

THE STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
NEVADA HOUSING DIVISION

2006 QUALIFIED ALLOCATION PLAN  
for  
LOW-INCOME HOUSING TAX CREDITS  
Draft Advisory Committee of September 13, 2005  
Proposed changes are highlighted in gray

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**2006 ANNUAL QUALIFIED ALLOCATION PLAN  
for  
LOW-INCOME HOUSING TAX CREDITS**

**GENERAL INFORMATION**

**Section 1     Annual Plan Information**

Nevada's 2006 Qualified Allocation Plan (QAP) is adopted pursuant the Nevada Housing Division's (Division) regulations implementing the Low-Income Housing Tax Credits (Tax Credits) program. The Regulations, the Application form, the Instructions and the Compliance Policies and Procedures Manual constitute the Division's QAP for the Low Income Housing Tax Credits Program pursuant to Section 42 of the Internal Revenue Code of the United States and implementing regulations.

The 2006 QAP covers the period *January 1, 2006 to December 31, 2006*. All reservations of Tax Credits made during the plan year are subject to this annual plan.

The Division will continually update our web page with information regarding the 2006 QAP. NHD web address: <http://www.nvhousing.state.nv.us/>.

**Section 2     Training and Application Submission Dates**

A. Completeness and Consistency of Tax Credit Application

Final applications must be completed on a Final Application form prescribed by the Division.

Original applications must be complete and must materially match other applications for funding that relate to the project (i.e. other applications for NHD funding, HOME for example). All material information must be comparable as it relates to other funding and to the final cost that the IRS form(s) 8609 are issued from.

B. Tax Credit Application Deadline

Pursuant to Nevada Administrative Code (NAC) 319.974, Applications for Tax Credits and all supporting documentation must be sent to the Las Vegas or Carson City office of the Nevada Housing Division and *received by 5:00 p.m. May 5, 2006*, unless otherwise notified by the Division. One original and one copy of the application must be submitted. Applicants are encouraged to send in applications more than 10 days before the deadline to take advantage of a pre-deadline review period. The Division will allow an extension of the 10-day review period if HUD guidelines required for the finalization of the QAP are delayed. The Division will make an announcement regarding the extension if applicable.

C. Carryover Deadline

Pursuant to the year-end tax bill of 2000, the 10% test for carryover will be extended for six months from the date of allocation. Carryover information must be sent to the Las Vegas or Carson City office of the Nevada Housing Division and *received by 5:00 p.m., September 29, 2006*. The Project Sponsor must meet the 10% test by *April 30, 2007*, and must supply the Division with a Federal Tax Identification Number to receive a carryover commitment. The Division will issue carryover allocations on *November 1, 2006*.

D. Training Dates/Reservations for Sessions

The Division will conduct training on the 2006 QAP in Carson City and Las Vegas on *November 17, 2005 at 9:00 a.m.* The training locations are listed below.

Nevada Housing Division Office  
1802 North Carson Street, Suite 154  
Carson City, Nevada

Nevada Housing Division Office  
1771 E. Flamingo Rd., Suite 103-B ( Conference Room)  
Las Vegas, Nevada

Persons desiring to attend should notify the Division by November 11, 2005 so that space and materials may be assured. A telephone hookup with both Division offices will be established to discuss any questions relating to the 2006 QAP.

E. Training Cost

The cost of this training is **\$25.00 per person**. The registration fee must be prepaid by check to the Division's offices in Carson City or Las Vegas by *November 11, 2005*. (***Cash cannot be accepted.***)

### **Section 3 Findings of the Division; Identification of Housing Needs**

The Nevada Housing Division has reviewed State and local plans and studies to determine the market needs for all types of affordable housing, including single family units, manufactured housing alternatives, rental units and public assisted housing.

The plans and studies consulted by the Division include the State of Nevada's Consolidated Plan, Consolidated Plans for Nevada's metropolitan areas, the Nevada Housing Division's Special Needs Assessment prepared by BBC Research and Consulting, the Division's market studies for the Las Vegas and Reno markets, surveys of federal and public housing agencies located within the state, and surveys of city planners and county assessors, and compilations of demographic statistics.

For the 2006 plan year, the Division's review specifically considered factors including high concentrations of low-income persons, vacancy rates, and the conditions of existing housing units.

#### A. Findings On Existing Housing Needs

The Division's findings regarding housing needs for the 2006 plan years are listed below. More detailed information on housing needs by geographic area is available in ATTACHMENT A.

1. There is an inadequate supply of transitional housing to support the needs of the homeless within Nevada.
2. There is an inadequate supply of affordable standard housing units for extremely- and very low-income populations, especially low-income elderly and families with single heads of households.
3. A significant number of Nevada's households live below the poverty level especially households with persons 55 and older and families with children and female heads of households.
4. There is a lack of affordable handicapped accessible housing units for the physically disabled who generally have low incomes. (Within the QAP the term "handicapped" refers persons with disabilities as defined in the Federal Fair Housing Act and the Department of Housing and Urban Development's regulations.)
5. The vacancy rate among three-bedroom units are *higher* in Reno than Las Vegas and the vacancy rate of one- and two-bedroom units are higher in Reno than Las Vegas. Rural communities have the lowest vacancy statewide for 1, 2, 3, and 4 bedroom units.
6. Certain counties and communities are experiencing economic growth, but have insufficient housing for low-income persons.

7. Throughout the state, rental housing needs are exacerbated by overcrowding, lack of essential facilities, and costs disproportionate to household income.
8. A significant number of housing units within the state suffer from obsolescence and deteriorated housing conditions.
9. Populations with specialized housing requirements have significant unmet needs.

The Division has addressed the housing needs identified by the various Consolidated Plans through the selection requirements and project scoring factors in the 2006 QAP.

#### B. Findings On Housing Market Conditions

The Division annually publishes information on housing market conditions for the Las Vegas and Reno/Sparks metropolitan area.<sup>1</sup> This year the Division has extended the survey to include Rural Nevada. A copy of this publication is available on the Division's website [www.nvhousing.state.nv.us](http://www.nvhousing.state.nv.us). Selected tables from this publication showing housing units and vacancy rates are provided in ATTACHMENT B. Applicants should consult this information in developing eligible Tax Credit projects.

#### Key Findings – Las Vegas Housing Market:(needs update)

- ~~///~~ Two- Bedroom apartments are the most popular and constitute 48% of all multi family units that were surveyed.
- ~~///~~ Overall vacancy rates are 3.4% a -1.9% change from the 2004 survey.
- ~~///~~ Average rents increased between 2003 and 2004 for all housing bedroom unit sizes, ranging from a 3.28% increase for studio apartments to 1.52% for 3-bedroom units.
- ~~///~~ Nearly 8% of the Greater Las Vegas Valley's multi family stock has been converted to condominiums.
- ~~///~~ Nearly 70% of 2004 new multi family construction permits occurred in the outlying areas of the Valley and in the City of Las Vegas' downtown redevelopment district.
- ~~///~~ Since 2000 data reflects a downward trend in multi family construction.
- ~~///~~ Since 2000 data reflects a decrease in 3 bedroom unit construction.
- ~~///~~ Affordable unit rental rates from studio, one, two, and three bedroom units are 13% to 28% lower than market rate units of comparable size.
- ~~///~~ One bedroom units are the most popular 55+ rental size.
- ~~///~~ Vacancy rates for 55+ are 3.74% a -3.38 decrease from this time in 2004

#### Key Findings – Reno/Sparks Housing Market:

- ~~///~~ Two bedroom units are the most popular unit type and are 48% of the surveyed units.
- ~~///~~ Overall vacancy rate is 4.9% a -.2% decrease from this time in 2004..
- ~~///~~ The greatest increases in rent were in studio, one and two bedroom units with a 4% increase.
- ~~///~~ Affordable units are 4.3% to 24.9% lower than market rate rentals.
- ~~///~~ One bedroom units are the most popular 55+ age group units at 52%.

Key Findings – Rural Housing Market:

- ✍ Two bedroom unit is the most popular 50% of all units.
- ✍ Overall vacancy in Rural areas is 6.7%
- ✍ Higher vacancy in smaller units SRO s and studios
- ✍ Lower vacancy in 2, 3, and 4 bedroom units.
- ✍ Rental rates are 10.4% to 19.2% lower than market rates.

Source: Nevada Housing Division. NHD Apartment Facts, 2<sup>nd</sup> Quarter 2005. The report is an annual publication of the Nevada Housing Division available at [www.nvhousing.stste.nv.us](http://www.nvhousing.stste.nv.us)

C. Market Area Saturation Assessment

The Nevada Housing Division will conduct a special assessment of Tax Credit applications proposing projects in communities having populations less than 50,000 to determine whether or not the affordable housing market for the community and segment of the population served adequately supports the proposed project.

In making this finding, the Division will consider several factors including:

- ✍ Occupancy rates of affordable housing projects in the community that have been completed within the previous 3 years;
- ✍ Potential financial effects on existing publicly funded housing projects;
- ✍ Rents and occupancy levels of comparable market-rate **or other similar** housing;
- ✍ Local housing conditions, services, and amenities available in existing housing projects; and
- ✍ Special housing needs and housing choices available for low-income households.

Tax Credit applications may be deemed ineligible if: (1) the assessment determines that comparable affordable housing projects have occupancy levels less than 90 percent; (2) the proposed housing project would have a significant adverse financial affect on other publicly funded projects without offsetting public benefits; or, (3) the rents for the affordable housing project are equal to or greater than comparable market-rate housing.

Community population estimates will be based on the State Demographer's estimate of record as of July 1, 2005.



## APPORTIONMENT OF TAX CREDITS

### Section 4 Apportionment Accounts and Initial Balances

The Per Capita Tax Credit (PCTC) for 2006 is \$1.75, subject to adjustment by the Consumer Price Index (CPI). The adjusted PCTC will be published in the *Federal Register*. If the adjusted PCTC is not available by May 1, 2006, the application deadline will be extended 10 days from the date that the PCTC is published.

Estimated Tax Credit allocations are shown in the table below. Project Sponsors are responsible for obtaining information on the actual amount of apportionment prior to the submission of an application. Information on the actual amount of apportionment for each set-aside or other sub-account will be available on the Division's web site: <http://www.nvhousing.state.nv.us/> or may be obtained by contacting the Division. The Division reserves the right to round up or down the actual dollar amount designated to any set-aside or geographical apportionment.

	State Population Est. <sup>2</sup>		Estimated Tax Credit Levels
<b>STATE TAX CREDIT CEILING:</b>	2,410,768		<b>\$4,218,844</b>
<b>CARRYOVER AND OTHER CREDITS:</b>			<b>\$ 0.00</b>
<b>TOTAL AVAILALE 2005 ALLOCATION:</b>			<b>\$4,218,844</b>
<b>TOTAL SET-ASIDES:</b>	Set A-side Percent		<b>\$632,826</b>
NON-PROFIT SET-ASIDE -	10%	\$421,884	
USDA-RD SET-ASIDE -	5%	\$210,942	
<b>TOTAL GEOGRAPHIC APPORTIONMENT:</b>	Percent of Population		<b>\$3,586,018</b>
Clark County	71.00%	\$2,546,072	
Washoe County	16.00%	\$573,762	
Other Counties	13.00%	\$466,182	

See NAC 319.972 (Authorized IRS and State Demographer Values will be posted on website when available)

<sup>2</sup> 2004 Official Population Estimates. Nevada County Population Estimates July 1, 1986 to July 1, 2004. Nevada State Demographer. [http://www.nsbdc.org/demographer/pubs/pop\\_increase.html](http://www.nsbdc.org/demographer/pubs/pop_increase.html)

## **Section 5      Non-Profit Set Aside**

There will be a non-profit set-aside in the amount of 10% of the state ceiling or approximately \$420,000.00. A reservation or allocation of Tax Credits from this set-aside will be limited to non-profit organizations acting alone or in partnership with a for-profit developer if the non-profit partner has received a determination letter from the Internal Revenue Service indicating that the organization is qualified pursuant to IRC § 501 (c) (3) or 501 (c) (4) and the application package contains an executed Exhibit Seven. The non-profit organization must certify in writing to the Division that it meets the requirements of NAC 319.988. The Project Sponsor must also certify that no change has occurred in the organization since the issuance of the determination letter from the Internal Revenue Service that would affect the validity of the determination letter. If the project is awarded Tax Credits from the non-profit set-aside, any new Project Sponsor during the compliance period must qualify for an allocation of Tax Credits from the non-profit set-aside under the provisions of this QAP.

## **Section 6      USDA-RD Set Aside**

There will be a United States Department of Agriculture Rural Development (USDA-RD) set aside in the amount of 5% of the State's ceiling, or approximately \$210,000.00. At the time of application, the Project Sponsor must supply the local USDA-RD office with a letter authorizing that office to release to the Division a copy of the Project Sponsor's application for USDA-RD funding. A copy of the letter must be submitted with the Tax Credits application.

A reservation or allocation of Tax Credits from the USDA-RD set-aside will be limited to those projects that are receiving direct funding from USDA. Loan guarantees or other similar support will not be considered for a reservation or allocation from this set-aside.

Acquisition/Rehabilitation projects must be in accordance with USDA regulations and must substantially rehabilitate or change the project to accommodate the housing needs in which the project is located. Acquisition/Rehabilitation projects will require a letter from USDA explaining why the rehabilitation is warranted.

USDA-RD Tax Credits applications will be processed within the normal Tax Credits reservation cycle.

If no Tax Credit applications are received requesting the USDA-RD set aside, the Division will redistribute all sums in the USDA-RD set aside to the three geographic sub-accounts based on population.

If the USDA-RD is unable to issue a certification stating the availability of federal funding by the date the Division receives notice that National Pool Tax Credits are available, said reservations will be canceled and the USDA-RD set aside will be returned to the general pool for distribution. *See NAC 319.972*

## **Section 7      Geographic Apportionment**

After each apportionment has been made to set-aside accounts established in the QAP, the Division will allocate the remaining Tax Credits specified in the annual plan into a geographic distribution account. The Division will allocate Tax Credits in this account to geographic sub-accounts established for Clark County, Washoe County, and Other Nevada Counties. The allocations will be based on Nevada's official population estimates issued by the Nevada State Demographer's Office on July 1, 2005. The population estimates for Clark County, Washoe County, and Other Nevada Counties will be used to establish apportionment percentages for the mandated geographic sub-accounts: *See* NAC 319.972.

## **Section 8      Tax Credit Reservation Process**

The reservation of Tax Credits will be made on the basis of high score within the established set-aside and geographic sub-accounts. **The application must specify all of the set-asides and/or geographic apportionments apply for by the Project Sponsors.**

The reservation of Tax Credits will be made in three steps.

### **A. Step One: Reservations of Set-Aside Allocations**

Allocation of Tax Credits to the project(s) with the highest score in the Non-Profit and USDA set-asides accounts will be made first. Tax credits will be allocated until the amount of tax credits in each set-aside is fully allocated. If additional Tax Credits are needed to fund the proposal, additional Tax Credits will be taken from the appropriate geographic apportionment on the basis of high score.

- Unreserved amounts from the Non-Profit set-aside will be carried over into subsequent rounds for non-profit as a minimum tax credit to be set-aside for non-profit corporations pursuant to regulation.

- Unreserved amounts from the USDA-RD set aside will be returned for redistribution to the three geographic sub-accounts based on population

**B. Step Two: Reservation of Geographic Apportionments**

After reservations are made to projects requesting set-aside funding, the Division will allocate Tax Credits to the new projects and projects requesting additional tax credits in each of the three mandated geographic sub-accounts: Clark County, Washoe County, and Other Nevada Counties. Geographic allocations will be made based on high score within each set-aside. The Division will make Tax Credit reservations to geographic sub-accounts in the following order: (1) Clark County (2) Washoe County (3) Other Nevada Counties.

- If the Division does not reserve all of the funds allocated to the Clark County sub-account, the Division will transfer any surplus tax credits remaining in that sub-account to the sub-account for Washoe County.

- If the Division does not reserve all of the funds allocated to the Washoe County sub-account, the Division will transfer any surplus tax credits remaining in that sub-account to the sub-account for Other Nevada Counties.

Tax credits will be allocated until the amount of Tax Credits remaining in each Geographic Apportionment is insufficient to fund the next highest-ranked ranked project for that area.

**C. Step Three: Transfer to General Pool**

Any Tax Credits not reserved from the Geographic account will be placed in a General Pool.

At the discretion of the Division Administrator, Tax Credits in the General Pool may be allocated to fund: (1) the next highest ranked project in the first funding round; (2) new projects as part of a second funding round; or (3) projects requesting additional Tax Credits.

## ELIGIBLE PROJECTS

### Section 9 Eligible Project Categories

The 2006 QAP contains six eligible project categories listed below. Only one project category may be selected for each application.

#### A. Projects for Individuals and Families with Children - (New Construction)

To be considered for this category, units must be made available to individuals and families with children. No 100 percent studio apartment projects are allowed.

#### B. Senior Housing Age 55 Years and Older - (New Construction)

To be considered for this category, all of the units in the project must be targeted for seniors. Pursuant to The Federal Fair Housing Act, at least 80% of the units must have one household member who is 55 years of age or older to be considered senior housing and at least 20% of the units must be rented to households in which every member of the household is 55 years or older (62 years and older for USDA/RD projects).

At least 10% of the total units in the project must be two-bedroom units (with the exception of USDA/RD funded projects).

#### C. Special Needs Housing - (New Construction)

To be considered for this category, at least 30% of the units must serve one or more of the special needs population identified below. The Special Needs Populations identified below are not intended to be "all inclusive" and the Division reserves the right to award preference points to other Special Needs populations upon request of the Project Sponsor and approval by the Division. The approval must be received prior to the submission of the application.

- 1) Persons with physical disabilities,
- 2) Persons with developmental disabilities,
- 3) Persons with mental illness as defined by the National Institute of Mental Health,
- 4) Permanent supportive housing for persons and families who are homeless,
- 5) Victims of domestic violence,
- 6) Persons with HIV/AIDS (as diagnosed by a board certified physician in Nevada),

- 7) Transitional housing for persons released from incarceration, including persons paroled or on probation,
- 8) Transitional housing as defined in IRC Section 42 (i)(3)(B)(iii),
- 9) Persons with drug, substance and/or alcohol abuse behavior. The individual must be in a state of recovery or is currently receiving treatment and/or counseling for the abusive behavior,
- 10) Frail elderly requiring assisted housing with 24-hour care,
- 11) Persons with Alzheimer's/Dementia,

Services and care provided to Special Needs populations must be provided for the initial 15-year IRS mandated period of affordability. The provision of care during the extended compliance period will be assessed by the Division to determine if the project can continue as both an affordable housing facility and a provider of care. If the provision of care is not feasible the Division has the authority to amend the extended use agreement.

Care services for Special Needs populations must be optional to tenants residing in restricted units. Any cost associated with care services must be separated from the rent. *Caution: Fees may not be charged for any item that is part of the eligible basis.*

The Project Sponsor must provide a description of the care services provided and/or available to low-income tenants and the estimated costs of these services. The Project Sponsor must provide a list of the services provided at the facility, the cost of each service, and a description of how the cost for the services will be funded, especially for tenants that may not have the means to pay for the level of care. The subsidization of the services to low-income tenants may be accomplished through a mixed-income project in which residual income derived from the market-rate units subsidize the services received by low-income tenants.

For projects serving Frail Elderly and Alzheimer populations:

- ~~☒~~ Only 20/50 and 40/60 mixed-income projects are eligible for Tax Credits
- ~~☒~~ Care services must be conducted on a 24-hour basis

Frail Elderly and Alzheimer projects are not eligible to receive preference points for extend compliance periods

D. Mixed Income/ Mixed Use Residential Projects - (New Construction)

- 1) Mixed Income. Under this category, to be considered a Mixed Income Project a minimum of 10% of the units in the project must be unrestricted, market-rate dwelling units. Once established, the qualified basis (applicable fraction) for the project must be maintained for at least the 30-year compliance period. The applicable fraction will be the lesser of the percentage of Tax Credit units to the total units in the project, or the percentage of restricted square footage in the project to the total square footage in the project, excluding common areas.
- 2) Mixed Use. Under this category, to be considered a Mixed Use Project the following criteria must be met:
  - a. Commercial retail or office space must be a minimum of either 10% of the gross floor space for the project or 3,000 square feet.
  - b. Commercial retail or office space must be leased to a third-party .
  - c. The local government must provide documentation that the site must be properly zoned for commercial retail or office space. The commercial retail or office space components and the housing component must be parceled out. Each component must have a separate legal description prior to the receiving a carry-over allocation of tax credits.
  - d. The eligible basis for the Tax Credit project must not include any costs for the commercial retail or office space. The Project Sponsor must document the source of funding for commercial retail or office space components in the sources and uses section of the application. The commercial retail or office space components must be underwritten separately with a minimum debt service ratio of 1.20.
  - e. The marketing study must include an assessment of the economic viability of the commercial retail or office space site based on comparable leasing costs per square foot, projected income/operating expenses, vacancy, local competition, etc.
  - f. Commercial retail or office space establishments must be conducive to family housing. Commercial retail or office space establishments may not include adult only establishments, night clubs, massage parlors, liquor stores, or other similar establishments.

E. Housing for Eventual Tenant Ownership - (New Construction)

To be considered for this category, all of the restricted rental units in the project must be made available for eventual ownership. Residential units must be detached single-family structures and/or townhouses. The lots for each single-family home must be parceled out and must have separate legal descriptions. All single-family homes must be located in the same parcel or parcels if they are contiguous. Scattered site projects will not be allowed.

The Project Sponsor must make the units in the project available for purchase by the existing tenants upon the termination of the 15-year compliance period. Existing tenants have a first right of refusal to purchase the unit. Thereafter, units may be made available for purchase to other qualified low-income families and/or individuals that satisfy the project's requirements.

The purchase price of the units must take into consideration the rent paid by the tenants.

The mortgage must be a 15-year mortgage with rates and terms consistent with those offered and available in the local housing market.

The project must fully comply with the tenant income and rent requirements for the LIHTC program during the initial 15-year period of affordability. The project will be exempt from any additional affordability requirements when all of the single-family structures in the project are sold to eligible families. The 15-year affordability period will be extended on all of the remaining, unsold units until the last single-family home in the project is purchased. The project is not eligible for any extended compliance points. Homes not sold must remain affordable rental units pursuant to the terms and conditions of the original application and the Declaration of Restrictive Covenants.

Key Requirements for Tenant Ownership Projects:

- 1) Tenant Income: The Project Sponsor must set eligible tenant incomes pursuant to LIHTC program requirements during the initial 15-year period of affordability. Tenant incomes must conform to HUD income guidelines and Project Sponsors must complete all of the required income verifications and certifications. Project compliance requirements are contained in the Divisions Low Income Housing Tax Credit Compliance Policies and Procedures Manual.
- 2) Rent Restrictions/Lease Agreements: Tenant lease agreements must conform to LIHTC program requirements during the initial 15-year period of affordability. The tenant portion of the rent plus utility allowance and any other mandatory fees must not exceed the maximum gross rent allowed by Section 42 of the Internal Revenue Code. Project compliance requirements are contained in the Divisions Low Income Housing Tax Credit Compliance Policies and Procedures Manual.



- 3) Management Plan: The Project Sponsor must submit a plan for the ongoing management and maintenance/repair of the project as a rental property for the initial 15-year credit period. The plan should include information on the location of the leasing office, costs associated with property leasing and administration, and maintenance schedules and costs for general repairs, maintenance, and replacement of mechanical items.
- 4) Escrow Account: The Project Sponsor must provide a written description as to how the diminimus tenant escrow accounts will be set up. A portion of each tenants rent must be set aside and accumulated to contribute as a down payment towards the purchase of the unit (diminimis payment). Tenants who terminate residency at the project must have this money returned to them plus nominal interest accrued The Project Sponsor is required to set up individual bank accounts (diminimus accounts) for each tenant family residing in the property.
- 5) Right of First Refusal: The Project Sponsor must provide a copy of the Right of First Refusal Agreement (Agreement) to the Division for approval. The Agreement must:
  - a. Guarantee the tenant the right to purchase the property if the tenant agrees to the terms and conditions of the initial lease;
  - b. Specify a “not to exceed” offering price to the tenant; and
  - c. Provide a clause that the tenant cannot be displaced from the property without just cause.

F. 1. Acquisition/Rehab/Conversion<sup>3</sup>/Change of Use<sup>4</sup> (Preservation)

Applications for Acquisition/Rehab may be proposed for any tenant base specified in Section 9 A-E of the 2006 QAP. However, the project will be categorized and scored solely as an Acquisition/Rehab project.

The allowable acquisition price used in calculating the eligible basis is the “as-is” appraised value as of the date of acquisition. A copy of the appraisal must be submitted with the application.

2. Rehab Only (Preservation)

Applications must meet 10 year rule and project must be 100% low- income.

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<sup>3</sup> Conversion Projects – refers to structures converted from an unrelated use to housing (i.e. converting an old schoolhouse into affordable housing).

<sup>4</sup> Change of Use Projects – refers to projects that alter existing housing to meet other housing, needs (i.e. converting a transitional housing project into affordable housing for the elderly).

The per unit rehabilitation investment will be calculated by taking the actual hard construction cost of the project divided by the number of residential units. Rehabilitation work elements and costs must be specified in the Comprehensive Needs Assessment.

The building(s) must be purchased by the Project Sponsor, and meet the 10-year test in order to qualify for acquisition/rehab Tax Credits. The Project Sponsor must provide a certification by a tax attorney that the 10-year rule has been met.

#### Key Requirements for Acquisition/Rehabilitation Projects

- 1) Capital Needs Assessment: A Capital Needs Assessment (CNA) is required for all acquisition/rehabilitation or conversions projects whether or not the project will maintain its affordability for 30 years or more. The CNA must be prepared by a competent independent third-party. The Capital Needs Assessment must a list of planned expenses by component category. The format for itemizing planned expenses by component category is available in **ATTACHMENT C**.
- 2) Scope of Rehabilitation: Rehabilitation developments must demonstrate that the rehabilitation is substantial and involves at least \$10,000.00 per unit in direct hard costs (actual construction costs). If the CNA reflects a per-unit investment of less than \$10,000.00 per unit the project will not be considered for Tax Credits.
- 3) Service Date: All buildings must be placed in service within two years from the date of allocation of the Tax Credits, or the Tax Credits will be returned to the Division.
- 4) Tenant Displacement and Relocation: To minimize displacement of existing tenants, the Project Sponsor may choose to income-qualify all tenants immediately upon acquisition of the buildings in the project.
- 5) Prior Ownership: Project Sponsors must provide a detailed ownership history of buyer and seller. The Project Sponsor's prior ownership interest in the property cannot exceed 10 percent. No sale will be allowed from one partnership to another partnership if the entity selling the property is also one of the limited/general partners purchasing the property, and the entity selling the property has more than a 10 percent interest in the purchased property.
- 6) Lead Based Paint: Under the Uniform Physical Conditions Standards housing projects must comply with Lead Safe Housing Rules.<sup>5</sup> These requirements apply to building and units built before 1978. Paint with at least one (1) milligram of lead per square centimeter of paint, or with a half percent of lead by weight is considered lead-based paint and subject to the federal regulations. Typical lead based paint hazards include deteriorated paint, and dust or bare soil with lead above specified levels.

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<sup>5</sup> 24 C.F.R. part 35.

## **Section 10 Request for Additional Tax Credits**

Projects receiving Tax Credits in previous allocation rounds may request additional Tax Credits due to increased construction costs. To request additional Tax Credits, applicants must submit an updated application pursuant to the instructions in the 2006 QAP and a letter to the Division outlining the reason for the request for additional Tax Credits.

Requests for additional Tax Credits are subject to the limitations specified below:

- 1) Requests for additional Tax Credits must be based on an increase in eligible basis.
- 2) Additional Tax Credits exclude Developer and Contractor Fees.
- 3) The request for additional Tax Credits **are limited to 10% of the original award.**
- 4) Requests for additional Tax Credits may be considered with other Tax Credit requests at the end of the initial competitive round at the discretion of the Administrator.

## PROJECT THRESHOLD REQUIREMENTS

### Section 11 General Project Requirements

The following reflect minimum threshold requirements:

#### A. Project Compliance Period

Except as provided for below the minimum compliance period for Tax Credit projects is 30-year. The Project Sponsor has the option of extending this period in increments of 5 years up to a maximum of 50 years.

- 1) Special Needs Housing: The minimum compliance period for special needs housing projects for the frail elderly and seniors with Alzheimer's disease is 15 years.
- 2) Assisted Living: The minimum compliance period for assisted living projects is 15 years.
- 3) Tenant Ownership: The minimum compliance period for tenant ownership projects is 15 years.

The Division will not agree to stipulations or subordinations agreements to reduce the affordability period of a Low Income Housing Tax Credit Project.

#### B. Project Rent Restrictions

Rent must be restricted to one of the following elections:

- 1) A minimum of 40% of the units will be occupied by households with incomes at or below 60% AMI. In 100% Tax Credits projects, all units must be rent and income restricted to 60% of AMI or lower.
- 2) A minimum of 20% of the units will be occupied by households with incomes at or below 50% AMI. In 100% Tax Credits projects, all units must be rent and income restricted to 50% of AMI or lower.

**Base Floor Rent Rule will apply to all projects.**

#### C. Project Reserves For Replacement Requirements

The project must maintain minimum annual replacement reserves as follows:

- 1) For new construction senior projects: \$200.00 per unit.
- 2) For all other new construction projects: \$250.00 per unit.
- 3) For all Acquisition/rehabilitation Projects: \$300.00 per unit.

Annual replacement reserves that exceed the above referenced minimums by more than 20% may be considered excessive and the Division may require additional documentation that supports the higher annual replacement reserve. The Division reserves the right to limit excessive minimum reserves.

D. Financial Feasibility Requirements

IRS rules require the Division to limit Tax Credits allocations to the amount necessary for the project to be financially feasible and induce long-term viability. To make this determination, the Division completes financial feasibility evaluations three times before Tax Credits are issued.

<b>Factors For Assessing Financial Feasibility</b>	
The Division considers the following factors in performing the financial feasibility evaluations:	
<i>✍ The cost of the project</i>	<i>✍ The sources and uses of money for the project</i>
<i>✍ The reasonableness of construction costs</i>	<i>✍ The plan for financing the project</i>
<i>✍ The cost per unit of the project</i>	<i>✍ The projected proceeds from the sale of Tax Credits</i>
<i>✍ The projected income, expenses and cash flow, for the compliance and extended compliance period</i>	<i>✍ The percentage of the housing credits used for the cost of the project</i>
<i>✍ The reasonableness of the projections of income and expenses and the assumptions upon which those projections are based</i>	<i>✍ The demonstrated stability of the Project Sponsor, including an analysis of the financial statements of the Project Sponsor</i>
<i>✍ The fees for developers and contractors</i>	

The Division has also adopted the financial standards to analyze the financial pro forma included in each application. They include:

- ✍ Minimum debt service coverage ratio of 1.15 on all combined debt excluding notes not requiring repayment until the sale of the property (except for USDA financed projects);*
- ✍ 3 percent limitation on increases to projected project income and expenses;*
- ✍ 7 percent limitation on unit vacancy assumption;*
- ✍ Operating ratio shall be reasonable;*
- ✍ Replacement Reserves of \$200 per unit for senior new construction, \$250 per unit for other new construction projects, and \$300 per unit for acquisition/rehabilitation projects;*
- ✍ 15 percent limitation on developer fees; and*
- ✍ 14 percent limitation on builder's profit, overhead and general requirements.*

The first financial feasibility evaluation is performed at the time of application. The applicant must demonstrate to the satisfaction of the Division that the project is financially feasible based on the amount of rent charged for units as submitted in the application.<sup>6</sup>

The Division performs the last of the three required financial feasibility evaluations prior to the final award of Tax Credits. The Division uses the Eligible Basis Method and the Gap Calculation Method to determine the appropriate amount of Tax Credits required for a project.

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<sup>6</sup> NAC 319.987

#### E. Market Condition Assessment Requirements

Project Sponsors must provide a market study conducted by an independent third-party that provides evidence of the need of the project at the proposed location.

- 1) Minimum Qualifications. The party completing the market study must have the following qualifications:
  - a. Minimum of five years of experience, with a strong background assessing affordable housing markets
  - b. Multi-state experience
  - c. Bachelor's degree in real estate development/ finance, planning, marketing, accounting, statistics or a related field and
  - d. Certification from a nationally recognized housing or real estate market research association or authorized by the Division
  
- 2) Required Format and Elements of Market Study: **The market study must be organized using the format below and minimally include the elements listed below.**
  - a. Statement of Qualifications/Conflict of Interest Disclaimer
    - i. Statement of the qualifications of the market analyst; and
    - ii. Certification that the market analyst will not benefit financially if the project receives a reservation or award of Tax Credits.
  
  - b. Description of Market Area
    - i. Description of the proposed project site and market study area. (The market study area must include an area within a **2.5-mile radius** of the project site in urban areas and 5-mile radius of the project in rural areas unless otherwise supported by the market study **and the study must contain current information**);\*
    - ii. General description of housing stock/types in market area;
    - iii. General description of major employers and public facilities in the market area; and
    - iv. Maps of project site and market study area including a map of all affordable or similar housing projects located within 2.5 miles of the proposed project.
  
  - c. Analysis of Housing Demand
    - i. Analysis of income eligible households in the market area that can afford to pay the proposed rents;
    - ii. Analysis of household sizes and rental housing types in the market area; and
    - iii. Analysis of economic and employment landscape.

- d. Competitive Assessment of Comparable Projects in Market Area
  - i. Description of comparable market-rate and affordable properties in the market area with details on unit size, amenities, and proximity to services;
  - ii. Description of rent levels and vacancy rates of comparable market-rate and affordable properties; and
  - iii. Analysis of available operating expenses and turnover rates of comparable properties in the market area.<sup>7</sup>
  
- e. Assessment of Project Impacts on Housing Market
  - i. **Analysis of expected market absorption of the proposed project;**\*
  - ii. Analysis of the impact of the proposed project on the rent levels and vacancy rates of other assisted and/or subsidized housing projects;
  - iii. An assessment of the potential financial impacts on other assisted and/or subsidized housing projects; and
  - iv. Analysis of the potential affects that business closures of a major area employers would have on the proposed project.

*\* The market study will not be considered if the market study does not comply with this mandatory element.*

#### F. Project Ownership Documentation

Project Sponsors must provide (1) proof of site ownership, supported by a copy of the grant deed or title insurance policy; or (2) a valid and binding purchase contract or option to purchase that identifies the seller and buyer, the amount to be paid, the expiration date of the contract or option, and a statement from the seller and buyer describing any prior interest in the land or business dealings between seller and buyer; or (3) the resolution passed by the governmental body that owns the land or will have assignable rights to the land, agreeing to transfer or provide a long-term lease of the property to the Project Sponsor under provisions of NRS 244.287. The resolution must further allow the recording of the Division's Declaration of Restricted Covenants on the property. Resolutions of this nature must transfer land or provide a long-term lease by carryover in the subject to the award.

The duration of acceptable long-term leases must be at least 50 years and fully cover the period of affordability. Governmental entities entering into long-term lease agreements with the Project Sponsors/Project Sponsor must also agree to the Division Declaration of Restricted Covenants and must allow the recording of the Division's Declaration of Restricted Covenants on the property.

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<sup>7</sup> The Division acknowledges that obtaining operating expenses and turnover rates on comparable properties may be difficult to obtain and therefore the absence of this information from the market study will not cause the market study to be rejected

### G. Housing Development and Management Capacity

Project Sponsors must demonstrate sufficient organizational capacity to develop and manage low-income housing projects.<sup>8</sup> To make this demonstration, the Division requires applicants to provide the following additional information with the Tax Credit application.

- 1) Housing Experience. The Project Sponsor must submit an addendum to the application providing a description of at least five projects developed/managed, including the name and location, date construction began, the date lease-up began, current occupancy levels, and permanent financing sources. Organizations with less than five projects will be considered if they have received an allocation of Tax Credits within the last three years and if the project(s) is in good standing. A copy of the recorded Declaration of Restricted Covenants must be provided for these projects. If the Project Sponsor is a Nevada based developer and the declaration of restrictive covenants are filed and on record with the Division, simply state the name of the completed project.  
(See NAC 319.989(16))

Project Sponsors must identify the management firm and individual or employee for which experience is being claimed and their involvement in the project. The Project Sponsor must demonstrate that housing management personnel have undergone management training from the Division or a nationally recognized Tax Credit compliance trainer.

- 2) Compliance History. The Project Sponsor must demonstrate a satisfactory record of compliance with regulatory and program requirements. Applicants must provide an addendum to the application describing outstanding compliance violations cited during project monitoring reviews by Federal, State, or local funding agencies. If there are no outstanding compliance violations, the applicant may simply indicate that there are no outstanding negative compliance findings.

**The Division may reject applications and/or make reductions to application point totals** in cases where Project Sponsors have significant outstanding unresolved negative compliance findings.<sup>9</sup>

### H. Special Needs Housing Experience

Project Sponsors of special needs projects must demonstrate a minimum of three years of experience providing a service or assistance to persons with special needs. Organizational information included in the application package must demonstrate the minimum of three years of experience and provide a summary of the supportive services provided to residents.

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<sup>8</sup> A low-income housing project is defined as a project with restricted rents serving households whose gross income does not exceed 60% AMI subject to a minimum period of affordability.

<sup>9</sup> Negative Findings refer to cases in which the project is in material non-compliance and the responsible public entity has filed a 8823 form or other similar notification of non-compliance.



## I. Project Physical Conditions Standards

The project must provide decent, safe and sanitary housing for low-income persons as set forth in applicable federal and state statutes and regulations during the compliance period.

Effective July 1, 2004, the Division will use the Uniform Physical Condition Standards, published by the Department of Housing and Urban Development, to determine whether the LIHTC projects remains suitable for occupancy. *HUD's Uniform Physical Condition Standards (24 CFR 5.703) can be accessed at [www.hudclips.org](http://www.hudclips.org).* These standards require properties to be in “decent, safe and sanitary condition and in good repair” and require agencies to inspect the following five major areas:

- 1) **Site** – The site includes components such as fencing and retaining walls, grounds, lighting, mailboxes, signs, parking lots/driveways, play areas and equipment, refuse disposal, roads, storm drainage and walkways. The site must be free of health and safety hazards and be in good repair.
- 2) **Building exterior** – Each building on the site must be structurally sound, secure, habitable, and in good repair. The building’s exterior components such as doors, fire escapes, foundations, lighting, roofs, walls and windows, where applicable, must be free of health and safety hazards, operable, and in good repair.
- 3) **Building systems** – The building’s systems include components such as domestic water, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system. Each building’s systems must be free of health and safety hazards, functionally adequate, operable, and in good repair.
- 4) **Dwelling units** – Each dwelling unit within a building must be structurally sound, habitable, and in good repair. All areas and aspects of the dwelling unit (for example the unit’s bathroom, call-for-aid, ceiling, doors, electrical systems, floors, hot water heater, HVAC (where individual units are provided), kitchen, lighting, outlets/switches, patio/porch/balcony, smoke detectors, stairs, walls and windows) must be free of health and safety hazards, functionally adequate, operable, and in good repair.
- 5) **Common areas** – The common areas must be structurally sound, secure and functionally adequate for the purposes intended. The common areas include components such as basement/garage/carport, restrooms, and closets, utility, mechanical, community rooms, day care, halls/corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas, if applicable. The common areas must be free of health and safety hazards, operable, and in good repair.

All areas and components of the housing must be free of health and safety hazards including but are not limited to: air quality, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, handrail hazards, infestation, and lead based paint. For example, the buildings must have fire exits that are not blocked and have handrails that are undamaged and have no other observable deficiencies. The housing must have no evidence of infestation by rats, mice, or other vermin, or of garbage and debris. The housing must have no evidence of electrical hazards, natural hazards, or fire hazards. The dwelling units and common areas must have proper ventilation and be free of mold, odor or other observable deficiencies.

J. Project Implementation

Project Sponsors must sign the Division's Agreement to Commence Construction within 270 days in order to receive a reservation of Tax Credits. Failure to complete the Agreement within the specified period will result in the forfeiture of the awarded Tax Credits.

Projects must be closed and ready to proceed within 270 days from the date of the reservation letter. Projects not meeting this deadline may submit a written request to the Division to request a 45-day extension. The 45-day extension will be granted in instances when acts of God occur (flood, fire, earthquake, storm, etc.) resulting in the delay. (*See* NAC 319.981).

Projects that have not closed within the 270 days, or have been granted a 45-day extension and have not closed within the 45-day extension period, will have their reservation of Tax Credits terminated.

For approved Tax Credit project at Lake Tahoe, Project Sponsors may request up to a 60-day extension period.

K. Execution of Agreement

Project Sponsors must execute an agreement to promote the Division's participation in the project during the construction phase. (See Exhibit 4 of the application).

## Section 12 Project Security and Management

### A. Project Security and Safety

Tax credit project must provide appropriate security systems and improvements to reasonably safeguard the safety of residents<sup>10</sup>. For the purposes of this section, security systems include: project fencing, defensive landscaping, security doors, screens and gates, gated project access control systems using keypads or magnetic cards, self door locking door mechanisms, project/unit camera surveillance with on-site closed circuit monitor, panic attack systems, emergency lighting, burglar alarms, and other similar protective measures.

The type of security systems appropriate for a project will depend on various factors including housing type, project design and location. Other than particular security measures mandated in this section, Project Sponsors may determine what security systems and improvements are appropriate for a project.

#### Mandatory Security and Safety Measures:

- 1) For elderly housing projects, Project Sponsors must provide closed circuit monitoring systems. Alternative security systems and measures may be installed in lieu of closed circuit monitoring systems for acquisition/rehabilitation projects and/or single story projects under 50 units that serve seniors.
- 2) For elderly housing projects over 50 units, fire detection and suppression sprinkler system in each unit. Suppression sprinkler equipment not required for elderly acquisition/rehabilitation projects or single story projects under 50 units.

The Division requires Project Sponsors to provide information on security related issues. The requested information including building evacuation procedures, documentation of building break-ins, vandalism and public safety concerns, police reports, and project plans for addressing security issues.

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<sup>10</sup> Security requirements DO NOT apply to tenant ownership projects.

## B. Project Management

At a minimum, all tax credit projects that have 50 or more units must have on-site management. For the purpose of this section, on-site management includes managers, maintenance, or security personnel.

The Project Sponsor is responsible to the Division for insuring that the LIHTC Program is properly administered. **Project Sponsors are responsible for being aware of all applicable Federal and State rules and regulations that govern their projects.** The Project Sponsor must make certain that property managers comply with all appropriate statutes, rules, regulations, and policies that govern the property.

It is the responsibility of the Project Sponsor to inform the Division of any major changes that are made to the property throughout all phases of construction, rent-up, and operation as well as the placed in service date.

The Division's *Low Income Housing Tax Credit Compliance Policies and Procedures Manual* provides guidance for complying with Internal Revenue Service regulations published under Section 42 of the Internal Revenue Code (IRC) the Nevada Administrative Code<sup>11</sup> (NAC).

The Division requires that one management company representative and one on-site Manager directly involved in the management of the project attend at least one of the Annual Compliance training sessions provided by the Division. The purpose of the compliance training session is to provide instructions for the following compliance issues:

- ~~☞~~ Federal laws determining eligibility for low-income tenants
- ~~☞~~ Division rules and regulations determining eligibility for low-income tenants
- ~~☞~~ Specific information necessary for continued LIHTC Program compliance
- ~~☞~~ Income Limits
- ~~☞~~ Rent Limits
- ~~☞~~ Income Verifications
- ~~☞~~ Annual Income and Assets
- ~~☞~~ Annual Income Certifications
- ~~☞~~ Annual/Quarterly Status Reports

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<sup>11</sup> The specific provisions of the NAC pertaining to Tax Credits for low-income housing are found at Chapter 319 – Assistance To Finance Housing, Sections 319.951 to 319.998 inclusive.

## Section 13 Mandatory Energy Conservation Requirements

Project Sponsors must comply with Minimum Energy Efficiency Requirements specified in this section as a condition of receiving Tax Credits.

### A. General Building Performance

~~§~~ Energy performance equal to EPA Energy Star Home program or 30 percent better than the 1993 Model Energy Code. Verified by an analysis of the building using REM/Design or REM/Rate.

~~§~~ **Using all applicable prescriptive measures listed for mechanical system and building envelope efficiencies will result in the structure meeting the energy efficiency requirements. When the detailed analysis of the building using the REM method demonstrates that the energy performance meets the Energy Star level, trade-offs with components may be made and all prescriptive measures may not be required.**

### Mechanical Systems

Heating and cooling equipment must be sized using ACCA's Manual J or equivalent protocol. This information is given for heating systems and hot water heaters fueled by natural gas. For areas not served by natural gas consult NHD.

Heating A furnace inside conditioned space will be a sealed-combustion unit.

Cooling Thermal expansion valves encouraged.

EQUIPMENT	NORTHERN NEVADA	SOUTHERN
Conventional Forced Air Furnace	90 AFUE	90 AFUE
Split System Central A/C and Air source heat pumps up to 135,000 Btuh	10 SEER	<b>13 SEER</b> or 8.0 HSPF or 11 EER
Combination Space Heating/Water Heater	<b>79 CAafue</b>	<b>79 CAafue</b>

AFUE - Annual Fuel Utilization Efficiency  
 SEER - Seasonal Energy Efficiency Rating  
 EER - Energy Efficiency Ratio  
 HSPF - Heating Seasonal Performance Factor  
 CAafue - Combined appliance AFUE, *for integrated systems that use the water heater to also provide heat this is the recovery efficiency of the water heater.*

Duct Leakage, Leakage to outside conditioned space of complete HVAC system and ducts **6cfm or less/100 square feet. of living space.**

Thermostats Programmable for Set-back and Set-up (New Construction only) Alternatives in Senior Projects with prior approval after initial after analysis of Attachment C and D.

*Ventilation At least 15 CFM per occupant must be provided. The number of occupants will be calculated as the number of bedrooms plus one (# bedrooms + 1). Supply only system may be integrated with the return side of the Air Handler.*

Return Air Transfer grills or jump ducts at bedrooms **in units with 2 or more bedrooms** unless served by return balancing air duct **or if pressure difference with door closed and air handler running is 3pa or less.**

Hot Water Energy Factor 0.61, water heaters inside conditioned space of the dwelling unit will be power vented or direct-power vented unit. **The Energy Factor (EF) for gas water heaters may be found at [www.gamanet.org](http://www.gamanet.org). A water heater with an EF of 0.58 with an insulating blanket of R12 also meets the requirement.**

Ceiling Fans Reversible ceiling fans in all dwelling units

### Building Envelope

Minimums Efficiency must be equal to or greater than required minimums.

COMPONENT	NORTHERN NEVADA, LAKE TAHOE, RURAL NEVADA	SOUTHERN NEVADA
ATTIC /CEILING	R38	R30
WALLS	R19/ R21 in Lake Tahoe	R15
BAND JOISTS	R19/ R21 in Lake Tahoe	R15
FLOORS OVER CRAWL SPACES	R19	R15
SLAB FOUNDATIONS	R10 Perimeter Insulation	R5 Perimeter Insulation
WINDOWS	U-Factor 0.36 SHGC <b>0.35</b>	U Factor 0.36 SHGC <b>0.35</b>
AIR INFILTRATION	0.35 average natural	0.35 average natural

	air changes/hour. Complete the ENERGY STAR Thermal Bypass Inspection List.	air changes/hour. .Complete the ENERGY STAR Thermal Bypass Inspection List.
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## Lights

### Light Fixtures Energy Star Qualified

#### Appliances

Refrigerators Energy Star labeled

Dishwashers Energy Star labeled

Clothes Washers Energy Star labeled

#### Hot Water Conservation

Showerheads Use 2.5 gallons per minute or less

Faucets Use 2.0 gallons per minute or less

#### Quality Assurance

During project construction, each unit type (i.e., floor plan and location in building) will be inspected and tested as a quality assurance measure until two consecutive units of this model type meet testing requirements. At this point, testing on this unit type can be reduced to a sampling rate of 1 in 7 or 15%.

#### Mechanical Systems

##### Test all systems for proper installation and operation

Heating Proper installation will be verified

Cooling Certification of correct refrigerant charge and air flow over coils required

Duct Leakage Verified by pressure testing

Thermostats Verified by inspection

**Ventilation** *Verified by testing and inspection*

Return Air Verified by inspection

Balancing

Hot Water Verified by inspection

**Building Envelope**

**?? Complete the ENERGY STAR Thermal Bypass Inspection Checklist**

~~☞~~ Ensure insulation is at required levels, is installed properly and consistently

~~☞~~ *Document NFRC rating on windows for required U-value and SHGC.*

~~☞~~ Ensure that Low E coatings on windows are installed on the correct surface

~~☞~~ Test air leakage of building envelope

Attics Verified by inspection post construction

Walls Verified by inspection during construction

Band joists Verified by inspection during construction

Crawl Space Verified by inspection post construction

Foundations

Slab Foundations Verified by inspection during construction

Windows Verified by inspection during construction

Infiltration Verified post construction by pressure test

**Appliances**

Refrigerators Verified by inspection post construction

Dishwashers Verified by inspection post construction

Clothes Washers Verified by inspection post construction

**Hot Water Conservation**

Showerheads Verified by inspection post construction

Faucets Verified by inspection post construction



Information relating to the safe, healthy, comfortable operation and maintenance of the building and systems that provide control over space conditioning, hot water energy use be provided to occupants.

**The Division encourages architects, engineers, and contractors to contact Barbara Collins, ERHA West, Division Consultant, if you have any questions at 1 888 818 3746.**

**B. Energy Efficiency Requirements - New Construction Projects**

1) Energy Efficiency Standard. The project must have an overall energy efficiency rating of at least eighty-six [86] as measured by the Architectural Energy Corporation's REM-Rate Index. This standard is equivalent to EPA's "Energy Star" level of efficiency. The REM Rate Index is a relative measurement of the energy efficiency of a residential building.

2) Pre-Construction Energy Audits. All projects must undergo a Pre-Construction Energy Audits. The Pre-Construction Energy Audit will be completed using building plans and specifications. The information required to complete the Pre-Construction Energy Audit is referenced in **ATTACHMENT D**.

The Pre-Construction Energy Audit must be completed within 90 days of reservation.

3) To complete the Pre-Construction Energy Audit the Project Sponsor must contact the Division to request/schedule the required energy audit. The Division will contract with a qualified residential energy auditing company to perform a Pre-Construction Energy Audit of the proposed project **the cost of the Audit will be \$1000.00 payable with the application**. The costs of the Energy Audit will be \$ 250.00 per unit with a minimum of 15% of the project being subject to the Energy Audit and includes per diem charges of the testing contractor. **The costs for the Pre-Construction and Post Energy Audit fees will be paid separately with the application fees listed in Section 45 of the 2006 QAP.**

The output from the Pre-Construction Energy Audit must include the Division's Summary of Energy Saving Recommendations form that lists the most cost-effective energy saving measures for achieving the prescribed energy efficiency standard. A copy of the list of recommended energy saving measures must be provided to the Division. Installation of the recommended energy saving measures is the responsibility of the Project Sponsor and will be monitored by the Division.

4) Interim Energy Audits and Inspections During Project Construction. The Division will perform interim energy audits and inspections of a selected sample of residential units during project construction. **Sample testing may vary based on testing analysis.**

Project Sponsor/Project Sponsor are required to provide the Division with reasonable access to perform interim energy audits and inspections. The Interim energy audits and inspections will be performed (i) after ceiling and wall insulation is installed and prior to installing dry wall and (ii) after building duct systems are installed and prior to enclosing duct work. **The Division will conduct energy audits and inspections within ten days of receiving notice from the Project Sponsor of the project readiness.**

The interim energy audits and inspections performed by the Division or designate and may include: (Individual testing requirement may vary by project)

- a. Physical inspection of ceiling, wall and floor insulations
  - b. Duct-Blaster tests to measure air leakage of duct systems
- 5) Final Energy Audits and Inspections. The Division will perform a final energy audit and inspection of the project at the completion of project construction to determine whether or not the project achieves the energy efficiency standard and requirements specified in this section. A final energy audit will be performed in proximity to project completion.

The Final energy audits and inspections performed by the Division will include:

- a. REM-rate energy audit to determine the overall energy efficiency of the project and inspection of ceiling, wall and floor insulations
  - b. Blower-Door test to determine unit air leakage within residential units
  - c. Physical inspection of buildings and units to determine whether the energy efficiency measures identified in the Pre-construction energy audit have been installed
- 6) Remediation. In cases where the Division's post-construction energy audits determine that the REM Rate measurement is less than the required energy efficiency standard prescribed in this section, the Project Sponsor will be provided an opportunity to make improvements and enhancements to achieve the energy efficiency standard.

### C. Energy Requirements - Acquisition/Rehabilitation Projects

- 1) Energy Efficiency Standard. The project must have an overall energy efficiency rating of at least eighty-six [86] as measured by the Architectural Energy Corporation's REM-Rate Index. This standard is equivalent to EPA's "Energy Star" level of efficiency. The REM Rate Index is a relative measurement of the energy efficiency of a residential building.
- 2) Pre-Rehabilitation Energy Audits. All projects must undergo a Pre-Construction Energy Audits. The Pre-Construction Energy Audit will be completed on the existing building. The information required to complete the Pre-Construction Energy Audit is referenced in **ATTACHMENT D**. In addition, Project Sponsors undertaking acquisition/rehabilitation projects must provide a list of planned energy conservation related expenses by component category as part of the Capital Needs Assessment. The format for itemizing planned expenses by component category is available in **ATTACHMENT C**.

The Pre-Construction Energy Audit must be completed at the time of application.

To complete the Pre-Construction Energy Audit the Project Sponsor must contact the Division to request/schedule the required energy audit. The Division will contract with a qualified residential energy auditing company to perform a Pre-Construction Energy Audit of the proposed project. The costs of the Energy Audit will be \$ 250.00 per unit with a minimum of 15% of the project being subject to the Energy Audit and a \$1000.00 energy

analysis fee. The costs for the Pre-Construction Energy Audit will be paid separately with the application fees listed in Section 45 of the 2006 QAP.

The output from the Pre-Construction Energy Audit must include the Division's Summary of Energy Saving recommendations form listing the most cost-effective energy saving measures for achieving a REM-rate index score of 86. Installation of the of the energy saving measures listed on the form is mandatory for rehabilitation projects. A copy of the Division's Summary of Energy Saving recommendations form with the recommended energy saving measures must be provided to the Division.

Installation of the energy saving measures is the responsibility of the Project Sponsor and will be monitored by the Division.

- 3) Interim Energy Audits and Inspections During Project Rehabilitation. The Division will perform interim energy audits and inspections of a selected sample of residential units during project construction. Sample testing will not be less than 15% of proposed units.

Project Sponsor/Project Sponsor are required to provide the Division with reasonable access to perform interim energy audits and inspections. The Interim energy audits and inspections will be performed (i) after ceiling and wall insulation is installed and prior to installing dry wall and (ii) after building duct systems are installed and prior to enclosing duct work. **The Division will conduct energy audits and inspections within ten days of receiving notice from the Project Sponsor of the project readiness.**

The interim energy audits and inspections performed by the Division will include:

- a. Physical inspection of ceiling, wall and floor insulations
- b. Duct-Blaster tests to measure air leakage of duct systems.

- 4) Final Energy Audits and Inspections. The Division will perform a final energy audit and inspection of the project at the completion of project construction to determine whether or not the project achieves the energy efficiency standard and requirements specified in this section. A final energy audit will be performed 60 days prior to project completion.

The Final energy audits and inspections performed by the Division will include:

- a. REM-rate energy audit to determine the overall energy efficiency of the project and inspection of ceiling, wall and floor insulations
- b. Blower-Door test to determine unit air leakage within residential units
- c. Physical inspection of buildings and units to determine whether the energy efficiency measures identified in the Pre-construction energy audit have been installed.

- 5) Remediation. In cases where the Division's post-construction energy audits determine that the REM Rate measurement is less than the required energy efficiency standard prescribed in this section, the Project Sponsor will be provided an opportunity to make improvements and enhancements to achieve the energy efficiency standard.



## Section 14 Mandatory Fair Housing and Accessibility Requirements

The project must comply with federal fair housing laws, regulations and design requirements for handicapped accessibility including standards specified by the Americans with Disabilities Act (ADA) and Section 504 where applicable. The Project Sponsor is responsible for ensuring that the completed project meet all federal fair housing laws, regulations and design requirements.

### A. Safe Harbors

The United States Department of Justice and HUD currently recognize seven safe harbors for compliance with the Fair Housing Act's design and construction requirements, 42 U.S.C. § 3604 (f) (3) (C). The project must meet one of the seven Safe Harbors (listed below). The Project Sponsor must provide a written declaration to the Division stating which Safe Harbor the project will fall under. The safe harbors are:

- 1) HUD's March 6, 1991 Fair Housing Accessibility Guidelines (Guidelines) and the June 28, 1994 Supplemental Notice to Fair Housing Accessibility Guidelines
- 2) HUD's Fair Housing Act Accessibility Design Manual
- 3) ANSI A117.1-1986 \*
- 4) CABO/ANSI A117.1-1992 \*
- 5) ICC/ANSI A117.1-1998 \*
- 6) Code Requirements for Housing Accessibility 2000 (CRHA), approved and published by the International Code Council (ICC), October 2000
- 7) International Building Code 2000 (IBC) as amended by the IBC 2001 Supplement to the International Codes.
- 8) International Building Code 2003 (IBC)

*\*Building Code must be used in conjunction with the Fair Housing Act and HUD's Regulations/ Guidelines*

Additional information on the Safe Harbors is available in **ATTACHMENT E**.

Failure to comply with all of the accessible and adaptive design and construction requirements of the Fair Housing Act may result in loss of tax credits pursuant to 26 C.F.R. § 1.42-9. Therefore, Project Sponsors should consult with appropriate professional to ensure that the construction of the multi-family development complies with the accessible and adaptive design and construction requirements of the Fair Housing Act.

### B. Recommended Fair Housing Accessibility Training

The Division has requested the Fair Housing Accessibility First Group to provide a training program for Project Sponsors in Nevada on compliance with federal accessibility requirements. The Division requires that appropriate representatives of the project development team attend the training provided on accessible design standards. Appropriate representatives include persons integrally involved in the design and construction of the project (e.g. architects, engineers, and contractors).

## **Section 15 Project Amenity Requirements**

### **A. Amenities for Projects Serving Individuals and Families With Children**

#### **New Construction Projects With 50 or More Units**

- 1) Community areas with a minimum of 500 sq. ft. to combine 32-inch color TV, entertainment system (stereo, DVD, VHS and PlayStation or similar type product), set of sofas or sofa/loveseat, two lounge chairs, end or coffee tables, carpeting and/or ceramic tile, and facilities to prepare and serve food that includes a counter area, refrigerator, microwave oven, sink, garbage disposal that are EnergyStar rated, with resilient and/or ceramic tile floor.
- 2) Washer and dryer hookup in each unit or on-site laundry facilities with a minimum of one that are EnergyStar rated washer and dryer for every 10 units of housing.
- 3) Equipped playground that includes a Powerscape, GameTime, or equivalent play set, a tot lot in a softball aggregate, or equivalent site of at least 1000 sq. ft.

#### **New Construction Projects With Less Than 50 Units**

- 4) Equipped playground that includes a Powerscape, GameTime, or equivalent play set, a tot lot in a softball aggregate, or equivalent site of at least 500 sq. ft.

### **B. Project Amenities for Elderly Housing**

- 1) Community areas with a minimum of 500 sq. ft. to combine 32-inch color TV, entertainment system (a stereo system, DVD or VHS system), set of sofas or sofa/loveseat, two lounge chairs, end or coffee tables, carpeting and/or ceramic tile, and facilities to prepare and serve food that includes a counter area, refrigerator, microwave oven, sink, garbage disposal that are EnergyStar rated, with resilient and/or ceramic tile floor.
- 2) Washer and dryer hookup in each unit or laundry facility with EnergyStar rated (clothes washer) and dryer. One washer and one dryer for every 10 units.
- 3) Handrails and related hardware (hand rails, grab bars, and lever handled hardware for doors) compliant with the Fair Housing Act and ADA.
- 3) Elevator (if more than one floor).

C. Project Amenities for Tenant Ownership Housing

- 1) Minimum of two-bedroom units with an average of 1,200 sq. ft. of residential area per unit excluding garages, outdoor patios, etc, but not less than 1,000 sq. ft. of residential area or minimum allowed per local zoning.
- 2) Minimum of 5,000 sq. ft. lot or the minimum allowed per local zoning.
- 3) Washer and dryer hookup in each unit.
- 4) Minimum of one car attached garage.

D. Project Amenities for Acquisition/Rehab/Conversion/Change of Use

**Acquisition/Rehabilitation Projects With 50 or More Units**

- 1) Community area(s) with a minimum of 500 sq. ft. The design and amenities in the community area should be suited to the project type. For rehabilitation projects serving special needs housing populations, the community area should be appropriate to the delivery of supportive service provided to residents. For rehabilitation projects serving individuals, families with children, and elderly populations the community area and amenities should be similar to those provided to family and elderly housing.
- 2) Laundry facility on site in a common area - one washer and one dryer that are EnergyStar rated for every 10 units of housing.

E. Project Amenities for All Other Housing

- 1) Community area(s) with a minimum of 500 sq. ft. The design and amenities in the community area should be suited to the project type. For assisted living and special needs housing projects the community area should be appropriate to the delivery of supportive service provided to residents. For mixed income projects, the community area and amenities should be similar to those provided to family and elderly housing.
- 2) Laundry facility on site - one washer and one dryer that are EnergyStar rated for every 10 units of housing.

## PROJECT SCORING

### Section 16 Preference Point Scoring Categories

Each application will be scored based on the three scoring categories: Standard Scoring Factors; Project Type Priorities; and Special Scoring Factors.

#### A. Standard Scoring Factors

Standard Scoring Factors in sections 17 – 25 reflect the Division's housing development priorities for 2005. All applications will be independently scored for each of the 8 (eight) Standard Scoring Factors. **Maximum Points: 59.**

#### B. Project Type Priorities

Project Type Priorities in sections 26 – 31 reflect the Division's housing type priorities for 2005. Applications will be grouped according to project type within each set-aside and geographic sub-account and compete for the points available for the project type. The three highest-scoring projects will be awarded points. The application with the highest score will receive the maximum points available to the project type. The application with the second highest score will receive one-half of the available points. The application with the third highest score will receive one point. In the event of a tie the points will be divided. **Maximum Points: 20.**

#### C. Special Scoring Factors

Special Scoring Factors in sections 32 – 37 reflect additional policy objectives set by the Division for the 2006 QAP. All applications will be independently scored for each of the 5 (five) Special Scoring Factors. **Maximum Points: .**

The 2006 QAP enables applicants to self-score applications in two of the three scoring categories. The points in the self-scoring categories represent 89% of the total points available for Family, Elderly, Tenant Ownership, and Mixed Income projects; 84% of the total points available for Special Needs Housing projects; and 76% of the points available for Assisted Living projects. Accordingly, most applicants will have a near-complete picture of their score at the time they submit their application. **A project scoring sheet is available in ATTACHMENT F.**

After the Division calculates the point totals of each application projects will be ranked within each set-aside and geographic sub-account. Applicants applying for Tax Credits under more than one account will be ranked under each account.

Tax Credit reservations will be based solely on high score.



## Standard Scoring Factors

### Section 17 Project Location

Two (2) preference points will be awarded if the project meets any of the following project location criteria:

<b>RATING FACTORS (Select One)</b>	<b>PTS</b>
a) Project is located in a Qualified Census Tract and contributes to a comprehensive community revitalization plan	
b) Project is located in a non-CDBG eligible census tract	
c) Project is part of a Redevelopment Project Area as defined in NRS 279.412	
d) Project is located in a locally-designated priority development area	
e) Project involves the acquisition and rehabilitation of housing and is in an area covered by a state or local revitalization plan/strategy targeting the rehabilitation of existing housing	
f) Property involves the acquisition and rehabilitation of an at-risk property listed in the National Housing Trust Publication	
<b>MAXIMUM LOCATION PREFERENCE POINTS</b>	<b>2</b>

Projects claiming preference points under a-f above require certification from the local jurisdiction/government agency stating that the project is located in an area that qualifies for preference points. *See* NAC 319.989

### Section 18 Project Readiness

A maximum of nine (9) preference points will be awarded for achieving the following project development milestones. Documentation must be submitted to verify their completion of each milestone to the satisfaction of the Division:

<b>RATING FACTORS</b>	<b>PTS</b>
a) Ownership of the land secured (clear title no option)	3
b) Option to purchase land or a signed long-term lease	1
c) Proper zoning of the site obtained (letter from zoning authority)	4
d) Soil testing completed	1
e) Phase I environmental study completed	2
f) Partnership documents filed with the State of Nevada's Secretary of State	1

<b>MAXIMUM PROJECT READINESS PREFERENCE POINTS</b>	<b>11</b>
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**Section 19 Additional Project Amenities<sup>12</sup>**

A maximum of fifteen (15) preference points will be awarded for the following projects and tenant amenities:

<b>RATING FACTORS</b>		<b>PTS</b>
<b>Project Amenities – Development has:</b>		
a) Elevators (Does Not Apply To Elderly Projects With 2 or More Floors and Tenant Ownerships Projects)		3
b) Picnic area equipped with a minimum of three charcoal or gas barbecue units and three 6' picnic tables with benches on separate concrete slabs no less than 200 sq. ft. evenly distributed throughout the project (Does Not Apply to Tenant Ownership projects)		3
c) Swimming or lap pool (Does Not Apply to Tenant Ownership projects)		3
d) Kiddy pool that purifies and recycles water at a minimum four spray positions. Each position must have individual timer for water spray, a 20 x 20 concrete area with drain, minimum five-foot rod iron high fence with gate that locks. The 20 x 20 concrete area shall have a Cool Deck type of surface. The water must recycle. (Applies To Family Rental and Tenant Ownership Projects Only)		3
e) In-ground spa that is a minimum of eight foot in diameter with seven jets, booster pump, blower, 20-minute timer, and 300,000 btu heater		2
f) Equipped weight/exercise room that is a minimum 250 sq. ft. and has at least three exercise machines (Does Not Apply To Tenant Ownership Projects)		2
g) Computer/study room with full Internet access that is a minimum of 100 sq. ft. and is equipped with at least one computer for every 20 units (Computers specification must meet or exceed 1.8 GHzv Intel Pentium 4 Processor, 128 MB. DDR SDRAM, 20 GB Hard Drive, 15-in. Monitor, 32 MB Graphics card, 48X Max CD ROM, Microsoft Windows).		2
h) Exterior lighting with fluorescent dusk-to-dawn fixtures or High Pressure Sodium illuminating walking paths to entrances to residential unit		2
<b>Tennant Unit Amenities – Each Unit has:</b>		
i) Picnic area equipped with one charcoal unit and 6' picnic table with benches on 64 sq. ft. concrete slab or in patio area (Applies To Tenant Ownership Projects Only)		3
j) Covered patio area on concrete slab w/ roof that is a minimum of 64 sq. ft. (Applies To Tenant Ownership Projects Only) or Patio or balcony area that is a minimum of 48 sq. ft. (Applies To All Other Projects Types)		2
k) Attached two-car garage (Applies To Tenant Ownership Projects Only) or Covered parking space (Applies To All Other Projects Types)		3
l) Air conditioner or swamp cooler (Does not apply to projects in Clark, Esmeralda, Lincoln, and the southern Nye)		2
m) Enclosed exterior wood-framed storage structure that is a minimum of 24 sq. ft. floor		2
n) Infrastructure and hook-up for Broad-band internet connection		2
o) Ceiling fans, including a minimum of one fan in the living area and one fan in the master bedroom		1
<b>MAXIMUM AMENITIES PREFERENCE POINTS</b>		<b>21</b>

<sup>12</sup> The Division reserves the right to award points to other comparable project amenities appropriate to the particular project. However, the overall total points may not exceed twenty (20). Request for the approval of other comparable project amenities must be received prior to the submission of the application and must be described and incorporated in the project application.



**Section 20 Nevada Based Applicant**

Ten (10) preference points will be awarded to projects if the Project Sponsor based in Nevada. To be deemed as based in Nevada, a Project Sponsor that is a natural person must be a resident of Nevada. If the Project Sponsor is a limited partnership, at least one of the general partners must meet the criteria below:

<b>RATING FACTORS</b>	<b>PTS</b>
a) Applicant is organized as a corporation, partnership, limited-liability company or other principal of the entity for the last 12 months pursuant to the laws of Nevada;	
b) Applicant maintains an office in Nevada from which a general partner, managing partner, principal officer of the applicant, including a president, or chief financial officer or chief operating officer, conducts regular business;	
c) Applicant maintains sufficient staff at in-State office to ensure that a member of the general public may visit the office to substantively discuss matters relating to the project with one of the persons identified in (2) above.	
<b>MAXIMUM NEVADA BASED APPLICANT PREFERENCE POINTS</b>	<b>10</b>

If a project is awarded preference points in this category, all correspondence, letters, facsimiles and telephone communications from the Division will be directed to the Project Sponsor’s Nevada office.

**Section 21 Nevada Based Projects by Out of State Based Applicants**

A maximum of five (5) preference points will be awarded to out of state applicants if the following criteria are met:

<b>RATING FACTORS</b>	<b>PTS</b>
a) Threshold Requirements: <ul style="list-style-type: none"> <li>- The Project Sponsor has successfully developed projects in Nevada within the past 10 years.</li> <li>- The Project Sponsor is in good standing with all Division projects under the Tax Exempt Bond, HOME, Low Income Housing Trust Fund, and/or Low Income Housing Tax Credit programs.</li> <li>- The applicant does not have any unresolved compliance findings on multi-family projects in Nevada.</li> </ul>	
b) One point will be given for each successful project in Nevada up to the maximum of 5 points.	
<b>MAXIMUM OUT OF STATE PREFERENCE POINTS</b>	<b>5</b>

**Section 22 Affordability Period**

A maximum of four (4) preference points will be awarded to applications that extend the period of affordability beyond the required 30 years. Applications will receive one preference point for each additional 5-year period of affordability, not to exceed 50 years.

<b>RATING FACTOR</b>	<b>PTS</b>
a) One point for each 5 years of extended affordability.	
<b>MAXIMUM AFFORDABILITY PERIOD PREFERENCE POINTS</b>	<b>4</b>

Projects developed for eventual tenant ownership and for frail elderly, assisted housing and seniors with Alzheimer's disease will not be eligible for points in this category.

**Section 23 Water Efficiency of Landscape Design**

Five (5) preference points will be awarded to projects that have at least 75% desert and/or xeriscaped landscaping. The Project Sponsor must submit verification from a architect/landscape architect that the project satisfies the rating factor.

<b>RATING FACTOR</b>	<b>PTS</b>
a) 75 percent desert and/or xeriscaped landscaping	
<b>MAXIMUM LANDSCAPE DESIGN PREFERENCE POINTS</b>	<b>5</b>

**Section 24 Green Building Design**

Three (3) preference points for site factors and Three (3) preference points for in door air quality building materials.

<b>RATING FACTORS</b>	<b>PTS</b>
a) 1 point for site within in ¼ mile of local transit route 1 point for each three services within ¼ mile of site; total 2 points (Grocery, Pharmacy, Bank, Park, School, Day Care, Medical Service, Library)	3
b) 3 points for interior paints with no volatile organic compounds (VOC), low-VOC carpeting, padding and adhesives or formaldehyde-free particle board (If points are claimed we require certified installation documentation otherwise an equivalent % of eligible basis will be deducted from award)	3
<b>MAXIMUM GREEN DESIGN PREFERENCE POINTS</b>	<b>6</b>

**Section 25 Negative Compliance Findings**

The Division will subtract up to twenty (20) preference points if at the time of application the Project Sponsor has unresolved negative compliance findings for active Tax Credit projects in Nevada. Negative Compliance Findings refer to specific conclusions made by the Division’s Compliance Officers during compliance monitoring reviews that the housing project is in material non-compliance with specific programmatic and regulatory requirements. For the purpose of this section, only Negative Compliance Findings that are: (i) outstanding at the end of the correction period and (ii) reported to the IRS on IRS Form 8823 will be considered.

<b>RATING FACTORS</b>	<b>PTS</b>
a. One point subtracted for each unresolved compliance finding reported on IRS Form 8823. <i>Project Sponsors with more than 20 unresolved compliance findings will not be considered for funding.</i>	
<b>MAXIMUM POINT REDUCTIONS FOR NEGATIVE COMPLIANCE FINDINGS</b>	<b>(-20)</b>

## **Project Type Priorities**

The Division will award preference points for each of the project categories specified in Section 9 at the time of application review. Preference points may be claimed for only one project category.

Sections 26-31 below describe the ranking factors applicable to each project type. The application within each project-type category scoring within each set-aside and geographic sub-account will receive the maximum amount of preference points shown. The second highest scoring application will receive one-half of the maximum preference points shown. The third highest scoring application will receive 1 point. No more than three applications will be given points for each project category for each set-aside and geographic sub-account. Projects with no competing applications in the same geographic or specific set-aside in Sections 26-31 will receive the maximum point allowance by project type.

### **Section 26 Preference Points for Projects for Individuals/Families with Children**

#### ***Maximum Points: 15.***

*Projects for Individuals/Families with Children* will be ranked based on the number of amenities listed in Section 19 included in the project. In the event that two or more projects within this project type category have the same number of amenities, the Division will break the tie by determining which proposal leverages the greatest level of non Tax Credit funding.

This will be determined by dividing the total amount of Tax Credits requested by the total project costs. The project with the lowest percentage of Tax Credits to total project cost will be the successful project.

The application with the highest overall amenities in the project will receive 15 points, the second highest scoring project will receive 7.5 points, and the third highest scoring project will receive 1 point.

### **Section 27 Preference Points for Senior Projects Age 55 Years and Older**

#### ***Maximum Points: 10.***

*Senior Projects for persons Age 55 Years and Older* will be ranked based on the average unit size in the project. For example, a senior project of 50 units with 30 studio apartments, averaging 450 sq. ft., (13,500 sq. ft.) 10 one-bedroom apartments averaging 600 sq. ft. (6,000 sq. ft.), and 10 two-bedroom apartments averaging 750 sq. ft., (7,500 sq. ft.) has an average unit size of 540 sq. ft. (27,000 sq. ft. divided by 50 units) in the project.

The project with the highest average per unit square footage will receive 10 points, the second highest scoring project will receive 5 points, and the third highest scoring project will receive 1 point.



**Section 28 Preference Points for Special Needs Projects**

**Maximum Points: 20.**

*Projects for persons with Special Housing Needs* will be ranked based on the experience of the Project Sponsor/general partner in developing special needs housing and/or delivering the services relating to the special need. The Project Sponsor must submit a list of all of the housing units developed in chronological order commencing with the year the first project was placed in to service. The Project Sponsor must have a minimum of three years experience verified by a dated document, such as the articles of incorporation, showing the number of years the organization has provided the service.

Applications will be ranked based on the following factors

- (1) The number of months of experience will be weighted by 70%
- (2) The number of housing units developed will be weighted by 30%.

In the example below, Applicant One possesses 12 years of experience providing services to homeless individuals and has produced 250 units of transitional housing. Applicant Two possesses seven years of experience providing services to developmentally disabled people and has produced 300 units of housing for the developmentally disabled. The scoring is as follows:

<u>Application One</u>	<u>Application Two</u>
144 months x .70 = 100.8	84 months x .70 = 58.8
250 units x .30 = 75	300 units x .30 = 90
Total = 175.8	Total = 148.8

The highest score as calculated above will receive 20 points, the second highest score will receive 10 points, and the third highest score will receive 1 point.

**Section 29 Preference Points for Mixed-Income/ Mixed Use Projects**

**Maximum Points: 10.**

*Mixed-Income Projects* will be ranked based on the percentage of market-rate units in the project that exceed the minimum requirement of 10%.

The square footage and bedroom size of both market-rate and restricted units must be proportional. Targeting smaller units with fewer bedrooms as the Tax Credits units will not be allowed. For example, if a 60-unit project with 30 market rate units (50%) is 30,000 sq. ft. and has 90 bedrooms, the amount of square footage and number of bedrooms should be equal to the square footage and number of bedrooms in the market-rate units.

Restricted units may be confined to specific building(s) in the project as long as the square footage and unit mix is proportional to the market-rate units. However, the buildings must be equally placed within the project and have full access to project amenities.

The project with the highest percentage of market-rate units will receive 10 points, the project with the second highest percentage will receive 5 points, the project with the third highest percentage will receive 1 point.

*Mixed Use Projects* will be ranked based on the number amenities listed in Section 19 included in the project. In the event that two or more projects within this project type category have the same number of amenities, the Division will break the tie by determining which proposal leverages the greatest level of non Tax Credit funding.

This will be determined by dividing the total amount of Tax Credits requested by the total project costs. The project with the lowest percentage of Tax Credits to total project cost will be the successful project.

The application with the highest overall amenities in the project will receive 10 points, the second highest scoring project will receive 5 points, and the third highest scoring project will receive 1 point.

### **Section 30 Preference Points for Projects for Promoting Eventual Tenant Ownership**

#### ***Maximum Points: 10.***

*Projects for Promoting Eventual Tenant Ownership* will be ranked based on the total overall residential square footage made available for eventual ownership. For example, a project of 20 single-family homes, each with an area of 1,200 sq. ft. would have a total of 24,000 sq. ft. of residential space.

The project with the highest amount of overall residential square footage in the project will receive 10 points, the second highest scoring project will receive 5 points, the third highest scoring project will receive 1 point.

### **Section 31 Preference Points for Acquisition/Rehab, Conversion or Change of Use Projects, Rehab only.**

#### ***Maximum Points: 10.***

*Acquisition/Rehab, Conversion or Change of Use Projects* will be ranked based on the per-unit rehabilitation investment (hard construction costs/number of units in the project).

The minimum investment per unit is \$10,000.00 and the amount for which the project is claiming preference points must be reflected in the Capital Needs Assessment. (Section 9.F.).

The project with the highest per-unit rehabilitation investment will receive 10 points, the second highest scoring project will receive 5 points, the third highest scoring project will receive 1 point.

## Special Scoring Factors

The Division identified a limited number of factors considered essential to targeting the development of housing for low income persons, expanding the level of services available to at-risk households, and providing incentives for keeping project costs down.

Sections 32 – 37 describe how preference points will be awarded to achieve these goals.

### Section 32 Preference Points for Low Rent

A maximum of ten (10) preference points will be awarded based on the overall rent targeting in the project. A project's overall rent level is determined by multiplying the percentage of the total units within each rent level(s) by the rent level in percentages. For Example:

	<b>Project One (40 units)</b>	<b>Project Two</b>	<b>Project Three</b>
Number of Units	40 Units	40 units	52 units
Distribution of Units	All units with 40% rents	15 units w/45% rents 25 units w/35% rents	All units with 35% rents
Scoring	100% X .40  Score = .4 score	37.5% X .45 = .16875 plus 62.5% X .35 = .21875 =.3875 score	100% X .35  = .3500 score

Preference points will be awarded in the amounts specified in the following table.

<b>Rating Criteria (Low Rent Score)</b>	<b>PTS</b>
.30 (100% @ 30% rents) or below	10
>.30 and < .35	8
.35 and < .40	6
.40 and < .45	4
.45 and < .50	2
.50 and < .60	1

**Section 33 Preference Points for Low Income Targeting**

A maximum of ten (10) preference points will be awarded based on the overall income targeting in the project. A project’s overall income level is determined by multiplying the percentage of the total units within each rent level(s) by the rent level in percentages. For Example

	<b>Project One (40 units)</b>	<b>Project Two</b>	<b>Project Three</b>
Number of Units	40 Units	40 units	52 units
Distribution of Units	All units @ 40% income	15 units @ 45% income 25 units @ 35% income	All units @ 35% income
Scoring	100% X .40  Score = .4 score	37.5% X .45 = .16875 plus 62.5% X .35 = .21875 =.3875 score	100% X .35  = .3500 score

Preference points will be awarded in the amounts specified in the following table.

<b>Rating Criteria (Low Income Score)</b>	<b>PTS</b>
= .30 (100% @ 30% AMI) or below	10
> .30 and < .35	8
.35 and < .40	6
.40 and < .45	4
.45 and < .50	2
.50 and < .60	1

**Section 34 Preference Points for Supportive Services**

A maximum of ten (10) preference points will be awarded based on the number of supportive services provided to tenants. All supportive services must comply with all local, city, county, state and federal laws and regulations that include, but are not limited to, licensing, permits, certification and bonding and insurance requirements.

The Project Sponsor must document how the service will be provided and paid, including copies of agreements with community-based organizations for providing the service. The service must be available to all tenant families a minimum of 8 hours per week. There will be no mandatory fees for the basic service. Any fee required will be at the discretion of the Division.

A CPA must make a determination that on-site commercial and/or health care activities will not have an adverse affect on the project's eligible basis. The Project Sponsor must provide the service for the initial IRS 15 year compliance period, and must not allow more than a 30-day gap in service provided. The Project Sponsor must notify the Division within seven (7) days of the termination of service agreements/contracts. The project will be considered out of compliance if there is no new service contract executed by the time the development is audited.

The 2006 QAP will award preference points for the following supportive services:

<b>Rating Criteria Supportive Services Provided</b>	<b>PTS</b>
A. Provision of childcare services on-site or linked to outside centers.	2 (on-site) 1 (off-site)
B. Providing health care services on-site or linked with a local health care provider.	2 (on-site) 1 (off-site)
C. Providing job-training programs on-site or linked with a local training center.	2 (on-site) 1 (off-site)
D. Providing one prepared meal on a daily basis available to all tenants.	2
E. Transportation services.	3
F. Computer literacy training made available to all tenants.	1
G. Personal finance training; that includes money management, credit counseling and personal budgeting.	1
<b>Maximum Supportive Services Preference points available</b>	<b>10</b>

The Division reserves the right to award preference points for other supportive services upon request by the Project Sponsor and approval of the proposed service plan by the Division. However, the overall total may not exceed ten (10). The approval must be received prior to the submission of the application.

**Section 35 Preference Points for Lowest Developer Fee**

A maximum of five (5) preference points will be awarded to applications with developer fees below 15% of the ELIGIBLE BASIS. Preference points will be awarded on a basis of 1 point for each 1% reduction in developer fee up to a maximum of 5 points.

The developer fee must not exceed 15% of the ELIGIBLE BASIS of the project excluding the developer's fee. The fee includes profit and overhead of the developer, in addition to fees for consultants/processing agents. The developer fee for projects in QCTs/DDAs may include the adjusted Eligible Basis amount. The cost certification must reflect the developer fee disclosed within the original application and may not be changed for any reason.

<b>Rating Criteria Developer Fee</b>	<b>PTS</b>
A. Less Than 11%	5
B. 11.0% to 11.99%	4
C. 12.0% to 12.99%	3
D. 13.0% to 13.99%	2
E. 14.0% to 14.99%	1
F. 15%	0

**Section 36 Preference Points for Lowest Contractor Fee**

A maximum of five (5) preference points will be awarded to applications with contractor fees below 14% of the total cost of construction. Preference points will be awarded on a basis of 1 point for each 1% reduction in contractor fee up to a maximum of 5 points.

The original contractor fee must be reflected at the time of application and may not be changed. Contractor fees including the contractor's profit, overhead and general requirements must not exceed 14% of the total cost of construction of the project. Total construction costs are limited to on-site work, the construction of new structures/accessory buildings, and the rehabilitation of existing structures. The Division considers contractor fees greater than 14% excessive. Any contractor fee in excess of 14 percent will be taken out of the Gap Calculation for determination of the final Tax Credit allocation and issuance of IRS Form 8609. Construction costs will be limited to on-site work, the construction of new structures/accessory buildings and/or the rehabilitation of existing structures and mandated off site improvements. *See* NAC 319.987

<b>Rating Criteria Contractor Fee</b>	<b>PTS</b>
G. Less Than 10%	5
H. 10.0% to 10.99%	4
I. 11.0% to 11.99%	3
J. 12.0% to 12.99%	2
K. 13.0% to 13.99%	1
L. 14%	0

**Section 37 Special Developments Private Public Partnerships**

A maximum of fifteen (15) preference points will be awarded based the level of additional resources and funding leveraged by Tax Credits. The three factors below can be met individually or collectively to receive the preference points. Additional contributions may include land donations and funding commitments made by local governments, non-profit organizations, and private businesses.

Rating Criteria	PTS
1) A donation of land from a governmental unit (federal, state or local) or a parcel of land transferred at a nominal cost from a governmental unit (federal, state or local) or a long-term lease of at least 50 years provided to the developer at a nominal or discounted cost from a governmental unit (federal, state or local). <small>Discounts on land sales 100% to 75% claim 5 points, 74% to 50% 3 points, 49% to 25% 1 point</small>	<b>5/ 3/1</b>
2) Combined contributions from governmental, non-profit, and or private sources for the development of the Tax Credit Project that meet or exceed 10 percent of the total project costs. <small>Parties must be 3<sup>rd</sup> party non related entities and 20% is based on application. 25% or more 5 points, 24% to 15% 3 points, 14% to 10% 1 point</small>	<b>5/3/1</b>
3) Tax Credit Equity must meet or exceed 60 percent of the total project cost. <small>Based on total cost at time of application and investor agreement at that time. 70% or more 5 points, 65% to 69% 3 points, 60% to 64% 1 point</small>	<b>5/3/1</b>
<b>Maximum Public/Private Preference points available</b>	<b>15</b>

**Section 38 Tie Breakers**

In the event that one or more projects competing for Tax Credits in the same set-aside or geographical account receives an identical number of preference points, the Division will break the tie by determining which proposal leverages the greatest level of non Tax Credit funding.

This will be determined by dividing the total amount of Tax Credits requested by the total project costs. The project with the lowest percentage of Tax Credits to total project cost will be the successful project.

If the above fails to break the tie, the Division will conduct a lottery pursuant to NAC 319.990.

## PROJECT DEVELOPMENT INFORMATION

### Section 39 Maximum 2006 Per Unit Development Cost

In allocating Tax Credits to a project, the Division will consider the number and size of units (based on the number of bedrooms) to the project's eligible basis.

The Division will not allocate Tax Credits for eligible basis costs that are in excess of HUD's Section 221(d)(3) per-unit cost limits plus the per unit developer fee proposed for the project. If a project's per unit eligible basis exceeds the amounts listed below plus the per unit developer fee the Project Sponsor must provide documentation to the division that the project is financially feasible. The HUD 221(d)(3) limit are shown in the table below:<sup>13</sup>

Area	Base Limits	South Lake Tahoe	Las Vegas Clark Co	Reno, Sparks, Carson City	Elko County	Nye County	All other Areas
High Cost Factor		2.26	2.14	2.11	2.05	1.84	1.99
Non Elevator							
0 bdrm	\$43,964	\$99,358	\$94,082	\$92,764	\$90,126	\$80,893	\$87,488
1 bdrm	\$50,691	\$114,561	\$108,478	\$106,958	\$103,916	\$93,271	\$100,875
2 bdrm	\$61,134	\$138,162	\$130,826	\$128,992	\$126,324	\$112,486	\$121,658
3 bdrm	\$78,252	\$176,849	\$167,469	\$165,111	\$160,416	\$143,983	\$155,721
4 bdrm	\$87,176	\$197,017	\$186,558	\$183,941	\$178,710	\$160,403	\$173,480
Elevator							
0 bdrm	\$46,267	\$104,563	\$99,011	\$97,623	\$94,847	\$85,131	\$92,071
1 bdrm	\$53,036	\$119,861	\$113,497	\$111,905	\$108,723	\$97,586	\$105,541
2 bdrm	\$64,492	\$145,751	\$138,012	\$136,078	\$132,208	\$118,685	\$128,339
3 bdrm	\$83,430	\$188,551	\$178,540	\$176,037	\$171,031	\$153,511	\$166,025
4 bdrm	\$91,581	\$206,973	\$195,983	\$193,235	\$187,741	\$168,509	\$182,246

<sup>13</sup>Table of Basis & Maximum Statutory Mortgage Limits. National Housing Act. March 10, 2005.

Refer to HUD website: <http://www.hud.gov/offices/hsg/mfh/hicost/stats02.pdf>

The 221(d)3 limits shown are effective after January 1, 2005. The table reflects an increase to the High Cost Percentage multiplier for Reno metropolitan area, pursuant to HUD guidelines. The 221(d)(3) limits for other geographic areas reflects the High Cost percentage multipliers used by HUD in 2002 and contained in the 2005 QAP.

**Special Notes For Using Table:**

- (a) The Division is seeking clarification of the High Cost Percentage multipliers applicable to Nevada.
- (b) The 2006 QAP will use HUD's Section 221(d)(3) per unit limits for 2006. The amounts shown in the table will be amended when the 221(d)3 limits are updated by HUD. In the event that the HUD Section 221(d)(3) per unit cost limits for 2006 are lower than the amounts shown above, the per unit costs listed for 2006 may be increased by a maximum of 30 percent at the discretion of Division staff if requested by the Project Sponsor and evidenced by supporting documentation.



## **Section 40    Operating Expenses**

Project operating expenses between \$200.00-\$300.00 per unit/per month are typical for projects in Nevada and considered acceptable by the Division. Applications for projects with operating expenses outside this range must include an explanation of why the expenses are higher or lower. The Division reserves the right to adjust Tax Credits on projects with operating expenses greater than the \$200.00 to \$300.00 range.

*See NAC 319.987.*

## **Section 41    Estimation of Utility Allowance**

At the time of application, the Project Sponsor must estimate the amount of utility allowance applicable to each unit, considering the square footage of the unit and the proposed source of energy in accordance with Treasury Regulation § 1.42-10. The Project Sponsor assumes the risk that these estimates are reasonable and supportable. At the time the project is placed in service, the Project Sponsor must provide evidence that the utility allowance used conforms to the requirements of the Code and Treasury Regulation. Failure to do so will result in forfeiture of the Tax Credits.

The Project Sponsor may provide a survey of actual utilities being paid in the area or use the PHA utility allowance for the area. Surveys must: (1) have been conducted within 12 months of the application; (2) sampled units must be located within a radius of 50 miles from the proposed project location; (3) sampled units must be similar in size, within 10%, based on unit square footage, to those in the project; (4) include a sample size of at least 10 units; (5) the energy source must be the same as proposed for the project; and (6) include the address and square footage of each unit surveyed.

**Section 42 Adjustments to Eligible Basis for Projects Located in Qualified Census Tract and Difficult to Develop Areas**

Project Sponsors with projects located in a Qualified Census Tract (QCT) or in a Difficult to Develop Area (DDA) are authorized to utilize 130% of eligible basis as a factor in determining the adjusted eligible basis.

The determination of whether a project is in a QCT or DDA is made at the time of application. Subsequent changes in federal designations of QCTs or DDAs after the application is approved will not affect the project.

A. 2005 IRC Section 42(d)(5)(C) Metropolitan Qualified Census Tracts

- 1) Las Vegas Metropolitan Area: 3.01; 3.02; 4.00; 5.03; 5.04; 5.11; 5.14; 6.00; 7.00; 8.00; 9.00; 11.00; 22.01; 22.04; 24.04; 24.05; 26.01; 34.25; 38.00; 43.00; 44.00; 46.00; 47.03; 47.07; 47.08; 47.09; 47.10; and 47.13.
- 2) Reno/Sparks Metropolitan Area: 1.00; 9.00; 18.00; 19.01; and 22.03.

B. 2005 IRC Section 42(d)(5)(C) Non-Metropolitan Qualified Census Tracts

- 1) Elko County - 9403.00
- 2) Mineral County - 9402.00

C. 2005 IRC Section 42(d)(5)(C) Metropolitan Difficult To Develop Areas

Qualifying Counties:

Clark Nye

D. 2005 IRC Section 42(d)(5)(C) Non-Metropolitan Difficult To Develop Areas

Qualifying Nevada Counties:

Carson City Churchill Douglas Lyon

Any changes to QCT and DDA designations subsequently made by HUD that are applicable to the 2006 Tax Credit application period will be incorporated in the 2006 QAP following publication in the *Federal Register Vol. 70, No. 161*. August 22, 2005 See NAC 319.991

## Section 43 Maximum Amount of Tax Credits Awarded

### A. Project Cap

The Division has elected to limit the amount of tax credits a project may receive under the 2006 plan to \$1,000,000.00. Application for Tax Credits in excess of \$1,000,000.00 will be rejected. The Division will accept applications that request Tax Credits for more than one sub-account, as long as the total amount of Tax Credits requested does not exceed the maximum limit. The Division reserves the right to award more than \$1,000,000.00 of Tax Credits to projects financed by the Tax Exempt Bond Program, if the project complies with all of the Division's policies, procedures and all State and federal regulations and laws.

*See NAC 319.992.*

### B. Multiple Project Phases

Projects that are phased in from one Tax Credits plan year to another will not be considered as one project for the purposes of this maximum. For example, if a Project Sponsor receives Tax Credits on a project this year and next year qualifies and is appropriately ranked for an expansion or new phase of the existing project, the Project Sponsor may receive the maximum Tax Credits for the new phase. The Division reserves the right to reject multiple applications if they are determined to be for one project that has been split in order to circumvent this maximum.

### C. Tax Credit Return

The Project Sponsor may voluntarily return Tax Credit awards before the notification of the carryover allocation. For the purposes of this section, **the carryover allocation notice for Nevada 2006 Tax Credit project will be November 1, 2006.**

If the Project Sponsor decides to return the Tax Credits on or before the date specified in this section, the return will be considered voluntary.

If a project receives a carryover allocation and the Project Sponsor returns the Tax Credit after the date specified in this section, the return will be considered involuntary. *See NAC 319.972.* In such cases, the Project Sponsor will be barred from participating in future Tax Credit funding rounds in Nevada for the remainder of the 2006 Tax Credit Year and the subsequent Tax Credit year.

## **Section 44** Final Allocation of Tax Credits

Once all of the buildings in the project are placed in service, the Project Sponsor may request the final allocation and IRS form(s) 8609.

The following information needs to be completed to receive the IRS form(s) 8609:

1. Final allocation application.
2. CPA certification of costs. The Division will consider the initial CPA Certification of Costs as the true and correct document for the issuance of IRS Form 8609.
3. Final Energy Audit and Inspection. The final energy audit/inspection must show that all of the energy saving measures identified in the Pre-energy audit have been installed.
4. Pre 8609 inspection by Division. The inspection will include a review of proposed unit mix and amenities in the application and completeness of construction.
5. Comply with Section 42 (Lease up Requirements).
6. Letter certifying permanent financing is in place.
7. Letter acknowledging project has met ADA and Fair Housing accessibility design standards.
8. The CPA cost breakdown must be submitted in a manner that is consistent with data input to the Division's Tax Credit software (Application Orientation Design/AOD System). Forms will be attached to the Final Allocation Application.

## **Section 45** Tax Credit Monitoring

As of July 1, 2001, all compliance monitoring will require habitability inspection as per Treasury (IRS) Regulation 1.42.5. The Division has adopted the (UPCS) Uniform Physical Condition Standards established by HUD as the applicable standard for conducting physical inspections and determining compliance with IRS habitability requirements.

## **Section 46** Fees

All fees paid to the Division are non-refundable.

### A. Application Fee

The application fee is \$1,250.00, Also applies to Bond projects requesting 4% credits. Bond projects are required to pay fee with submission of application for 4% credits.

### B. Re-submission Fee

An additional fee of \$1,000.00 will be required if the application has been withdrawn or rejected during the previous allocation round, or if the Project Sponsor desires to make any material changes to the application. Re-submitted applications will not be accepted after the application closing date of any Tax Credits round.

### C. Reservation Fee

A reservation fee equal to 6.8% of the Tax Credits reservation amount is payable at the time the Division reserves the Tax Credits for the project. Non-profits that are not joint-venturing or in partnership with a for-profit Project Sponsor have the option of paying 1.8% of the credit amount at the time of reservation and the balance of 5% no later than six months after the date of reservation. Also applies to Bond projects requesting 4% credits. Bond projects are required to pay the equivalent fee at the time of application for the 4% credits.

The reservation fee is due upon receipt of the reservation letter **and must be paid on or before June 30, 2006**. See NAC 319.978(2).

### D. Carryover Fee

An administrative fee of \$400.00 will be charged for each carryover letter issued by the Division. The Project Sponsor's federal tax identification number must be supplied at the time the carryover commitment is requested.

### E. Compliance Monitoring Fee

An annual fee of \$25.00 for each low-income unit will be charged during the compliance period. The first annual Compliance Monitoring Fee is due and payable when the project is placed in service. Thereafter, annual Compliance Monitoring Fees must be paid on or before January 31 of each year for the remaining compliance period including any extended use period.

The Division reserves the right to adjust monitoring fees as necessary on a project-by-project basis to cover the cost and expense of monitoring compliance.

### F. Compliance Training Fee

A fee of \$50.00 per person will now be required to attend the Division's annual Tax Credit Compliance Training. The one-day training session, usually conducted in April/May of each year, is held in Las Vegas and Carson City/Reno. Attendance is mandatory for all on-site property managers. Notice of the annual training sessions will be announced once a date and site are determined. Additional training cost will vary by training subject and will be posted on the website.

### G. Compliance Monitoring Fee for Second Audit

If a property receives an audit in which the property is substantially out of compliance (less than 75% of the property is in compliance or there are issues regarding the minimum set aside and the property requires a second audit), there will be an additional audit fee equal to the per unit monitoring fee for each unit/file that requires a second audit.

## H. Legal Fees

If the Project Sponsor requests a change or decision that requires the Division to obtain legal advice beyond the normal guidance provided by the Division Counsel, the Project Sponsor will be billed for the legal service at a rate of \$475.00 per hour. Legal fees must be paid if the Division's Counsel or Tax Counsel performs legal work that requires more than one (1) hour of billable time.

## I. Energy Audit Fees

The 2006 QAP requires Project Sponsors to comply with the Division Energy Efficiency Requirements. Sponsors are required to meet Pre and Post Construction Energy Audits for new construction or rehabilitation projects. The Energy Audits are contracted by the Division with an independent certified energy-auditing contractor. The Project Sponsor will reimburse the Division the costs of the Energy Audit at a rate of \$1000.00 for pre-construction analysis and \$250.00 a unit with a minimum of 15% of the project being subject to the Energy Audit for construction and post construction audits. The Energy Audit fee is Northern Nevada project will be assessed mileage and per diem charges at the state rate. If additional test is required fees will be due at the time of the re testing.

### **Section 47 Debarred List**

The Administrator will have the option to reject applications for Tax Credits for the following reasons: If the Project Sponsor and/or equity partner (1) is included on the HUD Debarred List; (2) defaulted or failed to Complete Funding or Construction on a Tax-Exempt Bond Issue; (3) defaulted and/or failed to comply with a HOME and/or LIHTF and/or; (4) defaulted or failed to comply with terms and conditions including mandatory 15 year and extended compliance on Bond or Tax Credit Project that receives a Tax Credit reservation or allocation by the Division.

### **Section 48 Lease-up Requirement**

Effective January 1, 2002, all Project Sponsors will be required to contact the Division once the first building in the project is issued a Certificate of Occupancy and prior to any lease-up. The Division will provide an orientation to Project Sponsors and on-site property managers regarding the long-term compliance of the property with Section 42 of the IRS Code. The Division will review the State's Tax Credit Compliance Manual with project management and discuss the Division's compliance requirements and project management responsibilities. This orientation is mandatory. Failure to contact the Division as specified above will result in a delay of the Division's issuance of IRS form(s) 8609.

## Section 49 Waiver of Annual Income Re-certification

Under IRS rules (Section 42(g) (8) (B)), if a LIHTC project consists entirely of 100 percent low income buildings – buildings occupied by qualified low-income tenants – the Project Sponsor may request a waiver of the requirement annual re-certifications of tenant incomes This section of the manual describes the procedure for requesting a waiver from the IRS requirement for annual re-certifications of tenant incomes.

### A. Procedure for Requesting Tenant Income Re-Certification Waiver

A Project Sponsors applying for the waiver for its 100 percent low-income building must:

- a) Complete and sign the applicable portions of IRS Form 8877, *Request for Waiver of Annual Re-certification Requirement for the Low-Income Housing Credit*.
- b) Submit IRS Form 8877 to the Division for signature by the Division's Administration or authorized representative.
- c) File IRS Form with the Service pursuant to the instructions accompanying the form.

The IRS will notify the Project Sponsor whether the request for the Re-certification waiver has been approved or denied.

### B. Limited Reporting Requirements for Waiver Recipients

If the Project Sponsor obtains a waiver of the annual income re-certification requirements from the IRS, the Project Sponsor is exempt from the re-certification requirements under IRS regulations § 1.42-5(b)(1)(vi) and (vii) and § 1.42-5(c)(1)(iii) and is not required under those sections to:

- a) Keep records that show an annual income re-certification of all the low-income tenants in the building who have previously had their annual income verified, documented, and certified;
- b) Maintain third-party documentation to support that re-certification; or
- c) Certify to the Division that it has received this information.

In lieu of re-certification, Project Sponsors that receive a tenant income re-certification waiver must ensure that all tenants **annually** complete the NHD Form – **Alternate Certification [EXHIBIT Q]**. The Alternate Certification must be dated and signed by the tenant(s) and the Project Sponsor's on-site representative, and the Project Sponsor must maintain a current Alternate Certification in each tenant file. The Division will review this documentation during the annual compliance reviews. A failure by the Project Sponsor to maintain properly completed, signed, and dated Alternate Certifications may result in the revocation of the tenant income re-certification waiver.

## **Section 50 Tax Exempt Bond Program**

To receive 4% Tax Credits on a Tax Exempt Bond Project, Project Sponsors must comply with the following:

- 1) Final allocation application **(at a cost of \$1,250.00 and payment of 6.8% of the tax credit award)**
- 2) CPA certification of costs. The Division will consider the Initial CPA Certification of Costs as the true and correct document for the issuance of IRS Form 8609.
- 3) Final Energy Audit and Inspection. The final energy audit/inspection for new construction must have a REM Index Rating of 86 or higher. The final energy audit/inspection for rehabilitation projects must show that all of the energy saving measures identified in the Pre-energy audit have been properly installed.
- 4) Pre 8609 inspection by Division. The inspection will include a review of proposed unit mix and amenities in the application and completeness of construction.
- 5) Comply with Section 42 (Lease up Requirements).
- 6) Letter certifying permanent financing is in place.
- 7) Letter acknowledging project has met ADA design standards.
- 8) The project must be in compliance with the Bond Regulatory Agreement.
- 9) Comply with the IRS Section 42. 50% test.
- 10) The project must meet Eligible Project Category (Sec.9) requirements as outlined in the QAP.
- 11) The CPA cost breakdown must be submitted in a manner that is consistent with data input to the Division's Tax Credit software (Application Orientation Design/AOD System). Forms will be attached to the Final Allocation Application.



## **PUBLIC COMMENT PROCESS**

### **Section 51     Public Comments, Distribution and Approval of QAP**

In accordance with the Regulations, the Division scheduled and conducted public hearings on the draft 2006 QAP as follows:

- A.     August 03, 2005 in Las Vegas, Nevada                     Commencing at 9:00 a.m.
- B.     August 10, 2005 in Reno, Nevada                             Commencing at 9:00 a.m.
- C.     August 11, 2005 in Elko, Nevada                             Commencing at 9:00 a.m.

The commenting period on the initial draft of the 2006 QAP ended on August 22, 2005. Following the public hearing and end of the initial commenting period, the Division considered public comments on the initial draft of the 2006 QAP.

A second draft of the 2006 QAP incorporating changes proposed by the Division was completed on or about August 31, 2005. The Division has made notification of this draft prior to the final public hearing on the 2006 QAP in accordance with the requirements of NAC 319.971.

The Division's final public hearing on the 2006 QAP will be held in Carson City, Nevada and Las Vegas, Nevada on September 13, 2005 as part of the regularly scheduled quarterly Nevada Housing Division Advisory Board meeting. The meeting location and time will be provided in the Division's upcoming Advisory Committee meeting notice.

## CONTACT INFORMATION

### **Section 52 Housing Division Offices**

Nevada Housing Division  
1771 East Flamingo Road, Suite 103-B  
Las Vegas, Nevada 89119

Telephone (702) 486-7220  
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Contact Person:  
Mark Licea  
Federal Program Supervisor Las Vegas  
Extension 226

Nevada Housing Division  
1802 North Carson Street, Suite 154  
Carson City, Nevada 89701-1229

Telephone (775) 687-4258  
Facsimile (775) 687-4040

Contact Person:  
Art Thurner  
Chief of Federal Programs  
Extension 224

### **Section 53 Qualified Contract. To be presented at meeting**

### **Section 54 Post 15 year Compliance. To be presented at meeting**

## **ATTACHMENT A CRITICAL HOUSING NEEDS**

This attachment, is to be read in conjunction with Section 3 of the 2006 QAP, provides an overview of the critical housing needs identified within the Consolidated Plans produced by the State as well as various local governments.

Housing Plan Section primary target uses of Low Income Housing Tax Credits (LIHTC)

**Clark County** (includes the county, Las Vegas, North Las Vegas, Henderson, Bolder City, and Mesquite)

1. Support construction of Affordable Housing for renters with income levels at 60% or less of AMI.
2. Promote construction and rehabilitation of SRO by non-profits.
3. Promote construction and rehabilitation of Permanent Housing for people at 40% or less of AMI especially seniors and disabled LIHTC.
4. Encourage housing for persons with physical disabilities and Elderly.
5. Encourage housing for persons with developmental disabilities and HIV/ AIDS.

**Las Vegas**

1. Construct Affordable Rental Housing.

**North Las Vegas**

1. Support construction of Senior Affordable Housing for renters at 60% of AMI or less. Special Needs Elderly & physical disabilities LIHTC.
2. Encourage housing for persons with physical disabilities and frail elderly.

**Washoe County** (includes the county, Reno, and Sparks)

Summary of Washoe County Housing and Community Needs

1. Use 70 % of available housing assistance to affordable rental housing.
2. Encourage the State to change LIHTC allocation policies to facilitate development of mixed income projects.
3. Encourage regional efforts to prioritize projects for LIHTC allocation.
4. Work with developers for affordable and market rate projects.
5. Encourage affordable housing for under represented groups in last five years.
6. Encourage services for affordable housing residents.

**State Plan** (overview of state plan)

The State Plan considers LIHTC as a funding source for the following housing needs.

1. Develop housing for Low Income Families and Elderly with incomes at 60% or less of the AMI with a Goal of 100 units per year. New Construction (Western Nevada has greatest need).
2. Special Needs (HIV/AIDS, SMI, Drug and Alcohol Abuse).
3. Housing for Elderly, New Construction. Elderly with incomes at 60% or less of the AMI.

**ATTACHMENT B – NEVADA HPOPULATION ESTIMATES  
NEVADA HOUSING DIVISION  
SELECTED HOUSING MARKET DATA FOR LAS VEGAS AND RENO/SPEAKS  
METROPOLITAN AREAS<sup>14</sup>**

**Reported Vacancies By Unit Type**

<b>Las Vegas Metropolitan Area</b>			
<b>Housing Size</b>	<b>Number of Units In Sample</b>	<b>Vacancies By Unit Type</b>	<b>Vacancy Rate</b>
Single Room Occupancy	1,224	35	2.8%
Studio Apartments	6,317	213	3.4%
1 Bedroom Size	34,766	901	2.6%
2 Bedroom Size	46,004	1,389	3.0%
3 Bedroom Size	9,168	343	3.7%
4 Bedroom Size	381	30	7.9%

<b>Reno/Sparks Metropolitan Area</b>			
<b>Housing Size</b>	<b>Number of Units In Sample</b>	<b>Vacancies By Unit Type</b>	<b>Vacancy Rate</b>
Single Room Occupancy	501	19	3.8%
Studio Apartments	2,410	118	4.9%
1 Bedroom Size	7,368	259	3.5%
2 Bedroom Size	10,249	462	4.5%
3 Bedroom Size	1,630	64	3.9%
4 Bedroom Size	223	7	3.1%
<b>Rural Area</b>			
<b>Housing Size</b>	<b>Number of Units In Sample</b>	<b>Vacancies By Unit Type</b>	<b>Vacancy Rate</b>
Single Room Occupancy	24	2	8.3%
Studio Apartments	28	1	3.6%
1 Bedroom Size	366	9	2.4%
2 Bedroom Size	803	13	1.6%
3 Bedroom Size	238	0	0.0%
4 Bedroom Size	12	0	0.0%

<sup>14</sup> Source: Nevada Housing Division. NHD Apartment Facts, Second Quarter 2005. This publication is an annual publication of the Nevada Housing Division available at [www.nvhousing.state.nv.us](http://www.nvhousing.state.nv.us)

## Number of Housing Units and Vacancy Rates By Zip Code

<b>Las Vegas Metropolitan Area</b>		
Zip Code	Total Number of Apartment Units in Zip Code Area	Vacancy Rate By Zip Code
89005	151	0.0%
89012	3,188	2.4%
89014	7,421	3.4%
89015	2,666	2.5%
89030	2,212	7.5%
89031	1,083	2.8%
89032	1,390	5.5%
89036	248	0.0%
89052	1,924	4.4%
89074	1,102	2.3%
89086	272	n/a
89101	6,526	3.4%
89102	8,742	3.4%
89103	9,558	2.6%
89104	4,981	3.1%
89106	3,181	7.3%
89107	2,989	3.2%
89108	6,625	2.6%
89109	10,838	4.1%
89110	3,147	2.5%
89113	721	0.0%
89115	5,925	3.1%
89117	9,210	2.1%
89118	2,573	2.2%
89119	11,508	2.0%
89120	1,826	2.0%
89121	7,670	3.8%
89122	3,709	4.4%
89123	5,784	2.4%
89128	3,114	3.8%
89129	2,218	2.9%
89130	896	2.4%
89131	272	1.8%
89134	288	10.4%
89135	849	3.1%
89139	1,038	4.7%
89141	340	7.6%
89142	1,646	3.6%
89144	448	3.9%
89145	548	4.2%
89146	2,972	3.5%
89147	3,344	3.2%
89148	1,616	5.5%
89149	274	n/a
89156	656	5.9%
Total Units	147,689	

## Number of Housing Units and Vacancy Rates By Zip Code

<b>Reno/Sparks Metropolitan Area</b>		
<b>Zip Code</b>	<b>Total Number of Apartment Units in Zip Code Area</b>	<b>Vacancy Rate By Zip Code</b>
89431	3,887	4.4%
89433	397	2.5%
89434	1,688	7.2%
89436	928	5.8%
89501	843	3.4%
89502	5,875	3.4%
89503	4,042	5.7%
89504	26	3.8%
89506	1,223	6.1%
89509	4,318	4.8%
89511	1,776	1.0%
89512	3,347	2.8%
89513	24	0.0%
89521	1,440	1.3%
89523	3,318	6.0%
Total	28497	

**There is no detailed ZIP code information for the Rural Areas at this time.**

**ATTACHMENT C – PLANNED EXPENSES BY COMPONENT CATEGORY  
(Acquisition Rehabilitation Projects Only)**

<b>Component Categories</b>	<b># Of Buildings Affected</b>	<b># Of Units Affected</b>	<b>Expected Total Cost</b>
<b>MECHANICAL SYSTEMS</b>			
Air Conditioning			
Heating/ Thermostats			
Duct Repairs/ Sealing/ Cleaning			
Water Heaters			
<b>BUILDING ENVELOPE</b>			
Attic/ Ceiling insulation			
Wall/ Band joists/ Floor insulation			
Window repair/ replacement			
Weather stripping/ sealing			
<b>APPLIANCES</b>			
Refrigerators			
Dishwashers			
Clothes Washers and Dryers			
<b>WATER CONSERVATION</b>			
Low flow showerheads/ faucets			
<b>INTERIOR COMPONENTS</b>			
Carpeting/ flooring			
Painting/ patching			
Plumbing/ tubs/ commodes/sinks			
Electrical			
Doors/ cabinets			
Other interior			
<b>EXTERIOR COMPONENTS</b>			
Roofing systems			
Siding/ stuccoing			
Foundation/ walkways			
ADA compliance items			
Landscaping/ Xeriscapping			

<b>GRAND TOTALS:</b>
----------------------



**ATTACHMENT D – REQUIRED ENERGY AUDIT FORMS**

Housing Division Multi-Family Building (contact Barbara Collins, ERHA West, Division Consultant, if you have any questions at 1 888 818 3746).

**Energy Efficiency Requirements  
Data Collection**

<b>Developer</b> _____ <b>Phone</b> _____
<b>Contact</b> _____ <b>Title</b> _____
<b>Email</b> _____ <b>Development</b> _____
<b>Property Address</b> _____
<b>City/State /Zip</b> _____
<b>Building #</b> _____
<b>Type</b> ( ) From Plans ( ) Existing <b>Building Date</b> _____
<b>Utilities:</b>
<b>Gas</b> _____ <b>Electric</b> _____ <b>Other</b> _____
<b>Utility type of service provided:</b> ( ) Residential ( ) Commercial

**Please answer all sections that apply.**  
**The data requested is for one entire building in the complex**

<b>Total Building Conditioned* Floor Area</b> _____ sq ft (Common area + all living space)
<b>Volume of Conditioned* Area</b> _____ cu ft ( <b>Total floor area x average ceiling height</b> )
<b>Stories</b> ( ) 1 ( ) Multi <b>Year built</b> ( ) New ( ) _____
<b># of Units in Building</b> _____ <b>Total # of Bedrooms</b> _____
<b>Flat Ceiling Height</b> ( ) 8 Ft ( ) Other _____ ft
<b>Vaulted Ceilings</b> ( ) No ( ) Yes <b>Ceiling height @ median pt</b> _____ ft
<b>Floor Area w/vault</b> _____ sq ft
*Conditioned area is heated and /or cooled space

<b>Foundation Type</b> ( ) Crawl ( ) Slab on grade ( ) Other _____
<b>Total Floor area over crawl or on slab foundation</b> _____ sq ft
<b>Floor Area Over Garage</b> ( ) No ( ) Yes _____ Sq Ft & R Value _____
<b>Floor Area Exposed to Outside*</b> ( ) No ( ) Yes _____ Sq Ft & R Value _____
*Such as cantilevered floor

Housing Division Multi-Family Building  
Energy Efficiency Requirements

Data Collection

**Crawlspace Foundations Only**

If Crawl Space  Operable vents  Unvented  Open

Type:  Concrete  Other \_\_\_\_\_

Total Crawl Height \_\_\_\_\_ ft Height below grade only \_\_\_\_\_ ft

Total Perimeter Length \_\_\_\_\_ ft Exposed Perimeter \_\_\_\_\_ ft

Crawl Wall Insulation  No  Yes R value \_\_\_\_\_  Batt  Foam bd.

Insulation in Floor over crawl  No  Yes R value \_\_\_\_\_

**Slab Foundations Only**

If Slab on Grade  Uninsulated  Insulated Perimeter R \_\_\_\_\_

Total Perimeter Length \_\_\_\_\_ ft Exposed Perimeter \_\_\_\_\_ ft

**Ceiling Type & Insulation**

Roof Type  Tile  Asphalt  Other \_\_\_\_\_ Framing 2x\_\_\_\_; \_\_\_\_oc

Attic Ceiling Area \_\_\_\_\_ sq ft % of Ceiling Area  100 % \_\_\_\_\_ %

Ceiling Insulation R value  R30  R38  Other \_\_\_\_\_

Describe Type \_\_\_\_\_

Vault Ceilings\* on top floor  No  Yes % of Ceiling Area \_\_\_\_\_ %

Vault Ceiling Area \_\_\_\_\_ sq ft (can be determined by ceiling rise per 1 ft length)

Vault Ceiling Insulation R value  R30  R38  Other \_\_\_\_\_

Describe Type \_\_\_\_\_

Exterior Color  Light  Medium  Dark Radiant Barrier  Yes  No

\* A ceiling with no attic above, otherwise include in "Attic" ceiling section

**Wall Type & Insulation**

Standard Stud Frame  Other \_\_\_\_\_  2x4  2x6  Other \_\_\_\_\_

Total Wall Area between Conditioned & Outside \_\_\_\_\_ sq ft

To determine wall area multiply length of walls x *ceiling height*, don't include band joists, enter them in rim/band joist section.

Wall Insulation R value  R13  R 15  Other \_\_\_\_\_

Describe Type \_\_\_\_\_

Exterior Color  Light  Medium  Dark

Total Wall Area Adjacent to Garage \_\_\_\_\_ sq ft

Wall Insulation R value  R13  R 15  Other \_\_\_\_\_

Describe Type \_\_\_\_\_

Total Wall Area Adjacent to Other Space \_\_\_\_\_ sq ft

Wall Insulation R value  R13  R 15  Other \_\_\_\_\_

Describe Type \_\_\_\_\_



Housing Division Multi-Family Building  
Energy Efficiency Requirements

Data Collection

**Rim & Band Joists**

**Rim/Band Joists between Conditioned & Outside:**

**Gross Area\*** \_\_\_\_\_ sq ft **R Value** \_\_\_\_\_ **Insulation type** \_\_\_\_\_

**Rim/Band Joists between Conditioned & Garage or Other Space**

**Gross Area\*** \_\_\_\_\_ sq ft **R Value** \_\_\_\_\_ **Insulation type** \_\_\_\_\_

\* Typical rim & band joists are 12" wide so gross area = linear feet x 1.

**# Opaque Doors Between Conditioned & Outside** \_\_\_\_\_ Do not include sliding glass doors here

**Door Type** ( ) 1 3/4" Insulated Metal ( ) Other \_\_\_\_\_

**Size** ( ) 3' x 7' ( ) Other \_\_\_\_\_

**Mechanical Systems – Living Units**

**Heating Systems Same system in each unit** ( ) Yes ( ) No

If no, please describe each system by copying this page and completing for each different one.

**Type** ( ) Forced Air ( ) Boiler ( ) Other \_\_\_\_\_

**Manufacturer** \_\_\_\_\_ **Model #** \_\_\_\_\_

**Efficiency** ( ) 78% AFUE ( ) Other \_\_\_\_\_ **Size** \_\_\_\_\_ kBtu

**Fuel Type** ( ) Natural gas ( ) Other \_\_\_\_\_ **Location** \_\_\_\_\_

**Set Back Thermostats** ( ) Yes ( ) No **Notes** \_\_\_\_\_

**Cooling Systems Same system in each unit** ( ) Yes ( ) No

If no, please describe each system by copying this page and completing for each different one.

**Type** ( ) Air Conditioner ( ) Heat Pump ( ) Other \_\_\_\_\_

**Fuel** ( ) Electric ( ) Other \_\_\_\_\_

**Manufacturer** \_\_\_\_\_ **Model #** \_\_\_\_\_

**Efficiency** ( ) 10 SEER ( ) Other \_\_\_\_\_ **Size** \_\_\_\_\_ ton

**Ventilation** ( ) Natural, windows ( ) Whole house fan

**Location** \_\_\_\_\_ **Set up Thermostats** ( ) Yes ( ) No

**Notes** \_\_\_\_\_

**Housing Division Multi-Family Building  
Energy Efficiency Requirements**

**Data Collection**

**Hot Water Heaters Same system in each unit** ( ) Yes ( ) No  
If no, please describe each HW by copying this page and completing for each different one.  
**Manufacturer** \_\_\_\_\_ **Model #** \_\_\_\_\_  
**Energy Factor** (if available) \_\_\_\_\_ **Size** \_\_\_\_\_ gal  
**Type** ( ) Natural gas ( ) Electric **Location** \_\_\_\_\_

**Mechanical Systems – Common Areas**

**Heating Systems Common Area System** ( ) Yes ( ) No  
**Type** ( ) Forced Air ( ) Boiler ( ) Other \_\_\_\_\_  
**Manufacturer** \_\_\_\_\_ **Model #** \_\_\_\_\_  
**Efficiency** ( ) 78% AFUE ( ) Other \_\_\_\_\_ **Size** \_\_\_\_\_ kBtu  
**Fuel Type** ( ) Natural gas ( ) Other \_\_\_\_\_ **Location** \_\_\_\_\_  
**Set Back Thermostats** ( ) Yes ( ) No

**Cooling Systems Common Area System** ( ) Yes ( ) No  
**Type** ( ) Air Conditioner ( ) Heat Pump ( ) Other \_\_\_\_\_  
**Fuel** ( ) Electric ( ) Other \_\_\_\_\_  
**Manufacturer** \_\_\_\_\_ **Model #** \_\_\_\_\_  
**Efficiency** ( ) 10 SEER ( ) Other \_\_\_\_\_ **Size** \_\_\_\_\_ ton  
**Ventilation** ( ) Natural, windows ( ) Whole house fan  
**Location** \_\_\_\_\_ **Set up Thermostats** ( ) Yes ( ) No

**Hot Water Heaters Common Area System** ( ) Yes ( ) No  
**Manufacturer** \_\_\_\_\_ **Model #** \_\_\_\_\_  
**Energy Factor** (if available) \_\_\_\_\_ **Size** \_\_\_\_\_ gal  
**Type** ( ) Natural gas ( ) Electric **Location** \_\_\_\_\_  
**Note** \_\_\_\_\_

**Housing Division Multi-Family Building  
Energy Efficiency Requirements**

**Data Collection**

**Heating and Cooling System Ducts**

**Supply Ducts Location(s)\*** \_\_\_\_\_

**Length** \_\_\_\_\_ **ft** **Width** \_\_\_\_\_ **ft**

**Type**  Flex duct R4.2  Other \_\_\_\_\_  Combination \_\_\_\_\_

**Return Ducts Location(s)\*** \_\_\_\_\_

**Length** \_\_\_\_\_ **ft** **Width** \_\_\_\_\_ **ft**

**Type**  Flex duct R4.2  Other \_\_\_\_\_  Combination \_\_\_\_\_

\* If more than 1 location indicate % in each.

**Indoor Air Quality Ventilation**

No Automatic Ventilation\*  Automatic Exhaust  Automatic Supply

\*Check this if occupant must turn ventilation fans on and off

**Appliances**

**Oven/range**  Gas  Electric  In each apt  Other # \_\_\_\_\_

**Manufacturer** \_\_\_\_\_ **Model #** \_\_\_\_\_

**Refrigerator**  In each apt  Other # \_\_\_\_\_

**Manufacturer** \_\_\_\_\_ **Model #** \_\_\_\_\_

**Clothes Washer**  In each apt  Other # \_\_\_\_\_

**Manufacturer** \_\_\_\_\_ **Model #** \_\_\_\_\_

**Clothes Dryer**  Gas  Electric  In each apt  Other # \_\_\_\_\_

**Manufacturer** \_\_\_\_\_ **Model #** \_\_\_\_\_

**Windows - Please include sliding glass doors as windows.**

**Type**  Dbl pane, vinyl frame  Low E, Dbl pane, vinyl frame

Other \_\_\_\_\_

**Housing Division Multi-Family Building  
Energy Efficiency Requirements**

**Data Collection**

**List all windows on each side of house. Please include sliding glass doors.  
Copy this page for additional windows.**

<b>Number</b>	<b>Rough Opening Size</b>	<b>Side of House</b>	<b>Shading* Winter</b>	<b>Shading* Summer</b>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

**Shading: N=None, S=Some, M=Most, C=Compete**

**Please attach a building diagram and number the sides of the house.**

## **ATTACHMENT E**

### **EIGHT SAFE HARBORS FOR COMPLIANCE WITH THE FAIR HOUSING ACT'S DESIGN AND CONSTRUCTION REQUIREMENTS**

The United States Department of Justice and the Department of Housing and Urban Development ("HUD") currently recognize eight safe harbors for compliance with the Fair Housing Act's design and construction requirements, 42 U.S.C. § 3604 (f) (3) (C). The safe harbors are:

1. HUD's March 6, 1991 Fair Housing Accessibility Guidelines (the Guidelines), and the June 28, 1994 Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines;
2. HUD's Fair Housing Act Accessibility Design Manual;
3. ANSI A117.1-1986, used in conjunction with the Act and HUD's regulations, and the Guidelines;
4. CABO/ANSI A117.1-1992, used in conjunction with the Act, HUD's regulations, and the Guidelines;
5. ICC/ANSI A117.1-1998, used in conjunction with the Act, HUD's regulations, and the Guidelines;
6. Code Requirements for Housing Accessibility 2000 (CRHA), approved and published by the International Code Council (ICC), October 2000;
7. International Building Code 2000 (IBC) as amended by the IBC 2001 Supplement to the International Codes.
8. **International Building Code 2003 (IBC)**

It is important to note that the ANSI A117.1 standard contains only technical criteria, whereas the Fair Housing Act, the regulations and the Guidelines contain both scoping and technical criteria. Therefore, in using any of the ANSI standards it is necessary to also consult the Act, HUD's regulations, and the Guidelines for the scoping requirements.

Failure to comply with all of the accessible and adaptive design and construction requirements of the Fair Housing Act may result in loss of tax credits pursuant to 26 C.F.R. § 1.42-9. Therefore, you should consult an attorney and/or design professional to ensure that the construction of the multi-family development complies with the accessible and adaptive design and construction requirements of the Fair Housing Act.



## FAIR HOUSING ACT ACCESSIBILITY CHECKLIST

This checklist represents many, but not all, of the accessible and adaptive design and construction requirements of the Fair Housing Act. This checklist is not a safe harbor for compliance with the Fair Housing Act. HUD and the Department of Justice recognize the following standards as safe harbors when used in conjunction with the Fair Housing Act, regulations, and Fair Housing Act Accessibility Guidelines (i.e. scoping requirements):

1. HUD's March 6, 1991 Fair Housing Accessibility Guidelines (the Guidelines), and the June 29, 1994 Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines;
2. HUD's Fair Housing Act Accessibility Design Manual;
3. ANSI A117.1-1986, used in conjunction with the Act and HUD's regulations, and the Guidelines;
4. CABO/ANSI A117.1-1992, used in conjunction with the Act, HUD's regulations, and the Guidelines;
5. ICC/ANSI A.117.1-1998, used in conjunction with the Act, HUD's regulations, and the Guidelines;
6. Code Requirements for Housing Accessibility 2000 (CRHA), approved and published by the International Code Council (ICC), October 2000;
7. International Building Code 2000 (IBC) as amended by the IBC 2001 Supplement to the International Codes.
8. **International Building Code 2003 (IBC)**

Failure to comply with all of the accessible and adaptive design and construction requirements of the Fair Housing Act may result in loss of tax credits pursuant to 26 C.F.R. § 1.42-9. Therefore, you should consult an attorney and/or design professional to ensure that the construction of the multi-family development complies with the accessible and adaptive design and construction requirements of the Fair Housing Act.

### COVERED BUILDINGS

#### IS THE DEVELOPMENT SUBJECT TO THE ACT?

- ?? Development has buildings containing 4 or more units and was designed and constructed for first occupancy on or after March 13, 1991
- ?? Building contains elevator so all units in building are "covered units"
- ?? All units in buildings with elevators are designed and constructed with features required by the Act.

- ?? Building does not contain elevator so only ground-floor units in building are "covered units".
- ?? All ground-floor units in buildings without elevators are designed and constructed with features required by the Act.
- ?? Development contains "covered units," so the public and common use facilities must be designed and constructed with features required by the Act.
- ?? NOTE: Fair Housing Act Accessibility Guidelines contains a narrow "Site Impracticality Exception" which provides that a non-elevator building does not have to meet all of the Act's requirements if it is impractical to have an accessible entrance to the building because of the natural hilly terrain or other unusual characteristics of the site.

## **SEVEN DESIGN REQUIREMENTS**

### **1. ACCESSIBLE BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE**

- ?? The accessible route is a continuous, unobstructed path (no stairs) through the development that connects all buildings containing covered units and all public and common use facilities
- ?? The accessible route also connects to parking lots and to at least one public street, public sidewalk and to a public transportation stop, when provided
- ?? All slopes on the accessible route are no steeper than 8.33%
- ?? All slopes on the accessible route between 5% and 8.33% have handrails
- ?? Covered units have at least one entrance on an accessible route
- ?? There are a sufficient number of curb ramp cuts for a person using a wheelchair to reach every building in the development
- ?? Curb ramp cuts meet slope and cross slope specifications

### **2. ACCESSIBLE COMMON AND PUBLIC USE AREAS**

- ?? At least 2 percent of all parking spaces serving covered units are designated as accessible handicapped parking spaces
- ?? At least one parking space of each common and public use amenity is designated as handicapped accessible parking spaces

- ?? All handicapped accessible parking spaces have adequate signage
- ?? All handicapped accessible parking spaces are at least 96" wide with a 60" wide access aisle which can be shared between two spaces
- ?? The accessible aisle is part of connects to a curb ramp and the accessible route
- ?? The rental or sales office is readily accessible and usable by persons with disabilities as required by both the Fair Housing Act and the Americans with Disabilities Act
- ?? A sufficient number of all mailboxes, swimming pools, tennis courts, clubhouses, rest rooms, showers, laundry facilities, trash facilities, drinking fountains, public telephones, and other common and public use amenities offered by the development are readily accessible and usable by persons with disabilities

### 3. USABLE DOORS

- ?? All doors into and through covered units and common use facilities provide a clear opening of at least 32" nominal width
- ?? All doors leading into common use facilities have lever door handles operating hardware that does not require grasping and twisting
- ?? Thresholds at doors to common use facilities are no greater than 1/2"
- ?? All primary entrance doors to covered units have lever door handles operating hardware that does not require grasping and twisting
- ?? Thresholds at exterior primary entrance doors to covered units are no greater than 3/4" and beveled

### 4. ACCESSIBLE ROUTE INTO AND THROUGH THE COVERED UNIT

- ?? All routes through all rooms in the covered units are no less than 36" wide

### 5. ACCESSIBLE ENVIRONMENTAL CONTROLS

- ?? All light switches, electrical outlets, thermostats, and other environmental controls are no less than 15" and no greater than 48" from the floor

## 6. REINFORCED BATHROOM WALLS FOR GRAB BARS

- ?? Reinforcements are built into the bathroom walls surrounding toilets, showers, and bathtubs for the later installation of grab bars

## 7. USABLE KITCHENS & BATHROOMS

### USABLE KITCHENS

- ?? 30 x 48" clear floor space outside the swing of the door
- ?? 40" of clear floor space between opposing elements (i.e. cabinets, appliances, etc.)
- ?? U-shaped kitchens with sink or cook top at end have 60" diameter turning space or have sink or cook top base with removable cabinets

### USABLE BATHROOMS

#### Type A Bathroom

- ?? 30 x 48" clear floor space outside the swing of the door
- ?? 30 x 48" clear floor space at lavatory (if centered for parallel approach cabinet may be fixed)
- ?? Toilet next to the tub allowing a perpendicular approach
- ?? Centerline of toilet is 18" from bathtub and 15" from lavatory

#### Type B Bathroom

- ?? 30 x 48" of clear floor space outside swing of door
- ?? 30 x 48" of clear floor space centered in front of sink
- ?? 30 x 48" of clear floor space adjacent to the bathtub
- ?? If at least one Type B bathroom is included, the other bathroom(s) is exempt from only the maneuvering space requirements

**ATTACHMENT F  
2006 TAX CREDIT SCORING SHEET**

**Maximum Score Chart**

<b>QAP Reference</b>	Section 26	Section 27	Section 28	Section 29	Section 30	Section 31
<b>Project Type Categories</b>	<b>Individuals and Families w/ Children</b>	<b>Senior Housing</b>	<b>Special Needs Housing</b>	<b>Mixed Income/ Mixed Use</b>	<b>Eventual Tenant Ownership</b>	<b>Acquisition Rehab/ Rehab only</b>
<b>Maximum Score</b> (Nevada Based Developer)	<b>130</b>	<b>125</b>	<b>135*</b>	<b>125</b>	<b>121</b>	<b>125</b>
<b>Maximum Score</b> (Out-Of-State Developer)	<b>125</b>	<b>120</b>	<b>120*</b>	<b>120</b>	<b>116</b>	<b>115</b>

\* The maximum point scores should be reduced by 4 points for Special Needs projects serving frail elderly, and Alzheimer populations because such projects are not eligible for preference points for extending the affordability period.

**Project Type Scoring**

<b>QAP Reference</b>	Section 26	Section 27	Section 28	Section 29	Section 30	Section 31
<b>Project Type Category</b>	<b>Individuals and Families w/ Children</b>	<b>Senior Housing</b>	<b>Special Needs Housing</b>	<b>Mixed Income/ Mixed Use</b>	<b>Eventual Tenant Ownership</b>	<b>Acquisition Rehab/ Rehab only</b>
<b>PROJECT TYPE SCORING</b>	<b>15</b>	<b>10</b>	<b>20</b>	<b>10</b>	<b>10</b>	<b>10</b>

**Standard Scoring Factors**

<b>QAP Reference</b>  <b>Project Type Categories</b>		Section 26	Section 27	Section 28	Section 29	Section 30	Section 31
		<b>Individuals and Families w/ Children</b>	<b>Senior Housing</b>	<b>Special Needs Housing</b>	<b>Mixed Income/ Mixed Use</b>	<b>Eventual Tenant Ownership</b>	<b>Acquisition Rehab/ Rehab only</b>
<b>STANDARD SCORING FACTORS</b>	<b>Max. Score</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>

<b>Section 17 - Project Location</b>	<b>Max. Score</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
<ul style="list-style-type: none"> <li>- Projects located in a Qualified Census Tract</li> <li>- Projects located in non-CDBG eligible census tract</li> <li>- Projects in Redevelopment Project Area</li> <li>- Local Jurisdiction Priority Area</li> <li>- Acquisition/Rehab project in revitalization plan</li> <li>- NV At-Risk Properties listed by Nat'l Trust</li> </ul>	Maximum Score if <u>any</u> factor satisfied						

<b>Section 18 - Project Readiness</b>	<b>Max. Score</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>
- Ownership of the land	3						
- Option to purchase land or long-term lease	1						
- Proper zoning of the site	4						
- Soil testing completed	1						
- Phase I environmental study completed	2						
- Partnership documents filed	1						

**Standard Scoring Factors (Continued)**

QAP Reference  Project Type Categories		Section 26	Section 27	Section 28	Section 29	Section 30	Section 31
		Individuals and Families w/ Children	Senior Housing	Special Needs Housing	Mixed Income/ Mixed Use	Eventual Tenant Ownership	Acquisition Rehab/ Rehab only
<b>Section 19 -Amenities</b>	<b>Max. Score</b>	<b>21</b>	<b>21</b>	<b>21</b>	<b>21</b>	<b>21</b>	<b>21</b>
<b>PROJECT WIDE AMENITIES</b>							
- Elevator	3		N/A			NA	
- Picnic Area with required equipment	3					Inc as tenant unit amenity	
- Swimming or lap pool	3					N/A	
- Kiddy Pool	3		N/A	N/A	N/A		N/A
- In-ground Spa	2						
- Exercise/weight room with required equipment	2					N/A	
- Computer/study with required equipment	2					Inc. as tenant unit amenity	
- Exterior lighting	2						
<b>TENANT UNIT AMENITIES</b>							
- Picnic Area with required equipment	3	N/A	N/A	N/A	N/A		N/A
- Covered patio area or balcony area	2						
- Two car garage or covered parking	3						
- Air conditioning/ swamp cooler	2						
- Enclosed storage area	2						
- Infrastructure/ hook up for broad-band internet connection	2						
- Ceiling fans	1						

**Standard Scoring Factors (Continued)**

<b>QAP Reference</b>		<b>Section 26</b>	<b>Section 27</b>	<b>Section 28</b>	<b>Section 29</b>	<b>Section 30</b>	<b>Section 31</b>
<b>Project Type Categories</b>		<b>Individuals and Families w/ Children</b>	<b>Senior Housing</b>	<b>Special Needs Housing</b>	<b>Mixed Income/ Mixed Use</b>	<b>Eventual Tenant Ownership</b>	<b>Acquisition Rehab/ Rehab only</b>
<b>Section 20 – Nevada Based Applicant</b>	<b>Max. Score</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>
- NV corp., partnership, limited-liability company - Maintain an office in Nevada - In-State office is sufficiently staffed	Maximum Score if <u>all</u> factors satisfied						
<b>Section 21 – Out of State Applicant</b>	<b>Max. Score</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>
One point for each Nevada project up to 5 points if following conditions are satisfied: - Previously developed projects in Nevada - Applicants are in good standing with Division - No outstanding IRS compliance findings	Maximum score if <u>all</u> conditions are satisfied and applicant has 5 Nevada projects			All special needs populations except frail elderly, Alzheimer, and assisted living projects			
<b>Section 22 – Affordability Period<sup>15</sup></b>	<b>Max. Score</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>
- One point for each 5 years of extended affordability up to 20 years	Maximum score for 20 years extended affordability					N/A	

<sup>15</sup> Projects developed for eventual tenant ownership, assisted living or frail elderly, and Alzheimer special needs populations are not eligible for preference points for extending the affordability period.



**Standard Scoring Factors (Continued)**

QAP Reference  Project Type Categories		Section 26	Section 27	Section 28	Section 29	Section 30	Section 31
		Individuals and Families w/ Children	Senior Housing	Special Needs Housing	Mixed Income/ Mixed Use	Eventual Tenant Ownership	Acquisition Rehab/ Rehab only
<b>Section 23 – Water Efficiency</b>	<b>Max. Score</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>
- 75 percent desert/zero landscaped	Maximum score for 20 years extended affordability						
<b>Section 24 – Green Project</b>	<b>Max. Score</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>
- <b>Site Location</b> 1 point for site being located ¼ mile or less from a public transportation route 1 point (for each 3 services) site being located ¼ mile or less from listed services (Grocery, Pharmacy, Bank, Park, School, Day Care, Medical Service, Library) Max 2 points or 6 services <b>Indoor Air Quality</b> 3 points for exclusive use of paints with no volatile organic compounds (VOC), low VOC carpet, padding and adhesives or formaldehyde-free particle board.							
<b>Section 25 – Negative Compliance Findings</b>	<b>Max. Score</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
- One point subtracted for each unresolved compliance finding reported on IRS Form 8823 up to a maximum of – 20 points.	Subtract one point per negative compliance finding						

**QAP Reference**

**Project Type Categories**

		Section 26	Section 27	Section 28	Section 29	Section 30	Section 31
		Individuals and Families w/ Children	Senior Housing	Special Needs Housing	Mixed Income/ Mixed Use	Eventual Tenant Ownership	Acquisition Rehab/ Rehab only
<b>SPECIAL SCORING FACTORS</b>	<b>Max. Score</b>	<b>55</b>	<b>55</b>	<b>55</b>	<b>55</b>	<b>55</b>	<b>55</b>

<b>Section 32 – Low Rent Targeting</b>	<b>Max. Score</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>
- = .30 (100% @ 30% Rents)	10						
- > .30 and < .35	8						
- > .35 and < .40	6						
- > .40 and < .45	4						
- > .45 and < .50	2						
- > .50 and < .60	1						

<b>Section 33 – Low Income Targeting</b>	<b>Max. Score</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>
- = .30 (100% @ 30% AMI)	10						
- > .30 and < .35	8						
- > .35 and < .40	6						
- > .40 and < .45	4						
- > .45 and < .50	2						
- > .50 and < .60	1						

**Special Scoring Factors (Continued)**

<b>QAP Reference</b>	Section 26	Section 27	Section 28	Section 29	Section 30	Section 31
<b>Project Type Categories</b>	<b>Individuals and Families w/ Children</b>	<b>Senior Housing</b>	<b>Special Needs Housing</b>	<b>Mixed Income/ Mixed Use</b>	<b>Eventual Tenant Ownership</b>	<b>Acquisition Rehab/ Rehab only</b>

<b>Section 34 – Supportive Services</b>	<b>Max. Score</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>
- Childcare services	2 pt. if on-site 1 pt. if off site						
- Health care services	2 pt. if on-site 1 pt. if off site						
- Job-training programs	2 pt. if on-site 1 pt. if off site						
- Prepared meal on a daily basis	2						
- Transportation	3						
- Computer literacy training	1						
- Personal finance training	1						

<b>Section 35 – Low Developer Fee</b>	<b>Max. Score</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>
- Less than 11% of Eligible Basis	5						
- 11.0% to 11.99% of Eligible Basis	4						
- 12.0% to 12.99% of Eligible Basis	3						
- 13.0% to 13.99% of Eligible Basis	2						
- 14.0% to 14.99% of Eligible Basis	1						
- 15%	0						

**Special Scoring Factors (Continued)**

<b>QAP Reference</b>	Section 26	Section 27	Section 28	Section 29	Section 30	Section 31
<b>Project Type Categories</b>	<b>Individuals and Families w/ Children</b>	<b>Senior Housing</b>	<b>Special Needs Housing</b>	<b>Mixed Income/ Mixed Use</b>	<b>Eventual Tenant Ownership</b>	<b>Acquisition Rehab/ Rehab only</b>

<b>Section 36 – Low Contractor Fee</b>	<b>Max. Score</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>
- Less than 10% of Total Construction Costs	5						
- 10.0% to 10.99% of Total Construction Costs	4						
- 11.0% to 11.99% of Total Construction Costs	3						
- 12.0% to 12.99% of Total Construction Costs	2						
- 13.0% to 13.99% of Total Construction Costs	1						
- 14%	0						

<b>Section 37 – Public Private Partnerships</b>	<b>Max. Score</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
- Donation of Land	5						
- Combined contributions from government, non-profit, and private sources 25% or more of total costs	5						
- Tax Credit Equity must meet or exceed 60% of total project cost.	5						