

**KANSAS DEPARTMENT OF COMMERCE & HOUSING
HOUSING DEVELOPMENT DIVISION**

**STATE ALLOCATION PLAN
for
2003 HOUSING TAX CREDIT PROGRAM**

INTRODUCTION

The Tax Reform Act of 1986 established a tax credit to replace previous federal tax incentives for investment in low-income rental housing. The credit offers a reduction in tax liability to investors in eligible low-income residential housing projects. The Omnibus Budget Reconciliation Act of 1993 indefinitely extended the program.

The Kansas Department of Commerce & Housing (KDOC&H) is responsible for administration and allocation of the tax credit program for the State of Kansas. Kansas has an allotment of approximately \$4,704,731 of tax credit authority in 2003. Ten percent of the State's 2003 tax credit allotment; approximately \$470,473 is reserved for projects submitted by nonprofit applicants.

According to Section 42(m)(1)(B) of the Internal Revenue Code (the Code), allocation agencies shall adopt a "qualified allocation plan" which:

- (a) contains selection criteria "which are appropriate to local conditions";
- (b) gives the highest priority to projects with the lowest cost of "intermediaries" unless granting such priority would impede the development of projects in hard-to-develop areas;
- (c) gives preference to projects, which serve the lowest income tenants;
- (d) gives preference to those projects, which serve qualified tenants for the longest period of time;
- (e) provides procedures for monitoring projects and notifying the Internal Revenue Service of any noncompliance that is found by the agency.
- (f) allows preference for projects located in qualified census tracts, the Development of which contributes to a concerted community revitalization plan.

IDENTIFICATION OF HOUSING NEEDS

In 2003 the tax credit program emphasizes the development of housing in underserved areas of the state where the need for rental housing is greatest. The development of elderly and special needs housing in rural areas is a high priority. Rehabilitation of existing housing stock or conversion of existing buildings to housing use is the preferred option in areas that have experienced significant new construction of rental housing.

Within these priorities the program encourages the development of mixed income housing in markets where it is feasible, the rehabilitation of low-income housing that would be otherwise subject to foreclosure or default, and the involvement of nonprofit organizations in housing development.

PRELIMINARY REQUIREMENTS

In order for an application to be considered for funding, the proposed development shall first demonstrate that it meets the requirements shown below. Applicants submitting incomplete applications will be given 15 days to provide missing requirements. A waiver of specific requirements may be granted prior to the application submission date upon sufficient evidence provided by the applicant:

- (a) The application must be for a qualified residential rental development that meets the requirements of Section 42 of the Internal Revenue Code of 1986, as amended;
- (b) The development must meet the low-income housing priorities as identified in the applicable state or local Consolidated Plan. (See pages 176-184 in the Kansas Consolidated Plan, Revised.)
- (c) The development is ready to proceed as documented by:
 - 1. Evidence of site control with an option for at least six months beyond the application deadline; or a recorded deed;
 - 2. Zoning approval or application for zoning approval with a letter from the zoning administrator citing that the zoning request is consistent with the local plan or that the local plan could be changed to be consistent with the zoning request;
 - 3. Evidence of availability of adequate utilities at the site;
 - 4. Commitment letters for all sources of financing;
 - 5. Affidavit of compliance with accessibility design requirements of the Americans with Disabilities Act relating to the public and common areas, the Americans National Standards Institute 117.1 (1986) for all first level living units and the KDOC&H Architectural Procedures and Minimum Development Standards for the total development. In addition owners must show preparedness to provide accessibility adaptive devices for 10% of the units and hearing impaired and vision impaired adaptive devices for 5% of the units. Variations require prior KDOC&H approval;
 - 6. Inclusion with the application of all other documentation listed as **(MANDATORY)** in the "Submission Requirements Checklist" at the end of the application;
- (d) A commitment with KDOC&H to extend the low-income housing use of the development beyond the initial compliance period of 15 years for an additional period of at least 15 years; **(Note: The statutory right of regulated sale in the 15th year is preserved).**
- (e) Rural Development (RD) Form AD 622 commitment, if applicable;

- (f) For nonprofit applicants:
 1. The nonprofit must be a qualified nonprofit organization as defined in Section 42h(5)(C) of the Internal Revenue Code;
 2. The nonprofit applicant must have an ownership interest (either directly or through a partnership) in the development, must be at least a co-general partner or co-managing member, and must materially participate, on a regular, continuous, and substantial basis, in the development, operation and the management of the project throughout the entire compliance period, pursuant to 469(h) of the Code;
 3. A nonprofit shall submit a list of its Board of Directors, officers and directors and a list of previous housing participation;
- (g) A complete application - any application that is not complete may be automatically rejected.
- (h) Applicants must submit a completed Internal Revenue Service (IRS) Form 8821 (Rev. 9-98) as a condition of the application for housing tax credits. (See Exhibit K)

COMMUNITY SUPPORT

Applications will not be considered without a resolution from the local governing body stating that it is aware of and approves the housing development. The resolution must contain the following information:

- (a) location of the project with its legal description;
- (b) number of units;
- (c) targeting of tenant population (elderly, family, special needs, mixed income, rent subsidized);
- (d) amenities;
- (e) type of construction (new, rehabilitation, acquisition and rehabilitation);
- (f) financing required through local enhancements (tax increment financing, tax abatement, issuance of bonds);
- (g) period of time for which the resolution is effective;

In the event there are changes in any of the above aspects of the development between the initial local approval and the offer of tax credits, another resolution with updated information must be submitted. (See Exhibit C).

APPLICATION PROCESS

Tax credits in Kansas are made available through a two-stage process of 1) reservation; and 2) allocation. Applicants may apply during one of two application periods to receive a credit reservation during the 2003 calendar year. The application cut off dates and maximum percentage of credits reserved during any given period are as follows:

<u>Application Period</u>	<u>Application Cut Off Date</u>	<u>Credits To Be Reserved</u>
1	February 7, 2003	Up to 60% of the total 2004 authority
2	July 3, 2003	Remaining credits

Completed applications must be received by KDOC&H no later than the above cut off dates to be considered for the applicable application period. Target dates for reservation action are:

<u>Application Period</u>	<u>Reservation Action</u>
1	May 14, 2003
2	September 26, 2003

Applicants whose applications do not receive a reservation are notified, in writing, by mail. Applicants whose applications are not selected for credit reservation in any cycle, may choose to compete in the next cycle by submitting a written request to KDOC&H within ten days after the post marked notice sent by KDOC&H. If this option is chosen, no additional application fee is required. If an applicant chooses to submit a revised application, a new application fee is required as outlined under FEE SCHEDULES shown below.

FEE SCHEDULES

Application Fee: An application fee of \$10 per unit up to a maximum fee of \$500 shall accompany each project application. Nonprofit applicants are exempt

Reservation Fee: A credit reservation fee of 7% of the annual tax credit reserved must be paid prior to the time of execution of the reservation agreement. Nonprofit applicants shall pay a reservation fee of 2.5% of the annual tax credit.

Allocation Fee: An allocation fee of 3% of the annual tax credit allocation amount must be paid at the time the allocation request and documentation are submitted to KDOC&H. Nonprofit applicants shall pay an allocation fee of 1% of the annual credit.

Monitoring Fee: An annual monitoring fee of \$4.00 per \$1,000 (.004) of the annual tax amount allocated is assessed for all placed-in-service properties.

All fees are non-refundable and must be paid by cashier's check or money order.

Note: Nonprofit applicants must be the sole general partner or 100% owner of a development at the time of the application to obtain the reduced fees.

FEE GUIDELINES

	50 + Units	25-49 Units	1-24 Units
Developer	10%	15%	20%
Contractor:			
Profit	6%	7%	8%
Overhead	2%	2%	2%
General Req.	6%	6%	8%
Architect:			
Design	3%	4%	5%
Supervision	1%	1.5%	2%
Consultant:			
For Profit	1%	2%	3%
Non Profit	2%	4%	6%

Developer fees and consultant fees are a percentage of eligible basis. Contractor fees and architect fees are a percentage of new construction or rehabilitation costs. A declaration of subcontractors or suppliers for which there is an identity of interest through joint ownership with the developer must be declared at the application stage and disclosed at the final cost certification stage. As a result, developer profit and the amount of credit could be adjusted.

Identity of interest refers to situations where the same entities or persons control or own the services provided by one or more of the above performers. Architect design fees may be reduced further when the same design has been used in previous developments. Contractors are required to sell materials at reasonable market cost when they own or control the supply company. (Underwriting criteria are shown at See Exhibit F).

Identity of Interest	50 + Units	25-49 Units	1-24 Units
Developer	10%	15%	20%
Contractor:			
Profit	1%	2%	3%
Overhead	2%	2%	2%

General Req.	6%	6%	8%
Architect:			
Design	3%	4%	5%
Supervision	0	0	0
Consultant:			
For Profit	0	0	0
Non Profit	0	0	0

DEVELOPER FEE LIMIT EXEMPTIONS

Developer fee limitations imposed by the Housing Tax Credit Program may be waived under the following circumstances:

1. In the development of innovative development that go beyond the ordinary in delivering services to people in housing projects.
2. Developments in rural areas where costs are higher or the number of units are so small that development and management are made more difficult.
3. Inner city housing development where the risk is greater and the costs of development are high.
4. Projects located in HUD defined difficult development areas where the costs of land are extraordinarily high and the median income is abnormally low.
5. Developments in HUD defined qualified census tracts where at least 50% of the population has a median income of no more than 60% of the gross median income determined on a block-by-block basis.

ENERGY EFFICIENCY

New construction developments must meet or exceed both the Overall U-Value and the Annual Energy Performance (Chapter 4) standards established by the Model Energy Code 1993 (MEC 93). At the credit reservation stage KDOC&H requires an architects certification that the design of the proposed construction meets the MEC 93 standards. Prior to the start of construction the plans of each new development must be reviewed and approved by a KDOC&H certified home energy rater to verify that the planned construction as per design and specification will meet or exceed both the Overall U-Value and the Annual Energy Performance (Chapter 4) standards established by the Model Energy Code 1993 (MEC 93). The review must be documented with a letter from the rater to KDOC&H indicating whether the proposed construction meet the MEC 93 standards. In the event that the proposed construction does not meet both the Overall U-Value and the Annual Energy Performance (Chapter 4) standards, the rater will provide suggestions for corrections to plans and specifications that will insure that MEC 93 standards will be met. An energy audit performed by a KDOC&H certified home energy rater is required on each building

after it is completed to verify that actual construction meets the above listed requirements. At the final cost evaluation stage the architect, contractor and owner are required to certify that the finished construction meets or exceeds the standards of MEC 93.

For existing structures that receive a tax credit reservation, an energy audit conducted by a KDOC&H approved home energy rater must be provided on each building prior to the preparation of the final work rehabilitation order. The rater, the owner and KDOC&H will determine the feasibility of meeting the requirements of MEC 93 prior to the start of the rehabilitation. If it is determined to be feasible to meet the MEC 93 standards, appropriate specifications will be written into the work order. If it is not feasible to meet the requirements of MEC 93, the rater will provide information indicating effective and cost-effective energy improvements that could be included as a part of the rehabilitation project. At the completion of the rehabilitation an energy audit by a KDOC&H energy rater is required to verify that the rehabilitation work on each building meets the standards of MEC 93 or includes recommended energy performance measures designed to achieve energy use reductions projected as a part of the initial performance audit and consultation. At the final cost evaluation stage, the architect, contractor and owner are required to certify that the finished construction meets or exceeds the standards of MEC 93. (Recommended practices and specifications with Certificate of Compliance are shown at Exhibit G).

ACQUISITION AND REHABILITATION FACTORS

The selection of properties for acquisition and rehabilitation credits will be determined by the following list of criteria:

1. The ratio of acquisition and hard cost to total costs will be reviewed. A high acquisition percentage is primarily refinancing with minimal rehabilitation. Developments with a lower acquisition and a higher rehabilitation percentage will be favored for credits.
2. There should be a minimal increase in rents and preferably none as a result of the acquisition and rehabilitation. Developments that significantly raise rents after receiving a substantial subsidy are not encouraged to apply for credits.
3. A large majority of the existing tenants should be income eligible under the tax credit program. Tenant displacement is strongly discouraged.
4. Evidence that the private sector will not finance the acquisition and rehabilitation should be provided or a determination made that the private sector cannot provide assistance.
5. Energy testing should determine if the buildings could be brought into compliance with the Model Energy Code of 1993. Buildings that can be brought into compliance will be given a priority for financing. (See previous Energy Efficiency section).

6. There should be an arm's length in the transaction between the seller and the purchaser. Transfers of property between related parties or when there are identities of interest will not be assisted.
7. Properties that are eligible to provide HOME matching funds, i.e. all or a portion of the units are affordable for tenants who earn no more than 50% of the gross median income for the area in which the property is located, will be given a priority for financing.
8. Existing low income properties under a threat of foreclosure and removal of existing tenants will be given a priority for financing.
9. Other factors that will be reviewed include the remaining length of time on any Housing Assistance Payments contracts, the availability of replacement reserves, and the current vacancy rate.
10. A minimum rehabilitation cost of \$4,000 per unit averaged over a building is required to be considered for a credit reservation.

SINGLE FAMILY HOUSING DEVELOPMENT

Single-family housing development is permitted by the Code so long as it remains rental housing for the 15-year compliance period. KDOC&H requires that any single-family housing development be converted to homeownership at the end of the 15-year compliance period. In such instances the extended use period will be waived. KDOC&H prefers that tenants be given the first right of refusal or be offered an option to purchase the homes at their fair market value at the time of the tenant's initial occupancy of the homes. Total cost per unit is subject to the limits of Section 221(d)(3)(ii) of the National Housing Act (12 U.S.C. 17151(d)(3)(ii)). (See Exhibit J)

EVALUATION PROCESS

The housing credit agency (KDOC&H) is required to evaluate each application (including tax exempt bond financed proposals) to ensure that it receives only the amount of credit necessary to assure feasibility and viability throughout the credit period. The agency must consider the sources and uses of funds. The evaluation is performed three times: when an application is received, at the time of credit allocation, and at the time a development is placed-in-service.

During each evaluation KDOC&H considers the sources and uses of funds, the total financing for the development, all proceeds or receipts expected to be generated by reason of the tax credit, the percentage of housing credit dollar amount used for development costs other than the cost of intermediaries, industry cost standards, average costs of competing developments, property amenities, the number and kind of units, property quality and other information which may be necessary for development evaluation. Developers are not penalized for providing extra amenities or quality construction. KDOC&H may request substantiation of development costs.

In the event KDOC&H makes adjustments to the tax credit requested, property owners have five working days to provide evidence acceptable to KDOC&H that justifies the credit requested. Otherwise, the applicant or owner may accept the recommended credit or withdraw the application. KDOC&H does not wish to jeopardize developments for which syndication arrangements have been made and, therefore, negotiates with the Owner any adjustments to the committed credit at the time the final evaluation is made for properties that have been placed-in-service. Determination of the annual credit is not to be construed as a representation or warranty as to the feasibility or viability of the development or its ongoing capacity for success.

INTERIM DEVELOPMENT LOANS

An Interim Development Loan is a loan made by the Kansas Department of Commerce & Housing, Housing Development Division, to financially assist difficult-to-develop properties. Loans will leverage financing in the conventional market when a developer's financial capacity may prevent adequate funding, when lack of economies of scale create additional costs, when there is increased risk due to project type, or when sources of equity are not available in a timely manner.

The purpose of an Interim Development Loan is to facilitate and accelerate the development of rental housing.

Eligible activities include expenses associated with start-up costs, preliminary engineering fees, market studies, construction financing fees, site preparation, architectural or engineering fees, and construction or rehabilitation costs for the development of rental housing. Priority developments include rural, special needs, senior citizens, and inner city rental housing developments. Developments of less than 50 units are preferred.

Eligible participants are non-profit developers alone, or in joint venture with for-profit developers of rental housing. The fund may be utilized by developers of projects involving Housing Tax Credits (HTC), Community Housing Development Organizations (CHDOs) and/or projects developed by Public Housing Authorities or other rental housing development activity deemed appropriate by the Housing Development Division.

The duration of the loan will be up to three years. Interest will be fixed at 3% at the time the note is executed. Applicants must have site ownership or acceptable collateral. The Housing Development Division will take a second collateral position to a first mortgage.

The amount of the loan is limited to 10% of the total development costs, or a maximum of \$150,000. Once the loan is established, funds may be accessed on a monthly basis as expenses are incurred, by submitting documented requests for payment to the Housing Development Division. To ensure that developers are sharing the development risk, reimbursement payments will be a maximum of 75% of the cost incurred at the time of the request.

The loan amount plus interest will be due and payable no later than the date of the permanent loan closing or the final syndication payment. The Interim Development Loan Program will be funded at the discretion of the Housing Development Division. The Department of Commerce & Housing, Housing Development Division, reserves the right to reject an application if the development is not

cost effective or consistent with the priorities and objectives of the Interim Development Loan Program.

Application forms may be obtained by calling the Kansas Department of Commerce & Housing, Housing Development Division, at 785/296-5865. Applications may be forwarded to the Kansas Department of Commerce & Housing, Housing Development Division, 1000 S.W. Jackson, Suite 100, Topeka, Kansas 66612-1354.

PRIVATE ACTIVITY BOND FINANCING

KDOC&H has authority to allocate tax-exempt bonds with 4% annual tax credits for low-income housing developments. Applicants must provide KDOC&H with a bond inducement resolution, a request for the bond allocation and an application for the tax credits with accompanying documentation. The bond allocation request and the tax credit application are reviewed simultaneously with the preliminary requirements and selection criteria outlined herein. Applications may be submitted at any time. Decisions on bond allocations with tax credits will be made within 60 days of the allocation request.

Application Fee: A non-refundable fee must accompany the application before the request can be processed. The application fee is determined as follows:

\$250	-	Allocation request up to \$5,000,000.
\$500	-	Allocation request from \$5,000,001 to \$10,000,000
\$1,000	-	Allocation request from \$10,000,001 and above

Issuance Fee: 0 - \$2,000,000 - 5 basis points (.005)
\$2,000,001 and above - 10 basis points (.010)

Tax credit fees are separate from bond allocation fees and are shown at page 4-5. Tax-exempt bond developments do not require carryover allocations but are required to pay the allocation fee when the 8609 forms are issued. All fees must be paid by cashier's check or money order. Bond allocation fees and tax credit fees may be paid together.

RURAL HOUSING INCENTIVE DISTRICTS

If a proposed housing development will rely on city or county creation of a Rural Housing Incentive District for tax increment financing, please review K.S.A. 12-5241 – 12-5301 and utilize the KDOC&H Guide for the Certification of Findings and Determinations. The city or county housing needs analysis and resolution establishing the incentive district must be received, and certified by KDOC&H, before tax credits will be reserved for the proposed development. (See Exhibit H).

ARCHITECTURAL PROCEDURES AND MINIMUM DEVELOPMENT STANDARDS

All developments must be planned and constructed according to the KDOC&H's Architectural Procedures and Minimum Development Standards, which are incorporated by reference into this document. Violations will be penalized \$500 per unit.

SELECTION CRITERIA

The KDOC&H evaluates applications for tax credit allocations using the following selection criteria and point system.

- Property Location
- Housing Needs Characteristics
- Development Characteristics
- Applicant/Sponsor Characteristics
- Tenant Population Characteristics
- Public Housing, Government Assisted and Conventionally Financed Waiting Lists.

The selection criteria and point system that are used in ranking applications are outlined below. In the event of a tie in overall total points earned by two or more applications, the determining factors are, in order:

- that development which is designed to serve the lowest income tenants as determined for item E2, Page 14:
- that development which has the lowest intermediary costs as determined for item C.1, page 12;

2003 DEVELOPMENT SELECTION CRITERIA
Maximum – 310 points

A.	Property Location (not to exceed 50 points)	<u>Maximum Points</u>	<u>Score</u>
1.	A property is located in a HUD defined Qualified Census Tract or Difficult Development Area.	10 points	
2.	A property is located in a county of the State with a median income less than the statewide non-metro average.	10 points	
3.	A property is located outside a Metropolitan Statistical Area (MSA).	10 points	
4.	Site locations will be further evaluated for community acceptance, neighborhood consistency, and site usability, accessibility and marketability. (See Exhibit A for specific criteria).	20 points	
B.	Housing Needs Characteristics (not to exceed 45 points)		
1.	Development has at least 20 percent (20%) of the units designed as three bedroom units.	10 points	
2.	Development has at least 1 unit reserved to provide temporary housing (Maximum of 2 years) for a transitional, homeless family or elderly person.	15 points	
3.	Development preserves existing low-income housing that would be subject to foreclosure or default if tax credits were not available.	10 points	
4.	Development provides rehabilitation of structurally sound, energy efficient, low-income housing.	10 points	
C.	Development Characteristics (not to exceed 80 points)		
1.	Highest priority will be given to applications with the lowest percentage of intermediary costs. (These costs may include, but are not limited to, attorney fees, engineering fees, and architect fees). Points awarded on a sliding scale up to 5% of total costs.	10 points	

	<u>Maximum Points</u>	<u>Score</u>
2. Development provides amenities as shown from the list below:		
<u>Level One (one point each)</u>	Up to 30 points	
Playground/tot lot with equipment		
Common laundry room		
Green area		
Carport		
Security fencing		
Washer/Dryer hook ups in units		
Outdoor uncovered seating/benches		
<u>Level Two (two points each)</u>		
Washer/Dryer in unit		
Green area with paved walking paths		
Outdoor covered seating/benches		
Detached garage		
Security system in unit		
Satellite television hook up		
Access to internet		
<u>Level Three (three points each)</u>		
Clubhouse/community room		
Swimming pool		
Gymnasium/exercise room		
Attached garages		
Organized recreational activities		
Transportation		
(Note: This is not an all inclusive list. Other amenities may be noted and shown in the application).		
3. Application will be further evaluated on readiness to proceed as follows:		
(a) Proper zoning in place	5 points	
(b) Site plan approved by city	5 points	
(c) Letter agreement for construction financing	5 points	
(d) Deed to property is recorded in the name of the partnership entity seeking tax credits	5 points	

	<u>Maximum Points</u>	<u>Score</u>
4. Development creates single-family housing that is intended for eventual tenant ownership.	10 points	
5. Development involves the use of existing housing as part of a community revitalization plan.	10 points	
D. <u>Applicant/Sponsor Characteristics</u> (not to exceed 10 points)		
1. Applicant is a local tax-exempt organization which conforms with the provisions of 501(c) (3) or 501 (c) (4) of the I.R.C. and performs the primary function of owner, manager or developer.	10 points	
E. <u>Tenant Population Characteristics</u> (not to exceed 75 points)		
1. Development provides 100% of units targeted to tenants 55 years and older and/or to tenants with special needs.	15 points	
2. Development is designed to serve the lowest income tenants by providing:		
2a) 20% of units to tenants with income equal to or less than 40% of area median gross income;	25 points	
<u>OR</u>		
2b) 20% of units to tenants with income equal to or less than 50% of the area median gross income.	15 points	
3. Development provides market rate units. Five points will be awarded for each 10% of market rate units.	Up to 25 points	
4. Development serves individuals with children.	10 points	
F. <u>Public Housing Waiting Lists</u> (5 points maximum)		
1. Applicant has entered into an agreement with the P.H.A. or the local governing unit to accept the referral of tenants on the P.H.A. waiting list. (See Exhibit B).	5 points	

G. <u>Bonus Points</u> (45 points maximum)	<u>Maximum Points</u>	<u>Score</u>
1. Developments located in communities that have not previously received housing tax credits.	15 points	
2. Developments located in communities where the developer provides a site-specific market study that meets the criteria described in the market study section.	30 points	

NON POINT CRITERIA

Applications meeting the preliminary requirements will be evaluated according to the selection criteria shown on pages 12-15 and then further reviewed for non-point criteria. Applications may be accepted or rejected based solely on the non-point criteria, which include, but are not limited to, the following:

- (a) Sufficient development team experience relative to the proposed development;
- (b) The substantial involvement of women or minorities in the development team;
- (c) Other developer considerations that could adversely affect development viability.
- (d) The reasonableness of total development cost as based on final cost data accumulated by KDOC&H.
- (e) Jurisdictional comments of city, county, state or federal representatives;
- (f) Comments of neighborhood groups and organizations.
- (g) Substantial change of market or application conditions between the application and reservation dates.
- (h) Appraisal of the land, and in a rehabilitation development, appraisal of land and buildings, at its fully improved market value.
- (i) Site considerations based on the suitability of its intended use and occupancy, including but not limited to uncorrectable environmental conditions, neighborhood economics, and excessive site development requirements.
- (j) Size of the development relating to overall competitive demand and equitable distribution of tax credits across the state.

MARKET STUDIES

Market studies on all developments are required. A market analyst, unaffiliated with the developer, who has experience with multifamily rental housing, must prepare the study. All income levels targeted in the application must be addressed in the study. At a minimum, a market study should include:

- (a) A statement of the competence of the market analyst;
- (b) A description of the proposed site;
- (c) Demographic analysis of the number of households in the market area, which are income eligible, and can afford to pay the rent.
- (d) Geographic definition and analysis of the market area;
- (e) Analysis of household sizes and types in the market area;
- (f) A description of comparable developments in the market area;
- (g) A description of rent levels and vacancy rates of comparable properties;
- (h) Analysis of practically available operating expenses and turnover rates of comparable properties in the market area;
- (i) Projected operating funds and expenses, when available at the time of the study; and
- (j) Expected market absorption of the proposed rental housing, including a description of the effect on the market area.

PRE-DEVELOPMENT CONFERENCES

A pre-development conference with KDOC&H is required within 90 days of the execution of the reservation agreement. The developer, architect and property manager are required to attend this meeting. At that time, the expectations of KDOC&H, including a review of minimum development standards, will be discussed.

CARRYOVER ALLOCATIONS

Developments not completed nor placed in service by December 31, 2003 are eligible for a Carryover Allocation by satisfying the following requirements:

- A. More than 10% of the total reasonably expected basis in the project must be expended or incurred by December 31, 2003.
- B. Land ownership for the development, in the form of a recorded deed or a long-term lease, must be shown in the name of the entity claiming the tax credits by December 31, 2003.

- C. An opinion from a certified public accountant stating that the development is eligible for tax credits and has expended or incurred more than 10% of the total reasonably expected basis in the development. (See Exhibit D)
- D. A development offered tax credits in the second half of the year will have six months in which to meet the carryover requirements, regardless of when the reservation offer is made.

KDOC&H reserves the right to make additional requirements prior to granting a carryover allocation. These requirements may include but are not limited to the following:

- E. Evidence of construction loan closing.
- F. Owner certification that construction or rehabilitation has started.
- G. Owner certification of all sources of financing.

Applicants are advised if they cannot meet the Carryover Allocation requirements by December 31, 2003, (except in situations described in paragraph D above), the tax credit reserved for the project will be rescinded by KDOC&H.

Developments receiving a Carryover Allocation have until December 31, 2005 to place the property in service and apply to KDOC&H for the IRS Form 8609 for each completed, qualified building. KDOC&H will recapture the allocation amount if the owner does not return to KDOC&H to receive the IRS Form 8609 prior to December 31, 2005.

FINAL ALLOCATION

IRS Form 8609 is used by KDOC&H to allocate tax credits to properties with some or all of the buildings completed and ready for occupancy. To obtain the final allocation Owners must provide the following information:

- A. A copy of the recorded title to the real estate of the property in the name of the entity that will appear as the owner on the IRS Form 8609.
- B. Evidence of permanent financing and permanent loan closing documents (15 year minimum for properties of ten units or more).
- C. Evidence of equity financing (syndication final agreements or other closing documents for equity contributions in projects of ten units or more). For smaller developments, the owner will certify the amount of cash equity invested into the project.
- D. Owner certification of all sources of financing. (KDOC&H Form)
- E. Owner certification of total development cost, qualified basis for tax credits and placed-in-service date. (KDOC&H Form)

- F. At the discretion of KDOC&H, a legal opinion certifying that each building has been placed-in-service and that the development is in compliance with the applicable provisions of the Internal Revenue Code may be required. If an acquisition credit is requested, this opinion must state that the property ownership over the ten-year period before the purchase by the taxpayer has been reviewed and reasons given why the property qualifies for acquisition tax credits. The opinion should also certify any identity of interest as outlined on page 5-6.
- G. A Certificate of Occupancy issued by the local governing body for each building being placed-in-service.
- H. An opinion by a Certified Public Accountant regarding the development's eligibility for tax credits. (See Exhibit E)
- I. A Land Use Restriction Covenant must be executed by the owner and KDOC&H, and recorded at the Register of Deeds in the county where the property is located as a first lien on the property and returned to KDOC&H before the IRS Form 8609 will be given to the owner. (KDOC&H Form) A subordination agreement will be required from any lien holders with a higher priority.
- J. Certifications by the architect, contractor and owner that the completed construction or rehabilitation work meets the standards established by Model Energy Code '93. (KDOC&H Forms)
- K. An energy audit conducted by a KDOC&H certified home energy rater.

REQUESTS FOR ADDITIONAL CREDITS

Requests for additional credits after a reservation or an allocation has been made will be considered only if one or more of the following criteria are met:

1. Higher costs have been incurred because the city or other governmental entity has required additional amenities or architectural improvements.
2. Additional costs have been incurred in a rehabilitation development because of unexpected items that were not discovered until the work began.
3. Safety issues affecting the tenants have been identified that were not anticipated at the time of the original application.
4. A significant change in the planned development has become necessary, as determined by KDOC&H, such as additional units, greater square footage or other changes or additions that create enhanced living conditions for the tenants.

Requests for additional credits will not be allowed simply because the construction costs were higher than anticipated unless one of the above criteria exists. Requests for additional credits after the issuance of the 8609 forms will not be considered under any circumstances.

If a reservation of credits has been executed but the allocation has not been issued, the request for additional credits should be made at the time of allocation or during the next cycle of applications.

If a carryover allocation has been executed the request for additional credits should be made during the next cycle of applications or at the time of the final cost review.

GROSS RENT FLOOR ELECTION

Revenue procedure 94-57 requires owners to make an election on the effective date of a building's gross rent floor. The Internal Revenue Service will treat the gross rent floor as taking effect on the allocation date for buildings not using bond financing or on the date a determination letter is issued by KDOC&H for buildings using bond financing, unless the owner designates the placed in service date as the effective date. Owners must inform KDOC&H of this designation no later than the placed in service date for each building.

BINDING ALLOCATION AGREEMENT

Binding Allocation Agreements are available for developments that have received a tax credit reservation. The owner has the option to elect the maximum credit percentage for the development in either the month each building is placed-in-service or the month in which a Binding Allocation Agreement is executed. A month may be elected under the latter option only if the election is made no later than the 5th day after the close of such month. The election is irrevocable.

DETERMINATION OF TAX CREDIT AMOUNT

Section 423(m) of the Internal Revenue Code describes the "Responsibilities of Housing Credit Agencies." Within this section, housing credit agencies are mandated to financially review applications by considering the financing sources, development costs, and the expected present value of the tax credit benefits to be generated to insure that no more than the amount of tax credit necessary for development feasibility and viability is allocated.

The financial review and evaluation by KDOC&H will be for its own purpose in implementing the above-mentioned provision of Section 42 of the Internal Revenue Code and shall not be construed as a warranty or guarantee to any person that the development will be feasible and viable over the credit period. The amount of tax credit allocated by KDOC&H will be at its sole discretion, with the primary considerations being development affordability and feasibility.

In its review, KDOC&H will assess the comparability and reasonableness of the development cost budget and the proposed property operating pro forma. Proposed debt service will be reviewed to determine if it can be supported by the proposed income.

The tax credit amount reserved or allocated to developments will be determined by subtracting the loans and/or grants from the proposal's total development cost. The equity gap will be divided by a percentage called the equity factor. The equity factor is considered to be the percentage of the ten-year cash flow of the tax credit that will be available to the development in the form of equity initially or at any time during the ten-year period. The equity factor used for development evaluation will be generally \$.75 per credit dollar and will be targeted by considering the risk and return expectations for the perceived investor market.

Applicants should be advised that any financial changes in the application during the processing could change the amount of tax credit assigned to the development. Upward adjustments generally will be made only if there is a clear benefit to the tenant(s.)

Please be aware that KDOC&H reserves the right to change materials or processing requirements in order to comply with tax credit guidelines or for its own purposes.

APPEAL PROCESS

Applicants may appeal KDOC&H tax credit award decisions by sending written notification to the Secretary within five working days of the postmarked notice. The notification should provide a written explanation with documentation to support the appeal. KDOC&H will respond to the appeal within ten working days of receipt of the notice.

COMPLIANCE MONITORING

The Act requires that Qualified Allocation Plans include a procedure for the allocating agency to monitor each low-income housing tax credit property. IRS regulations require record keeping and record retention, certification and review, auditing and a method for notifying owners and IRS of noncompliance or lack of certification for each property.

A. Record Keeping and Record Retention

Owners of low-income housing tax credit properties are required to keep records for each building. Owners must retain the records for the first year of the credit period for a minimum of six years beyond the end of the 15-year compliance period. The records for subsequent years need only be retained for six years after the date when the federal tax returns for that year are due. Record keeping requirements are as follows:

1. Total number of residential rental units, including the number of bedrooms and the size in square feet of each unit;
2. Percentage of low-income units;
3. Rent charged on each residential unit and the utility allowance for that unit;
4. Number and ages of occupants in each low income unit;

5. Low income unit vacancies, market rate unit vacancies and rentals of the next available units;
6. Annual income certification for each low-income tenant, including information on household income and the number of occupants;
7. Documentation by third party employer or public agency verification to support each income certification. All HUD and RD certifications must be accompanied by third party income verification.
8. The eligible basis and the qualified basis of the building at the end of the first year of the credit period;
9. The character and use of the nonresidential portion of the building included in the eligible basis;
10. Date of occupancy for each tenant and a continuous rent roll for all low-income units.

B. Certification

Owners of low-income housing tax credit properties shall certify the following information to KDOC&H on an annual, or more frequent basis, if required, under penalty of perjury:

1. The property meets the minimum set-aside test elected by the owner in the tax credit application.
2. The owner has received an annual income certification from each low-income tenant, and documentation to support that certification, unless exempt as provided by IRS Revenue Procedure 94-64.
3. Each low-income unit in the development is rent restricted and do not exceed the maximum rent levels under section 42(g)(2).
4. All units in the development are for use by the general public and, except for transitional housing for the homeless, are used on a non-transient basis.
5. Each building in the development is suitable for occupancy, taking into account local health, safety, and building codes (or other habitability standards), and the state or local government unit responsible for making building code inspections did not issue a report of a violation for any building or low-income unit in the development.
6. There has been no change in the eligible basis of any building in the development, as defined in section 42(d) of the Code since the last certification submission.
7. All tenant facilities included in the eligible basis of any development building are provided on a comparable basis without charge to all tenants in the building.

8. If a low-income unit in the development becomes vacant during the year, reasonable attempts are made to rent that unit to qualified tenants, and while the unit is vacant, no units of comparable or smaller size are rented to nonqualified tenants.
9. If the income of a tenant of a low-income unit in the development increases above the limit allowed in section 42 (g)(2)(D)(ii), the next available unit of comparable or smaller size in the development will be rented to a qualified tenant.
10. There has been no change in the applicable fraction, as defined in Section 42(c)(1)(B) of the Code for any building in the development.
11. An extended low-income use agreement as described in section 42(h)(6) was in effect, including the requirement under section 42(h)(6)(B)(iv) that an owner cannot refuse to lease a unit in the development to an applicant because the applicant holds a voucher or certificate of eligibility under Section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437f. Owner has not refused to lease a unit to an applicant based solely on the applicant's status as a holder of a section 8 voucher and the development otherwise meets the provisions, including any special provisions, as outlined in the extended low-income housing agreement (not applicable to buildings with tax credits from years 1987 – 1989).
12. If applicable, the owner received its credit allocation from the portion of the state ceiling set aside for a property involving “qualified nonprofit organizations” under Section 42(h)(5) of the Code and its nonprofit entity materially participated in the operation of the development within the meaning of Section 469(h) of the Code.
13. There has been no change in the ownership or management of the property.
14. No finding of discrimination under the Fair Housing Act, 42 U.S.C. 3601-3619, has occurred for this development. A finding of discrimination includes an adverse final decision by the Secretary of Housing and Urban Development (HUD), 24 CFR 180.680, an adverse final decision by a substantially equivalent state or local fair housing agency, 42 U.S.C. 361a(a)(1), or an adverse judgment from a federal court.

C. Review

Owners of low-income housing tax credit property shall submit the following information to KDOC&H on an annual, or more frequent basis, if required:

1. Low-income unit vacancies, market rate unit vacancies and rentals of the next available units, (KDOC&H will provide the form);
2. The monthly rent and utility allowance for each unit (KDOC&H will provide the form);
3. Property replacement reserve, occupancy and management information (KDOC&H will provide the form). A written authorization from the owner must be provided with the annual report to allow KDOC&H to review the replacement reserve balance.

4. Rent roll on all low-income units. (KDOC&H will provide the form);
5. A copy of the owner's annual report to, or certificate of good standing from, the Secretary of State.
6. Documentation of utility allowance calculations.
7. A Fair Housing Action Plan to affirmatively further fair housing as intended under the general use clause of the Code. (See Exhibit I)
8. A management plan for the property.
9. The annual compliance fee.

KDOC&H will annually inspect the buildings of low-income housing properties, as required, and review the on site record keeping system employed by the development.

D. Auditing

KDOC&H and/or its designee reserve the right to audit any low-income housing property during the 30-year compliance period. An audit includes an inspection of the building and a review of the records described in the record-keeping portion herein.

E. Notification

KDOC&H notifies the owner of a low-income housing property if the required certification is not received or if an audit, inspection or review determines that the property is not in compliance with the provisions of Section 42. The owner is given 60 days to supply the missing certification or to correct noncompliance. KDOC&H notifies the Internal Revenue Service of an owner's noncompliance or failure to certify no later than 45 days after the end of the time allowed for correction, whether or not the noncompliance or failure to certify is corrected. Repeated acts of noncompliance may result in the suspension of the owner from participation in the Housing Tax Credit Program.

F. Owner/Manager Training

Owners and managers of properties receiving allocations beginning in 2001 and thereafter, must attend a KDOC&H compliance seminar prior to receiving the 8609 forms.

CLARIFICATIONS

KDOC&H is charged with allocating only enough tax credits to make a development economically feasible. This decision shall be made solely at the discretion of KDOC&H, but in no way represents or warrants to any applicant, investor, lender or others that the project is, in fact, feasible or viable.

KDOC&H's review of documents submitted in connection with this allocation is for its own purposes. KDOC&H makes no representations to the owner or anyone else regarding adherence to the Internal Revenue Code, Treasury regulations, or any other laws or regulations governing Housing Tax Credits.

KDOC&H reserves the right to waive preliminary requirements and fee limitations in order to facilitate the development of innovative properties and properties in rural areas, inner cities, difficult development areas or qualified census tracts.

No agent or employee of KDOC&H shall be held personally liable concerning matters arising out of, or in relation to, the allocation of the Housing Tax Credits. The rules and regulations are in a continuing state of development by the U.S. Treasury Department. Accordingly, KDOC&H reserves the right to amend the program at any time without notice.

EXHIBIT A**SITE INSPECTION RATING CHECKLIST**

City: _____ County: _____ Date: _____

Site Location: _____

Program: _____ Reviewer: _____

INSTRUCTIONS:

Rate each category with 1 - 5 points, with 1 being the least desirable and 5 being the most desirable. The maximum potential points are 40. To determine the points for the inclusion in the HTC selection criteria, the total points at the bottom of the page will be divided by two.

1. Site Usability, Accessibility and Marketability	Points
A. Cost: Sq. Ft. _____ Unit _____	_____
B. Layout/Topography (irregular, awkward sites score low)	_____
C. Utility Location	_____
D. Visual (marketing, street appeal)	_____
E. Transportation/Pedestrian (access)	_____
2. Neighborhood Quality	
A. Growth Patterns (consistency with master plan, surrounding density)	_____
B. Adjacent uses (proximity to retail, schools, medical, recreation, etc.)	_____
North _____ South _____	
East _____ West _____	
3. Community Acceptance	
A. Community Acceptance	_____
TOTAL SCORE	_____
HTC SELECTION CRITERIA SCORE	_____

CRITERIA FOR SITE INSPECTION RATING

1. SITE USABILITY, ACCESSIBILITY AND MARKETABILITY

- A. **Cost per square foot and per unit** will be determined by the program administrator and assigned points on a sliding scale beginning at five points for the lowest costs in each category.
- B. **Layout/Topography.** Irregular, awkward sites, sites in the flood plain, sites with poor drainage, slopes, or rocky areas will score low. Square, rectangular sites with no drainage problems will score high. If the site appears to be a fill site then this should be noted and further investigation made on the nature of the fill. A remote site will score low.
- C. **Utility location.** Proximity to utilities should be noted. If utilities are not close and the cost of extensions will be borne by the project or if the capacity cannot handle additional load without incurring improvements paid by the development then the score will be low. The program administrator will determine this. Adverse utility location, such as a highline going through the site or if the site is close to a sub station or sewer treatment plant, then this category will score low. If these factors are absent the score will be high.
- D. **Marketing.** The visual appeal is important and will score high if there is a pleasant street appearance. Surrounding uses are important. Is this a neighborhood in which you would like to live or in which you would feel comfortable? The tingle factor is an element in this criteria.
- E. **Transportation/Pedestrian.** Easy access to the site by car or foot will score high. This is particularly important in an elderly project. Confusing ingress and egress, a lack of stoplights or pedestrian signal/crosswalks, no sidewalks or walking area, long distance to public transportation, lack of green area will score low.

2. NEIGHBORHOOD QUALITY

- A. **Growth Patterns.** Applications will score high if they are located in areas with high growth, in the direction of growth or in neighborhoods undergoing demonstrated revitalization; when they are consistent with local planning, density, and surrounding structures and properly zoned. They will score low when the factors are the opposite. Remote sites will score low.
- B. **Adjacent Uses.** Close proximity to retail, schools, medical services, hospitals, day care/support services, recreation/cultural, churches are important. The more of these that are close at hand (within a few blocks) the higher the score. A family oriented project will need schools and day care as a high priority. Job locations would also be high on the list. If schools, day care and jobs are close this category will score high.

For elderly targeted developments, medical services, hospitals and other services are a high priority and if they are close this category will score high. A development located close to another similarly targeted tax credit property will score low.

3. COMMUNITY ACCEPTANCE

- A. Acceptance.** There should be a demonstration that the city and community will accept the development in which case the points will be high. Absent a showing that the housing is greatly needed and there are no other realistic sites, community and city non-acceptance will result in low points. The program administrator will determine this factor. However, if the site reviewer is accompanied by local official inquiries should be made with regard to community acceptance.

EXHIBIT B

HOUSING AUTHORITY REFERRAL AGREEMENT

This Referral Agreement is made between the undersigned Apartment Project (hereinafter referred to as OWNER) and the Public Housing Authority (hereinafter referred to as AUTHORITY):

Whereas, AUTHORITY serves public housing clients, conducts tenant income and qualification screening, and provides housing referral functions; and

Whereas, OWNER is applying to the Kansas Department of Commerce and Housing for federal Low Income Housing Tax Credits for its project and this Referral Agreement benefits OWNER in the application process.

Therefore, upon the condition that OWNER receives an allocation of Low Income Housing Tax Credits from the Kansas Department of Commerce and Housing and constructs the project, and for the mutual promises herein made, the parties agree as follows:

OWNER shall notify AUTHORITY when units of the project become available for rent.

AUTHORITY shall thereafter refer clients on its waiting list to OWNER. It is understood by both parties that clients referred to OWNER must be qualified and determined eligible for occupancy by OWNER according to minimum set-aside terms defined in Section 42 of the Internal Revenue Code.

OWNER shall give priority consideration to clients from the waiting list of AUTHORITY when leasing available apartment units.

It is expressly understood that: (1) OWNER shall have final authority to determine tenants of the project; (2) OWNER need not lease to any applicant who does not qualify as an eligible tenant according to terms defined in Section 42 of the Internal Revenue Code; and (3) AUTHORITY shall have no liability for the actions of clients referred from its waiting list or responsibility for the payment of rent, except as provided by the terms of any supplemental assistance agreement between AUTHORITY and a specific client.

This Referral Agreement shall terminate by the mutual agreement of OWNER and AUTHORITY or upon the conclusion of the Compliance Period applicable to the project.

OWNER:

Date: _____
_____ **Organizer/Manager**

Public Housing Authority: _____

Date: _____
_____ **Signature and Title**

EXHIBIT C

RESOLUTION

WHEREAS, the City of _____, Kansas has been informed by _____ that a housing tax credit application (will or has been) filed with the Kansas Department of Commerce & Housing for the development of affordable rental housing to be located at _____, Kansas with a legal description as follows:

WHEREAS, this housing development will contain _____ units;

WHEREAS, the units will be targeted to (elderly, family, special needs, mixed income, rent subsidized);

WHEREAS, the development will be a (new construction, acquisition and rehabilitation or rehabilitation);

WHEREAS, the property will have the following amenities:

WHEREAS, the developer has requested local assistance through (tax increment financing, a tax abatement, issuance of taxable revenue bonds);

NOW, THEREFORE, BE IT RESOLVED by the City of _____ Governing Body, that we support and approve the development of the aforesaid housing in our community, subject to city ordinances and the building permit process. This resolution is effective until _____. In the event that any of the characteristics mentioned above should change prior to the issuance of a building permit, this resolution is null and void.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR, this _____ day of _____, 200 ____.

, Mayor

ATTEST:

_____, City Clerk

SEAL

EXHIBIT D**INDEPENDENT ACCOUNTANTS' REPORT**

The Members

_____, L.C.

We have audited the **Costs Incurred contained in Column C** of the accompanying Schedule of Reasonably Expected Basis and Costs Incurred - statutory basis of _____, L.C. as of _____, 200_. These Costs are the responsibility of the Company's management. Our responsibility is to express an opinion on **these Costs** based on our audit.

We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the **Costs Incurred contained in Column C** in the schedule referred to above are free of material misstatement. An audit includes examining on a test basis, evidence supporting the amounts and disclosures relating to **these Costs**. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall presentation of **these Costs**. We believe that our audit provides a reasonable basis for our opinion.

As described in Note A2, the **Costs Incurred contained in Column C** was prepared on the basis of management's interpretation of Section 42 of the Internal Revenue Code and informal guidelines provided by the Kansas Department of Commerce and Housing as they relate to costs that are eligible for the purpose of obtaining tax credits, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, the **Costs Incurred contained in Column C** of the Schedule of Reasonably Expected Basis and Costs Incurred-statutory basis present fairly, in all material respects, the costs incurred of _____, L.C. as of _____, 200_ on the basis of accounting as described in Note A2.

We also have compiled the **Forecasted Reasonably Expected Basis upon Completion contained in Column B** of the accompanying Schedule of Reasonably Expected Basis and Costs Incurred-statutory basis as of _____, 200_ in accordance with guidelines established by the American Institute of Certified Public Accountants.

The accompanying **Forecasted Schedule of Reasonably Expected Basis** presents, to the best of management's knowledge and belief, the costs expected to be incurred and included in the project's basis for the determination of tax credits under Section 42 of the Internal Revenue Code.

A compilation is limited to presenting forecasted information that is the representation of management and does not include evaluation of the support for the assumptions underlying such information. We have not examined the **Forecasted Reasonably Expected Basis upon Completion contained in Column B** of the accompanying Schedule of Reasonably Expected Basis and Costs Incurred-statutory basis and, accordingly, do not express an opinion or any other form of assurance on this information or its related assumptions. Furthermore, there will usually be differences between the forecasted and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material. We have no responsibility to update this report for events and circumstances occurring after the date of this report.

The accompanying schedule and this report were prepared for _____, L.C. for the determination of whether 10% of the forecasted project's reasonably expected basis have been incurred as of _____, 200_ as required by the Kansas Department of Commerce and Housing. Accordingly, this report is intended solely for the information and use of management _____, L.C. and the Kansas Department of Commerce and Housing and should not be used for any other purposes.

_____, 200_

_____, L.C.

Schedule of Reasonably Expected Basis and Costs Incurred - Statutory Basis

_____, 200_

Itemized cost (A)	Forecasted Reasonably Expected Basis Upon Completion (<i>Compiled</i>) (B)	Costs Incurred (<i>Audited</i>) (C)
To Purchase Land and Buildings		
Land		
Existing Structure		
Demolition		
Other		
For Rehabilitation and New Construction		
New Building		
Rehabilitation		
Building Permit Fee		
Contingency		
Other		
For Architectural and Engineering Fees		
Architect Fee – Design		
Architect Fee - Supervision		
Real Estate Attorney		
Consultant or Processing Agent		
Property/Survey Fee		
Engineering Fees		
Other fees <i>Energy Testing</i>		
For Interim Costs		
Construction Insurance		
Construction Interest		
Construction Loan Origination Fee		
Construction Loan attorney fees		
Credit Enhancement		
Taxes		
For Financing Fees and Expenses		
Title and recording		
Counsel’s Fee		
Cost Certification Fee		
Other <i>Lenders’ inspection</i>		
Subtotals		
	Forecasted Reasonably Expected	

Itemized cost (A)	Basis Upon Completion (Compiled) (B)	Costs Incurred (Audited) (C)
For Soft Costs		
Property Appraisal (feasibility)	_____	_____
Market Study	_____	_____
Environmental Report	_____	_____
Tax Credit Fees	_____	_____
Rent-up	_____	_____
Consultants	_____	_____
Other <i>Cost certification</i>	_____	_____
For Syndication Costs		
Organizational (Partnership)	_____	_____
Bridge Loan Fees and Expenses	_____	_____
Tax Opinion	_____	_____
Other	_____	_____
For Developer's Fees		
Developer's Overhead	_____	_____
Developer's Fees	_____	_____
Other	_____	_____
SUBTOTAL	_____	_____
Subtotal from page 4	_____	_____
TOTAL	_____	_____

The accompanying notes are an integral part of this schedule. Also see summary of significant forecast assumptions and accountant's report.

NOTES TO SCHEDULE OF REASONABLY EXPECTED BASIS
AND COSTS INCURRED - STATUTORY BASIS

_____, 200_

NOTE A - SUMMARY OF ACCOUNTING POLICIES

A summary of the significant accounting policies consistently applied in the preparation of the costs incurred contained in Column C (Costs) of the accompanying Schedule of Reasonably Expected Basis and Costs Incurred ("Schedule") follows.

1. *History and business activity*

The Company was formed as a Kansas Limited Liability Company in _____ 200_ to construct and operate _____, a Section 42 housing project of ___ apartment units ("The Project") in _____, Kansas. The project is currently in construction.

2. *Reservation of tax credits*

The Company received a 200_ allocation of low-income housing tax credits pursuant to Section 42 of the Internal Revenue Code. The Kansas Department of Commerce and Housing administers the allocation and program compliance of this housing program, which is requiring the accompanying schedule. Under this program, the Company must rent to individuals whose family income is 60% or less of the area median income, as adjusted for family size. The Company has entered into a reservation agreement for annual tax credits not to exceed \$_____.

3. *Need for carryover allocation and the 10 Percent Test*

At _____, 200_, The Project has not been completed. According to Internal Revenue Code ("IRC") Section 42(h)(1)(E), if a project is not placed in service in the year it receives its reservation of tax credits, it must apply for a carryover allocation. To be eligible for a carryover allocation, the Company must incur more than 10% of a project's reasonably expected cost (basis) in the project by the end of the year of allocation ("the 10 Percent Test"). Once the Project receives a carryover allocation, a project must be placed in service within the next two years.

4. *Basis of presentation*

The Schedule has been prepared in conformity with the accounting and reporting guidance provided by the Kansas Department of Commerce and Housing for determining project costs. This Schedule is presented on the income tax method of accounting, which includes rules to be used when determining if a liability has been incurred for income tax purposes. The Company will elect the accrual basis of accounting, which is consistent with the method used by the Company in determining costs incurred.

_____, L.C.

NOTES TO SCHEDULE OF REASONABLY EXPECTED BASIS
AND COSTS INCURRED - STATUTORY BASIS - CONTINUED

_____, 200_

NOTE B - REASONABLY EXPECTED BASIS

The IRS issued final regulation Section 1.42-6 that provides many definitions and guidance in complying with the 10% Test. For carryover allocation purposes, reasonably expected basis includes:

- Land
- Costs to construct depreciable property
- Off-site improvements
- Expenditures attributable to commercial space (if any)

Reasonably expected basis excludes:

- Permanent loan fees and interest
- Marketing and lease-up costs
- Organization, syndication, and start-up costs
- Cash reserves

NOTE C - RELATED PARTY TRANSACTIONS

Included in Costs Incurred is a development fee of \$_____. The developer is related to the managing members of the Company through common ownership.

_____, L.C.

SUMMARY OF SIGNIFICANT FORECAST ASSUMPTIONS

SCHEDULE OF REASONABLY EXPECTED BASIS AND COSTS INCURRED - STATUTORY BASIS

_____, 200_

1. Nature of presentation

The forecast presents, to the best of management's knowledge and belief, the expected costs (reasonably expected basis, see *Note B* to the Schedule) to build the project and make it ready for occupancy. Accordingly, the forecast reflects its judgment as of _____, 200_, the date of this forecast, of the expected conditions and its expected course of action. The assumptions disclosed herein are those that management believes are significant to the forecast. There will usually be differences between the forecasted and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material.

2. Reasonably expected basis upon completion

The forecasted reasonably expected basis is based upon management's development budget. The development budget is based upon contracts and price quotes from various suppliers.

Forecasted construction interest is based upon management's planned construction draw schedule and interest at _____% as required by the construction financing. Management expects construction to be completed in _____ 200_.

EXHIBIT E**INDEPENDENT AUDITORS' REPORT**

The Partners

_____, L.P.

We have audited the accompanying schedule of project development costs - statutory basis of _____, L.P. as of _____, 200__. This schedule is the responsibility of the Partnership's management. Our responsibility is to express an opinion on this schedule based on our audit.

Except as discussed in the following paragraph, we conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the schedule of project development costs referred to above is free of material misstatement. An audit includes examining on a test basis, evidence supporting the amounts and disclosures in the schedule of project development costs. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall schedule presentation. We believe that our audit provides a reasonable basis for our opinion.

As disclosed in Note A (2)(c), this schedule includes management's plan to fund various reserves. Because this funding is contingent upon the achievement of certain benchmarks in the future, we were unable to satisfy ourselves as to the reasonableness of the planned reserves or the ability of the Partnership to fund these reserves in accordance with management's plan.

As described in Note A (2), this schedule was prepared on the basis of management's interpretation of Section 42 of the Internal Revenue Code and informal guidelines provided by the Kansas Department of Commerce & Housing as they relate to costs that are eligible for the purpose of obtaining tax credits, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, except for the effects of any adjustments, if any, as might have been determined to be necessary had we been able to obtain evidence supporting management's plan and ability to fund future reserves, the schedule of project development costs referred to above presents fairly, in all material respects, the project development costs of _____, L.P. as of _____, 200__, on the basis of accounting as described in Note A (2).

This report is intended solely for the information and use of management of _____, L.P. and The Kansas Department of Commerce & Housing and should not be used for any other purpose.

_____, L.P.

NOTES TO SCHEDULE OF PROJECT DEVELOPMENT COSTS

_____, 200__

NOTE A - SUMMARY OF ACCOUNTING POLICIES

A summary of the significant accounting policies consistently applied in the preparation of the accompanying schedule follows.

1. *History and business activity*

The Partnership, which owns this project, was formed as a Kansas Limited Partnership in _____ to construct and operate this _____ housing project in _____, Kansas (___ units). The project was completed and occupancy began _____, _____. The Partnership received a 200__ allocation of low-income housing tax credits pursuant to Section 42 of the Internal Revenue Code. The allocation and program compliance of this housing program is administered by the Kansas Department of Commerce & Housing, which is requiring the accompanying schedule. Under this program, the Partnership must rent to individuals whose family income is 60% or less of the area median income, as adjusted for family size. The Partnership has entered into a reservation and carryover agreement for annual tax credits not to exceed \$_____.

2. *Basis of presentation*

The schedule of project development costs has been prepared on the basis of management's interpretation of Section 42 of the Internal Revenue Code and informal guidelines provided by the Kansas Department of Commerce and Housing as they relate to costs that are eligible for the purpose of obtaining tax credits. This guidance differs in some respects from generally accepted accounting principles, and the accompanying schedule reflects the following additional accounting and reporting principles:

- a. Costs are exclusive of kickbacks, rebates or trade discounts.
- b. Project costs include certain anticipated build out costs that are incurred after a building is placed in service, such as landscaping and parking lot improvements.
- c. Costs include funded and anticipated working capital reserve requirements.
- d. Eligible basis includes the adjusted basis of depreciable property (without regard to depreciation).

NOTE B - RELATED PARTY TRANSACTIONS

Included in development cost is a development fee of \$_____ to the general partner of the Partnership.

_____, L.P.

Schedule of Project Development Costs - _____, 200____		Adjusted Basis by Credit Type	
Itemized Cost	Development Cost	4% Credit Basis	9% Credit Basis
To Purchase Land and Buildings			
Land		N/A	N/A
Existing Structure			N/A
Demolition			
Other			
For Site Work			
Off-site Improvement			
Other			
For Rehabilitation and New Construction			
New Building			
Rehabilitation			
Accessory Building			
General Requirements			
Contractor Overhead			
Contractor Profit			
Building Permit Fee			
Other			
For Architectural and Engineering Fees			
Architect Fee – Design			
Architect Fee – Supervision			
Real Estate Attorney			
Consultant or Processing Agent			
Property/Survey Fee			
Engineering Fees Soil Testing			
Other fees Energy Testing			
For Interim Costs			
Construction Insurance			
Construction Interest			
Construction Loan Origination Fee			
Construction Loan			
Credit Enhancement			
Taxes			
For Financing Fees and Expenses			
Bond Premium		N/A	N/A
Credit Report		N/A	N/A
Perm. Loan Origination Fee		N/A	N/A
Perm. Loan		N/A	N/A
Credit Enhancement		N/A	N/A
Cost of Issuing Underwriter’s Discount		N/A	N/A
Title and recording		N/A	N/A
Counsel’s Fee		N/A	N/A
Cost Certification Fee		N/A	N/A
Other Lenders’ inspection		N/A	N/A
Subtotals			

Itemized Cost	Development Cost	Adjusted Basis by Credit Type	
		4% Credit Basis	9% Credit Basis
For Soft Costs			
Property Appraisal (feasibility)			
Market Study			
Environmental Report			
Tax Credit Fees			
Rent-up		N/A	N/A
Consultants			
Other KDOC&H COST CERTIFICATION			
For Syndication Costs			
Organizational (Partnership)		N/A	N/A
Bridge Loan Fees and Expenses		N/A	N/A
Tax Opinion		N/A	N/A
Other		N/A	N/A
For Developer's Fees			
Developer's Overhead			
Developer's Fees			
Other			
For Project Reserves			
Rent-up Reserve		N/A	N/A
Operating Reserve		N/A	N/A
Other		N/A	N/A
Other		N/A	N/A
SUBTOTAL			
Subtotal from page 3			
TOTAL			
Less portion of federal grant used to finance qualifying development costs.			
List Grants			
Less amount of nonqualified nonrecourse financing			
Less non-qualifying units of higher quality			
Less Historic Tax Credit (Residential Portion Only)			
TOTAL Eligible Basis			
Multiplied by the Applicable Fraction		%	%
TOTAL Qualified Basis			
Multiplied by the Applicable Percentage			

TOTAL AMOUNT OF TAX CREDIT REQUESTED: _____

Placed In-Service Date (If project contains only one building) _____

The accompanying notes are an integral part of this schedule.

EXHIBIT F**UNDERWRITING CRITERIA****Operating Reserves**

Minimum operating reserves should equal four to six months of projected operating expenses plus debt service payments and replacement reserve payments. In lieu of operating reserves, developer guarantees will be acceptable when adequate financial capacity and liquidity, track record and outstanding other guarantees are demonstrated.

Replacement Reserves

Minimum replacement reserves should equal \$200 per unit annually for new construction and \$300 per unit annually for rehabilitation developments. Exceptions may be made for certain special needs developments such as senior development, which may suffer less wear and tear than other properties. Replacement reserves should be increased annually by the same inflation factor that is used for increasing operating expenses.

Debt Coverage Ratio

A minimum debt service coverage ratio of 1.1 is required in conventionally financed development. For Rural Development financed properties a minimum debt service coverage ratio of 1.05 is required. The debt service coverage ratio should not exceed 1.25 under any circumstances.

Operating Expenses

Operating expenses, exclusive of replacement reserves, should range between \$2,500 and \$3,500 per unit annually. In new construction developments, the operating costs of comparable properties will be taken into consideration. In rehabilitation developments, historic property experience will be reviewed.

Intermediary Costs

Intermediary costs, such as architect fees, attorney fees, recording costs, market studies, environmental reports, energy efficiency testing, engineering, consultants, appraisals, etc. should not exceed 5% of the total development costs. Developments involving nonprofit sponsors will likely to have higher intermediary costs.

EXHIBIT G**ENERGY EFFICIENCY RECOMMENDED PRACTICES
AND SPECIFICATIONS****Introduction**

A cost-effective and good overall package of performance measures should produce a score of no less than 80 points using the Kansas Energy StarSM Home Energy Rating System (HERS). Because the HERS evaluates the overall package of energy efficiency measures, trade-offs may allow you to install less than the minimum standards of the material listed below; however, 80 points will remain the threshold measurement for completed developments. Trade-offs may allow you, for instance, to install an above grade wall insulation system with an R-value of 11, provided you have installed a forced air natural gas space heating system with an AFUE of 96% and an air-conditioning system with a 13 SEER rating. Given dramatic differences in local material and labor costs, we encourage you to work closely with certified Kansas Energy StarSM raters, during the design and planning stage of your project. Working with a rater can help you determine the most cost-effective means of achieving a rating of 80 points.

Space heating and cooling typically represent the most substantial portion of residential energy use (approximately 44%). The thermal properties of the building envelope and the efficiency of the space heating and cooling, as well as water heating equipment have a significant impact on the comfort, air-quality, and energy use of a home. Below are comparative tables, which describe minimum energy efficiency properties and improved (or better) performance energy efficiency options for the main construction components that contribute to heating and cooling energy use and costs. Cost-effectiveness is affected by fuel prices and installed material and equipment costs. Where natural gas exceeds \$6.50 per MCF, propane exceeds \$0.60 per gallon, or average electric prices exceed \$0.055 per kW, the “Better” levels shown on the tables may be the most “cost-effective.”

R-value:

R-value is a measure of resistance to heat transfer through particular materials and insulation products.

Attic Insulation R-value	
Minimum	Better
30	38

R-values
are

determined by controlled laboratory tests. It is

Wall Insulation R-value	
Minimum	Better
13	19

important to understand that in order for any insulation product to perform up to its rated R-value, near laboratory conditions must also exist in the field application of these materials. This generally is not the case in real-world conditions. In order to make field applications more closely

Floors Over Unheated Spaces R-value	
Minimum	Better
19	24

Foundation Insulation R-value	
Basement Walls	
Minimum	Better
9	15
Crawl Space Walls	
Minimum	Better
10	16
Slab on Grade	
Minimum	Better
5	10

resemble laboratory conditions, a comprehensive air-sealing package should accompany the insulation job. The thickness and density of insulation products significantly influences a product's rated R-value. To insure insulation will perform at its rated R-value, it is necessary to verify the quality of the installation job and the product's installed thickness and density through standardized testing procedures. Generally, this is done by weighing a sample of the material. Insulation manufacturers should have installed density and R-value reference material for their product. Batten insulation products are typically rated as "R-value per inch." This is different than blown-in products because the product's density is predetermined in the manufacture of the product. However, compressing the material or leaving edge-gaps in batten products can significantly influence the product's performance.

U-value:

U-value is a measure of heat conductance and is generally used as the energy efficiency measurement given for windows and doors. It can also be described as $1 \div (\text{R-value}) = \text{U-value}$.

Window U-value	
Minimum	Better
0.49	0.36

If the glazing area exceeds 12% of the total wall area, choose the "Better" option. Typical double pane windows with a 1/2 inch air gap have a U-value of approximately 0.49.

Unlike R-value, lower U-value rating numbers indicate higher levels of efficiency.

Equipment:

Space heating and cooling equipment, as well as water heater equipment have a wider variety of energy efficiency measurements applied to them.

Performance ratings may be given in any of the following manners:

- Annual Fuel Utilization Efficiency, **AFUE** - used to rate gas or propane warm-air furnaces and small boilers.
- Seasonal Energy Efficiency Ratio, **SEER** - performance indicator for residential central air conditioners.
- Heating Season Performance Factor, **HSPF** - measures performance of air-source heat pumps.
- Energy Efficiency Ratio, **EER** - used as a rating on window air conditioners and ground-source heat pumps.

The most efficient equipment has the highest numbers based on the performance rating.

These ratings are also determined in laboratory conditions. The installed quality of equipment and their respective distribution systems can have serious implications on their efficient and safe operation.

Special attentions should be given to space heating and cooling systems' distribution systems. HVAC distribution system designs should provide a means for balancing air and water systems. Such design considerations could include, but are not limited to, dampers, temperature and pressure test connections, balancing valves and passive return-air ventilation. Typically, distribution systems consist of supply and

Heating and Cooling Equipment	
Forced Air Heating System AFUE Rating	
Minimum	Better
78	92
Air Conditioner SEER	
Minimum	Better
10	13
Air Source Heat pump HSPF	
Minimum	Better
6.8	8.2
Ground Source Heat pump EER	
Minimum	Better
11.5	15

and return-air duct work, but could be systems of single or supply and return (2-pipe) plumbed piping, as with boilers. The efficiencies listed above do not account for losses through distribution systems.

Naturally aspirated space and water heating equipment should be isolated from the conditioned space of the home. In addition to affecting the performance of the heating or cooling system, distribution system losses can also influence occupant comfort, health, safety and indoor air quality. Distribution losses through ductwork, which is connected to unconditioned spaces, are generally more significant than ductwork, which is located within the conditioned space of the home. However, all attempts should be made to insure ductwork is airtight. Even duct leaks within the conditioned area of the home can jeopardize the occupant's comfort, health, safety and indoor air quality. Ductwork leaks should not exceed 5% of the system's designed airflow. All ductwork, which runs through unconditioned areas, should be insulated to a minimum R-value of 5. If insulated flexible ductwork is installed, any run should not be longer than ten feet and must be stretched tight to achieve its rated R-value and airflow characteristics. Duct insulation should cover 100% of the exposed ductwork in unconditioned areas and be firmly secured to all sides of the ductwork. All joints in the ductwork should be sealed with mastic. This includes joints between the furnace cabinet and supply and return duct work, joints between supply and return plenums and duct take-offs, as well as between ducts and their registers and between registers and the surface they protrude through. Duct tape is not an acceptable sealant on any ducts. Exhaust ducts are exempt from the insulation requirement(s), but remain subject to the air-sealing requirements. Such ventilation should be extended through the exterior of the structure.

Water heating is the third largest energy user in most homes. Typical water heating systems have listed performance ratings similar to HVAC equipment. The performance rating given to water heaters is called their Energy Factor (EF). Energy Factor is the overall water heater efficiency including jacket and off-cycle losses. As with HVAC equipment performance ratings, the higher the number, the more energy efficient the equipment.

Water Heater Energy Factor	
Natural Gas or Propane	
Minimum	Better
0.55	0.65
Electric	
Minimum	Better
0.88	0.92

Water heater distribution systems/hot water pipes up to one inch in diameter should be insulated with 1/2 inch of insulation if they run through unconditioned areas of the home. Water conservation should also be considered, as this can reduce the amount of heated water necessary for the occupants. Energy saving showerheads should be installed and should have a maximum flow rate of 2.5 gallons per minute at 80 pounds per square inch.

Infiltration:

The infiltration rate measurement of homes is often given in “air changes per hour (ACH).” However, infiltration rates can be given in other measurement forms. A blower door reading could be expressed as cubic feet per minute (CFM) with the home depressurized to a specific pressure. Usually, a home would be depressurized to 50 pascals and the measurement provided would be in CFM₅₀.

Infiltration is the biggest contributor to heat loss in many homes. As mentioned, a comprehensive air-sealing package should accompany all insulation work. The air-tightness/infiltration rate of a home (or unit) also can affect the occupant’s comfort, health, safety, and the energy use of the home. Indoor air quality must be maintained, with a minimum level of energy loss through infiltration. Air-leakage through the building’s thermal envelope should be addressed; however, leakage that may occur between intentionally conditioned interior areas of the house does not require air sealing. Exterior doors and windows should be designed to limit air leakage into or from the building envelope. Exterior windows and doors should have infiltration rates, which do not exceed those listed on the table below:

This information is usually readily available from window and door manufacturers. Most modern manufacturers of windows and doors meet or exceed the requirements listed in the table.

All exterior joints, seams or penetrations in the building envelope should be sealed with durable caulking materials, sealed with gasketing systems, or covered with a moisture vapor permeable house-wrap. Air

leakage locations to be treated should include all openings, cracks and joints between wall cavities and window or door frames; between wall assemblies and their sill-plates and foundations; between walls and roof/ceilings or attic/ceiling seals and between separate wall panels; penetration of utility services through walls, floors and roof assemblies, penetrations through the wall cavity of top and/or bottom plates; and all other such openings in the building envelope. This includes sealing around tubs and showers, at the attic and crawl space panels (or walls), at recessed light fixtures and around all plumbing and electrical penetrations.

The American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc. (ASHRAE) recommends that homes should not have an infiltration rate less than 0.35 natural ACH. This helps to insure that indoor air quality is not compromised through allowing the home to “breathe.” With current building practices, this level of infiltration is often achieved and in many cases homes have

Infiltration Rates for Windows and Doors		
Windows		
Frame Type	(cfm per foot of operable sash crack)	
Wood	0.34	
Aluminum	0.37	
PVC	0.37	
Doors		
	Sliders	Swinging
Wood	0.35	0.5
Aluminum	0.37	0.5
PVC	0.37	0.5

infiltration rates lower than 0.35 natural ACH. Following the insulation, window and door, and infiltration requirements above, a infiltration rate that approaches this standard should not be difficult to achieve. Newly constructed units and units under-going substantial rehabilitation should not have infiltration rates above 0.45 natural ACH. The infiltration rate of the home (or unit) should be verified through blower door testing.

Material installation:

Where applicable, all material listed in this document must be tested and installed in accordance with the standards identified in the Council of American Building Officials (CABO) Model Energy Code (MEC), 1993 Edition. Such installation standards primarily relate to insulation materials and their respective applications. Check with local building officials to determine if local building codes may supersede the installation standards identified in the 1993 MEC. Notify the Kansas Department of Commerce and Housing's Housing Tax Credit Program, if local code regulations prohibit or interfere with 1993 MEC material or installation standards.

**CERTIFICATE OF COMPLIANCE
1993 MODEL ENERGY CODE**

On _____ (date), The Low Income Housing Tax Credit Property at:

(Project Name)

(Apt. No. & Street Address)

(City, State, Zip)

Was rated by _____ / _____
(Rater Name) (Rater Number)

The rating conducted on _____ indicates:
(Specify Apt. or Unit #'s)

- This home/unit **MEETS** the requirements for the 1993 Model Energy Code Overall Building Uo Compliance.
- This home/unit **DOES NOT MEET** the requirements for the 1993 Model Energy Overall Code Buildings Uo Compliance.
- This home/unit **MEETS** the requirements for the 1993 Model Energy Code Annual Energy Consumption Compliance.
- This home/unit **DOES NOT MEET** the requirements for the 1993 Model Energy Code Annual Energy Consumption Compliance.

The numerical home energy rating score for this home/unit is _____ on the home energy rating scale of 0-100, **Based on Plans / Upon Completion** (circle appropriate response).

I certify that the property listed above has been rated according to the standards established for the Energy and Environment Ratings Alliance (EERA), or another RESNET accredited home energy ratings provider.

The following HERS Reports are attached:

- Action Report
- Energy Cost & Features Report
- Performance Summary
- 1993 Model Energy Code Overall Buildings Uo Compliance
- 1993 Model Energy Code Annual Energy Consumption Compliance
- Home Energy Ratings / Certification

(Rater Signature)

EXHIBIT H

**Establishing a Rural Housing Incentive District
Based on a City or County Housing Needs Analysis**

**Guide for the Certification of Findings and Determinations
by the Secretary of Commerce & Housing**



Bill Graves, Governor
Gary Sherrer, Lt. Governor / Secretary

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The Legislation

In the 1998 session, the Kansas Legislature passed, and the Governor signed into law, House Bill No. 2590, the Kansas Rural Housing Incentive District Act. The act encourages housing development in rural cities and counties, where housing shortages exist, by authorizing tax increment financing for public improvements in support of housing development.

A rural city is defined as having a population of less than 40,000 in a county of less than 60,000. A rural county is defined as having a population of less than 40,000.

Before utilizing this incentive, the governing body of the city or county must conduct a housing needs analysis. The Secretary of the Kansas Department of Commerce & Housing must certify that the findings and determinations of the housing needs analysis justify the use of this incentive. (See K.S.A. 12-5241 – 12-5301. Note Chapter 12-5244.)

The Housing Development Division offers the following guidance regarding the findings and determinations necessary to establish a rural housing incentive district.

Shortage of Quality Housing

The governing body of the city or county must find and determine, and the Secretary of Commerce & Housing must agree, that **there is a shortage of quality housing of various price ranges in the city or county despite the best efforts of public and private housing developers.**

Quality housing may be established under either or both of the following definitions:

1. Housing units pass inspection under the Section 8 Housing Quality Standards (HQS) of the U.S. Department of Housing and Urban Development, as determined by State certified local housing inspectors.
2. Households do not have housing problems as determined by the U. S. Census Bureau. Housing problems of households include:
 - (a) Occupying units with physical defects, i.e., lacking complete kitchen or bathroom;
 - (b) Occupying overcrowded units, i.e., more than one person per room; and
 - (c) Carrying a cost burden greater than 30%, i.e., housing costs, including utilities, exceed 30% of gross income.

Housing price ranges may be those established by the U.S. Census Bureau for the categories of value of owner-occupied units and the categories of gross rent for renter-occupied units. As an alternative, housing price ranges may be locally established for the categories of current selling prices of owner-occupied units and the categories of current contract rents for rental units.

One or more of the following housing market indicators may be used by the Department of Commerce & Housing for the determination of housing shortages.

OWNER-OCCUPIED HOUSINGHousing Supply / DemandHousing Shortage Indicator

Vacancy rate	Low (1 % of stock or less)
Overcrowding	High (6 % of stock or more)
Size match	Count of large households (6 or more persons) exceeds count of large units (4 or more bedrooms)
Complete plumbing	Low (96% of stock or less)
New units (1 year old or less)	Low (1.5% of stock or less)
Old units (50 years old or more)	High (40% of stock or more)
Price: income match	Count of households in income category exceeds count of units in price category (units not to exceed 30% of gross income)

RENTAL HOUSINGHousing Supply / DemandHousing Shortage Indicator

Vacancy rate	Low (under 5% of stock)
Size match	Count of large households (6 or more persons) exceeds count of large units (4 or more bedrooms)
Complete plumbing	Low (95% of stock or less)
New units (1 year old or less)	Low (1.0% of stock or less)
Old units (50 years old or more)	High (40% of stock or more)
Rent: income match	Count of households in income category exceeds count of units in rent category (units not to exceed 30% of gross income)

U. S. Census data may be used to establish the above indicators of housing shortages. As an alternative, current housing market information may be collected and used for this purpose.

Beyond the present, five-year projections of population, housing supply, and housing demand may be used to anticipate future market conditions. Also, changing housing needs - trends toward an aging population, smaller households, etc. - may alter the housing market of the future.

In the past, the best efforts of public and private housing developers may be documented by the difficulty of the city or county in attracting new businesses and / or the difficulty of investors and lenders in financing new construction or renovation of housing.

Persistence of Housing Shortage

The governing body of the city or county must find and determine, and the Secretary of Commerce & Housing must agree, that **the shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in such city or county.**

The persistence of a shortage in quality housing may be indicated by relatively low development activity in the housing market. One or more of the following factors may demonstrate low housing development activity:

1. The formula of new housing units constructed, minus existing housing units demolished, results in a low net gain (or loss) of residential units.
2. Existing housing units, suitable for rehabilitation, are present, but little or no rehabilitation activity is occurring.
3. Residential land is available. However, buildable lots or subdivisions have few or no new housing units in the pipeline, i.e., units planned or approved, but without building permits.

The necessity of additional financial incentives for the private sector may be documented by the current shortage of quality housing, the past (best) efforts of housing developers, and / or pro formas showing future housing projects are not financially feasible.

Deterrent to Economic Growth

The governing body of the city or county must find and determine, and the Secretary of Commerce & Housing must agree, that **the shortage of quality housing is a substantial deterrent to the future economic growth and development of such city or county.**

Economic growth is an increase in the city or county of number of jobs, per capita or median income, employment rate, sales levels, etc. Economic development is the formation of a public/private partnership between local government and community-based organizations to improve the local economy. The partners cooperate to pursue effective strategies of linking public and private investment, supporting the local economy in the regional, national, and global economies.

Economic growth and development produce employment and income gains, population and household gains. An ongoing shortage of quality housing will not accommodate the corresponding increase in volume and / or level of housing demand. If persuasive, the preceding documentation, ipso facto, will attest that the shortage of quality housing is a substantial deterrent to future economic growth and development.

City or County Incentives

The governing body of the city or county must find and determine, and the Secretary of Commerce & Housing must agree, that **the future economic well being of the city or county depends on the governing body providing additional incentives for the construction or renovation of quality housing in such city or county.**

Economic well-being is the ability of the city or county to achieve, and sustain, a favorable rate of economic growth. Therefore, the city or county must provide attractive business, education, recreation, and other opportunities. Economic growth brings employment growth. Quality housing attracts employees and fulfills their needs.

If persuasive, the preceding documentation, ipso facto, will attest that the future economic well-being of the city or county depends on the governing body providing additional incentives for the construction or renovation of quality housing.

As a word of caution, a rural housing incentive district, by itself, will not generate economic well-being. Community leadership and non-housing resources, also, will be needed.

EXHIBIT I**KANSAS DEPARTMENT OF COMMERCE & HOUSING
Housing Development Division****Fair Housing Activities of Partners**

Fair Housing is the law. See the Kansas Analysis of Impediments to Fair Housing Choice 1997 (AI) and the Kansas Fair Housing Action Plan 1997—2000 (AP).

The Kansas AI identifies six impediments to fair housing, including: (1) difficulty finding accessible housing, (2) lack of fair housing information, (3) biased lending practices, (4) neighborhood opposition, (5) resistance to single parent rentals, and (6) resistance to minority rentals. The Kansas AP identifies fair housing activities to reduce, and if possible, eliminate these impediments.

The Housing Development Division of the Kansas Department of Commerce & Housing hereby asks all of its housing partners to affirmatively further fair housing. Local governments, private developers or owners, and nonprofit organizations receiving housing funds must complete, and verify, a minimum of one fair housing activity per year per loan or grant.

As a guide for housing partners, please see the Kansas AP for a basic list of fair housing activities. Also, please review the supplemental list of fair housing activities below.

Fair Housing Activities**Planning, Research, and Development**

1. Review, and revise, the local comprehensive land use plan, zoning and subdivision ordinances to promote deconcentration of assisted housing units.
2. Offer city/county owned property to developers at nominal costs for the construction of assisted housing units.
3. Adopt a city/county code enforcement ordinance requiring landlords to maintain housing properties in a decent, safe, and sanitary condition. Perform inspections. Enforce the code.
4. Conduct research to identify low- and moderate-income housing needs, including the needs of minorities, single parent families, and persons with disabilities.
5. Prepare and implement a comprehensive housing plan or housing affordability strategy.
6. Perform a local analysis of impediments to fair housing choice.
7. Reduce or eliminate an identified local impediment to fair housing.

Business and Finance

1. Increase opportunities for minority- and women-owned businesses in real estate sales, housing construction, mortgage lending, and property management.

2. Design an outreach program with housing developers to recruit minorities, women, and low-income persons for employment.
3. Establish a Community Housing Development Organization (CHDO), involving low-income persons, women, and minorities in all aspects of the business.
4. Encourage banks and other financial institutions to avoid redlining practices and function as Equal Housing Opportunity lenders.
5. Persuade real estate brokers and others to schedule classes on homeownership financing and options for low-income persons, minorities, women, and persons with disabilities.
6. Provide housing counseling to help minorities find housing outside areas of concentration.

Information and Education

1. Convince the city/county to adopt by resolution the U.S. Fair Housing Act and the Kansas Act Against Discrimination. Distribute these acts to interested citizens.
2. Issue a Fair Housing Month Proclamation by the city/county.
3. Design radio or television spots for public service announcements on fair housing.
4. Display fair housing posters and flyers in grocery stores, public libraries, and other places.
5. Publish bilingual fair housing information for non-English speaking residents in the community.
6. Organize a class project or art contest in the schools on fair housing.
7. Sponsor a fair housing seminar or campaign with churches, schools, and service agencies.
8. Contact the Kansas Fair Housing Project Team at the Kansas Department of Commerce & Housing to participate in a workshop on fair housing.

Complaints and Remedies

1. Commit the city/county to assist persons experiencing discrimination in housing. When indicated, facilitate the filing of complaints with the U.S. Department of Housing and Urban Development (HUD) or the Kansas Human Rights Commission (KHRC).
2. Insert the city/county pledge of support for fair housing in local utility bills; include information on filing housing discrimination complaints.
3. Print the HUD and KHRC phone numbers for housing discrimination complaints in the advertising section of the local newspaper.

2001 HUD Maximum Per Unit Subsidy Limit						
Zone	High Cost %	0 BR	1 BR	2 BR	3 BR	4 BR
Kansas City	183	\$ 64,782	\$ 74,260	\$ 90,300	\$ 116,816	\$ 128,228
Topeka	157	\$ 55,578	\$ 63,709	\$ 77,470	\$ 100,219	\$ 110,010
Wichita	149	\$ 52,746	\$ 60,463	\$ 73,523	\$ 95,113	\$ 104,404
Pittsburg	144	\$ 50,976	\$ 58,434	\$ 71,055	\$ 91,921	\$ 100,901
Salina	149	\$ 52,746	\$ 60,463	\$ 73,523	\$ 95,113	\$ 104,404
Garden City	142	\$ 50,268	\$ 57,622	\$ 70,068	\$ 90,644	\$ 99,499

EXHIBIT J

<u>Zone</u>	<u>Counties</u>			
Kansas City	Johnson	Leavenworth	Miami	Wyandotte
Topeka	Atchison Franklin Lyon Osage Wabaunsee	Brown Geary Marshall Pottawatomie	Doniphan Jackson Morris Riley	Douglas Jefferson Nemaha Shawnee
Pittsburg	Allen Coffey Montgomery	Anderson Crawford Neosho	Bourbon Labette Wilson	Cherokee Linn Woodson
Wichita	Barber Comanche Harper Marion Rice	Butler Cowley Harvey McPherson Sedgwick	Chase Elk Kingman Pratt Sumner	Chautauqua Greenwood Kiowa Reno
Salina	Barton Edwards Lincoln Pawnee Rush Stafford	Clay Ellis Mitchell Phillips Russell Washington	Cloud Ellsworth Osborne Republic Saline	Dickinson Jewell Ottawa Rooks Smith
Garden City	Cheyenne Ford Gray Hodgeman Meade Rawlins Sherman Trego	Clark Gove Greeley Kearny Morton Scott Stanton Wallace	Decatur Graham Hamilton Lane Ness Seward Stevens Wichita	Finney Grant Haskell Logan Norton Sheridan Thomas

EXHIBIT K

Form **8821**
(Rev. January 2000)
Department of the Treasury
Internal Revenue Service

Tax Information Authorization

OMB No. 1545-1186
For IRS Use Only
Received by:
Name _____
Telephone (____) _____
Function _____
Date ____/____/____

▶ IF THIS AUTHORIZATION IS NOT SIGNED AND DATED, IT WILL BE RETURNED.

1 Taxpayer information.

Taxpayer name(s) and address (please type or print)	Social security number(s)	Employer identification number
	Daytime telephone number (____) _____	Plan number (if applicable)

2 Appointee.

Name and address (please type or print)	CAF No. _____ Telephone No. (____) _____ Fax No. (____) _____ Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/>
---	---

3 Tax matters. The appointee is authorized to inspect and/or receive confidential tax information in any office of the IRS for the tax matters listed on this line.

(a) Type of Tax (Income, Employment, Excise, etc.)	(b) Tax Form Number (1040, 941, 720, etc.)	(c) Year(s) or Period(s)	(d) Specific Tax Matters (see instr.)

4 Specific use not recorded on Centralized Authorization File (CAF). If the tax information authorization is for a specific use not recorded on CAF, check this box. (See the instructions on page 2.)
If you checked this box, skip lines 5 and 6.

5 Disclosure of tax information (you must check the box on line 5a or b unless the box on line 4 is checked):
a If you want copies of tax information, notices, and other written communications sent to the appointee on an ongoing basis, check this box
b If you do not want any copies of notices or communications sent to your appointee, check this box

6 Retention/revocation of tax information authorizations. This tax information authorization automatically revokes all prior authorizations for the same tax matters you listed above on line 3 unless you checked the box on line 4. If you do not want to revoke a prior tax information authorization, you MUST attach a copy of any authorizations you want to remain in effect AND check this box
To revoke this tax information authorization, see the instructions on page 2.

7 Signature of taxpayer(s). If a tax matter applies to a joint return, either husband or wife must sign. If signed by a corporate officer, partner, guardian, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute this form with respect to the tax matters/periods covered.

Signature _____	Date _____	Signature _____	Date _____
Print Name _____	Title (if applicable) _____	Print Name _____	Title (if applicable) _____

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of form. Form 8821 authorizes any individual, corporation, firm, organization, or partnership you designate to inspect and/or receive your confidential information in any office of the IRS for the type of tax and the years or periods you list on this form. You may file your own tax information authorization without using Form 8821, but it must include all the information that is requested on the form.

Form 8821 does not authorize your appointee to advocate your position with respect to the Federal tax laws; to execute waivers, consents, or closing agreements; or to otherwise represent you before the IRS. If you want to authorize an individual to represent you, use Form 2848, Power of Attorney and Declaration of Representative.

Use Form 56, Notice Concerning Fiduciary Relationship, to notify the IRS of the existence of a fiduciary relationship. A fiduciary (trustee, executor, administrator, receiver, or guardian) stands in the position of a taxpayer and acts as the taxpayer. Therefore, a fiduciary does not act as an appointee and should not file Form 8821. If a fiduciary wishes to authorize an appointee to inspect and/or receive confidential tax information on behalf of the fiduciary, Form 8821 must be filed and signed by the fiduciary acting in the position of the taxpayer.

Taxpayer identification numbers (TINs). TINs are used to identify taxpayer information with corresponding tax returns. It is important that you furnish correct names, social security numbers (SSNs), individual taxpayer identification numbers (ITINs), or employer identification numbers (EINs) so that the IRS can respond to your request.

Partnership items. Sections 6221–6231 authorize a Tax Matters Partner to perform certain acts on behalf of an affected partnership. Rules governing the use of Form 8821 do not replace any provisions of these sections.

When to file. Form 8821 must be received by the IRS within 60 days of the date it was signed and dated by the taxpayer.

Where to file. Generally, mail or fax Form 8821 directly to the Centralized Authorization File (CAF) Unit at the service center where the related return was, or will be, filed. To find the service center address, see the related tax return instructions. To get the fax number, call 1-800-829-1040.

If Form 8821 is for a specific tax matter, mail or fax it to the office handling that matter. For more information, see the instructions for line 4.

Specific Instructions

Line 1—Taxpayer information

Individuals. Enter your name, TIN, and your street address in the space provided. **Do not** enter your appointee's address or post office box. If a joint return is used, also enter your spouse's name and TIN. Also enter your EIN if applicable.

Corporations, partnerships, or associations. Enter the name, EIN, and business address.

Employee plan. Enter the plan name, EIN of the plan sponsor, three-digit plan number, and business address of the plan sponsor.

Trust. Enter the name, title, and address of the trustee, and the name and EIN of the trust.

Estate. Enter the name, title, and address of the decedent's executor/personal representative, and the name and identification number of the estate. The identification number for an estate includes both the EIN, if the estate has one, and the decedent's TIN.

Line 2—Appointee. Enter your appointee's full name. Use the identical full name on all submissions and correspondence. If you wish to name more than one appointee, indicate so on this line and attach a list to the form.

Note: Only the first three appointees you list will be input on the CAF.

Enter the nine-digit CAF number for each appointee. If an appointee has a CAF number for any previously filed Form 8821 or power of attorney (Form 2848), use that number. If a CAF number has not been assigned, enter "NONE," and the IRS will issue one directly to your appointee.

The CAF number is a number that the IRS assigns to appointees. The appointee's CAF number must be used on all future Forms 8821 or 2848. The IRS does not assign CAF numbers to requests for employee plans and exempt organizations.

Line 3—Tax matters. Enter the type of tax, the tax form number, the years or periods, and the specific tax matter. Enter "Not applicable," in any of the columns that do not apply.

In **column (c)**, write the years using the YYYY format, for example, "2000." **Do not** use general references such as "all years," or "all periods." If you do, your application will be returned.

You may list any prior years or periods, but for future periods, you are limited to the 3 future periods that end no later than 3 years after the date Form 8821 is received by the IRS. For **employment tax** or **excise tax** returns, enter the applicable quarters of the tax year. For **estate tax** returns, enter the date of the decedent's death instead of the year or period.

In **column (d)**, enter any specific information you want the IRS to provide. Examples of column (d) information are: transcript of an account, a balance due amount, a specific tax schedule, or a tax liability.

For requests regarding a **foreign certification** shown on **Form 6166**, Certification of Filing A Tax Return, enter "Form 6166" in column (d) and check the box on line 4.

Line 4—Specific use not recorded on CAF. Generally, the IRS records all tax information authorizations on the CAF system. However, authorizations relating to a specific issue are not recorded.

Check the box on line 4 if Form 8821 is filed for any of the following reasons: (1) requests to disclose information to loan companies or educational institutions, (2) requests to disclose information to Federal or state agency investigators for background checks, (3) civil penalty issues, (4) trust fund recovery penalty,

(5) application for EIN, or (6) claims filed on **Form 843**, Claim for Refund and Request for Abatement. If you check the box on line 4, your appointee should mail or fax Form 8821 to the IRS office handling the matter. Otherwise, your appointee should bring a copy of Form 8821 to each appointment to inspect or receive information. A specific use tax information authorization does not automatically revoke any prior tax information authorizations.

Line 6—Retention/revocation of tax information authorizations. Check the box on this line and attach a copy of the tax information authorization you do not want to revoke.

To revoke an existing authorization, send a copy of the previously executed Form 8821 to the IRS office where it was filed. Write "REVOKE" across the top of the form and sign your name again under the existing signature (line 7). If you do not have a copy of the prior Form 8821, send a letter to the IRS office where you filed it. The letter must indicate that the authority of the tax information authorization is revoked and must be signed by the taxpayer. Include the name and address of each appointee whose authority is revoked.

Note: Filing Form 8821 does not revoke any Form 2848 that is in effect.

Line 7—Signature of taxpayer(s)

Individuals. You must sign and date the authorization. **Either** husband or wife must sign if Form 8821 applies to a joint return.

Corporations. Generally, Form 8821 can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer, and (4) any other person authorized to access information under section 6103(e).

Partnerships. Generally, Form 8821 can be signed by any person who was a member of the partnership during any part of the tax period covered by Form 8821. See **Partnership Items** above.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. Form 8821 is provided by the IRS for your convenience and its use is voluntary. If you designate an appointee to inspect and/or receive confidential tax information, you are required by section 6103(c) to provide the information requested on the form. Under section 6109, you must disclose your social security number (SSN), employer identification number (EIN), or individual taxpayer identification number (ITIN). If you do not provide all the information requested on this form, we may not be able to honor the authorization.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia for use in administering their tax laws. We may also give this information to other countries pursuant to tax treaties.

You are not required to provide the information requested on a form unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Disclosure of the information on this form may be made as provided in section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping, 7 min.; Learning about the law or the form, 12 min.; Preparing the form, 24 min.; Copying, assembling, and sending the form to the IRS, 20 min.**

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send Form 8821 to this address. Instead, see **Where to file** on this page.

