiting the generality of the foregoing, the power and authority to control and establish procedures for controlling any misuse or abuses of the Credits or HOME Loan allocation system and the power and authority to resolve conflicts, inconsistencies, or ambiguities, if any, in the Plan or which may arise in administering, operating, or managing Credits or HOME Loan allocations pursuant to the Plan. The Governor further expressly delegates to DCA the authority to amend the Plan to ensure compliance with federal law and regulations as such federal law may be amended and as federal regulations are promulgated governing Credits and the HOME Loan Program. The Commissioner of DCA is also granted the authority to make minor modifications to the Plan to clarify provisions and correct inconsistencies.

SECTION 21. MAILING LIST

DCA maintains an e-mail distribution list for those interested in receiving notifications of application cycles and other DCA Multifamily program activities. Visit DCA's website at:

www.dca.ga.gov/housing/HousingDevelopment/programs/OAH.asp
to be added to the e-mail list or you may submit a written request to
oahround2013@dca.ga.gov

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EXHIBIT A

**DCA PRE-APPLICATION DEADLINES AND FEE SCHEDULE
For Profit, Non-profit, and For Profit/Non-profit Joint Ventures**

***all checks should be made to the attention of OAH Billing Department**

	Fees	9% Deadline	4% Deadline
Amenities Pre-Approval	\$1,500 per waiver	March 15, 2013	No later than 30 days prior to submittal of the LIHTC application
Architectural Standards Waiver	\$1,500 per waiver	March 15, 2013	No later than 30 days prior to submittal of the LIHTC application
DCA HOME Consent Loan Pre-Application Application and Third Party Review Fees	\$1,000 For Profits, \$1,000 For Profits/ Non-profits Joint Venture, \$500 Non-profits	March 15, 2013	N/A
Qualification Determination	\$1,000	March 15, 2013	No later than 30 days prior to submittal of the LIHTC application
Operating Expense Waiver	\$1,500 per waiver	March 15, 2013	No later than 30 days prior to submittal of the LIHTC application
Payment & Performance Bond Waiver	\$1,500 per waiver	March 15, 2013	N/A
	NONE	March 15, 2013	N/A
Sustainable Communities Site Analysis Packet or Feasibility study	NONE	March 15, 2013	N/A

INCOMPLETE INFORMATION SUBMITTED WILL NOT BE REVIEWED

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EXHIBIT A (continued)

**DCA APPLICATION AND PRE-AWARD DEADLINES & FEE SCHEDULE
For Profit, Non-profit, and For Profit/Non-profit Joint Ventures
Failure to meet deadlines below will be considered in Experience and Compliance
Reviews**

	Fees	9% Deadline	4% Deadline
2013 Bond/4% Credit Eligibility Opinion Letter	\$5,000 Resubmission fee of \$500 due to incomplete submissions	N/A	Pre-Application Submission no later than 75 days before bond closing (fee not required at application if submitted with pre-application)
2013 Credit Application Fee and Third Party Review Fees	\$6,500 For Profits \$6,500 For Profits/Non-profits Joint Venture \$5,500 Non-profits	Application Submission June 13, 2013	N/A
Notification of delayed Financing Awards (USDA 538(?) and HUD invitation letters)	NONE	7/12/13	N/A
Alternate Financing Deadline, if Notification deadline has not or will not be met	NONE	7/26/13	N/A
Evidence of 8 step process commencement	NONE	8/1/13	N/A
Evidence of 8 step process completion	NONE	8/30/13	N/A

9% Application Submission Deadline: 4:00 PM on June 13, 2013

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EXHIBIT A (continued)

**DCA POST AWARD DEADLINES AND FEE SCHEDULE
For Profit, Non-profit, and For Profit/Non-profit Joint Ventures
Failure to meet deadlines below will be considered in Experience and Compliance Review**

	Fees	9% Deadline	4% Deadline
Appraisal Fee (HOME Loans Only)	Based on DCA cost	Upon invoicing by DCA during underwriting	N/A
Bond/4% Credit Processing Fee	8% of annual Federal Credit amount	N/A	Due within 30 calendar days of issuance of Letter of Determination
Certificates of Occupancy/ Placement –In-Service	NONE	Issued by local jurisdiction/all buildings placed in service before end of business December 31, 2015	Issued by local jurisdiction /all buildings placed in service before end of business December 31, 2015
Commencement of Construction/Rehabilitation (Projects w/Tax Credit and HOME)	NONE	Must satisfy all conditions necessary to commence construction within one year of date of the initial HOME commitment.	N/A
Commencement of Construction/Rehabilitation (Tax Credit Only Projects)	NONE	No later than September 30, 2014	No later than September 30, 2014
Completion of Work Scope	NONE	No later than December 31, 2015	No later than December 31, 2015
Construction Loan Closing (Tax Credit only Projects)	NONE	No later than August 31, 2014	No later than August 31, 2014
Cost Certification Amendments	\$1,500 per request	At time of request	At time of request
Credit Allocation Fee	8% of annual Federal Credit amount	At time Applicant execute the carryover allocation, except for Non-profit sole general partners who can submit at or before construction commencement deadline.	N/A
Credit Compliance Monitoring Fee (calculated on a per unit basis for all project units)	\$400 - USDA 515 Projects \$400 - URFA Bond Projects \$800 - Bond/4% Credit Projects \$800 – Others \$1,500 per Single family dwelling	Within 18 months of Issuance of carryover allocation, but no later than the project placed in service date or applicant will be assessed a late fee of \$25 per day	Due within 18 months of issuance of Letter of Determination or applicant will be assessed a late fee of \$25 per day
DCA Placed In Service Form	NONE	Within 30 days of the 1st building placed in service	Within 30 days of the 1st building placed in service
Boundary survey, topographic survey, and geotechnical report	NONE	No later than 60 days after announcement of awards	At the time of application
Construction Documents as fully outlined in the Architectural Manual	NONE	No later than May 1, 2014 (HOME projects may have more stringent deadlines)	At the time of application.

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EXHIBIT A (continued)

**DCA POST AWARD DEADLINES AND FEE SCHEDULE
For Profit, Non-profit, and For Profit/Non-profit Joint Ventures
Failure to meet deadlines below will be considered in Experience and Compliance
Review**

	Fees	9% Deadline	4% Deadline
Environmental Review Costs	Based on Actual Costs incurred by DCA to retain consultants	Upon invoicing by DCA during underwriting	Upon invoicing by DCA during underwriting
Final Allocation Deadline	NONE	February 15, 2016	September 15, 2016
Final Inspection Fee (for all LIHTC properties, both 4% and 9%, excluding those projects involving HOME funds)	\$3,000 per project	Due within 30 days of final draw but no later than 30 days prior to the placed in service date or a late fee of \$25 per day will be assessed	Due within 30 days of final draw but no later than 30 days prior to the placed in service date or a late fee of \$25 per day will be assessed
Formal Firm Commitments for equity and non-DCA debt (HOME)	NONE	Must be submitted to DCA within 75 days of the carryover allocations	N/A
Front End Analysis (applicable to HOME loans only, when an Identity of Interest exists between the Developer or Owner and the general contractor)	\$2,700 per project	Due within 15 days of invoicing by DCA during underwriting	N/A
Georgia Housing Search	NONE	Applicant agrees that if Application is selected for funding the Applicant will accurately list all of its existing developments in the Georgia Housing Search within six months of selection	Applicant agrees that Application receives a Letter of Determination, then the applicant will list all of its existing developments in the Georgia Housing Search within six months of selection
HOME Loan Closing	NONE	On or before August 1, 2014	N/A
HOME Loan Conversion	NONE	Within 24 months of the HOME construction loan closing	N/A
LURC Execution	NONE	Prior to submission of cost certification	At or prior to bond closing
Non-Compliant Re-inspection Fee	Minimum of \$50 per unit or file plus travel expenses	Due within 15 days of invoicing by DCA	Due within 15 days of invoicing by DCA
Project Application Amendments, Post Award Project Concept Amendments, Post Letter of Determination	\$1,500 per request	At time of submission of request for amendment	At time of submission of request for amendment

Note: All outstanding fees due to DCA must be paid in full prior to issuance of 8609's for all projects receiving an allocation of tax credits per this Plan.

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