

STATE OF GEORGIA
2009 QUALIFIED ALLOCATION PLAN

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APPENDIX I
THRESHOLD CRITERIA

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To be considered for an allocation of DCA resources, Applications must meet the Threshold requirements described below.

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1. Project Feasibility, Viability Analysis, and Conformance with Plan
(Additional policies and requirements can be found in the Core Plan of the 2009 QAP, the Application Instructions and the Tab Checklist)

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E. DCA may request applicants to clarify issues related to project feasibility during its Threshold Review. In response to such clarification requests, the Applicant can only submit documents that were in existence prior to Application Submission day with the exception of final commitments for government sources under consideration at the time of Application submission.. Please note that DCA requires that Applications must be complete when submitted. Applicants cannot submit updated applications or new documents after that time. Applications that contain a significant number of missing or incomplete documents will be returned to the Applicant and be deemed a threshold failure.¶

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F. Total development cost may be decreased or increased during DCA's review if it is determined that line items are not reasonable or do not accurately reflect the supporting documents. Development budget adjustments during threshold review

A. OAH will require the development of properties that meet OAH financial underwriting requirements and which have sufficient long-term operating income to secure sustainability. DCA requires that all funding sources be clearly identified in the pro forma. The ownership entity must be structured as a single purpose entity and must be able to clearly show that the project is financially sustainable based on income from operations. Only rental income plus a maximum of 2% of gross potential rents in ancillary income will be used in the cash flow analysis. Tax abatements and exemptions, interest credit payments, and other documented sources of commonly accepted forms of expense off-sets will also be considered. However, income from commercial space, fees, charitable contributions or owner contributions will not be considered.

B. Construction costs must be reasonably estimated for the specific project when preparing the development budget. In determining whether an Applicant's estimate of construction costs is reasonable, DCA will review internal data from similar projects as well as estimating tools such as RS Means. DCA may request a breakdown of the hard construction cost line items in the event it determines that the proposed costs do not appear to be reasonable and consistent with the scope of work for the project.

C. Applications must also reasonably estimate operating expenses for the project. DCA will utilize tax millage rates and development costs to determine if real estate taxes are reasonably estimated. Applicants are encouraged to provide support for their estimates of taxes and property insurance for the proposed project. Projects that do not provide a reasonable estimate of operating costs will be determined to be infeasible. Annual operating expenses which differ significantly from average costs for the project area will require clear documentation of the basis for the deviation.

D. Applicants must use DCA's project economic pro forma assumptions and abide by the 2009 Plan, Appendices, Instructions and the Manual. Rent Standards derived from the most recent AMI, FMR, and applicable underwriting utility allowance must be used to determine project rents and rent restrictions. DCA will determine if the application has been submitted in compliance with all application instructions, tab checklist requirements, and QAP requirements for support documentation, necessary to make a full and complete assessment of the proposed project.

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E. DCA may request applicants to clarify issues related to project feasibility during its Threshold Review. In response to such clarification requests, the Applicant can only submit documents that were in existence prior to Application Submission day with the exception of final commitments for government sources under consideration at the time of Application submission.. Please note that DCA requires that Applications must be complete when submitted. Applicants cannot submit updated applications or new documents after that time. Applications that contain a significant number of missing or incomplete documents will be returned to the Applicant and be deemed a threshold failure.

F. Total development cost may be decreased or increased during DCA's review if it is determined that line items are not reasonable or do not accurately reflect the supporting documents. Development budget adjustments during threshold review must be covered by deferred developer fee and not by new financing sources. Applicants may also not request that one line item be reduced in order to increase or add another line item during the threshold clarification period. Credits will be adjusted accordingly for each adjustment.

G. Projects that have a ten year commitment for PBRA will be underwritten utilizing Section 8 rents. However, projects that have a commitment for PBRA that is less than ten years will be underwritten at the maximum tax credit rents and/or HOME rents, as applicable.

H. DCA may require documentation not specifically included in the minimum documentation requirements established in the Plan to verify the reasonableness of development and operating assumptions. DCA is under no duty to clarify or correct Application errors.

I. **Preliminary Financing, Limited Partner Equity, Deferred Developer Fees and Other Financing Commitment.** Original preliminary commitments for all financing must be submitted with the Application including but not limited to the following:

- Construction financing
- Non-DCA permanent financing
- Equity bridge loans, if applicable
- Project Based Rental Assistance Agreements
- HUD letter by an authorized official from the Multifamily Housing Division stating that the application is under serious consideration and Lender Preliminary Commitments for HUD assisted projects under 221 (d)(3) or 221 (d)(4) program may be submitted with the Application but final MAP commitments must be submitted by July 31, 2009.
- USDA Notice to Proceed with Application Processing and Lender Preliminary Commitment for loans to be guaranteed with Interest Credit under the USDA Section 538 Guaranteed Rural Rental Housing Program.
- Any grants or other forms of assistance utilized during the construction period, or utilized as permanent financing.
- Operating subsidy agreements
- Deferred Developer Fee
- Limited partner (Tax Credit) equity

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- Applications that include cost associated with Pre-development Financing must provide copies of the loan documents (Note, Loan Agreement, Guarantees, Security Documents) if the loan has closed or an original commitment from the proposed lender.
- Developer or general partner equity (financial statements to substantiate such equity must be included if such contribution exceeds the developers fee).
- Federal Home Loan AHP financing commitment from either the Federal Home Loan Bank to the non-profit entity or to the ownership entity. If the commitment is to the non-profit entity, then the non-profit should provide a preliminary commitment to the Ownership entity.
- Projects proposing the utilization of Historic Tax Credits must provide documentation of the National Historic designation for the subject project on or before **August 17, 2009**.

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In the case of USDA, FHLB-AHP, or HUD loans which are under final consideration at the time of Application, but are not awarded funding, the Applicant may secure alternate financing provided revised Application documents are submitted to DCA on or before **August 17, 2009**. Failure to provide the required documentation for USDA, FHLB-AHP, HUD alternative financing and/or the National Historic designation as stated above may deem the application insufficient and the application may be subject to Threshold failure.

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The preliminary commitments must disclose, at minimum, the following:

- The purpose of the loan and use of proceeds,
- The property address,
- The loan amount,
- The interest rate applicable to the construction period. If the construction period rate is floating, the rate index, spread and the frequency of adjustment must be clearly identified
- The interest rate applicable to the permanent period. If the interest rate is to be fixed at the time of funding, the rate index and credit spread must be clearly identified and the indicative rate as of the date of the preliminary commitment must be provided
- All "add-ons" to the base interest rate, including but not limited to MIP, USDA annual guarantee fee, servicing fees, Ginnie Mae guarantee fees, trustee fees, issuer fees, must be clearly identified in the commitment letter
- The terms of the loan
- The amortization term
- All reserves by the lender/syndicator including, but not limited to, replacement reserve, operating deficit reserve, HUD required program reserves and USDA required program reserves
- In the case of an preliminary commitment from a tax credit syndicator to provide equity the amount of the asset management fee, whether or not the asset management fee will be increased annually, if increased, the rate of increase and the priority of payment of the Asset Management Fee
- All financing and related conditions and fees, including but not limited to, loan origination fees, loan placement fees, mortgage insurance premiums (in case of HUD insured loans) and annual guarantee fees (in case of USDA 538 guaranteed loans)
- In the case of loans to be guaranteed with Interest Credit under the USDA Section 538 Guaranteed Rural Rental Housing Program, the lender must specify if the

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annual USDA guarantee fee will be paid out of the Lenders principal and interest payments.

- Applicants that propose financing structures with government programs loans are responsible for correctly reflecting the terms of the loan.

J. Assumption of Existing Debt. The supporting documentation must disclose, at minimum, the following:

- A letter signed by an officer of the lender whose debt is being assumed which certifies, as of April 30, 2009, (1) the original principal balance of the loan, (2) the current outstanding principal balance of the loan, (3) the current accrued and unpaid interest (4) the current effective interest rate applicable to the loan, (5) the original date of the loan (6) the maturity date of the loan, (7) annual debt service (8) the amortization period applicable to the original loan, (9) that the loan is not currently in default, or if there exists an event of default, or an event that with the passage of time will constitute an event of default, all of the factual data pertinent to said default or said potential default and (10) that the loan has, or has not, been modified (if said loan has been modified and/or restructured in any way, copies of said modification/restructure documents must be provided)
- A copy of the original Promissory Note and any amendments and/or modification to said Promissory Note
- A copy of the original Loan Agreement and any amendments and/or modification to said Loan Agreement
- A copy of the original Mortgage, Deed to Secure Debt, Deed of Trust or such other security instrument providing security for the loan, and any amendments and/or modification to said security instruments

K. Deferred Developer Fee. Any owner's equity shown in the Application, excluding the general partner's contribution required by the Limited Partnership Agreement will be included as a source of funding in the calculation of Credit. This policy will apply at application, carryover, and final allocation. A developer should either take the deferred Developer Fee in the form of a note, or incorporate the deferred Developer Fee into the limited partnership agreement along with a detailed repayment schedule and specific terms. Deferred Developer fee must be payable within fifteen years from available cash flow. The deferred portion cannot exceed 50% of the total amount of Developer Fee at initial application.

DCA will accept either method as long as the terms of the deferred Developer Fee meets the requirements as set forth in the Plan. For purposes of calculating the project's annual debt service coverage ratio, the deferred Developer's Fee will not be included as debt service.

For purposes of calculation DCA will consider the terms and conditions contained in the debt and equity commitments in determining the project's debt service coverage and its ability to pay the deferred Developer's Fee within 15 years.

For Scattered Site Projects, all units must be developed under one master plan of financing and considered as a single project by all funding sources. The requirements of this threshold category are applicable to the project as a whole.

L. Gross Rent Restrictions

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Future prospective fundraising and contributions will not be allowed as a source of funds.¶

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HOME Rents.* For low-income units receiving Credits, the gross rents may not exceed 30% of 60% of the effective AMI table or Fair Market Rent for the appropriate bedroom size. Applicants should assume 1.5 persons per bedroom. For HOME Loans, rents must be affordable at initial lease-up and must remain affordable over the term of the HOME Loan.

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For HOME projects, rents may not exceed Fair Market Rents for the appropriate bedroom size.

Credit Rents. For low-income units receiving Credits, the gross rents may not exceed 30% of 60% of the effective AMI table for the appropriate bedroom size. Applicants should assume 1.5 persons per bedroom.

Credit and HOME Rents.* Dwelling unit rents must conform to the LIHTC and/or the HOME regulation's gross rent (contract rent and tenant UA) restrictions. Tenant UA must conform to the requirements set forth in the Plan and the Manual. In the event Credit, HOME, or other funds are requested, the most restrictive gross rents will govern. For Credit and HOME units, rents may not exceed fair market rents. Applicants should assume 1.5 persons per bedroom.

Deleted: Many DCA projects will combine Credits and a HOME Loan. If any HOME loan interest rate is set below AFR, the income targeting requirements are more stringent than for Credits alone. Specifically, at least 40% of the units in each building of the project must be targeted to families at 50% of AMI, adjusted for family size. Additionally, DCA requires that gross rents must be set at 50% of AMI. All remaining assisted units must be targeted to families at 60% or less of AMI, adjusted for family size. ¶ ¶

For Scattered Site projects, all units must meet the gross rent restrictions.

M. Unit Cost Limitations. Allocation of DCA resources will be based on these limits. Per unit costs must not exceed the following limits:

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Unit Type	Cost Limit
Efficiency	\$102,000
1 Bedroom	\$117,000
2 Bedroom	\$142,000
3 Bedroom	\$184,000
4 Bedroom +	\$202,000

The maximum allowable developer fee will be calculated based on the allowable total development cost utilizing these DCA Per Unit Cost Limits. If the total development cost for the project exceeds the per unit cost limitations above and the Application is not seeking additional DCA resources for the cost which exceed the per unit cost limitations, the Applicant is not required to obtain DCA's approval nor submit a waiver for the total development cost.

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DCA will consider waivers to the limitations stated above on a case-by-case basis. Waivers will be granted **only** for extraordinary circumstances (see Architectural Manual for examples). Applicants must submit sufficient documentation with their cost waiver request to justify the basis of the cost increase. Waiver requests and applicable fees must be submitted in accordance with Exhibit "A" (DCA Deadlines and Fees). Applicants should underwrite their deals using the above limits unless a waiver is approved by DCA.

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For HOME funded projects, the following per unit subsidy limits will apply in addition to the cost limits above:

Unit Type	Subsidy Limit
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Efficiency	\$102,000
1 Bedroom	\$117,000
2 Bedroom	\$142,000
3 Bedroom	\$184,000
4 Bedroom +	\$202,000

For Scattered Site projects, all units must meet the per unit cost limitation requirements.

N. Underwriting Utility Allowance (UUA). For DCA underwriting purposes Applicants must use the utility allowance established by the Public Housing Authority that administers Section 8 in the locality where the property is located. The allowance must be approved by HUD for use in the Section 8 Program.

O. Operating Utility Allowance (UA). Applicants must establish utility allowances for the property prior to placing the first building in service through the compliance period or through the period of affordability. In Georgia, the following methods may be used:

- 1. USDA-Assisted Buildings.** If a building receives assistance from the USDA (formerly called the Farmer's Home Administration, or FmHA), the USDA-prescribed utility allowance applies to all rent-restricted units in the building. The USDA-approved allowance applies even if the building is assisted by any other program or agency. Examples of USDA assistance include assistance provided under the USDA Section 515 rural rental loan program and USDA rental assistance. Projects funded with USDA 538 loan guarantee must use the DCA Utility allowance.
- 2. Buildings with USDA-Assisted Tenants.** If any resident of a building receives USDA rental assistance, the USDA-approved utility allowance applies to all rent-restricted units in the building. This is even the case if residents of some units receive rental assistance from the U.S. Department of Housing and Urban Development (HUD).
- 3. HUD-Regulated Buildings.** If neither a building nor any resident in the building receives USDA assistance, and HUD annually reviews the rents and utility allowances for the property (such as for Section 8 and Section 236 projects), the HUD-prescribed utility allowance is used. This rule doesn't apply to buildings that have only FHA-insured mortgages.
- 4. DCA HOME/Tax Credit Buildings.** If a building is neither an USDA-assisted nor HUD-regulated property, and no tenant in the building receives USDA rental assistance, there are two possible methods for establishing the utility allowance. These include:
 - The utility allowance established by the Public Housing Agency (PHA) that administers the Section 8 Program in the locality where the property is located. However, the electric allowances may be calculated as outlined in Section B below.
 - HUD Utility Schedule Model**

C. Local Utility Provider Estimates/Estimates Based on Actual Usage

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D. Energy Consumption and Analysis Model (licensed engineer or qualified professions providing this model must be approved by DCA prior to submission of the Model.

On July 29, 2008, the IRS issued amendments to the utility allowance regulations. This regulation does not include Internet, cable and phone service under the definition of "utility" Only utilities paid directly by the tenant to the utility and not by or through the owner of the building can adjust the gross rent through an allowance (Ratio Utility Billing (RUBS) is not permitted in GA). Owners that have been submetering will now have to discontinue the use of a utility allowance for submetered utilities and not bill the tenants for the cost of these submetered utilities. Owners may include these utilities as part of rent, however, the rent charged cannot exceed the maximum allowable program rent.

The final regulation amending the utility allowance regulation for Section 42 was effective July 29, 2009. The new regulation may be found in the Federal Register dated July 29, 2008, page 43863

2. Tenancy Characteristics

All Applicants must designate the proposed project as either a Family Project, Special Needs Project or a Senior Project.

A. Family Project. A Family project is designed to foster development of housing for families and to encourage community activities from within the neighborhood.

B. Senior Project. A Senior project meets one of the following requirements:

- It is intended for, and solely occupied by, individuals 62 years of age or older; or
- It is intended and operated for occupancy by at least one individual 55 years of age or older per Unit, where at least 80% of the total housing Units are occupied by at least one individual who is 55 years of age or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the owner and manager to provide housing for individuals 55 years of age or older

C. Other. Projects that have funding from a program which has a different tenancy definition than those set forth above, must seek DCA's approval of the definition prior to Application Submission.

DCA will consider waivers to the tenancy characteristics requirements on a case-by-case basis. Applicants must submit sufficient documentation to justify the basis of the request. Waiver requests and applicable fees must be submitted in accordance with Exhibit "A".

3. Required Services

All Family Projects must include at least one (1) basic ongoing service from the following categories and Senior Projects must include two (2) basic ongoing services from two different categories below:

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- Social and recreational programs planned and overseen by the project manager (semi-monthly birthday parties/holiday dinners or parties/potluck dinners, movie nights, bingo, etc); or
- Semi-monthly classes conducted on site (example: arts and crafts, exercise, computer tutoring, gardening);
- Other services as approved by DCA,

Applicants must certify at Application Submission that they will designate the specific services and meet the additional policies related to services. These required services must be identified in the Threshold Criteria Tab on the Core Application Form.

Additional Policies Related to Services

A final, binding contract for all proposed services must be submitted to the DCA Compliance Manager before issuance of IRS form 8609.

- Services must be committed for the Compliance Period or the Period of Affordability, whichever is greater.
- Services may be provided at a charge sufficient to cover the cost of the supportive services only, but the services must be clearly optional to the tenants.
- A full-time activities manager will be allowed in the operating budgets for those properties that are 100 units or more in size.
- Temporary staffing during lease-up to handle activities set-up and sign-up will be considered on a case-by-case basis.
- Part-time (on a proportional basis) activity managers will be allowed in the operating budgets for smaller projects.
- Owners will be required to submit annual certifications and documentation regarding the ongoing provision of the supportive services.
- For very small rural projects, Applicants may request a waiver of service requirements if there is insufficient participation in a service.

4. Market Feasibility (Market Study)

Applicants must submit a market study by an independent third party analyst showing that there is adequate market demand for the project. The study must be prepared by a market analyst approved by DCA clearly stating that there is sufficient demand for the project and the project will be stabilized within DCA requirements. The market study must be prepared in accordance with DCA guidelines and must be in the format required by the DCA Market Study manual. Market studies must accurately reflect the rental structure and unit mix of the proposed project. It is applicant's responsibility to ensure that the market study accurately reflects the submitted application and meets all DCA requirements. While DCA will use the conclusions of the analyst in determining whether the project is marketable, DCA will not be bound by the opinion or conclusions reached by the market analyst.

- DCA will review the market study, rent rolls and project data of similar projects located in close proximity to the proposed project in determining whether the project will be able to achieve the desired lease up to be feasible.
- DCA will also carefully analyze existing DCA projects located in close proximity to the proposed project to determine if selection of the project will have significant adverse financial impact on existing affordable housing inventory.

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- DCA will generally not fund two projects in the same locality with the exception that a new construction and occupied rehab may be selected.
- In order to ensure that projects can achieve lease up quickly, DCA will not generally select a proposed project for an allocation if a project was awarded an initial allocation of credits between 2006 and 2008 and 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).

Although a project may be deemed marketable by the analyst, DCA may elect not to select the project for one or more of the following reasons:

- Generally, DCA will not select more than one new construction project in the same locality in a funding round.
- DCA may determine that the proposed project will have an adverse impact on its existing portfolio of projects either by delaying lease up or reducing occupancy.
- DCA may determine that changing market conditions may make the proposed site too risky for selection.

If more than one project is proposed for a particular area, DCA, in its sole discretion, will decide which one will be selected for funding. DCA will utilize but is not bound by the following factors in its selection decision:

- Score
- Capacity of development team
- Allocation of resources among development teams
- Amenities
- Tenancy characteristics of projects developed in the immediate area
- Amount of resources
- Size of project
- Project site

The following factors will generally be considered by DCA to be indicative of Market feasibility for HOME, 4% tax exempt Bond projects, and 9% Tax Credit projects.

- Market capture rates 30 percent or less for **all** 1 bedroom units, 30 percent or less for **all** 2 bedroom units, 40 percent or less for **all** 3 bedroom units and 50 percent or less for all 4 or more bedroom units in the project
- In Rural areas (as defined), market capture rates of 35 percent or less for **all** 1 bedroom units, 35 percent or less for **all** 2 bedroom units, 40 percent or less for **all** 3 bedroom units and 50 percent or less for all 4 or more bedroom units in the project
- The overall capture rate for **all** Tax Credit Units shall not exceed 30 percent for Urban Counties and 35 percent for Rural areas and the overall capture rate for **all** Market Rate Units shall not exceed 30% for Urban Counties and 35% for Rural areas
- Market capture rates for each AMI market segment type (i.e. 30%, 50%, 60% & market) for each **bedroom type** shall not exceed 70% for **all** bedroom types proposed in each segment
- An absorption period less than 24 months to reach stabilized occupancy
- Stabilized occupancy rate of 93% or above
- Unit mixes or target populations supported by the market

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- No adverse impact to the occupancy and financial health of existing assisted rental housing properties in the market area. Assisted rental housing properties include those financed by Credits, USDA, HUD 202 or 811 (as appropriate), DCA or locally financed HOME properties, HTF, and HUD 221(d)(3) and 221 (d) (4) and other market rate FHA insured programs. DCA does not consider public housing properties in the adverse impact determination
- Competing proposed projects in the same geographic market area where, in part, location, unit mix, rent structure, market demand, and other factors favor one project compared to another;
- Units with project based rental assistance (PBRA)
- Ability of market rate units to lease at the projected rents
- All requirements as outlined in the Market Study Guide.

For existing occupied properties that are going to be rehabilitated, market analysts shall consider retention of current occupants in their demand calculations. Retention is measured by the number of tenants that are not rent burdened or over-income that are projected to reside at the property during and after the proposed renovations.

For Senior projects, (Elderly and Housing for Older Persons), demand may include residents from outside the market area, converting from homeownership, seniors living with and/or supported by their children as documented by the market analyst. DCA reserves the right, in its sole and absolute discretion, to independently evaluate the demand for additional affordable rental housing in the geographic/market area. DCA's judgment will be the final determination. All requests for a DCA ordered market study for 4% tax credits submitted in May through September will need to have all pending 9% tax credit applications considered in demand calculations

For scattered site projects, the market study requirements must be met for the project as a whole.

5. Appraisals

A. DCA Commissioned Appraisals*

For all projects awarded HOME Loans, DCA will commission an appraisal prepared in accordance with DCA policies. DCA's determination is final with respect to the appraised value of the project.

When preparing project development budgets, Applicants should use a reasonable estimate for the appraisal cost based on the Applicant's experience with projects of a similar size and scope. The DCA appraisals may be assignable to other lenders. In instances where the senior lender obtains the appraisal, DCA will accept such appraisal as long as DCA's guideline requirements are met and DCA is given the right to rely on the appraisal by the appraiser. DCA will select property appraisers.

Applicants will be charged a fee equal to the cost of the appraisal report. The fee will be due on the date specified in the HOME commitment letter. The commissioned appraisal reports shall include the "as is" value, "as built/as complete" (encumbered), "as built/ as complete " (unencumbered) values of the proposed subject property and, tax credit value. The "as is" value shall delineate the value of the land and building. The appraisal shall conform to USPAP standards. The appraisal will provide an estimate of the market value (unencumbered) of the property at loan maturity. The total hard cost

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Pre- Applications may be submitted for the purpose of DCA commissioning a market study for HOME and/or 9% Tax Credit funded projects on or before April 1, 2008 utilizing the core application and pre-application instructions. Predeterminations that a proposed project meets DCA's market threshold requirements will be conditional based on the Applicant's submission of an application on Application Submission date which represents the unit mix, design, amenities and location as set forth in the pre-application submission. ¶

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4% Tax Credit/Bond Financed Project Market Studies. ¶
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For bond-financed projects covered by the

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All requests for a DCA ordered market study for 4% tax credit (... [52]

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of any project may not exceed 90% of the as completed unencumbered appraised value of the property. Upon completion of the commissioned appraisal, any project found not to meet this requirement will have their funding award revoked.

B. Applicant Commissioned Appraisals

DCA policy requires that the Applicant obtain an appraisal of the value of a property if there is an identity of interest between the buyer and the seller. DCA will carefully scrutinize the sales price of land between related parties to ensure that the value has not been inflated. While the appraisal will be an indication of fair market value, DCA will consider tax values as well as actual sales price established as indicative of the value of a property. All property values shall associate a land value as well as a value for the improvements. The appraisal shall conform to USPAP standards.

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Properties which have been in the control of the applicant or a related party for a period of three (3) years or less will generally be valued at the acquisition cost at the time the related party obtained initial site control. Properties that have been rezoned, subdivided or modified will not be deemed to be of higher value based on the actions taken by the owner/ applicant or any related party.

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For Scattered Site Projects, an appraisal establishing "as-is" value will be required for each non-contiguous parcel where an identity of interest exist between the buyer and seller.

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6. Environmental Requirements

A. General

On-site and off-site specific environmental concerns identified in an environmental study are to be considered in the context of the criticality of the housing to be provided. DCA shall consider the public benefits of the housing and then weigh the benefits against the costs to mitigate the hazard, the potential health risks, and other financial and public policy implications. The project will not pass Threshold until all environmental matters are resolved in a manner satisfactory to DCA, in its sole and absolute discretion.

For Scattered Site Projects, the environmental requirements must be met for each noncontiguous parcel.

B. Environmental Study

A Phase I environmental study must be prepared in accordance with the DCA Environmental Manual contained in the Application Manual and must be included in the Application. The Applicant and the Qualified Environmental Professional must sign the environmental certification form and include it in the Application. This Phase I Environmental Study should fully address all recommendations of the consulting environmental engineer, and all such recommendations, including Phase II environmental studies (if required) or any additional testing, must be completed at the time of Application Submission.

The Phase I (and Phase II where required) Environmental Study must have been conducted within six (6) months of the Application Submission. If an Environmental Study was completed prior to this six-month period, a copy of this earlier Environmental

Study (and any others that are available) must be included in the Application along with a new Environmental Study.

C. Flood Plains/Floodways

(1) Tax Credit Rehab Projects. Applications that propose the rehabilitation of existing buildings located in the 100-year flood plain/floodway, will meet Threshold criteria, only under the following conditions:

- An Architectural Conceptual Site Development Plan that clearly defines the areas of floodplain/floodway in relation to all site improvements, including buildings, paving, and site amenities, must be submitted with the Application. The Plan must clearly show where all development and incidental development lies in relation to the floodplain/floodway.
- All areas of floodplain/floodway must be documented by the FEMA map for the areas in which the site is located, regardless of whether the proposed site for development appears to be located in a floodplain/floodway and must be included in the Application. The boundaries of the proposed site for development must be delineated on the FEMA map.
- The lowest existing floor elevation of each building in the flood plain must be at least 6" above the FEMA designated floodplain/floodway elevation. Documentation must be submitted to clearly demonstrate existing conditions and should include a land survey indicating the location of the existing buildings, existing floodplain/floodway, elevation of existing floodplain/floodway, elevation of lowest floor level in existing buildings and FEMA elevation of the existing floodplain/floodway. In addition, site improvements must be made to protect the building(s) from flood damage.

(2) Other projects. For all other projects, building in the flood plain will be permitted only if the following conditions are met:

- An Architectural Conceptual Site Development Plan that clearly defines the areas of floodplain/ floodway, in relation to all site improvements, including buildings, paving, and site amenities, must be included in the Application.
- A FEMA map for the area in which the site is located, regardless of whether the proposed site for development appears to be located in a floodplain/floodway, must be included in the Application. The boundaries of the proposed site for development must be delineated on the FEMA map.
- All areas of floodplain/floodway must be documented by the FEMA map for the areas in which the site is located. The proposed site for development must be located on that map.
- The qualified Environmental Professional or Engineer must include an opinion as to whether or not the proposed project will impact any floodplain or floodway.
- The qualified Environmental Professional or Engineer must document mitigation for impacts to existing floodplains/floodways planned for development, and include consideration of alternative locations for the development.
- A FEMA Conditional Letter of Map Amendment (LOMA) or Letter of Map Revision-Based on Fill (LOMR-F) must be obtained for the property that shows that the property is eligible for reclassification out of the floodplain/floodway area and submitted at the time of application. A final Letter of Map Amendment (LOMA) or Letter of Map Revision-Based on Fill (LOMR-F) from FEMA along with

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an elevation certificate and all other information to document the reclassification must be provided to DCA at the completion of the project, or evidence that the property is eligible for flood insurance and that such insurance will be in place if awarded funding from DCA.

(3) HOME Projects and projects that have other HUD funded sources including but not limited to PBRA. For applications requesting HOME funds the following requirements must also be met:

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- An Architectural Conceptual Site Development Plan that clearly defines the areas of floodplain/floodway in relation to all site improvements, including buildings, paving and site amenities, must be included in the Application.
- The qualified Environmental Professional or Engineer must include an opinion as to whether or not the proposed project will impact any floodplain or floodway.
- The qualified Environmental Professional or Engineer must document mitigation for impacts to existing floodplains/floodways planned for development, and include consideration of alternative locations for the development.
- Documentation that the Applicant has published the required notices and met the requirements of the Eight Step Flood Management process set forth in 24 CFR §55.20.

D. Wetlands

Generally, DCA does not allow the disturbance of wetlands in excess of one tenth (1/10th) of one acre or streams in excess of 100 feet for any project. However, if the proposed development will disturb more than one tenth (1/10th) of one acre or more than 100 feet of stream, DCA will accept USACE (Corp. of Engineer) approval of the proposed development where such approval is provided at the time of Application Submission and is evidenced by an approval letter, the USACE approved site plan & engineering drawings and the appropriate USACE permits.

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No buildings paving, site amenities, or other improvements are to be located in any wetlands or cross and streams under any conditions without the express approval of DCA and the Corp of Engineers wetland permit has previously been obtained.

The following documentation of the existence of wetlands/streams must be included in each Application:

- An Architectural Conceptual Site Development Plan that clearly defines the areas of wetlands and/or streams in relation to all site improvements, including buildings, paving, and site amenities, and indicating the acreage of wetlands that will be disturbed by the proposed project must be included in the Application.
- A U.S. Fish and Wildlife Service National Wetlands Inventory map for the area in which the site is located, regardless of whether wetlands appear to be located on the proposed, must be included in the Application. The boundaries of the proposed site for development must be delineated on the USFWS map.
- The site reconnaissance must include observation of any and all wetland areas on the property.
- If wetlands are suspected on the site either through the site reconnaissance or the examination of the NWI map, a wetlands delineation, performed in accordance with

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all federal and state guidelines, including an official jurisdictional determination issued by the USACE, must be included in the Application.

For applications requesting HOME funds or which have other HUD funds listed as sources, including but not limited to PBRA, the following **additional** requirements must be met:

- The qualified Environmental Professional or Engineer must document mitigation for impacts to any existing wetlands area(s) planned for development, and include consideration of alternative locations for the development.
- Documentation that the Applicant has published the required Notices and met the requirements of the Eight Step Wetlands Management process set forth in 24 CFR Section §55.20

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E. State Waters/Streams/Buffers & Setbacks

The Environmental Professional must render an opinion as to whether State Waters are located on the subject property using EPD's Field Guide for Determining the Presence of State Waters That Require a Buffer. DCA recommends that the Local Issuing Authority as determined by the EPD make the final State Water determination and, if permitted, include a letter in the Application.

Documentation of the existence of State Waters in the form of an Architectural Conceptual Site Development Plan that clearly defines the State Waters in relation to all site improvements, including buildings, paving, and site amenities, and includes the delineation of all buffers required by state and local jurisdictions must be included in each Application.

DCA does not allow for the disturbance of Streams in excess of one hundred (100) linear feet (See Section 6 (D), Wetlands).

All applicable buffers or setbacks that must be located on the subject property must be identified and discussed. No project will be accepted for any DCA funding or approved for tax credits (including HOME funds) if it contemplates any land-disturbing activity in any required buffer area unless an appropriate variance(s) or exemption(s) have been applied for and received from all appropriate agencies with jurisdiction over such buffers, and documentation of such variance(s) or exemption(s) is included in the Application.

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Asbestos Containing Materials (ACM)¶

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F. Lead Based Paint (LBP)

For all existing properties to be rehabilitated under DCA programs and built prior to 1978, a survey of LBP must be included in the environmental study. The investigation must be completed according to EPA and HUD guidelines on properties that fall under the requirements of these agencies. If such materials exist on the properties the Qualified Environmental Professional must include recommendations for the management of these materials, or abatement, if necessary, according to all EPA and HUD guidelines.

G. Asbestos Containing Materials (ACM)

An asbestos survey must be performed on all buildings scheduled for demolition or renovation regardless of when they were constructed. The investigation must be completed according to EPA and HUD guidelines on properties that fall under the requirements of these agencies. If such materials exist on the properties the Qualified Environmental Professional must include recommendations for the management of these materials or abatement, if necessary, according to all EPA and HUD guidelines.

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H. Water Leaks, Mold & Lead in Drinking Water

For all existing properties to be rehabilitated under DCA programs, a survey of water leaks, mold and testing for lead in drinking water must be completed according to EPA and HUD guidelines as applicable on properties that fall under the requirements of these agencies. If such conditions and/or materials exist on the properties the Qualified Environmental Professional must include recommendations for the elimination, removal or remediation of these conditions and/or materials according to all EPA and HUD guidelines, as applicable.

I. PCB's

For all construction applications, documentation must be submitted according to the requirements of the Environmental Manual.

J. Radon

For all Applications, the radon zone must be noted in the environmental study along with the Georgia Radon Map. For Applications that propose the rehabilitation of existing properties, radon testing within the existing buildings, according to EPA guidelines is required and the results must be included in the environmental study.

K. Noise Requirements

For all Applications, properties must meet the DCA requirements for sound. For HUD funded projects, properties must meet HUD Noise requirements as well. Applicants must provide evidence that the property meets these requirements. (Please refer to the DCA Environmental Manual for comprehensive information on DCA and HUD Noise Policies). DCA requires a Noise Analysis according to the requirements of the HUD Noise Analysis Guide (NAG) if the Owner Environmental Questionnaire & Disclosure Statement, Part B, indicates that there is a major road/highway/freeway within 1,000 feet, a railroad within 3,000 feet or an airport (depending on classification) within 5 – 15 miles. The Environmental consultant must provide an opinion on the results of such study, and the report must contain a complete mitigation plan for remediation of sound levels above the HUD or DCA Limitations. The DCA and HUD Noise Limitations must be met at 45dB for interior locations and 65dB for exterior locations. All mitigation costs for sound must be included in the construction development budget. Absent a DCA waiver, a selected project cannot exceed 75dB of exterior noise.

L. Additional Environmental Requirements for HOME/HUD funded Projects, including but not limited to PBRA

The Applicant, as outlined in the HOME/HUD Environmental Questionnaire, must complete additional requirements for HOME/HUD funded projects at the time of

Application Submission, including, but not limited to, the Eight-Step process and HUD publication procedures.

• **Eight-Step Process:** Projects located within a flood hazard area or designated wetland are subject to Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands) respectively. HUD's implementing regulations at 24 CFR Part 55 -- "Floodplain Management" prescribe measures for protecting floodplains, and when amended, for protecting wetlands. Under the provisions of these Executive Orders, HUD must avoid financial support for covered activities, unless it can demonstrate that there are no practicable alternatives outside the floodplain or wetland. Therefore, if jurisdictional wetlands will be filled or impacted and/or construction and landscaping activities will occupy or modify a floodplain/floodway, documentation that the Eight-Step process has been followed as mandated by 24 C.F.R. § 55.20 for wetlands and floodplains must be provided as a part of the HOME and HUD Environmental Questionnaire. The decision making process for compliance with this part contains eight steps, including public notices and an examination of practicable alternatives. The steps to be followed in the decision making process are outlined in the 2009 Environmental Manual. Documentation of the Eight-Step process must be submitted at Application.

• **HUD Environmental Clearance & Publication Requirements:** The Georgia Department of Community Affairs, as the responsible entity (RE) referred to in 24 CFR § 58.43, Environmental Review Procedures for Entities Assuming HUD Responsibilities, is responsible for undertaking environmental reviews for proposed HOME projects. In this capacity, DCA must ensure that the environmental review process is satisfied before certain HUD funds are committed to specific projects. Prior to 2007, DCA had received an exemption from some of the publications procedures, namely DCA was not required to wait for final environmental clearance from HUD before the releasing HOME funds. However commencing with the 2007 funding round, environmental reviews must be completed and submitted to HUD before HOME funds are firmly committed. Therefore, when initial awards of HOME funds are announced, DCA will publish notices of its intent to allocate HOME funds in local newspapers in the proposed project's areas. After comments, if any, have been received, HUD will review the comments to determine if there has being a finding. Once that process is complete and there has been no finding, DCA will seek HUD's approval of its commitment of HOME funds to the proposed project. In order to ensure that the environmental review process is not challenged Owners and/or Developer of proposed projects must, once applications are submitted, refrain from undertaking activities that could have an adverse environmental impact prior to the receipt of an environmental clearance letter from DCA removing the stipulated conditions. Such activities include: acquiring, rehabilitating, converting, leasing, repairing, or constructing property. As a result, an Applicant can not commit or expend HUD or non-federal funds until the environmental review process has been completed.

For Scattered Site Projects, the environmental requirements must be met for each noncontiguous parcel.

7. Site Control

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¶ **HUD Environmental Clearance & Publication Requirements:** The Georgia Department of Community Affairs, as the responsible entity (RE) referred to in 24 CFR § 58.43, Environmental Review Procedures for Entities Assuming HUD Responsibilities, is responsible for undertaking environmental reviews for proposed HOME projects. In this capacity, DCA must ensure that the environmental review process is satisfied before certain HUD funds are committed to specific projects. Prior to 2007, DCA had received an exemption from some of the publications procedures, namely DCA was not required to wait for final environmental clearance from HUD before the releasing HOME funds. However commencing with the 2007 funding round, environmental reviews must be completed and submitted to HUD before HOME funds are firmly committed. Therefore, when initial awards of HOME funds are announced, DCA will publish notices of its intent to allocate HOME funds in local newspapers in the prop (... [53]

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Site control must be in the form of (1) a warranty deed that conveys title to the subject property to the current General Partner or proposed LP or 2) a legally binding contract to purchase the proposed project site in the name of the General Partner or proposed LP (or which provides for an assignment to the General Partner or proposed LP), or (3) a binding long-term ground lease or an option for a binding long-term ground lease, with a minimum term of forty-five (45) years. For competitive applications, contracts must be executed prior to Application Submission deadline, must include a legal description of the property and must provide legal control of the site to the proposed General Partner or proposed LP at least through September 30, 2009. Site control must be in place through estimated bond closing date for a 4% tax credit project.

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In the event the contract provides the Applicant with the option to renew the contract for specific periods of time, with the initial period ending prior to September 30, 2009, the renewal option in such contract must be enforceable by the Applicant until September 30, 2009. A copy of a recorded warranty deed or a fully executed contract must be submitted with the Application. All Contracts evidencing site control must meet the specifications set forth in the Manual.

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For Scattered Site Projects, evidence of site control is required for each non-contiguous parcel.

8. Site Access

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All sites proposed for development must be legally accessible by paved roads. The Application must include the appropriate drawings, survey or other documentation that reflects such paved roads. If such paved roads are not in place at the time of the Application Submission, documentation evidencing a local commitment for funding and the timetable for completion of such paved road must be included in the Application. This restriction does not apply to private driveways accessing only the proposed project through property that is not part of a proposed site. However, if the use of such a private drive is proposed, site control of the private drive must be documented by proof of ownership or by a properly executed easement on the private drive, and the plans for paving the private drive, including associated development costs, must be adequately addressed in the Application.

For Scattered Site projects, each non-contiguous parcel must meet the above criteria.

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9. Site Zoning

Zoning must be in place on or before the Application Submission deadline. Zoning of the development site must conform to the site development plan and must be confirmed, in writing, by the authorized Local Government official. The letter from the authorized Local Government official must be included in the Application. The letter must include the zoning and land use classification of the property and be accompanied by a clear explanation of the requirements and all conditions of these zoning and land use classifications. If the project is requesting HOME or HUD funds, the Local Government official must also comment on whether the project will include the development of prime or unique farmland (Please see the HOME and HUD Environmental Guidance for additional information). If the Local Government does not have or enforce a zoning

ordinance, the Applicant must include a letter from a local government official to that effect.

The Applicant must provide documentation that demonstrates that the site layout conforms to any moratoriums, density, setbacks, or other imposed requirements of the Local Government. This documentation must be demonstrated on the Architectural Site Conceptual Development Plan either graphically or in written form.

It is the responsibility of the Applicant to ensure that all issues and questions surrounding the zoning and land use classification of a proposed site are clearly defined prior to Application Submission. Any unclear or unresolved issues of zoning and land use could result in Threshold failure of the Application.

For Scattered Site Projects, site zoning requirements must be met for each noncontiguous parcel.

10. Operating Utilities

Required project operating utilities (gas and electric service), as applicable, must be available to the proposed development site as of the Application Submission. To be considered "available" for the purposes of this section, all easements necessary for the utility providers to extend utilities to the property, and commitments from the utility providers to extend utilities to the property must be secured at the time of Application submission. Evidence of such easements and commitments from the utility provider must be included in the Application.

The Application must include a letter from the appropriate utility company confirming the availability and capacity of operating utilities at the proposed development site. The letters must be on letterhead, bear signatures from the appropriate utility companies must be included in the Application. Any charges for the off-site extension of utility services are not eligible for funding as project costs under the funding resources in the Plan. The requirements for Operating Utilities must be met for each non-contiguous parcel or each non-contiguous multifamily property.

Operating utilities cannot be contingent on annexation of the property, improvement of infrastructure or funding to the utility provider from an outside source. Verification of the annexation and improvements must be submitted with the Application. Any unclear or unresolved issues regarding operating utilities may result in Threshold failure of the Application.

For Scattered Site Projects, operating utilities requirements must be met for each noncontiguous parcel.

11. Public Water/Sanitary Sewer/Storm Sewer

Public water and sewer service must be available at the proposed development site as of the Application Submission. To be considered "available" for the purposes of this section all easements necessary for the water and sewer authorities to extend the existing water and sewer services to the project, and commitments from the water and sewer authorities to extend the existing water and sewer services to the property must

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be secured at the time of Application Submission. Evidence of the easements and commitments from the water and sewer authorities must be included in the Application. A commitment can be subject only to conditions within the control of the Applicant. Letter(s) from the local public water and sewer authorities must document the availability and capacity of the existing public water and sewer service to the site. These letters from the appropriate public water and sewer authorities must be on letterhead and be included in the Application. Any charges for the extension of off-site services are not eligible for funding as project costs under the funding resources in the Plan. Public water and/or sewer availability cannot be contingent on the construction of a water/sewer system, annexation of the property or funding to the utility provider from an outside source. Verification of the annexation and improvements must be submitted with the Application. Any unclear or unresolved issues regarding the public water/sanitary sewer/storm sewer may result in threshold failure of the Application.

Applicants may request a waiver of these requirements for the development of single family detached units located in rural areas where no existing public water or sewer systems are available. Waivers will only be considered where each single family home is served by a separate system. No shared systems will be permitted and the waiver request must be accompanied by an engineering report confirming the availability of water and the percolation of the soil. The report must provide an opinion on the suitability of the location to make these options a viable alternative.

For Scattered Site Projects, public water/Sanitary Sewer/Storm Sewer requirements must be met for each noncontiguous parcel.

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12. Required Amenities

A. Standard Site Amenities

All properties must include the following on-site amenities:

- A community room or building.
- An exterior gathering area such as a gazebo or exterior covered porch located in a central area.
- An on-site laundry (1 washer and 1 dryer per every 25 units). If washers and dryers are installed and maintained in every unit at no additional cost to tenants, an on-site laundry is not required.

All the above amenities, with the exception of the on-site laundry, must be available to the tenants at no additional charge. Phased projects must include these amenities on the project site for each phase.

B. Additional Site Amenities

All properties must include Additional Site Amenities. These amenities must be selected by the Applicant based on the total residential unit count of the proposed project.

- Projects with 50 or fewer units must pick 4 Additional Site Amenities.
- Projects with more than 50 to 100 units must pick 5 Additional Site Amenities.
- Projects with 101 units or more must pick 6 Additional Site Amenities.

(Projects which are part of a master planned community in which there are shared amenities should contact DCA prior to Application submission to determine the number of amenities that must be included on the new phase. DCA will consider the proximity and quality of the shared amenity in determining whether the amenities located on the phase can be reduced.)

DCA Approved Amenity List

- Attractively fenced community gardens
- Equipped soccer field
- Tennis court
- Equipped walking path with exercise stations or sitting areas
- Equipped playground
- Covered pavilion with picnic/barbecue facilities to encourage community or family reunion type functions
- Furnished Children's Activity center
- Furnished Library
- Equipped Computer Center
- Furnished Exercise/Fitness Center
- Swimming Pool
- Complete built-in fire sprinkler system in every unit and the community center, including an exterior audio and visual alarm system
- Other amenity as approved by DCA prior to Application Submission

C. Unit Amenities

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All units must include the following:

- HVAC systems
- EnergyStar refrigerators
- EnergyStar dishwashers
- Stoves
- Powder-based stovetop fire suppression canisters installed above the range cook top

D. Additional Requirements and Amenities for Senior projects (Elderly and Housing for Older Persons)

- Elevators must be installed for access to all units above the ground floor
- Buildings more than two story construction must have interior gathering areas in several locations in the lobbies and/or corridors
- 100% of the units must be accessible and adaptable, as defined by the Fair Housing Amendments Act

All amenities must meet the criteria set forth in the Amenities Guidebook. Consideration will be given to additional amenities proposed by the Applicant prior to application submission. Proposals must include a detailed description of the amenity following the description format of the Amenities Guidebook and must include justification of the appropriateness of the option for the targeted population.

Applicants must enter all selections in the Threshold Criteria tab on the Application Form.

For Scattered Site Projects, required amenities must be met for each noncontiguous parcel unless a waiver is granted by DCA.

13. Physical Needs Assessment (Rehabilitation Projects Only)

For rehabilitation projects only, a Physical Needs Assessment (PNA) must be included in the Application, and prepared in accordance with instructions set forth in the Physical Needs Assessment Guide in the Architectural Manual.

- This assessment must be completed no more than six (6) months prior to the Application Submission.
- The submission must include a statement from the consultant completing the PNA that the report is a true and accurate representative of the conditions as they exist on the property.
- The PNA must be prepared by an **unrelated third party entity**. Please refer to the instructions as set forth in the Architectural Guide.
- The PNA must include a narrative and must identify in that narrative the current condition of all major structural and other components at the property including but not limited to framing, flooring, balconies, roofs, heating and air conditioning systems, unit attic fire separation, sewer and water systems, electrical systems, windows, doors and all issues of health and safety existing on the property. The narrative must clearly identify all major structural building code and fire separation discrepancies existing issues at the property.

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- The PNA must include an Immediate Needs work scope to correct the issues and replace the components identified in the narrative. A cost estimate must also be included for these identified immediate needs. Immediate needs must also include the replacement of all minor components with less than five years expected useful life and all major components with less than 15 years useful life.
- The PNA must include a 20 year replacement reserve study with no expenditures indicated within the first 5 years. (Any expenditure in the first five years must be included in the operating or unit turnkey budgets.)
- The application for rehabilitation of an existing property should propose either a “wholesale” or “piecemeal” rehabilitation work scope for the property. A “wholesale” rehabilitation is one where the established work scope submitted in the application is identical in all units and buildings on the property, and meets the DCA requirements as delineated in the Architectural Guide in the Application Manual. A “piecemeal” rehabilitation scope of work differs for each unit within the proposed project according to its condition. .
- An application for rehabilitation of an existing property that proposes a piecemeal work scope must be supported by a complete unit by unit assessment of the property and buildings. The proposed work scope must include a matrix on a unit by unit basis identifying all work to be completed in each unit and on the property.
- In all cases, unit fire separation must be addressed and included in the work scope. The fire separation must include at a minimum attic draft and fire separation, rated party walls and floor/ceiling components and caulking of all penetrations in the fire assemblies. Fire separations that do not meet current codes will not be ‘grandfathered’ in, and DCA requires these upgrades whether or not local codes require the modifications.
- A comprehensive work scope with budgeted construction costs including all immediate needs identified in the PNA and all proposed work to meet the application and scoring requirements must be included in the same tab with the Physical Needs Assessment. This comprehensive work scope should be completed by the Owner/Applicant, Architect and Contractor. DCA must be able to determine that all major issues identified in the PNA and Environmental Reports are included in the work scope and construction budget.

• For historic properties, the PNA must include identification of significant character-defining features and finishes and provide recommendations for retaining these features as part of the rehabilitation

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The completed construction must meet the DCA guidelines for quality and longevity. Refer to the Architectural Guide in the Application Manual for DCA construction requirements and refer to this Appendix for further information on Project Feasibility and Viability Analysis when considering the rehabilitation of an existing property.

In the event DCA determines that the PNA does not address a major structural issue, Building Code, health, safety and/or marketing issues, DCA reserves the right to perform its own PNA and the Application may fail this Threshold requirement. Applicants must request a waiver from DCA to amend or update the PNA Report or comprehensive work scope after the Application Submission date.

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For Scattered Site Projects, Physical Needs Assessment requirements must be met for each noncontiguous parcel.

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14. Site Information and Conceptual Site Development Plan

A Conceptual Site Development Plan must be included in the Application, and prepared in accordance with instructions set forth in the Architectural Manual: The Conceptual Site Development Plan must include the following:

- Easements to be defined and indicated on plan;
- Wetlands, floodplains, and state waters located with areas of disturbance calculated for the Wetlands;
- Use of all adjacent properties clearly defined both graphically and in written form;
- Zoning setbacks and restrictions graphically indicated;
- Indication of all existing structures, tanks, slabs and any other improvements existing on the property;
- Indication of any other items, physical or otherwise that would affect the development of the subject property;
- Indication of the entrance access to the property and a layout of all buildings, roads, and parking areas defined all site development amenities; and,
- All site amenities indicated in the Scoring Criteria on the Application Form must be located on the site plan;
- All areas of tree and vegetation preservation must be defined.
- Architect of record must include statement that all designs will meet all Federal and State Accessibility requirements.

DCA does not require an ALTA Survey for purposes of developing the conceptual site development plan.

Waivers for variances from any architectural standard in the Architectural Manual must be submitted to DCA no later than 60 days prior to the Application Submittal.

For Scattered Site Projects, Site Information and Conceptual Site Development Plan requirements must be met for each noncontiguous parcel.

15. Building Sustainability

All completed properties must achieve a minimum standard for energy efficiency and sustainable building practices. At minimum, all units at all projects must comply with the following:

- Georgia Energy Codes (including all provisions for glazing performance, air leakage, moisture control, insulation, equipment efficiency, duct and building enveloping sealing) (Historic properties may apply for an exemption when compliance means loss of historic character-defining features and finishes)
- Low VOC wall and floor finishes
- Water heaters: Energy Factor .62 for gas or .93 for electric
- EnergyStar appliances (refrigerators, dishwashers, washing machines provided by owners in units)

The final construction documents must clearly indicate all components of the building envelope and all materials and equipment that meet these requirements. Refer to the Architectural Manual for additional information on basic design, appliances, and equipment

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In addition, each project must certify to achieving minimum standards of sustainability as outlined in the Exhibit A to Appendix I Building Sustainability Certification. The Building Sustainability Certification must be submitted with the Step II architectural documents submission (due 90 days after carryover allocation) detailing how the minimum standard will be achieved. These standards are outlined at application but required only at Step II architectural documents in order to allow developers sufficient time to collaborate with the project architect after award to determine the best options for each individual project.

16. Accessibility Standards

All projects funded under the Plan must meet the following accessibility standards at the time of project completion:

- All projects that receive allocations or funding under the Plan must comply with all applicable Federal and State accessibility laws including but not limited to: The Fair Housing Amendments Act of 1988, Section 504 of the Rehabilitation Act of 1973, and Americans with Disabilities Act, Georgia Fair Housing Law and Georgia Access Law. When two or more accessibility standards apply, the applicant is required to follow and apply both standards so that a maximum accessibility is obtained, and
- All applicable DCA accessibility requirements detailed in the Architectural Standards of the 2009 Architectural Manual.

Fair Housing Amendments Act:

All projects are required by law to meet the handicap-accessibility standards outlined in the Fair Housing Laws, including the Federal Fair Housing Amendments Act of 1988 (the "Act"). The law provides that failure to design and construct certain residential dwelling units to include certain features of accessible design will be regarded as unlawful discrimination.

The Americans with Disabilities Act:

All projects are required by law to meet the handicap accessibility standards outlined in the Americans with Disabilities Act (ADA). The law provides that failure to design and construct certain public accommodations to include certain features of accessible design will be regarded as unlawful discrimination. ADA Legislation was passed in July 1990 and became effective on July 26, 1992. Title II deals with non-discrimination on the basis of disability by public accommodations and in commercial facilities. Public accommodations include all new construction effective January 26, 1993 and impacts any rental office, model unit, public bathroom, building entrances, or any other public or common use area. Existing public accommodations must be retrofitted or altered beginning January 26, 1992, unless a financial or administrative burden exists. The ADA guidelines do not impact residential units, since these are covered under Fair Housing and Section 504 laws

Georgia Accessibility Standards:

All projects are required by law to meet the handicap accessibility standards as outlined in the Georgia Fair Housing Act and Georgia Access Law. The design and construction guidelines are enforced by state and/or local building code officials. Compliance with these guidelines is mandatory in order to receive a Certificate of Occupancy for the proposed development

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For further guidance please go to:

<http://www.dca.state.ga.us/housing/HousingDevelopment/programs/AccessibilityStandards.aspx>

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Regardless of whether a project anticipates using federal funds as a funding source, all proposed projects must include the following DCA requirements:

- At least 5% of the total units (but no fewer than one unit) must be equipped for the mobility disabled, including wheelchair restricted residents; and
- At least an additional 2% of the total units (but no fewer than one unit) must be equipped for hearing and sight-impaired residents.

The same unit cannot be used to satisfy the 5% and 2% requirement.

Each project is required to choose a DCA Qualified consultant to monitor the project for accessibility compliance. A list of consultants will be posted by April 15, 2009. The consultants must inspect the project at least 3 times during construction, presumably to monitor grading operations, framing, and final compliance. DCA must be provided each report. Projects must supply a certificate of compliance issued by the consultant prior to issuance of 8609s or final HOME funds disbursement, whichever is later.

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Any exemptions to the applicable federal, state and local accessibility laws must be supported by a legal opinion that supports such exemptions. In addition, DCA will review requests for exemptions from the DCA Accessibility Standards set forth in the Accessibility Standards section of the Application Manual.

Applicants must enter all selections in the Threshold Criteria tab on the Application Form.

For Scattered Site Projects, the 5% and 2% requirements are applicable to the project as a whole; however, distribution of the units must be across the non-contiguous parcels.

17. Architectural Design & Quality Standards

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All applications must meet the Architectural Standards contained in the Architectural Manual for quality and longevity. The standards are intended to promote the integration of new construction/rehabilitation into the existing community and to promote sustainable design and the protection of resources. The marketability of the property and appearance of the site are important components in the final product.

A. Constructed and Rehabilitation Construction Hard Costs

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DCA will review the type of construction and associated hard construction costs. Applications for the rehabilitation of a substandard property will not be funded if, in the opinion of DCA, the rehabilitation will not result in improved, safe and decent long-term housing, the proposed rehabilitation does not meet DCA standards, or if new construction would be more appropriate. A similar review of project financial feasibility and economic viability will be conducted for all Applications proposing new construction

to ensure that each project's construction hard costs will produce high quality housing for the targeted tenant market.

The minimum review standards for rehabilitation projects are as follows:

- The expected life of the completed property must exceed by five years the greater of the Compliance Period or the Period of Affordability; and
- All construction must meet the requirements set forth in the Manual.
- Rehabilitation projects will be considered for funding only if the average per unit rehabilitation hard costs equal or exceed \$20,000 for properties 20 years old or less and the average per unit rehabilitation hard costs equal or exceed \$25,000 for properties that exceed 20 years old.
- The total hard cost of any rehabilitation project must not exceed 90% of the as-completed unrestricted appraised value of the property.
- The costs of furniture, fixtures, construction of community buildings and common area amenities are not included in these amounts.
- DCA may grant a waiver to projects that will not meet the above per unit average rehabilitation hard cost only if the physical needs assessment must clearly document that the existing property does not require a comprehensive rehabilitation. A certification from the architect must also be provided documenting that the proposed work scope is sufficient to ensure that the completed project will be viable and meet the DCA Useful Life Requirements. DCA may require as a condition of the waiver, that the financial pro forma clearly provide for the full funding of the capital replacement reserve.

B. Standard Design Options for all projects.

Projects must choose from the standard design options as detailed below and enter each selection in the Threshold Criteria tab of the Application.

1. Exterior Wall Finishes

Select and enter in the Threshold Criteria tab of the Application **one** category from this list:

- Exterior wall faces must have an excess of 40% brick or stone on each of the total wall surfaces. This is applicable to all sides of the buildings including the front wall face, each side's wall face and the rear wall face of the buildings. On all exterior walls the brick/stone must extend to all areas of grass, landscaping and other areas of soil or mulch.
- For the rehabilitation of buildings that are eligible for historic preservation credits, maintain and, if necessary, replace with matching materials, the existing or original exterior finish surfaces including the front wall face, rear wall face and both side wall faces.
- For the rehabilitation of buildings that do not have existing brick or stone in excess of 40% (and are not eligible for historic credits), replace and upgrade the existing exterior finish surfaces on all wall faces including the front wall face, rear wall face and both side wall faces and roofing with a product that provides a 40 year warranty.

DCA may approve, at applicant request, other materials with proven longevity for this category.

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¶ 1. Exterior Wall Finishes¶

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2. Attractive Features

Construction must exhibit attractive features that must be included on all sides and rear of all buildings. Select **two** of the following features and enter in the Threshold Criteria tab of the Application:

- The recreation of existing or missing known historic decorative elements on all sides of existing historic or non-designated buildings. (Note: The addition of conjectural decorative elements is not eligible for this option).
- The addition of decorative elements such as new shutters and ventilation elements for both new and non-historic existing construction.
- The addition of or the redesign of existing covered entries to all buildings and units for both new and existing construction.
- The addition of new or redesign of existing durable attractive stair and railing elements at stairs and porches/patios for both existing and new construction.

3. Major Building Component Materials and Upgrades

For all construction types major building component materials may be upgraded from the minimums as delineated in the Architectural Manual. Select **one** from the following list and enter in the Threshold Criteria tab of the Application:

- Fiber cement siding, hard stucco and/or wood siding for the 60% of exterior wall surfaces not already required to be brick.
- Upgraded roofing shingles, or roofing materials (warranty 25 years or greater).
- Interior package upgrade:
 - Upgraded interior doors with lever hardware (Doors must have paneled facing with superior core construction).
 - Upgraded interior cabinetry. (All wood construction. Exterior finishes may be wood or plastic laminate)
 - Upgraded flooring materials, both carpet and other resilient flooring materials. (All flooring materials must be upgraded to qualify. The installation or restoration of wood flooring with a high impact sealed finish would qualify).

4. Landscaping and Site Design Features

Select **two** landscaping and site design features from the following list and enter in the Threshold Criteria tab of the Application:

- Site entry location(s) delineated with permanent, illuminated entry sign and decorative fence and seasonal plantings
- Freestanding shelters (not included in the amenities requirements), such as mail pickup areas and transportation stops
- Preservation of existing trees and vegetation covering at least 25% of the acreage of the site, and integration of these areas within the new landscaping layout. This must include existing major trees and areas of vegetation within the body of the property as well as that existing at the edges of the property to qualify for this option.
- Where there are no existing trees or vegetation on the property that can be preserved, there must be substantial replanting of trees and integrated vegetation. The trees must be a minimum of two-inch (2") diameter and at a ratio of one tree for

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every 8 units. For properties where the density is greater than 20 units per acre, a ratio of one tree for every 16 units will be acceptable. The trees must be integrated with other areas of planting throughout the property.

Consideration will be given to additional design options proposed by the Applicant prior to application submission. Proposals must include a detailed description of the design option and justification of the appropriateness of the option for the targeted population.

18. Experience and Capacity (Performance)

DCA requires prior successful project experience for the Owner, Developer and Manager of a proposed project. Effective January 1, 2009, a DCA Performance Workbook must be completed for each Owner, Developer and Manager of a project and submitted on or before the Application submission date for Owner, Developer and/or Manager approval. Entities and/or principals that were deemed experienced for the 2008 competitive round do not have to complete a new DCA Performance Workbook provided there have been no changes in their organizational structure since the initial experience determination and no significant changes in the compliance history for properties. DCA reserves the right to determine, in its sole and absolute discretion, whether an Application meets the criterion of this section. DCA also reserves the right to determine whether the proposed Owner and/or Developer have/has the capacity to successfully complete the proposed development. DCA may consider projects in progress, prior performance in meeting construction commencement, projects with recaptured credits and completion deadlines, as well as the number of outstanding incomplete DCA-funded developments when determining capacity.

A new Experience Entity list and certificates will be issued. The Owner and or Entity must resubmit all of the documentation required pursuant to this section and obtain a new decision as to whether they meet DCA's experience and capacity requirements.

A. Full Disclosure

1. DCA requires complete disclosure of **all** entities and individuals in the Owner and Developer organizational structures.
2. Any relationship between individuals or entities that could constitute a conflict of interest or identity of interest between the parties must be disclosed.
3. Complete organizational charts must be submitted for the Owner and Developer entity that clearly show all principals down to individuals involved in the ownership and development of the project.
4. No change to an Owner or Developer structure can be made without the express consent of DCA.
5. **All** Development sharing fee arrangements must be disclosed. DCA considers all individuals or entities that receive a portion of the Development fee to be part of the Development structure.
6. **All** Guarantee agreements must be disclosed.
7. **All** consulting agreements - direct or indirect, paid or unpaid - shall be disclosed.
8. All projects used to demonstrate successful Owner/Developer experience that were involved in a sale, foreclosure, or negotiated buyout in the last three (3) years must be disclosed.

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9. Any Owner or Developer that has withdrawn or been involuntary removed from a HOME or Tax Credit project in the last thirty-six months must disclose this information to DCA.

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Failure to Disclose or modifying the Owner and/or Development entity without DCA consent may be grounds for withdrawal of funding or allocation of resources and may also affect the participants ability to participate in future funding rounds.

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B. Owner Experience

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1. A proposed project Owner must demonstrate successful Owner experience as follows:

- The Proposed Owner (individual, corporation, or in the case of a limited partnership, the general partner(s) of the Ownership entity) must demonstrate at least three (3) continuous years (development through lease-up) of prior ownership experience in at least two multifamily rental housing projects of similar size (number of dwelling units) to the proposed project. The proposed project must not be more than 25 dwelling units more than the dwelling units of the projects utilized for determining ownership experience.
- Only successful ownership experience that occurred subsequent to January 1, 2002 will be considered under this criterion.
- This Ownership Experience requirement may be met either through the experience of the General Partner entity or through the individual experience of one of the General Partner's principals as set forth below.
- In a non-profit corporation, the executive director's experience will also be considered for purposes of determining whether the non-profit has met the Owner experience requirements.
- A non-profit General Partner may also meet the experience requirements through the experience of a sponsoring non-profit.

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2. For purposes of determining experience, a principal shall be defined as an individual who has a direct or indirect ownership interest in the ownership entity and who will materially participate in the ownership and operation of the project through regular, continuous and substantial involvement.

3. In order for previous project experience to be considered, the principal must show a direct or indirect ownership interest in the Ownership entity of the previous project and that that the principal materially participated in the ownership and operation of the project through regular, continuous and substantial involvement for at least three (3) consecutive years (development thru lease-up).

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4. Previous ownership experience for all projects where there has been a default, fraud, debarment or issuance of a notice of limited denial of participation by any federal or state agency within the last ten (10) years must be disclosed.

C. Developer's Experience

1. A proposed project Developer must demonstrate successful Developer experience as follows.

- The proposed Developer must demonstrate successful development experience in at least two (2) multifamily rental housing projects of similar size (number of dwelling units) to the proposed project. The proposed project must not be more

than 25 dwelling units more than the dwelling units of the projects utilized for the DCA determination of Developer experience. Only successful Developer experience that occurred subsequent to January 1, 2002 will be considered under this criterion.

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- This Developer experience requirement may be met either through the experience of the proposed Developer entity or through the individual experience of one of the Developer's principals as set forth below.
- In a non-profit corporation, the executive director's experience will be considered for purposes of determining whether the Developer has met the Developer experience requirements.
- A non-profit Developer may also meet the experience requirements through the experience of a sponsoring non-profit.

2. For purposes of determining experience, a principal shall be defined as an individual who has a direct or indirect minimum ownership interest in the Developer entity and who will materially participate in the development of the project through regular, continuous and substantial involvement.
3. In order for previous project experience to be considered, the principal must show a direct or indirect ownership interest in the Developer entity of the project and that that the principal materially participated in the development of the project from project inception through construction completion through regular, continuous and substantial involvement.
4. Previous developer experience for all projects where there has been a default, fraud, debarment or issuance of a notice of limited denial of participation by any federal or state agency within the last ten (10) years must be disclosed.
5. In the event an entity undergoes a personnel change which results in the departure of key experienced staff, DCA at its discretion, may require the entity to submit new experience documentation and may determine that previous projects owned and developed under the direct supervision of the departed staff will not be considered in the experience determination.

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D. Management Company's Experience

A proposed project Manager can meet this Threshold criterion by demonstrating successful project Manager experience as follows.

- The proposed Management Entity must demonstrate prior experience in the management of at least four (4) affordable multifamily rental housing projects of similar size (number of dwelling units) to the proposed project.
- To be considered, the manager's experience with a project must extend for at least two (2) years and include project lease up experience and stabilization (90% occupancy within one year of placed in service date).
- Only Management experience that occurred subsequent to January 1, 2002 will be considered under this criterion.
- This Management Experience requirement may be met only through the experience of the Management Entity or through the experience of a principal.

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E. Options for Inexperienced Owners and Developers

1. **Partnering.** An inexperienced Owner or an inexperienced Developer can meet the experience requirements of this section by partnering with an Owner or Developer that meets the DCA experience requirements set forth in paragraphs (A) and (B) of

this section. The applicant must submit the following documentation in order to meet experience through partnering:

- 2009 DCA experience certificate for experienced Owner and/or Developer Partner;
- If the applicant is inexperienced in the Owner category, an executed partnership agreement with a partner that meets DCA Owner experience requirements should be included. The inexperienced partner must be part of the General Partnership entity for the Project. The agreement must describe in detail the responsibilities of both the experienced and inexperienced partner. Both the experienced and inexperienced partner must actively participate in the Ownership responsibilities.
- If the applicant is inexperienced in the Developer category, an executed partnership agreement with a partner that meets DCA Developer experience requirements should be included. The defined relationship of the parties must be co-developers. The agreement must describe in detail the responsibilities of both the experienced and inexperienced partner. Both the experienced and inexperienced partner must actively participate in the Developer responsibilities.
- The partnership must remain in effect until the property is complete and has reached stabilized occupancy for a minimum period of two years through the issuance of IRS Form 8609's and the Conversion of the DCA HOME Loan.
- Each executed partnership agreement must include a training plan providing for the training of the inexperienced partner by the experienced partner in the Ownership and/or development of the project. The training plan must specify that the training services will be provided from project commencement, through construction, lease up, and permanent loan conversion and or issuance of 8609's – whichever is later. Timetables, milestones and projected training hours per week must be included in the plan. The training plan should be attached as an exhibit to the executed Partnership agreement.

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2. **Consulting Agreements.** An inexperienced Owner or an inexperienced Developer that has one project that meets DCA experience requirements can also meet the requirements of this section by retaining an Owner and/or Developer Consultant that meets the DCA experience requirements set forth in paragraphs (A) and (B) of this section. The one property used to meet DCA experience must be in the same area of experience claimed to use an experienced Owner and/or Developer consultant. For example, where an inexperienced Developer has one project that meets DCA experience requirements and the inexperienced Developer acted as a developer only in that one project, that one project can not be used to claim ownership experience for consulting purposes. Owners and developers that have no experience cannot use a consultant to meet experience requirements. Consultants' eligible to contract with inexperienced developers for purposes of meeting experience requirements must have a minimum compliance history score of 5 and must not have any outstanding instances of noncompliance at their own projects. The applicant must submit the following documentation in order to meet Owner and or Developer experience through a consultant:

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- 2009 DCA experience certificate or DCA experience listing for the experienced Owner and/or Developer Consultant
- If the applicant is inexperienced in the Owner category, an executed agreement with a consultant that meets DCA Owner experience requirements should be included. If the applicant is inexperienced in the Developer category, an executed agreement with a consultant that meets DCA Developer experience requirements should be included. The agreement must describe in detail the responsibilities of

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the experienced consultant as well as the inexperienced Owner and/or Developer. Each executed consulting agreement must include a training plan providing for the training of the inexperienced partner by the experienced partner in the Ownership and/or development of the project. The training plan must specify that the training services will be provided from project commencement, through construction, lease up, and permanent loan conversion. In addition, consultants that fail to provide consulting services through the required time period may be prohibited from contracting as a consultant for purposes of meeting DCA Experience requirements in future rounds. Timetables, milestones and projected training hours per week must be included in the plan. The training plan should be attached as an exhibit to the executed consultant agreement.

3. **Waivers.** A proposed Project Owner, Developer or Manager that meets some, but not all, of the DCA experience requirements set forth in paragraphs A, B or C above may request a waiver of the DCA experience requirements. The DCA Waiver Request form, along with the required DCA experience summary, must be submitted to DCA with the time frame specified on Exhibit A (DCA Deadlines and Fees) or, on or no later than thirty (30) days prior to Application submittal for Bond Financed Applications. The granting, or denial of waivers, is in the sole and absolute discretion of DCA. DCA may include limitations with respect to the number and size of projects when waivers are granted. DCA reserves the right to require HOME or tax credit training as a condition of the waiver. DCA only grants waivers in cases where sufficient documentation is submitted that the Owner, Developer or Manager is only short for meeting the requirements by a small margin of time.

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4. **Probationary Participation.**

- (a) A proposed Project Owner that does not meet DCA experience requirements set forth in paragraph A above and who is proposing a development with a majority of units Designated for Targeted Population Tenants may be granted probationary participation even though they are inexperienced provided that a DCA experienced Developer is utilized for the development. Only one project will be allowed under this provision for an Owner. The completion of a probationary period project will be counted towards DCA Owner experience. The Request for Probationary Participation must be submitted during the timeframe designated for Experience waivers in Exhibit A (DCA Deadlines and Fees). The following additional documents must be submitted with the Request:

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- 2009 DCA experience letter or DCA experience listing for the experienced Developer
- An executed agreement with the Developer that describes in detail the responsibilities of the experienced Developer.

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- (b) Proposed Owners/Developers that do not meet DCA experience requirements may submit a request for approval of probationary participation in the competitive round. Request must include the following minimum documentation:

- Conclusive documentation that the Requestor has been employed full time for a Georgia tax credit developer(s) for five years and materially participated in the development of Tax Credit projects.
- Complete Resumes of Requestor documenting all career experience

- Two letters of reference from Tax Credit Syndicators one of which includes the syndicator's expressed intent to partner with the Requestor in the development of a Georgia tax credit project.
- Two letters of reference from experienced Georgia developers
- Completed release to allow DCA to perform a personal credit check and a criminal background check.
- Personal Financial Statement

(c) Approval of 2008 probationary participation remains valid under the 2009 QAP.

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For Scattered Site projects, the experience requirements must be met by the project as a whole.

5. Capacity of Development Team

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(a) Lack of Capacity. DCA requires that both the Ownership and Development team have the capacity to complete and manage any project that receives a tax credit award. In making the determination as to whether a team has the requisite capacity, DCA may determine that the following conditions are indicative of a lack of capacity of the proposed ownership and or development team:

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- Litigation
- Bankruptcy
- Pending foreclosures
- Numerous projects funded that are failing to meet state deadlines for completion
- Insolvency

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The decision that a project team does not have capacity can be made at the entity or principal level.

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19. Threshold Designation of Tier One Developer Capacity

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DCA policy is to encourage the development of tax credit properties by experienced developers with strong financial backgrounds who have shown a commitment to Affordable Multifamily development and can successfully develop proposed tax credit properties within program requirements. Tier one designation is given to organizational entities, and not individual developers. Tier one designation is also not available for turnkey. For the purposes of these points, successfully develop means demonstrating outstanding experience developing/owning affordable housing projects using DCA- and non-DCA affordable housing government funded programs, a history of completing the construction of projects on time and within program requirements and strong financial capacity relative to development exposure. In order to claim these points, developers must agree to an expanded financial and structural review of their organization and experience in developing affordable housing. This review will require a higher level of external substantiation. In determining that an organization is a tier one developer, DCA will review the following:

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- Past experience developing affordable housing using DCA programs. Properties presently in service and those under construction will be considered, and the quality and success of previous developments will be taken into account.

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- DCA will also consider the applicant's technical ability to develop affordable housing development by reviewing the number of successful projects and the complexity of the financial structure of developed projects.
- The number of affordable units completed and the Developer's commitment to the longstanding success of the project and the program.
- The development capacity of the organization to complete construction of all current projects on time and within program requirements and application commitments.
- The financial capacity of the organization to ensure that construction will be completed on time and that work will be guaranteed for quality.
- Documentation of liquidity/working capital sufficient to carry the project through pre-development and net worth sufficient to provide applicable guarantees will be considered in determining the principals' financial capacity
- The financial liquidity and assets which will encourage the successful syndication of allocation credits in a timely manner. The financial viability of its organization as evidenced through successful development of projects.

Tier one developer entities must at a minimum show the following:

- Successful development of no less than 400 units of Georgia affordable housing in which the developer remained in the development for a minimum period of four years from the placed in service date or successful development of no less than 600 units of affordable housing in which the developer remained in the development for a minimum period of four years from the placed in service date
- Excellent credit history of the principals of the development entity
- Financial resources, stability and viability of the organization
- Excellent compliance history in owning and developing affordable housing programs (maximum DCA compliance score).
- Sufficient Liquidity to handle immediate cash needs during the development (\$100,000). Additional liquidity may be required based on DCA's review of the development exposure.
- Sufficient experienced staff to act as project manager for each project under development.
- No outstanding liabilities or judgments which might negatively impact the financial viability of the entity.

To be designated a Tier One development entity, the following documentation must be submitted to DCA:

1. A brief narrative describing the experience of the organization with regard to development of subsidized affordable housing
2. A spreadsheet summary of all projects under construction in any state (or stage of completion), including their present status and expected completion date as well a schedule of projects in the pipeline with anticipated start dates.
3. Full organizational chart, staff roster and resumes of key development staff within the organization, focusing on their affordable housing development experience.
4. A spreadsheet summary of all projects funded in Georgia including their allocation date, placed and placed in service date;
5. A summary of all projects funded in a state other than Georgia including their allocation date, and placed in service date
6. A Credit Bureau report dated after January 1, 2009 for every/all owners and key members of the development entity;

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- 7. Copy of financial statements for fiscal year 2007 and 2006 for the development entity
- 8. Financial statements on key principals.
- 9. Documentation of access to no less than \$100,000 of liquidity by the development entity A positive D&B report ordered by DCA.
- 10. At least two most recent audited fiscal year end financial statements for each project which the developer is using as successful experience for the required unit development
- 11. Certification that the development entity remained in the limited partnership entity for a minimum period of four years from the placed in service date.

20. Compliance History Summary

The principal and entities of each General Partner, Developer, Management Company and Project consultant (used to meet DCA experience requirements) must submit a complete and correct DCA Performance Workbook, as required in the electronic core application. Each Compliance History Summary (CHS) form must list all projects in which an entity or principal has participated in the ownership, development or management in the State of Georgia and in any other state. Compliance audit detail should be completed for only the last three years. In addition, the following documentation must be included in the application as detailed in the Performance Workbook:

- Completed Compliance Questionnaire for each General Partner, Developer, Management Company and Project Consultant.
- Organizational Chart
- DCA Compliance history form executed by other State Housing Agencies pursuant to DCA instructions. In the event an Owner is unable to obtain documentation from another State Housing Agency, written documentation of the attempts should be submitted to DCA. DCA will contact the Agency directly to obtain the required information.

In the event an Applicant fails to provide correct and complete information, DCA may request additional clarification. Clarifications may be utilized to decrease an Applicant's Compliance History score, but will not be used to increase the score.

Note: Internal Revenue Service Form 8821 may be requested by DCA for any Project Participant listed on the Experience Summary or Organizational Chart at anytime during DCA's review of a Project Participant's compliance history.

Owners/Developers and Managers of Tax Exempt Bond projects must also complete these forms. DCA will score each entity in accordance with the scoring requirements set forth in Appendix II. Entities that do not meet DCA minimum scoring requirements will be deemed to have not met this Threshold requirement.

21. Eligibility for Credit under the Nonprofit Set-Aside*

To be eligible for Credit under the nonprofit set-aside:

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¶ The principal and entities of each General Partner, Developer, Management Company and Project consultant (used to meet DCA experience requirements) must submit a complete and correct DCA Performance Workbook, as required in the electronic core application. Each Compliance History Summary (CHS) form must list all projects in which an entity or principal has participated in the ownership, development or management in the State of Georgia and in any other state. Compliance audit detail should be completed for only the last three years. In addition, the following documentation must be included in the application as detailed in the Performance Workbook:¶

¶ Completed Compliance Questionnaire for each General Partner, Developer, Management Company and Project Consultant.¶ Organizational Chart¶ DCA Compliance history form executed by other State Housing Agencies pursuant to DCA instructions. In the event an Owner is unable to obtain documentation from another State Housing Agency, written documentation of the attempts should be submitted to DCA. DCA will contact the Agency directly to obtain the required information.¶

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- The organization must be a qualified nonprofit, defined as a 501(c)(3) or 501(c)(4) organization, which is not affiliated with or controlled by a for-profit organization and has included the fostering of low income housing as one of its tax-exempt purposes.
- The qualified nonprofit(s) must materially participate in the project as described in IRC Section 469(h).
- The qualified non profit(s) must own at least 51% of the general partner’s interest in the proposed project and be the managing general partner of the ownership entity.
- For purposes of this set aside, the term “qualified non profit” includes any corporation if 100 percent of the stock of such corporation is held by one or more qualified non profit organizations at all times during the period such corporation is in existence.
- If the non-profit is also a developer of the project, the nonprofit must receive a percentage of the Developer Fee greater than or equal to its percentage of its ownership interest.
- A copy of the general partnership joint venture agreement that indicates the nonprofit’s general partnership interest and Developer Fee amount must be included in the Application.

Nonprofit organizations applying for Credit under the nonprofit set-aside must include in the Application an opinion of a third party attorney who specializes in tax law on the non-profit’s current federal tax exempt qualification status in accordance with the prescribed format contained in the Manual. If such an opinion has been previously obtained, this requirement may be satisfied by submitting the opinion with documentation demonstrating that the non-profit’s bylaws have not changed since the legal opinion was issued.

For Scattered Site projects, the eligibility for Nonprofit Set-aside requirements must be met by the project as a whole.

22. Eligibility for HOME Loans under the CHDO Set-Aside*

All nonprofits that received an initial HOME commitment as a CHDO and are being considered under the CHDO set aside, are required to submit a copy of the State CHDO pre-qualification/renewal letter in the Application. 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 nonprofit 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.

For Scattered Site projects, the eligibility for HOME CHDO set aside requirements must be met by the project as a whole.

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23. Additional HUD Requirements*

Projects which list HUD funds (HOME, 221 D(3) or D(4), HOPE VI, etc) as a source of construction and/or permanent financing, including PBRA, must meet additional Site and Neighborhood Standards (24 CFR 92.202 and 24 CFR 983.6) and Environmental Requirements as mandated by the HOME regulations. These requirements must be met in accordance with instructions set forth in the HOME Manual and Environmental Manual. However, applicants who have established agreements with HUD regarding different standards of review for site and neighborhood must meet those established standards. A copy of all documents relating to the different standards of review must be included with the application.

For Scattered Site projects, each non-contiguous parcel must meet the additional HOME requirements.

24. Required Legal Opinions

- A. A legal opinion regarding the acquisition Credit eligibility is required for projects involving acquisition and rehabilitation. If the project previously received Credits, the legal opinion should include sufficient documentation for DCA to confirm that the compliance period has ended.
- B. A legal opinion regarding Credit eligibility is required for projects operated as assisted living facilities.
- C. Nonprofit organizations applying for Credit under the nonprofit set-aside must include in the Application an opinion of a third party attorney who specializes in tax law on the non-profit's current federal tax exempt qualification status in accordance with the prescribed format contained in the Manual. If such an opinion has been previously obtained, this requirement may be satisfied by submitting the opinion with documentation demonstrating that the non-profit's bylaws have not changed since the legal opinion was issued.
- D. A legal opinion is required for those projects involving scattered site developments. The legal opinion should address the proposed site plan and must be included as part of the opinion.

For Scattered Site Projects, the non-contiguous parcel for which this criterion is applicable must meet the legal opinion requirements.

25. Georgia Housing Search

Applicants applying selected for funding under the Plan must list all available affordable Housing Units funded by DCA on the Georgia Housing Search website. Georgia Housing Search is a DCA sponsored database that assists Georgia residents in locating available affordable housing units. Each listing must be updated and remain "active" as required by the system. This data base is maintained under the direction of the Georgia Emergency Management Office and under the authorization of the Governor's Office. The Georgia Disaster Relief Task Force also issuing Georgia Housing Search to facilitate the delivery and management of shelter and housing accommodation programs to support displaced citizens during a disaster. At this time, over 100,000 properties are listed. This database should be utilized as a valuable tool for Managers in seeking tenants for low income housing tax credit properties.

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26. Relocation and Displacement of Tenants

For all HOME Loan and Credits projects, the completed and executed tenant household data forms must be submitted with the Application for every unit in each building to be rehabilitated. The Applicant is responsible for the accuracy of the information on the data forms. Applications for HOME Loans that require relocation of existing tenants due to rehabilitation work will be accepted only with a relocation plan (including a sufficient budget) that in the opinion of DCA meets the requirements of the Uniform Relocation Act and any other applicable laws.

Funding sources other than the DCA HOME Loan must be used to finance the relocation costs. Applicants applying for Credits must disclose other funding sources (HOME, USDA 535, etc.) which may trigger URA or 104D requirements. When demolition of any structure occupied or vacant is involved it must be included as part of the relocation plan. For Credits projects, DCA will not allow permanent displacement of tenants, if avoidable. If the Applicant anticipates displacing tenants, the Applicant must include in the Application a detailed displacement plan, which sets forth the specifics of the displacement, including a projected budget, and an explanation of efforts planned by the Applicant to mitigate the impact of the displacement. Any displacement of tenants will be subject to DCA's prior written approval. In instances where tenants are temporary relocated in areas with limited replacement housing the plan must give detail phasing of rehabilitation process. If new projected rents create rent burden tenants, rents must remain affordable one year after cost certification submission.

Applicants must include all documentation required in the DCA Relocation Manual at the time of Application. All forms must be reflective of the current year version; previous years forms will not be accepted. DCA will review the development budget to insure that sufficient cost have been included for relocation expenditures.

In the event condemnation proceedings are pending against a proposed project, DCA's relocation policies are applicable to all tenants residing at the property at the time of application.

Properties that have HOPE VI or other master relocation plans must submit those plans with their Application.

27. Marketing to Special Need Populations

This section is designed to foster development of affordable housing units for tenants with disabilities or homeless populations. Owners must demonstrate a willingness to initiate marketing of units to these populations. Each Applicant must prepare and submit a Marketing Plan outlining how the project will market units to tenants with special needs if the project is selected for funding. At a minimum, Marketing Plans must include:

- (a) A description of how the project will meet the needs of these tenants including access to supportive services, transportation, proximity to community amenities, etc.
- (b) Identify service providers that can provide referrals

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(c) Agree to require management to regularly contact and provide materials to service providers outlining unit vacancy and rents

(d) Owners must demonstrate a willingness to market units to special needs populations and facilitate referrals from partnership with an experienced local service provider.

The Applicant agrees to provide reasonable accommodation for these tenants in the Property Management's tenant application. The leasing criteria must clearly facilitate admission and inclusion of the Targeted Population tenants and must not violate federal or state fair housing laws.

Applicants also must agree to designate these populations as having priority for units with rental assistance if allowable under their rental assistance agreements.

Owners may apply preferences required by state or local law only if they are consistent with HUD and applicable civil rights requirements.

28. Poor Utilization of Resources.

While DCA promotes a variety of projects that may include the re-use of contaminated land, in-fill, adaptive reuse, preservation of affordable housing and historic sites, and will consider mitigation of certain factors inherent in their location, DCA is required to take any actions necessary or convenient to ensure the complete, effective, efficient and lawful allocation of and utilization of the low income housing credit program (2009 QAP, Core Plan, Section 3, Legislative Requirements). Therefore, in spite of a project's score under the Plan, DCA will review any project proposed for reasonableness, which may include a review of the degree to which the use of resources are being directed specifically toward the program goals of providing safe, decent and affordable housing that is also viable physically, operationally and economically over time. In this regard, DCA may evaluate project characteristics, such as, but not limited to, the following to ensure that this mandate is met:

- the level of property deterioration
- property acquisition and rehabilitation cost versus the cost to demolish and build a similar property in the same market area;
- ratio of acquisition costs versus rehab hard costs;
- the effectiveness and aesthetics versus the cost of a mitigation plan;
- the efficient and marketable use of the site, considering size and lay-out, to accommodate the number and type of units and amenities proposed;
- the undue enrichment of any development team member or contractor particularly where there are identities of interest;
- impact on affordable housing stock
- other uses proximate to the site;
- market information generated by or available to DCA; and
- the degree of expertise of the development and management teams with regard to the type of development activity and tenancy proposed.
- Property is already affordable
- Transaction appears to be primarily driven by the transfer of the property

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If DCA determines that the utilization of resources in the proposed application is ineffective or inefficient, or that the applicant is unlikely to be able to develop the project as proposed, or if the project is unlikely to be successful, DCA may, at its sole and absolute discretion, deem the application to have failed the threshold criteria.

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* Not Applicable to Bond Financed Projects
20082009 Qualified Allocation Plan

Appendix I
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, must be covered by deferred developer fee and not by new financing sources. Applicant's may also not request that one line item be reduced in order to increase or add another line item during the threshold clarification period. Credits will be adjusted accordingly for each adjustment.

G. Projects that have a ten year commitment for PBRA will be underwritten utilizing Section 8 rents. However, projects that have a commitment for PBRA that is less than ten years will be underwritten at the maximum tax credit rents and/or HOME rents, as applicable.

H. DCA may require documentation not specifically included in the minimum documentation requirements established in the Plan to verify the reasonableness of development and operating assumptions. DCA is under no duty to clarify or correct Application errors.

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20082009 Qualified Allocation Plan

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Project Feasibility, Viability Analysis, and Conformance with Plan

(Additional policies and requirements can be found in the Core Plan of the

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A. General. In analyzing project economic forecasts, Applicants must use DCA's project economic pro forma assumptions and abide by the

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Appendix I Threshold Criteria

2009 Plan, Appendices, Instructions and the Manual. Rent Standards derived from the most recent AMI, FMR, and UA must be used to determine project rents and rent restrictions. DCA will determine if the application has been submitted in compliance with all application instructions, tab checklist requirements, and QAP requirements for support documentation, necessary to make a full and complete assessment of the proposed project.

Incomplete applications or applications that are submitted and do not comply with submission requirements may be deemed insufficient and may be subject to Threshold failure. For each project that meets all other Threshold criteria, DCA will determine whether that project is financially feasible and may require documentation not specifically included in the minimum documentation requirements established in the Plan.

Project assumptions may be adjusted by DCA to reflect characteristics more representative of the project or its economic environment, including but not limited to, the pricing of the federal and state tax credits. DCA will determine whether an Application is financially feasible in its sole and absolute discretion. DCA's determinations will be final.

Only minor adjustments will be made by DCA to the financial proforma submitted by the Applicant. However, no adjustments (except error corrections) will be made to the following:

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Threshold Criteria

Unit count and/or distribution
Rent structure

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Financing sources (with the exception of DDF to fund any financing gap)
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20082009 Qualified Allocation Plan

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There is currently pending proposed changes to the Internal Revenue Services Rules for Utility Allowances for Tax Credit Properties. DCA reserves the right to make changes to the above rules in the event it determines that such changes are in the best interest of the Program and the tenants. Applicants should check the DCA website for any changes.

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B. Special Needs Project. A Special Needs Project is designed to target the growing need for housing combined with services to address individuals with specific needs with the following populations: Homeless, Elderly, persons with disabilities (mental, developmental), abused spouses and their children, persons with alcohol or other drug addiction, migrant farm workers, and persons living with HIV/AIDS. The following requirements must be met:

Must reserve at least 50% of

The total units affordable to and occupied by the Special Needs Population percentage must be indicated in the Application.

The Projects will be required to submit a Special Needs Housing Plan with the application, which shall include provision by a local human services agency of at least one (1) on-site support coordinator (whose hours should be proportional to number of Supportive Housing units in the Project) to assist residents in the application process, in implementing the tenants' plan for success in permanent housing, and in continuing linkage to supportive services as needed.

The Project must also comply with applicable federal and state law, and subject to the Environmental Review Process. Also,

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Any market information or market study provided by the Applicant will be given to DCA's market analyst. By submitting this information or market study, Applicants are afforded the opportunity to provide input that may be important in the determination of market feasibility.

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2009 core application and instructions. Predeterminations that a project meets market threshold requirements may terminate if a full, completed Application is not submitted within 60 days of the Applicant's receipt of DCA's determination. If an Applicant does not submit his full application within 60 days, then the pre-application will be deemed to have been withdrawn from consideration. If the Applicant elects to submit an Application after that time, the Pre Application market study will be reviewed and updated if necessary. For updated or revised pre-application market studies, any project submitted or selected for funding subsequent to receipt of the initial pre-application must be included in a revised study.

All requests for a DCA ordered market study for 4% tax credits submitted in May through September will need to have all pending 9% tax credit applications considered in demand calculations.

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8 Environmental Manual. Documentation of the Eight-Step process must be submitted at Application.

HUD Environmental Clearance & Publication Requirements: The Georgia Department of Community Affairs, as the responsible entity (RE) referred to in 24 CFR § 58.43, Environmental Review Procedures for Entities Assuming HUD Responsibilities, is responsible for undertaking environmental reviews for proposed HOME projects. In this capacity, DCA must ensure that the

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environmental review process is satisfied before certain HUD funds are committed to specific projects. Prior to 2007, DCA had received an exemption from some of the publications procedures, namely DCA was not required to wait for final environmental clearance from HUD before the releasing HOME funds. However commencing with the 2007 funding round, environmental reviews must be completed and submitted to HUD before HOME funds are firmly committed. Therefore, when initial awards of HOME funds are announced, DCA will publish notices of its intent to allocate HOME funds in local newspapers in the proposed project's areas. After comments, if any, have been received, HUD will review the comments to determine if there has been a finding. Once that process is complete and there has been no finding, DCA will seek HUD's approval of its commitment of HOME funds to the proposed project. In order to ensure that the environmental review process is not challenged Owners and/or Developer of proposed projects must, once applications are submitted, refrain from undertaking activities that could have an adverse environmental impact prior to the receipt of an environmental clearance letter from DCA removing the stipulated conditions. Such activities include: acquiring, rehabilitating, converting, leasing, repairing, or constructing property. As a result, an Applicant can not commit or expend HUD or non-federal funds until the environmental review process has been completed.

For Scattered Site Projects, the environmental requirements must be met for each noncontiguous parcel.

D. Wetlands

Generally, DCA does not allow the disturbance of wetlands in excess of one tenth (1/10th) of one acre for any project. However, if the proposed development will disturb more than one tenth (1/10th) of one acre, DCA will accept USACE (Corp. of Engineer) approval of the proposed development where such approval is provided at the time of Application Submission and is evidenced by an approval letter, the USACE approved site plan & engineering drawings and the appropriate USACE permits.

No buildings paving, site amenities, or other improvements are to be located in any wetlands areas under any conditions without the express approval of DCA and the Corp of Engineers wetland permit has previously been obtained.

The following documentation of the existence of Wetlands must be included in each Application:

An Architectural Conceptual Site Development Plan that clearly defines the areas of wetlands in relation to all site improvements, including buildings, paving, and site amenities, and indicating the acreage of wetlands that will be disturbed by the proposed project must be included in the Application.

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A U.S. Fish and Wildlife Service National Wetlands Inventory map for the area in which the site is located, regardless of whether wetlands appear to be located on the proposed, must be included in the Application. The boundaries of the proposed site for development must be delineated on the USFWS map. If there are wetlands on the site, a wetlands delineation, performed in accordance with all federal and state guidelines, must be included in the Application.

The site reconnaissance must include observation of any and all wetland areas on the property.

For applications requesting HOME funds or which have other HUD funds listed as sources, including but not limited to PBRA, the following additional requirements must be met:

The qualified Environmental Professional or Engineer must document mitigation for impacts to any existing wetlands area(s) planned for development, and include consideration of alternative locations for the development. Documentation that the Applicant has published the required Notices and met the requirements of the Eight Step Wetlands Management process set forth in 24 CFR Section §55.20

E. Lead Based Paint (LBP) and Asbestos Containing Materials (ACM)

For all existing properties to be rehabilitated under DCA programs and built prior to 1978, a survey of LBP and ACM must be included in the environmental study. The investigation must be completed according to EPA and HUD guidelines on properties that fall under the requirements of these agencies. If such materials exist on the properties the Qualified Environmental Professional must include recommendations for the management or abatement of these materials according to all EPA and HUD guidelines.

F. Water Leaks, Mold & Lead in Drinking Water

For all existing properties to be rehabilitated under DCA's programs a survey of water leaks, mold and testing for lead in drinking water must be completed according to EPA and HUD guidelines as applicable on properties that fall under the requirements of these agencies. If such conditions and/or materials exist on the properties the Qualified Environmental Professional must include recommendations for the elimination, removal or remediation of these conditions and/or materials according to all EPA and HUD guidelines, as applicable.

G. PCB's

For all construction applications, documentation must be submitted according to the requirements of the Environmental Manual.

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H. Radon

For all Applications the Radon zone must be noted in the environmental study along with the Georgia Radon Map. For Applications that propose the rehabilitation of existing properties, radon testing within the existing buildings, according to EPA guidelines is required and the results must be included in the environmental study. UPDATE

I. Noise Requirements

For all Applications, properties must meet the DCA requirements for sound. For HUD funded projects, properties must meet HUD Noise requirements as well. Applicants must provide evidence that the property meets these requirements. (Please refer to the DCA Environmental Manual for comprehensive information on DCA and HUD Noise Policies). DCA requires a Noise Analysis according to the requirements of the HUD Noise Analysis Guide (NAG) if the Owner Environmental Questionnaire & Disclosure Statement, Part B, indicates that there is a major road/highway/freeway within 1,000 feet, a railroad within 3,000 feet or an airport (depending on classification) within 5 – 15 miles. The Environmental consultant must provide an opinion on the results of such study, and the report must contain a complete mitigation plan for remediation of sound levels above the HUD or DCA Limitations. The DCA and HUD Noise Limitations must be met at 45dB for interior locations and 65dB for exterior locations. All mitigation costs for sounds must be included in the construction development budget. Absent a DCA waiver, a selected project cannot exceed 75dB of exterior noise.

J. State Waters/Streams/Buffers & Setbacks

The Environmental Professional must render an opinion as to whether State Waters are located on the subject property using EPD's Field Guide for Determining the Presence of State Waters That Require a Buffer. DCA recommends that the Local Issuing Authority as determined by the EPD make the final State Water determination and, if permitted, include a letter in the Application.

Documentation of the existence of State Waters in the form of an Architectural Conceptual Site Development Plan that clearly defines the State Waters in relation to all site improvements, including buildings, paving, and site amenities, and includes the delineation of all buffers required by state and local jurisdictions must be included in each Application.

DCA does not allow for the disturbance of Streams in excess of one hundred (100) linear feet.

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All applicable buffers or setbacks that must be located on the subject property must be identified and discussed. No project will be accepted for any DCA funding or approved for tax credits (including HOME funds) if it contemplates any land-disturbing activity in any required buffer area unless an appropriate variance(s) or exemption(s) have been applied for and received from all appropriate agencies with jurisdiction over such buffers, and documentation of such variance(s) or exemption(s) is included in the Application.

K. Additional Environmental Requirements for HOME/HUD funded Projects, including but not limited to PBRA

The Applicant, as outlined in the HOME/HUD Environmental Questionnaire, must complete additional requirements for HOME/HUD funded projects at the time of Application Submission, including, but not limited to, the Eight-Step process and HUD publication procedures.

Eight-Step Process: Projects located within a flood hazard area or designated wetland are subject to Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands) respectively. HUD's implementing regulations at 24 CFR Part 55 -- "Floodplain Management" prescribe measures for protecting floodplains, and when amended, for protecting wetlands. Under the provisions of these Executive Orders, HUD must avoid financial support for covered activities, unless it can demonstrate that there are no practicable alternatives outside the floodplain or wetland. Therefore, if jurisdictional wetlands will be filled or impacted and/or construction and landscaping activities will occupy or modify a floodplain/floodway, documentation that the Eight-Step process has been followed as mandated by 24 C.F.R. § 55.20 for wetlands and floodplains must be provided as a part of the HOME and HUD Environmental Questionnaire. The decision making process for compliance with this part contains eight steps, including public notices and an examination of practicable alternatives. The steps to be followed in the decision making process are outlined in the

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2009 Environmental Manual. Documentation of the Eight-Step process must be submitted at Application.

HUD Environmental Clearance & Publication Requirements: The Georgia Department of Community Affairs, as the responsible entity (RE) referred to in 24 CFR § 58.43, Environmental Review Procedures for Entities Assuming HUD Responsibilities, is responsible for undertaking environmental reviews for proposed HOME projects. In this capacity, DCA must ensure that the environmental review process is satisfied before certain HUD funds are committed to specific projects. Prior to 2007, DCA had received an exemption from some of the publications procedures, namely DCA was not required to wait for final environmental clearance from HUD before the releasing HOME funds. However commencing with the 2007 funding round, environmental

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reviews must be completed and submitted to HUD before HOME funds are firmly committed. Therefore, when initial awards of HOME funds are announced, DCA will publish notices of its intent to allocate HOME funds in local newspapers in the proposed project's areas. After comments, if any, have been received, HUD will review the comments to determine if there has been a finding. Once that process is complete and there has been no finding, DCA will seek HUD's approval of its commitment of HOME funds to the proposed project. In order to ensure that the environmental review process is not challenged Owners and/or Developer of proposed projects must, once applications are submitted, refrain from undertaking activities that could have an adverse environmental impact prior to the receipt of an environmental clearance letter from DCA removing the stipulated conditions. Such activities include: acquiring, rehabilitating, converting, leasing, repairing, or constructing property. As a result, an Applicant can not commit or expend HUD or non-federal funds until the environmental review process has been completed.

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L. Pre-Application Submittal

Request for approval of Threshold Environmental Requirements including but not limited to Phase I and Phase II reports (as applicable) must be submitted to DCA on or before April 15, 2008 for environmental review and clearance. In the event, an Applicant has not received his completed Environmental documentation by that date, he may request additional time to submit the threshold environmental requirements up to and including submission of the environmental documentation in the application. Once the environmental review is complete, clearance letters will be issued to those projects prior to the application round. All Environmental Threshold determinations made at pre-application will be conditioned on DCA's site visit after receipt of the full application. The Eight-Step process does not have to be completed as a part of the pre-application submittal, but must be submitted at Application. Once the environmental review is complete, clearance letters will be issued to those projects prior to or during the application round. Predeterminations that a project meets environmental threshold requirements will be deemed to have been withdrawn from consideration if the Applicant does not submit his full application on the 2008 Application Intake day.

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For Scattered Site Projects, the environmental requirements must be met for each noncontiguous parcel.

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All the above amenities, with the exception of the on-site laundry, must be available to the tenants at no additional charge. Phased projects must include these amenities on the project site for each phase.

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Additional Site Amenities

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must be provided on a sliding scale according to total number of units in the development as specified below:

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must be provided on a sliding scale according to total number of units in the development as specified below:

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of the following:

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of the following:

Total unit count 51-100, pick 5 of the following:

Total unit count 101 and above, pick 6 of the following:

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Total unit count 51-100, pick 5 of the following:

Total unit count 101 and above, pick 6 of the following

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Projects receiving funding in multiple phases from DCA (subsequent to phase I), regardless of size, pick <u>4</u> of the following:		
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Projects receiving funding in multiple phases from DCA (subsequent to phase I), regardless of size, pick <u>4</u> of the following:		
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Unit Amenities:

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stoves		
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powder-based stovetop fire suppression canisters installed above the range cook top		

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12. Required Amenities

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A. Project Amenities: All properties must include the following on-site amenities:

- a community room or building,
- an exterior gathering area such as a gazebo or exterior covered porch located in a central area,
- an on-site laundry (1 washer and 1 dryer per every 25 units) (If washers and dryers are installed and maintained in every unit at no additional cost to tenants, an on-site laundry is not required.), and
- an equipped recreation area suitable for the proposed tenant base. (The equipped recreation area must be identified in the Threshold Criteria tab on the Core Application form as applicable to the tenancy.)

All the above amenities, with the exception of the on-site laundry, must be available to the tenants at no additional charge. Phased projects must include these amenities on the project site for each phase.

B. Unit Amenities: All units must include the following:
HVAC systems

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efrigerators

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Fire Suppression systems installed above the range cook top

C. Additional Requirements and Amenities for Senior projects (Elderly and Housing for Older Persons)

- Elevators must be installed for access to all units above the ground floor
- Buildings more than two story construction must have furnished interior gathering areas in several locations in the lobbies and/or corridors (these interior gathering areas can not be double counted for Scoring Criteria)
- 100% of the units must be accessible and adaptable, as defined by the Fair Housing Amendments Act of 1988 (waiver may be available for properties built prior to 1991)
- All units must be equipped with an installed call system including a buzzer/bell and light to the exterior

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D. Additional Required Project Amenities for 4% Tax Credit Projects

In addition to the required amenities shown above, tax-exempt bond projects requesting 4% tax credit must choose three of the following project amenities that have not been utilized as a basic amenity:

Microwave

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furnished

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(these interior gathering areas can not be double counted for Scoring Criteria)

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of 1988

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oven in every unit

In-sink disposal in every unit

Built in dishwasher in every unit

Installed call system in all units, including a buzzer and light

High-speed internet access involving a data connection in the living area of each unit that is separate from both the cable TV and telephone connections and that has support from a project-wide network (or a functional equivalent) or a similarly configured project-wide wireless network, AND high-speed internet service with ongoing unlimited usage provided to each unit at either no cost to the tenant or low-cost to the tenant (less than \$15 per month per unit).

Attractively fenced community gardens

Equipped soccer field

Tennis court

Equipped walking path with exercise stations or sitting areas

Retention pond/Fountain

Equipped playground

Covered pavilion with picnic/barbecue facilities to encourage community or family reunion type functions

Furnished Children's Activity center

Furnished Library

Equipped Computer Center (must have high-speed internet access for every computer, and one computer and printer for every 25 units)

Furnished Exercise/Fitness Center

Furnished sitting areas by elevators

Swimming Pool

Complete built-in fire sprinkler system in every unit and the community center, including an exterior

Audio and visual alarm system

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All amenities must meet the criteria set forth in the A

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oven

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Guidebook of the Architectural Manual.

For Scattered Site Projects, required amenities must be met for each noncontiguous parcel.

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meet the Georgia Energy Codes as a minimum including the requirements for window performance, insulation, equipment sizing according to ACCA Manual J heat loss and gain, equipment efficiency, and proper duct sealing measures. Basic design, appliances, and equipment must also meet the requirements of the DCA Architectural Manual. The final construction documents must clearly indicate all components of the insulation envelope and all materials and equipment that meet these requirements.

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meet the Georgia Energy Codes as a minimum including the requirements for window performance, insulation, equipment sizing according to ACCA Manual J heat loss and gain, equipment efficiency, and proper duct sealing measures. Basic design, appliances, and equipment must also meet the requirements of the DCA Architectural Manual. The final construction documents must clearly indicate all components of the insulation envelope and all materials and equipment that meet these requirements.

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Threshold components include, but are not limited to:
Low VOC paint and floor finishes

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Threshold components include, but are not limited to:
Low VOC paint and floor finishes

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All applications for 4% tax credits must meet the above requirements for energy efficiency. In addition, all 4% Bond applications must score a minimum of 16 points for components listed in Appendix II (Building Sustainability). The Building Sustainability Certification form must provide with the Application.

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15. Energy Standards

All completed properties must meet the Georgia Energy Codes as a minimum including the requirements for equipment sizing according to ACCA Manual J heat loss and gain, and proper duct sealing measures, as required by the energy codes. Basic design, appliances and equipment must also meet the requirements of the DCA Architectural Manual. The final construction documents must clearly indicate all components of the insulation envelope and all materials and equipment that meet these requirements.

Selection of the energy efficiency components must be entered in the Scoring Criteria tab on the Application Form. DCA requires the inclusion of all certified energy efficiency components in the finished project.

All applications for 4% tax credits must meet the above requirements for energy efficiency. In addition, all 4% Bond applications must select a minimum of four (4) energy components listed in Appendix II (Energy Efficiency and Indoor Air Quality Requirements), two (2) of which must contribute to the increased efficiency of the HVAC systems. These must be selected in the Threshold Criteria section of the core Application Form.

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. Project will be required to choose and certify the inclusion of these elements with the in the Step II document submittal as detailed in the Architectural Manual-Submittal Instructions:

1. Exterior Wall Finishes

Select and enter in the Threshold Criteria tab of the Application one category from this list:

Exterior wall faces must have an excess of 40% brick or stone on each of the total wall surfaces. This is applicable to all sides of the buildings including the front wall face, each side's wall face and the rear wall face of the

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buildings. On all exterior walls the brick/stone must extend to all areas of grass, landscaping and other areas of soil or mulch.

For the rehabilitation of buildings that are eligible for historic

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/or recreate the existing or original exterior finish surfaces on all wall faces		
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/or recreate the existing or original exterior finish surfaces on all wall faces including the front wall face, rear wall face and both side wall faces. (Note: The use of vinyl siding is not eligible for these points)		
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Exterior wall faces have an excess of 60% cementitious siding on each of the total wall surfaces. This is applicable to all sides of the buildings including the front wall face, each side's wall face and the rear wall face of the buildings. On all exterior walls the cementitious siding must extend to all areas of grass, landscaping and other areas of soil or mulch.		
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previous historic or other types of historic decorative		
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previous historic or other types of historic decorative elements on all		
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facades of existing historic or		
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facades of existing historic or non-designated buildings.		
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0 years)

Interior package upgrade:

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ese points

Where there are no existing trees or vegetation on the property that can be preserved, there must be substantial replanting of trees and integrated vegetation. The trees must be a minimum of two-inch (2") diameter and at a ratio of one tree for every 8 units. For properties where the density is greater than 20 units per acre, a ratio of one tree for every 16 units will be acceptable. The trees must be integrated with other areas of planting throughout the property.

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For Scattered Site Projects, Applicants shall calculate the project design total score for each non-contiguous parcel and enter in the Scoring Criteria tab of the Application for each project or parcel. The Applicant shall add the total points obtained for each non-contiguous parcel and divide by the number of non-contiguous parcels to arrive at the total points to be claimed for this category (no rounding up, only whole numbers may be claimed as points).

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All applications for 4% tax credits must meet the above requirements for design and quality construction. In addition all 4% Bond applications must select a minimum of four (4) upgraded exterior materials and finishes. At least one (1) of which must include upgrades to either exterior finishes in the form of 40% masonry for new construction, upgraded siding for new and existing buildings, or upgraded roofing materials. At least two (2) selections must be made from the Site Design criteria, one of which must include the preservation or replacement of existing trees and vegetation.

All applicants must enter all selections in the Threshold Criteria tab on the Application.

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DCA requires prior successful project experience for the Owner, Developer and Manager of a proposed project. A DCA Experience Summary form must be completed for each Owner, Developer and Manager of a project and submitted on or before the Application submission date. Entities and/or principals that were deemed experienced for the 2004, 2005, 2006,

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2007 competitive round do not have to complete a new DCA Experience Summary form provided there have been no changes in their organizational structure since the initial experience determination and no significant changes in the compliance history for properties. DCA reserves the right to determine, in its sole and absolute discretion, whether an Application meets the criterion of this section. DCA also reserves the right to determine whether the proposed Owner and/or Developer have/has the capacity to successfully complete the proposed development. DCA may consider projects in progress, prior performance in meeting construction commencement, projects with recaptured credits and completion deadlines, as well as the number of outstanding incomplete DCA-funded developments when determining capacity. Any Owner or Developer that has withdrawn or been involuntary removed from a HOME or Tax Credit project in the last thirty six months must notify DCA of the change. That Owner/Developer's name or entity will be removed from the 2007 Experienced list. The Owner and or Entity must resubmit all of the documentation required pursuant to this section and obtain a new decision as to whether they meet DCA's experience and capacity requirements.

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organization, focusing on their affordable housing development experience.

4. A spreadsheet summary of all projects funded in Georgia including their allocation date, placed and placed in service date;

A summary of all projects funded in a state other than Georgia including their allocation date, and placed in service date

A Credit Bureau report dated after January 1, 2009 for every/all owners and key members of the development entity;

Copy of financial statements for fiscal year 2007 and 2006 for the development entity

Financial statements on key principals.

Documentation of access to no less than \$100,000 of liquidity by the development entity A positive D&B report ordered by DCA.

At least two most recent audited fiscal year end financial statements for each project which the developer is using as successful experience for the required unit development

Certification that the development entity remained in the limited partnership entity for a minimum period of four years from the placed in service date.

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19. Compliance History Summary

The principal and entities of each General Partner, Developer, Management Company and Project consultant (used to meet DCA experience requirements)

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must submit a complete and correct DCA Performance Workbook, as required in the electronic core application. Each Compliance History Summary (CHS) form must list all projects in which an entity or principal has participated in the ownership, development or management in the State of Georgia and in any other state. Compliance audit detail should be completed for only the last three years. In addition, the following documentation must be included in the application as detailed in the Performance Workbook:

Completed Compliance Questionnaire for each General Partner, Developer, Management Company and Project Consultant.

Organizational Chart

DCA Compliance history form executed by other State Housing Agencies pursuant to DCA instructions. In the event an Owner is unable to obtain documentation from another State Housing Agency, written documentation of the attempts should be submitted to DCA. DCA will contact the Agency directly to obtain the required information.

In the event an Applicant fails to provide correct and complete information, DCA may request additional clarification. Clarifications may be utilized to decrease an Applicant's Compliance History score, but will not be used to increase the score.

Note: Internal Revenue Service Form 8821 may be requested by DCA for any Project Participant listed on the Experience Summary or Organizational Chart at anytime during DCA's review of a Project Participant's compliance history.

Owners/Developers and Managers of Tax Exempt Bond projects must also complete these forms. DCA will score each entity in accordance with the scoring requirements set forth in Appendix II. Entities that do not meet DCA minimum scoring requirements will be deemed to have not met this Threshold requirement.

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5. Marketing to Special Need Populations

This section is designed to foster development of affordable housing units for tenants with disabilities or homeless populations. Owners must demonstrate a willingness to initiate marketing of units to these populations. Each Applicant must prepare and submit a Marketing Plan outlining how the project will market units to tenants with special needs if the project is selected for funding. At a minimum, Marketing Plans must include:

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A description of how the project will meet the needs of these tenants including access to supportive services, transportation, proximity to community amenities, etc.

Identify service providers that can provide referrals

Agree to require management to regularly contact and provide materials to service providers outlining unit vacancy and rents

Owners must demonstrate a willingness to market units to special needs populations

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, facilitate referrals from partnership with an experienced local service		
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Additionally, disregarding point scoring, DCA will review the project proposal for reasonableness. This may include a review of the degree to which the use of resources are being directed specifically toward the program goals of providing

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safe, decent, affordable housing that is viable physically, operationally and economically over time.

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, and will consider mitigation of certain factors inherent in their location, we		
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ensure the “efficient... utilization... of the low income housing tax credit program”		
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ensure the “efficient... utilization... of the low income housing tax credit program”
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20082009 Qualified Allocation Plan

Appendix I
Threshold Criteria

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Compliance Summary Form J-21

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as required in the electronic core application. Each C

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Five fully executed DCA Uniform Release Forms (included in the Manual) must be submitted.

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Completed Compliance Questionnaire for each General Partner, Developer, Management Company and Project Consultant.

DCA Compliance history form executed by other State Housing Agencies pursuant to DCA instructions. In the event an Owner is unable to obtain documentation from another State Housing Agency, written documentation of the attempts should be submitted to DCA. DCA will contact the Agency directly to obtain the required information.

In the event an Applicant fails to provide correct and complete information, DCA may request additional clarification. Clarifications may be utilized to decrease an Applicant's Compliance History score, but will not be used to increase the score.

Note: Internal Revenue Service Form 8821 may be requested by DCA for any Project Participant listed on the Experience Summary or Organizational Chart at anytime during DCA's review of a Project Participant's compliance history.

Owners/Developers and Managers of Tax Exempt Bond projects must also complete these forms. DCA will score each entity in accordance with the scoring requirements set forth in Appendix II. Entities that do not meet DCA minimum scoring requirements will be deemed to have not met this Threshold requirement.

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ummary (CHS) form must list all projects in which an entity or principal has participated in the ownership, development or management in the State of Georgia and in any other state. Compliance audit detail should be

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completed for only the last three years. In addition, the following documentation must be included in the application:

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25. Compliance History Summary

The principal and entities of each General Partner, Developer, Management Company and Project consultant (used to meet DCA experience requirements) must submit a complete and correct DCA Performance Workbook,

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