

## Housing Tax Credit/HOME Application 2011 Attachments Checklist

Send all applications in a 3 ring binder tabbed as indicated in the "Tab #" column.

Project Name: \_\_\_\_\_

### I. Required Items for all Applicants

Tab #	Document or Schedule Required	Check if Present	For MFA Use
1	Attachments Checklist		
1	Tax Credit Selection Criteria Scoring Worksheet		
1	Application Fee (\$500 Non Profit; \$1,000 For Profit)		
1	Market Study Deposit (\$5,300); Executed Market Study Release Form		
1	Narrative Description of Project (Not to Exceed One Page)		
1	1 page summary of Developer affordable housing experience		
2	Executed Development Project Application Form		
2	Utility Allowance Documentation		
3	Schedule A: Development Cost Budget		
3	Schedule A-1: Sources of Funds		
4	Schedule B: Unit Type and Rent Summary		
5	Schedule C: Executed Operating Expense Budget		
5	15 year pro forma cash flow attached with Schedule C		
6	Schedule D: Executed Contractor's and Applicant's Cost Breakdown		
7	Schedule E: Development Schedule		
8	Schedule F: Estimate of HTC Allocation Amount		
9	Schedule G: Executed Affordable Unit Set-Aside Election		
10	Schedule H: Executed Principal's Previous Participation Certificate <sup>1</sup>		
10	Compliance Affidavit for each Principal <sup>1</sup>		
11	Schedule I: Executed Previous Participation of Management		
12	Schedule J: Executed Applicant's Certification		
13	Schedule K: Return of Tax Credit Reservation or Allocation (not required for Tax Exempt Bond Applications)		
14	Local Jurisdiction Support Letter (See QAP for definition, not required for Tax Exempt Bond Applications)		
15	Evidence of Site Control		
16	Letter from Local Zoning Official stating that Zoning does not Prohibit the Proposed Project and Specifying Other Required Permits		
17	Legal Description of Site		
17	Location Map and Detailed Directions to the Site		
17	Preliminary Site Plan and Landscaping Plan		

<sup>1</sup> "Principal" means an Applicant, any general partner of an Applicant, and any officer, director, or any shareholder, general partner, managing member, or affiliate of an Applicant. It also includes any entity receiving any part of a developer fee for a project.

Housing Tax Credit/HOME Application  
2011 Attachments Checklist

Tab #	Document or Schedule Required	Check if Present	For MFA Use
17	Preliminary Outline Specification		
18	Typical Unit Floor Plans		
18	Building Elevations		
19	Developer Resume <sup>2</sup>		
19	General Partner Resume <sup>3</sup>		
19	Contractor Resume <sup>2</sup>		
19	Management Agent Resume <sup>2</sup>		
19	Architect Resume <sup>2</sup>		
19	Consultant Resume <sup>2</sup>		
20	Letter of Interest from Syndicator/Investor		
20	Financing Commitments (if available)		

**II. Optional Requirements for Scoring Purposes (Applicants seeking points for the Project Selection Criteria cited below must submit the additional materials noted.)**

Tab #	Document or Schedule Required	Check if Present	For MFA Use
<b>Criterion 1) Local Non-profit or Local, State, or Tribal Government Instrumentality Participation</b>			
<input type="checkbox"/>	<b>Local Non-profit</b>		
21	Articles of Incorporation		
21	IRS Designation Letter Verifying 501(c)(3) or (4) Status Exempt from Tax under Code Section 501(a)		
21	Certification that Nonprofit is not Affiliated With or Controlled by a for-profit Entity		
21	Evidence of an Exempt Purpose to Foster Low Income Housing		
21	Current Organizational Budget and Variance Report ( <i>dated within 3 months of application</i> )		
21	Current Financial Reports – including income statement and balance sheet ( <i>dated within 3 months of application</i> )		
21	Current List of Board Members indicating their home addresses ( <i>if member holds a PO Box then provide a signed affidavit referencing the member's physical residential location</i> )		
21	List of paid full-time staff		
21	If 501 (c)3; Confirmation of filing with the Attorney General's office providing proof that it is in compliance with the Charitable Solicitations Act NMSA 1978 § 57-22-1, et.seq.		

<sup>2</sup> All resumes must include name of firm, name of contact person, office address, telephone number, and professional affiliations. Contractor's resume may be submitted after the application deadline but no later than November 15<sup>th</sup> (Carryover Allocation submittal deadline).

<sup>3</sup> All resumes must include name of firm, name of contact person, office address, telephone number, and professional affiliations. Contractor's resume may be submitted after the application deadline but no later than November 15<sup>th</sup> (Carryover Allocation submittal deadline).

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Tab #	Document or Schedule Required	Check if Present	For MFA Use
21	Certification that Non-profit, Tribal or Government Instrumentality does or will own no less than 51% of the General Partner interest.		
21	Evidence of the fee split arrangement among the entities receiving a portion of the Developer Fee (applicable when more than one entity is receiving a portion of the Developer Fee).		
21	Provide evidence that a representative such as a board member, officer, director, or staff member of the non-profit entity has attended the MFA QAP training and/or another MFA approved tax credit training within six months prior to application.		
<input type="checkbox"/>	<b>Local, State, Tribal Government Instrumentality</b>		
21	Articles of Incorporation or organizational documents verifying governmental status		
21	Certification that Non-profit, Tribal or Government Instrumentality does or will own no less than 51% of the General Partner interest.		
21	Evidence of the fee split arrangement among the entities receiving a portion of the Developer Fee (applicable when more than one entity is receiving a portion of the Developer Fee).		
21	Current List of Commissioners or other oversight committee members		
21	List of paid full-time staff		
21	Provide evidence that a representative such as a board member, officer, director, or staff member of the Tribal or Government Instrumentality has attended the MFA QAP training and/or another MFA approved tax credit training within six months prior to application.		
<b>Criterion 2) Design Competition Participation</b>			
Submit drawings meeting MFA requirements shown in 2010 HTC Design Competition Summary (Bond Projects are not eligible for the points)			
22	Narrative		
22	Architect's Release		
22	Site Plan, Landscaping Plan, and Floor Plan		
22	Outline Specification		
22	Zone Atlas Map, if available		
22	For New Construction Include Elevations		
22	Photographs of site and surrounding properties.		
22	CD containing electronic copies of the above items		
<b>Criterion 3) Projects that Benefit the Environment</b>			
<input type="checkbox"/>	<b>LEED Certification</b>		
23	One page narrative of project's compliance with applicable green standards and incorporated sustainable elements		
23	Name and contact information of the LEED AP or LEED for Home Provider on development team		
23	Evidence development costs incorporate green standards		
23	Completed green standard project checklist		
23	LEED AP or LEED for Home Provider Certification		

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<input type="checkbox"/>	<b>Compliance with Enterprise Green Communities Green Criteria</b>		
23	One page narrative of project's compliance with Enterprise Green Communities Green Criteria and incorporated sustainable elements		
23	Name and contact information of the green professional on development team		
23	Completed Enterprise Green Communities Green Criteria project checklist		
23	Architect Certification		
<input type="checkbox"/>	<b>Build Green NM Certification</b>		
23	One page narrative of project's compliance with applicable green standards and incorporated sustainable elements		
23	Name and contact information of the green professional on development team		
23	Evidence development costs incorporate green standards		
23	Completed Build Green NM scoring tool		
23	Architect Certification		
<input type="checkbox"/>	<b>Compliance with MFA Green Building Criteria</b>		
23	Narrative description of the incorporated green building elements.		
23	Name and contact information of the green professional on development team.		
23	Completed MFA Green Building Criteria project checklist		
23	Architect Certification		
23	Supporting documentation. Submit all applicable documentation and/or certification defined in the Green Building Criteria. Items described in the Narrative and the Green Building Checklist should be evident in the preliminary plans and outline specifications; additional documentation may be necessary.		
<b>Criterion 5) Conversion Plus Acquisition/Rehabilitation</b>			
24	Copy of recent title binder or title search showing property to be free of rent restrictions		
<b>Criterion 6) Preservation of Affordable Housing</b>			
25	Rent roll showing total project rent and relationship to HTC ceiling rents or evidence that use restrictions will expire before 12/31/14 or documentation that existing loan is eligible for prepayment and use restriction can be terminated.		
<b>Criterion 11) Special Needs Projects</b>			
26	Set-Aside unit commitment – check 5% or 25% of units		
26	Signed Agreement with Local Lead Agency (LLA) if one has been identified to the area in which project is located. Signed "Special Need" Certification if LLA has not been identified for area in which project is located.		

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<b>Criterion 12) Projects Set Aside for Senior Households</b>			
27	Scoring detail for Senior Households		
27	Description of required design elements and any additional design elements that meet the needs of Seniors		
27	Service Enrichment Plan as defined in 2011 QAP		
27	Service Provider(s) resume		
27	Plan signed by each service provider or signed letter of intent from each provider		
27	Budget for Service Plan		
<b>Criteria 13) Households with Children</b>			
27	Scoring detail for Households with Children		
27	Description of required design elements and any additional design elements that meet the needs of individuals with children.		
27	Service Enrichment Plan as defined in 2011 QAP		
27	Service Provider(s) resume		
27	Plan signed by each service provider or signed letter of intent from each provider		
27	Budget for Service Plan		
<b>Criterion 16) Projects Receiving Matching Contribution</b>			
28	Copy of Resolution by state, local or Tribal government entity		
28	Appraisal Report(s) dated no earlier than July 31, 2009, prepared by MAI licensed in New Mexico, for all contributions of land or buildings, except for tribal land.		
<b>Criterion 18) Projects Marketed to Households on PHA Waiting List</b>			
29	Letter to PHA Director of Jurisdiction for the Project from the Applicant verifying this commitment.		
<b>Criterion 19) QCT</b>			
30	Identification of the QCT.		
<b>Criterion 20) Concerted Community Revitalization Plan</b>			
31	Complete Copy of Concerted Community Revitalization Plan.		
31	Evidence of formal governmental adoption of the Plan.		
<b>Criterion 21) Tenant Ownership</b>			
32	Long-term Tenant Conversion Plan		
<b>Criterion 22) Resident Financial Literacy Training</b>			
33	Description of Financial Literacy Training Program		
33	Service Provider(s) resume		
33	Signed MOU from each provider		
33	Program Budget		
33	List of homebuyer counseling agencies serving the community		

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<b>Criterion 23) Historic Significance</b>			
34	Evidence of certification on the National Register of Historic Places or buildings located in a registered historic district		
<b>Criterion 24) Blighted Buildings and Brownfield Site Reuse</b>			
35	<input type="checkbox"/> Brownfield - Phase II Environmental Site Assessment <input type="checkbox"/> Blighted Building - Physical Needs Assessment, condemnation notice, or other evidence that building cannot be reused		
35	<input type="checkbox"/> Brownfield – Remediation Budget <input type="checkbox"/> Blighted Building – Demolition Budget		
<b>Criterion 25) Anticipated Financing Commitments</b>			
36	Letter from lender/grantor stating that they have reviewed the Project and intend to provide permanent financing		

**III. Additional Requirement for Private Activity Bond Volume Cap Projects.**

37	Schedule L: Private Activity Bond Volume Cap Allocation Information		
38	Appraisal of existing site & buildings (dated within 6 months of application) (rehab only) Can be submitted after the initial application but required prior to issuance of the determination letter.		
39	Capital Needs Assessment (dated within 6 months of app.) (rehab only) Can be submitted after the initial application but required prior to issuance of the determination letter.		

Application Fee (*\$500 Non-profit; \$1,000 for Profit*)

## Market Study Deposit & Release Form



## Tax Credit Selection Criteria Scoring Worksheet

**Narrative Description of Project**  
(Not to Exceed One Page)

**Developer Affordable Housing Experience**  
(Not to Exceed 1 Page)

## Documentation of Utility Allowance

(Stating source of information & date)

## 15-Year Pro Forma Cash Flow

## Legal Description

Location Map  
and  
Directions to the Site

Preliminary Site Plan  
and  
Landscaping Plan



## Preliminary Outline Specification

## Typical Unit Floor Plans

## Building Elevations

## Developer Résumé

(Must include name of firm, name of contact person, office address, telephone number, and professional affiliations)

## General Partner Résumé

(Must include name of firm, name of contact person, office address, telephone number, and professional affiliations)

## Contractor Résumé

(Must include name of firm, name of contact person, office address, telephone number, and professional affiliations)

## Management Agent Résumé

(Must include name of firm, name of contact person, office address, telephone number, and professional affiliations)

## Architect Résumé

(Must include name of firm, name of contact person, office address, telephone number, and professional affiliations)



## Consultant Résumé

(Must include name of firm, name of contact person, office address, telephone number, and professional affiliations)

## Investor Letter of Interest

Financing Commitment Letters  
(If available)

Articles of Incorporation (Nonprofit) or  
Organizational Documents Verifying  
Governmental Status

Non-Profit:  
Evidence of 501(c)(3) or (4) Status Exempt from Tax under  
Code Section 501(a)

Non-Profit:  
Certification that Nonprofit is Not Affiliated With or Controlled  
by a For-Profit Entity

Non-Profit:  
Evidence of an Exempt Purpose to Foster Low Income  
Housing

Non-Profit:  
Current Organizational Budget and Variance Report  
*(dated within 3 months of the application)*



Non-Profit:  
Current Financial Reports  
*(dated within 3 months of the application)*

## Current List of Board Members, Commissioners, or Other Oversight Committee Members

(Include Home Addresses or if PO Box then an affidavit referencing the member's physical residential location)

List of Paid Full-Time Staff

Non-Profit:  
Filing with the Attorney Generals office evidencing  
compliance with the Charitable Solicitations Act

Certification that Nonprofit, Local or Tribal Governmental  
Instrumentality does or will own no less than 51% of the  
General Partner Interest

Documentation of Fee Split Arrangement  
(applicable when more than one entity is receiving a portion  
of the Developers Fee)

Evidence that a representative of the entity has attended the MFA QAP training and/or other MFA approved tax credit training prior to application

## Narrative



Architect's Release

Site Plan, Landscaping Plan and Floor Plan(s)

## Outline Specification

Zone Atlas Map (if available)

New Construction - include elevations

# Photographs of Site and Surrounding Properties

(Not Applicable for Bond Projects)

## Narrative

Name and Contact Information for Green Professional  
(LEED AP or LEED for Homes Provider if LEED)



## Project Checklist

Architect Certification  
(LEED AP or LEED for Homes Provider if LEED)

Supporting Documentation  
(MFA Green Building Criteria Only)

Copy of recent title binder or title search showing property to  
be free of rent restrictions

Rent roll showing total project rent and relationship to HTC  
ceiling rents

or

Evidence that use restrictions will expire before 12/31/14

or

Evidence that existing loan is eligible for prepayment and  
use restrictions can be terminated

Set-Aside Commitment Election

25% of units set-aside for Special Needs	
5% of units set-aside for Special Needs	

Signed Agreement with Local Lead Agency  
Or  
Commitment to Enter Agreement

## Scoring Detail

Requirement	Possible Score	Applicant Score	MFA Score
Set-aside and design requirements met	7 points		
A Service Enrichment Plan is required for additional points below Service Enrichment Plan attached <input type="checkbox"/>			
Community building and all units incorporate Universal Design	3 points		
Experienced service coordinator on-site	1 points		
Prepared daily meals	2 points congregate, 1 point meal service		
Monthly housekeeping services	2 points		
Bi-monthly health and nutrition education	1 point		
Quarterly blood pressure or other health screening	1 point		
Quarterly computer training	1 point		
Social events	1 point		
Other - MFA approved services	1-2 points each as deemed appropriate		



## Description of Design Elements

## Services Enrichment Plan

Service Provider(s) resume

## Signed Letters of Intent

Service Enrichment Budget including Funding Sources

## Scoring Detail

<b>Requirement</b>	<b>Possible Score</b>	<b>Applicant Score</b>	<b>MFA Score</b>
Set-aside and design requirements met	7 points		
A Service Enrichment Plan is required for additional points below Service Enrichment Plan attached <input type="checkbox"/>			
Experienced service coordinator on-site	1 points		
Daily on-site Childcare	2 points		
Weekly on-site Childcare	1 point		
Bi-monthly health and nutrition education	1 point		
Bi-annual CPR training	1 point		
Quarterly blood pressure or other health screening	1 point		
Quarterly computer training	1 point		
Weekly tutoring during school year	1 point		
Quarterly job training, search assistance and/or placement	1 point		
Other - MFA approved services	1-2 points each as deemed appropriate		

## Description of Design Elements

## Service Enrichment Plan



Service Provider(s) resume

## Signed Letters of Intent

Service Enrichment Budget including Funding Sources

Resolution from state, local, or tribal government approving  
contribution

Appraisal (if applicable)

## Concerted Community Revitalization Plan

Evidence of Formal Governmental Adoption

## Description of Financial Literacy Training Program



## Service Provider(s) Resume

Signed Memorandum of Understanding from Each Service  
Provider

## Program Budget including Funding Sources

## List of Homebuyer Counseling Agencies

Phase II Environmental Site Assessment  
Or  
Evidence that Building Cannot Be Reused

Remediation Budget

or

Demolition Budget

**MFA 2011 Qualified Allocation Plan  
Tax Credit Selection Criteria Scoring Worksheet**

**Project Name:** \_\_\_\_\_

Please refer to Section III.E of the Qualified Allocation Plan for Project Selection Criteria. Indicate which of the following are characteristics of your project and/or fill in the appropriate blanks.	Possible Points	Self Score	MFA Score
1. <input type="checkbox"/> Local Nonprofit <input type="checkbox"/> Local, State or Tribal Government Participation	10		
2. Design Competition Winner(s) (MFA will determine)	0-10		
3. Projects That Benefit the Environment	0-20		
4. Rehabilitation and Adaptive Reuse Projects	15		
5. Conversion Plus Rehabilitation Projects	15		
6. Preservation of Affordable Housing	15		
7. Average Gross Median Income: 60% - 69% <input type="checkbox"/> 25-30 pts, 51% - 59% <input type="checkbox"/> 30-35 pts, 50% or less <input type="checkbox"/> 35-40 pts	0-40		
8. Average Gross Median Rent: 60% - 69% <input type="checkbox"/> 20 pts, 51% - 59% <input type="checkbox"/> 25 pts, 50% or less <input type="checkbox"/> 30 pts	0-30		
9. Project with Market Rate Units	10		
10. Extended Use Period: <input type="checkbox"/> 35 years, 5pts; <input type="checkbox"/> 40 years, 10pts; <input type="checkbox"/> 45 years, 15pts	0-15		
11. Special Needs Units	0-20		
12. Senior Housing	0-15		
13. Units Reserved for Households with Children	0-15		
14. Efficient Use of Tax Credits	0-10		
15. 60 or Fewer Tax Credit Set-Aside Units	5		
16. Permanent Local Contribution	0-10		
17. Complete Application	5		
18. Public Housing Authority ("PHA") Letter	2		
19. Qualified Census Tract ("QCT")	5		
20. Concerted Community Revitalization Plan	5		
21. Tenant Ownership	5		
22. Resident Financial Literacy Program	2		
23. Historic Significance	5		
24. Blighted Buildings or Brownfield Site Reuse	5		
25. Anticipated Financing	2		
26. Project located in an Area of Statistically Demonstrated	0-15		
<b>Total Points</b>			

The undersigned hereby represents and certifies under the penalty of perjury that the foregoing information, to the best of his/her knowledge is true, complete and accurate, and follows the standards as set forth in the Allocation Plan. Applicant further acknowledges that the self-scoring presented above is subject to revision by MFA.

Signature \_\_\_\_\_

Date \_\_\_\_\_

MFA MULTIFAMILY LOW INCOME HOUSING TAX CREDIT

COMPLIANCE AFFIDAVIT

The undersigned, a Principal (as defined in Section XI Glossary of the State of New Mexico Qualified Allocation Plan effective January 1, 2011 (“QAP”)) of the Applicant for Low Income Housing Tax Credits, hereby swears and affirms as follows:

The attached Schedule H: Principal’s Previous Participation Certificate to the Applicant’s MFA Multifamily Project Application is a complete and accurate list of all federally subsidized or Low Income Housing Tax Credit multifamily housing projects in the United States (“Project” or “Projects”) in which Principal has a financial interest.

Initial One:

\_\_\_\_\_Neither Principal nor any Project listed on Schedule H is in default with respect to any material compliance matter with respect to any Project.

Or

\_\_\_\_\_Attached hereto as Schedule H-1 is a list of all material compliance defaults with respect to Principal or any Project, together with an explanation of corrective action being taken to resolve such defaults or findings.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_  
by \_\_\_\_\_ as Principal of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_



**MFA MULTIFAMILY PROJECT APPLICATION  
SCHEDULE J: APPLICANT'S CERTIFICATION**

LOW INCOME HOUSING TAX CREDIT REGULATORY AGREEMENT

*The Low-Income Housing Tax Credit Regulatory Agreement includes the Low Income Housing Extended Use Commitment required of all tax credit projects and, if applicable, regulations governing those projects which are obligated to serve tenants with incomes at or below the 60% area median income. At the time New Mexico Mortgage Finance Authority ("MFA") issues a Tax Credit Commitment, this agreement must be executed by the owner of the project, and the owner is responsible for recording the agreement in the county where the project is located. A copy of the recorded document must be submitted to MFA prior to issuance of a Low Income Housing Credit Allocation Certification (IRS Form 8609).*

**APPLICANT'S CERTIFICATION:**

The undersigned is responsible for ensuring that the project consists or will consist of a "qualified low-income building or buildings" as defined in the Internal Revenue Code, Section 42, and will satisfy all applicable requirements of federal tax laws in the acquisition, rehabilitation, or construction and operation of the project to receive low income housing credit. Instruction as to compliance with Section 42 of the Internal Revenue Code is not the responsibility of MFA.

The undersigned is responsible for all calculations and figures relating to the determination of the eligible basis for the building and understands and agrees that the amount of credit is calculated by reference to the figures submitted with this application as to the eligible basis and qualified basis of the project and individual buildings.

The undersigned hereby makes application to MFA for reservation, commitment or allocation of housing tax credit dollar amounts as listed herein. The undersigned agrees that MFA will at all times be indemnified and held harmless against all losses, costs, damages, expenses and liabilities whatsoever nature or kind (including, but not limited to, attorney's fees, litigation, and court costs, amounts paid in settlement and amounts paid to discharge judgment, any loss from judgment from the Internal Revenue Service) directly or indirectly resulting from, arising out of, or related to acceptance, consideration and approval or disapproval of such reservation, commitment or allocation request.

The undersigned hereby agrees that any determination made by MFA as to the amount of *annual* tax credit applicable to the project *is not to be construed* as a *representation or warranty* as to the feasibility or viability of the project or the project's ongoing capacity for success or any conclusions regarding any matter of federal or state income tax laws.

The undersigned, being duly authorized, hereby represents and certifies under the penalty of perjury that the foregoing information, to the best of his/her knowledge, is true, complete and accurately describes the proposed project. The undersigned specifically acknowledge(s) and agree(s) that verification or re-verification of any information contained in this application may be made at any time by MFA, its agents, successors and assigns, either directly or through a credit reporting agency, or from any source named in this application.

**Schedule J: Applicants Certification**

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With the exception of the public posting of overall self-scores, MFA will maintain all applications and related details as confidential unless otherwise required by law during the evaluation process. However, all applications are public records subject to inspection under state and federal open records laws. Applicants utilizing additional financing from other local, state or federal agencies hereby acknowledge that their applications and related details may be shared with other agency(s) providing financing pursuant to agreement(s) between the allocating agency and said agency(s). The undersigned hereby acknowledges that, due to the competitive nature of the development industry, it will not have access to applications submitted by other applicants, related details of said applications, points awarded, or MFA communications with such applicants or other interested parties during the evaluation process.

The undersigned consents to MFA obtaining information from other local, state and federal agencies regarding applicant's performance and compliance with respect to other housing projects which have received local, state or federal subsidy.

The undersigned hereby agrees that the Low Income Housing Tax Credit Regulatory Agreement will contain a provision stating that the partnership agrees that the maximum rent that may be collected from any and all sources combined, including federal or other rental assistance, on any rent restricted unit will not exceed 30% of the imputed income limitation applicable to the unit.

The undersigned is solely responsible for completing this application in accordance with the Allocation Plan and Section 42 of the Internal Revenue Code, notwithstanding any conversations with representatives of MFA. The undersigned also understands that MFA will rely upon all of the information as stated in the application as filed and is under no obligation to accept any additional information after the final date for submitting the application. The undersigned further understands that MFA has the right to reject this application if, in MFA's sole judgment, the application is not consistent with the proper and effective allocation of housing credit under the Allocation Plan and Section 42 of the Internal Revenue Code.

IN WITNESS WHEREOF, the owner has caused this document to be duly executed in its name on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Legal Name of Owner

By : \_\_\_\_\_

Name : \_\_\_\_\_

Title : \_\_\_\_\_

**Schedule K**  
**New Mexico Mortgage Finance Authority 2011 Housing Tax Credit Program**  
**Return of Tax Credit Reservation or Allocation**

Project Name: \_\_\_\_\_

**To be completed by MFA**

Project Number: \_\_\_\_\_

**Allocation Stage:**

**Issue Date:**

**Amount:**

- Preliminary Reservation of 2011 Tax Credits    \_\_\_/\_\_\_/\_\_\_    \$ \_\_\_\_\_
- Carryover Allocation of 2011 Tax Credits    \_\_\_/\_\_\_/\_\_\_    \$ \_\_\_\_\_

Requirement for which Tax Credits are returned

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Applicant's Agreement to Return Credit to MFA**

I hereby return the reservation and/or Carryover Allocation of 2011 Low Income Housing Tax Credits awarded to the above-cited project by MFA, on the date that I fail to meet any one or more of the "Subsequent Project Requirements" set forth in Section IV.G of the *State of New Mexico Low Income Housing Tax Credit Program Qualified Allocation Plan Effective as of January 1, 2011* ("QAP"). I further represent that as of the date on which I fail to meet any such requirement, these Tax Credits are to be considered voluntarily returned to MFA without further action on my part, and I will not thereafter make any attempt to utilize any Tax Credits for this project. This certification, however, is null and void as of the date on which MFA determines, in its sole discretion, that I have met all of the requirements listed in Section IV.G of the QAP.

\_\_\_\_\_  
Authorized Signature by Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name, Title, Printed

\_\_\_\_\_  
Authorized Signature by MFA

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name, Title, Printed



Jobs to be Created for State Residents and Non-Residents

Construction Period \_\_\_\_\_ to \_\_\_\_\_  
Number of Construction Period Jobs Total \_\_\_\_\_  
Number of Construction Period Jobs for New Mexico Residents \_\_\_\_\_  
Number of Construction Period Jobs for Non-Residents \_\_\_\_\_

Number of Permanent Jobs Total \_\_\_\_\_  
Number of Permanent Jobs for New Mexico Residents \_\_\_\_\_  
Number of Permanent Jobs for Non-Residents \_\_\_\_\_

Current Use and Condition of Site. Please describe the site's current condition and use.

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Explanation of why the housing needs of households eligible to live in the proposed project under the bond requirements are not being met by existing multifamily housing.

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Other information regarding the economic benefits of the project to the project's community and the state.

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**New Mexico Mortgage Finance Authority  
Tax Credit Program Site and Market Study Release Form**

On behalf of \_\_\_\_\_ (the "Owner"), I request that the New Mexico Mortgage Finance Authority (the "MFA") deliver a copy to me of the site and market study (the "Study") regarding a housing development project known as \_\_\_\_\_ located in \_\_\_\_\_, New Mexico (the "Project") that was commissioned by MFA for the 2011 Housing Tax Credit allocation round.

The Owner acknowledges that the Study was commissioned by the MFA for its internal purposes. The Owner further acknowledges that neither the Owner, its general partner(s) nor its limited partner(s) (individually, a "Party" and collectively, the "Parties") may rely on the Study, for any other purpose, without the written consent of the MFA and further acknowledges that there is no contractual relationship between the Parties and either the provider of the Study or the MFA. In addition, the Owner agrees that the Parties may not rely on the Study for any disclosure obligations they may have with any third parties without the written consent of the MFA.

The Owner agrees to hold the MFA harmless from, and to indemnify the MFA against, any damages, losses, costs and expenses suffered by the MFA including, but not limited to, attorney's fees, as a consequence of disclosing the Study to any Party, including third parties. The Owner shall treat the Study as the confidential property of the MFA. Furthermore, the Owner acknowledges that conveyance of the Study to any third party, other than the Parties, without the expressed written consent of the MFA is strictly prohibited.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
General Partner

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## 2011 HOUSING TAX CREDIT DESIGN COMPETITION SUMMARY

**Failure to provide the documentation to the specifications listed below may result in disqualification from the competition.**

### **I. Architect's Release**

A *MFA 2011 Housing Tax Credit Design Competition Architect's Release Form* signed in blue ink by the Owner and Project architect must be included in the application.

### **II. Design Documentation**

The following required documents must be prepared by an architect licensed to do business in the State of New Mexico. All materials must be submitted as a part of the Initial Application Package in hard copy and electronic copy (PDF on a CD).

#### **A. Narrative**

1. Include a narrative describing how the project design will fit into the context of the neighborhood, why the design is appropriate for that specific community and/or how the community involvement in the design process will assist in evaluation of building design.

#### **B. Site Plan**

1. Scale must be:  
1" = 10' for site under 1.0 acres;  
1" = 20' for site of 1 to 5 acres; and  
1" = 40' for site over 5 acres.
2. Use a north arrow.
3. Show and label existing locations of buildings, roadways, and parking areas, and surrounding properties uses.
4. Show existing site and zoning restrictions including setbacks, rights of ways, boundary lines, wetlands and any flood plains. Provide zone atlas map if available.
5. Show all proposed changes to existing buildings, parking, utilities, and landscaping, and plans for all such elements of new projects.
6. Show existing and proposed topography of site.
7. Show finished floor height elevations.
8. Show landscaping and planting areas, and include a plant list and a diagram of any proposed water catchment systems.
9. Show locations of playground(s), gazebos, walking trails, garden spots, tennis and basketball courts, swimming pool, refuse collection areas, postal facilities, site entrance signage, benches, covered shaded areas, patios, decks, exterior lighting and other site amenities.
10. Identify designated handicapped accessible units, accessible routes, and handicapped parking spaces.
11. Provide a Building Schedule, listing, for each building, building number, numbers of each unit type, total gross square footage, number of stories, height, and square footage of ground floor plan.
12. Provide photographs, including and aerial photo if available, of the site and adjacent properties for context.

#### **B. Floor Plans**

1. Use scale of 1/8" = 1 foot for typical units.
2. For projects involving renovation and/or demolition of existing structures, show proposed changes to building components and design, identifying removal and new construction components.
3. Show room/space layout. Use 1/8" scale. Include dimensions and gross heated square footage of halls, living areas, bedrooms, bathrooms, kitchen, and dining area. Indicate gross heated square footage for each typical unit.

4. Show all built-ins.
5. Provide a typical wall section at 1/2" = 1" scale. Call out major components.

**C. Elevations for New Construction**

1. Use scale of 1/8" = 1 foot. Include front and one contiguous side elevation of each building type.
2. Identify all materials to be used on building exteriors.

**III. DESIGN REVIEW CONSIDERATIONS**

**A. Site plan considerations:**

1. Propose a pedestrian friendly building layout focusing on privacy; create accessible walks linking buildings to each other, to common areas and to parking.
2. Propose a site plan that contributes to public streetscape and minimizes the visibility of parking.
3. Propose site amenities including playgrounds, gazebos, garden spots, walking trails, picnic areas, ball fields, basketball/tennis courts and exercise rooms.
4. Provide natural areas with trees between buildings (for new construction); use large open spaces for recreational activities.
5. Demonstrate design and amenities appropriate for the intended population.
6. Include a well-designed entry to the site with attractive signage, lighting and landscaping, and outside mail collection and distribution centers.
7. Propose a landscaping plan that incorporates xeriscaping and/or rainwater collection.

The items above must be clearly indicated on the site drawings.

**B. Building design:**

1. Propose creative and versatile architectural elements which are designed to be proportional to the human scale. Depending on the design and architectural style, some ways to achieve this are: broken roof lines, front gables, dormers or front extended facades, wide banding and vertical and horizontal siding applications, creative use of materials, masonry accents, front porches, courtyards, portals, bancos, attractive deck rail patterns, and building and window placement. However, the appropriateness of certain elements in terms of overall design and site context will be taken into consideration.
2. Consider shade, light, natural heating and cooling, and privacy.
3. Propose an attractive building focusing on visual appeal. Keep in mind qualities of massing, proportion, space, architectural style, textures, color tone and articulations.

**C. Contextual and Spatial design:**

1. Propose how the architectural style and planning design themes and massing supports the area.
2. Propose a design which embodies healthy human environments including varying interior and exterior spatial environments, which incorporates aspects of open plan design, long sightlines to increase spatial dimension, and which incorporates creative use of natural lighting to add spatial differentiation and dimension.

**D. Floor Plan Design:**

1. Propose how the design not only supports the function and use but also exceeds the minimum design requirements. This may include such things as open flowing floor plans for flexible use if desirable, rooms that exceed minimum square footages, bedrooms that are located away from parking or street noise, kitchens that provide an abundance of counter top working space and cabinets, and availability of extra storage space.



**E. Rehabilitation Projects:**

Applications must propose a defined scope of work appropriate to the building(s), as reflected in the Capital Needs Assessment, but should not involve unnecessary work. Proposals must address the elements outlined in the MFA Mandatory Design Standards for rehabilitation Projects. Additional consideration will be given to Projects that go beyond the minimum requirements. For example, projects that propose adding or improving project amenities and/or the addition of services for the existing tenant base.

**F. Construction characteristics:**

1. Propose low maintenance, high durability, high quality materials, and quality components. Examples include: High-grade flooring in kitchens, bathrooms, entryways, and laundry areas.
2. Propose to use quality, low maintenance exterior finishes.
3. Describe how the residents will be supported by specific building qualities, including but not limited to the use of Universal Design concepts.
4. Incorporate into the construction of the units the wiring of a network system that would enable the owner to provide high-speed, low- or no-cost Internet access to the tenants.

**G. Completion of previously approved projects:**

Points will not be awarded for projects of owners or Principals who failed to build prior projects in accordance with the plans and specifications provided for such projects.

**H. Previous submissions of the same project:**

If a project was previously submitted to the design competition in a prior round and was not selected, it should not resubmit in a subsequent round unless changes have been made to the project design and construction that would warrant reconsideration.

## **MFA Year 2011 Mandatory Design Standards For Multifamily Rental Housing**

The following Design Standards represent the minimum requirements for MFA-financed multifamily rental housing. MFA values excellence in design because well designed housing meets the needs of tenants, attracts market renters and promotes community acceptance of housing financed by MFA. All projects must meet or exceed each of these standards, as well as the minimum requirements of all applicable building codes and regulations. In addition, projects must meet ADA and Fair Housing Requirements. Each Project architect and owner will be required to certify at application that the Project design meets these Design Standards, and at completion will be required to certify that the Project was built in compliance with these Design Standards.

### **A. GENERAL DESIGN**

1. Provisions must be made for handicapped access in conformance with the requirements of federal and state law including the Fair Housing Act and the Americans with Disabilities Act.
2. Incorporate "Visitability" standards for at least 50% of the units. The minimum features of this will include:
  - One Zero Step Entrance (can be primary entrance, garage entrance or other) on a route that has no steps, steep slopes, or abrupt level changes from the driveway, sidewalk or other point of arrival. Zero step means that there is no, or a low (3/4" maximum, beveled), level change at threshold.
  - All main floor interior passage doors, including bathrooms, should have 32 inches of clear passage space.
  - At least a half bath, preferably a full bath, on the main floor of the unit with a minimum area of 30" by 48" area beyond the swing of the door.
3. Amenities should reflect the desires of the target market. Amenities should be shown clearly on the plans and should be fully described within the narrative portion of the application package.
4. Insulate all water lines hot and cold. Rehabilitation projects should meet this to the extent possible by insulating all exposed water lines or insulating that will be exposed during the course of the rehabilitation.
5. All ventilation ductwork must be air sealed and located within the building's thermal envelope.
6. Plumbing must not be located in exterior walls.

### **B. INTERIOR DESIGN**

1. All residential dwelling units must meet minimum units size requirements. Unheated areas such as patios, decks, porches, stoops, or storage rooms cannot be included.

Efficiency	425 gross heated square feet
1 Bedroom	575 gross heated square feet
2 Bedroom	750 gross heated square feet
3 Bedroom	1,000 gross heated square feet
4 Bedroom	1,200 gross heated square feet

2. The minimum bedroom size for the primary bedroom is 120 gross heated square feet. The minimum bedroom size for secondary bedrooms is 100 gross heated square feet with a minimum 9 foot width. Minimum bedroom sizes are to be understood as the room immediately surrounding the intended bed location, not to include interior closets or hallways separating the sleeping area from adjacent rooms, closets or spaces.
3. Kitchens must be equipped with pantries or broom closets.
4. Plumbing fixtures must be low-flow fixtures with the following specifications: 1.6 gallons-per-flush toilets, 2.0 gallons-per-minute showerheads, 1.5 gallon per minute kitchen faucets, 1.0 gallons-per-minute bathroom faucets.
5. Other features which must be provided include:
  - Linen closets outside the bathrooms; and
  - Bulk storage for items like snow tires, suitcases and sports equipment. (This may be located outside each unit.)
6. Water heater closets can not be considered to meet any of the above storage requirements.
7. All rooms must have permanent fixed lighting. Sleeping areas and living areas must not be dependent on switched outlets or floor lamps for lighting.
8. Kitchens must vent to the exterior and/or kitchen ranges must have hoods.
9. All bathroom exhaust fans, range hood, and dryer vents must vent directly to the outdoors.
10. Install Energy Star® lighting systems and appliances. Provide evidence that the water heater energy factors (EF) equate to or exceed the Energy Star® recommended levels.
11. If carpet must be used it must not be installed in high moisture areas including: entryways, bathrooms, kitchens and laundry areas. Installation of carpet must be tacked down, cannot be glued.
12. Roof/attic/ceiling insulation must have an R-value of no less than R-30, exterior wall insulation must have an R-value of no less than R-13.

**C. LARGE UNIT DESIGN (applicable to units having three or more bedrooms)**

1. The common spaces of units should be proportionately larger as the number of bedrooms increases.

2. Three-bedroom units must have at least 1.75 baths and four-bedroom units must have 2 full baths.

#### **D. EXTERIOR DESIGN**

1. Low maintenance exteriors should be used.
2. A complete landscape plan which maximizes existing natural features or otherwise enhances open space is required. Native, semi-native, or drought tolerant plants should be used and low water use maintenance systems such as drip systems and rainwater harvesting. Maintenance systems (e.g. irrigation systems) must be installed to maintain landscaping.
3. Water must be diverted away from the building walls and foundations by sloping exterior grade, or the installation of crushed rock and/or drainage pipe to allow for water drainage in cases where exterior grade cannot be sloped away from building.
4. Roof water must be diverted away from the building by the use of gutters and downspouts or roof overhangs.
5. Trash removal areas must be screened.
6. Buildings and dwelling units must be individually marked with visible, contrasting identifying devices to minimize the response time for receiving aid by police and/or emergency personnel. The building identifying devices must be well lighted from dusk until dawn.
7. Single lever deadbolts and eye viewers are required on all entry doors to residential units.
6. On-site playground areas (as applicable based on target tenant population)
  - a. Recreational facilities must be provided for different age groups. (For example, sand boxes within sight of units for children under 5, "tot lots" for ages 5 to 12, and a basketball court for ages 12 and older.)
  - b. Play areas and playgrounds for children should be located away from high automobile traffic patterns, and situated so that the play area is visible from the maximum number of dwelling units possible for safety.
  - c. Designated play areas and playgrounds are considered "common areas", and must be on an accessible route per accessibility codes.
  - d. A bench must be provided at playgrounds to allow a child's supervisor to sit and rest comfortably. The bench must be anchored permanently, must be on an accessible route, and must be weather resistant.
  - e. A "warning" sign must be posted to advise residents that children playing at the playground will be doing so at their own risk. The sign must be posted at a visible location, and use contrasting colors for better identification.

#### **E. COMMON AREA FACILITIES**

1. On-Site Laundry Facilities

- a. Laundry facilities are required at all developments with twenty or more residential dwelling units.
- b. There must be a minimum of one washer and one dryer per twelve dwelling units if washer/dryer hookups are not available in each dwelling unit. If hookups are available in each dwelling unit, there must be a minimum of one washer and one dryer per twenty dwelling units. If washer and dryers are provided in each unit, additional facilities are not required.
- c. A “folding” table or countertop must be installed at an accessible AD height.
- d. The laundry room must have adequate entrance lighting from dusk to dawn to assist in greater security during evening hours.

## 2. Community / Office Space

- a. All special needs and elderly developments must have a community room on site, or immediate access to such space on an adjacent property.
- b. All developments consisting of twenty (20) residential dwelling units or more, must have a site office of at least 200 square feet (inclusive of handicapped toilet facility) and a maintenance room of at least 100 square feet.

## **F. REHABILITATION PROJECTS**

MFA will exercise reasonable flexibility in applying the above standards to rehabilitation projects, but wherever possible the Design Standards should be incorporated into the rehabilitation scope of work. Any building system being replaced should be replaced in accordance with the requirements listed above. Rehabilitation projects do not have to meet the minimum area requirements described above. Applications must propose a scope of work appropriate to the building(s), as reflected in the Capital Needs Assessment, but should not involve unnecessary work. Proposals must address the following elements:

1. Making “common areas” handicapped accessible.
2. Improving site and exterior dwelling lighting, landscaping/fencing, and installing high-quality finishes.
3. Adding porches, or other aesthetic amenities to enhance the exterior quality and interest of the project.
4. Using energy-efficient related products to replace inferior ones, including insulated windows and doors, and adding additional insulation. Improving water efficiency with changes in landscaping, appliances, and fixtures. Using low maintenance materials.
5. Improving electrical system, heating and cooling units, plumbing fixtures, water heaters, toilets, sinks, faucets and tub/shower units, especially with use of water and energy conserving equipment and systems.
6. Improving quality of interior conditions and fixtures, including carpet, vinyl, interior doors, painting, drywall repairs, cabinets, appliances, light fixtures and mini-blinds.

7. Where possible, upgrading bathrooms and kitchens.
8. Water drainage should be managed as outline in criteria D-3 and D-4 above, if its is not already.

**G. SINGLE ROOM OCCUPANCY DEVELOPMENTS**

1. The minimum unit size is 140 gross heated square feet; and the maximum unit size is 500 gross heated square feet.
2. Each unit must contain at least one full size single bed, a lockable storage compartment or chest of drawers, and a vertical clothes closet measuring at least three feet wide.
3. Each project must provide at least one set of bathroom facilities for every 16 units: Each bathroom facility must contain at least one sink, one shower with curtain or door and one toilet with door for every 4 units.
4. Each building composing the project must include a food preparation area if the individual units do not. The food preparation area must be adequately sized for the number of resident in the building.
5. A community center or meeting room and laundry facilities must be provided on site.
6. Office space must be provided for provision of personal services to tenants.
7. Public transportation (where applicable) must be within .5 mile.

**MFA 2011 HOUSING TAX CREDIT DESIGN COMPETITION  
ARCHITECT'S RELEASE FORM**

I hereby authorize and acknowledge that MFA shall have the right to make all materials submitted for participation in the MFA 2011 Housing Tax Credit Design Competition available on MFA's website and for inspection pursuant to NM Inspection of Public Records Act. Furthermore, I hereby authorize and acknowledge that MFA shall have the right to recognize Design Competition awardees on MFA's website and at MFA sponsored trainings and conferences.

I also acknowledge that due to the competitive nature of the Low Income Housing Tax Credit allocation process, access to applications submitted by other applicants, or information related to details of said applications, points awarded, or MFA communications with such applicants or other interested parties shall not be granted during the evaluation process; nor will MFA make such information as contained in this application, including material submitted for the Design Competition, available to other applicants during the evaluation process.

\_\_\_\_\_  
Architect

(S E A L)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

**MFA Qualified Allocation Plan  
Green Building Scoring Supplement**

**LEED Certification**

Projects which commit to achieving a rating of LEED Silver or higher are eligible for 20 points. Projects which commit to achieving LEED certification below Silver are eligible for 18 points.

To be eligible for points for LEED certification, applications must include:

1. A one page narrative describing the intent of the project to comply with LEED and an overview of the sustainable elements incorporated into the design of the project.
2. Provide the name, contact information, and resume of the LEED AP, or the LEED for Homes Provider if the project will seek LEED for Homes certification, that is part of the project development team.
3. Evidence the LEED certification related costs in the project's budget and incorporate into Schedule A, Professional Services/Fees.
4. Provide a completed LEED project checklist.
5. Provide a Certification from the project development team's LEED AP, or the LEED for Homes Provider if the project will seek LEED for Homes certification, stating that the LEED certification (Silver or better for Projects seeking 20 points) is attainable according to the preliminary plans and specifications.

To be eligible for a Carryover Allocation, the Carryover Application for the Project must include:

1. Evidence that the Project has been registered with USGBC for LEED certification

To be eligible for a Final Allocation, The Final Allocation Package for the Project must include:

1. Evidence of LEED certification (Silver or better for Projects that were awarded 20 points).



**MFA Qualified Allocation Plan  
Green Building Scoring Supplement**

**Enterprise Green Communities**

Projects which commit to meeting Enterprise Green Communities Criteria are eligible for 18 points. The Project must meet or exceed the minimum scoring threshold through the options elected to be eligible for grant funding through Enterprise Green Communities.

To be eligible for points for meeting Enterprise Green Communities Criteria, applications must include:

1. Provide a one page narrative describing the intent of the project to comply with Enterprise Green Communities Green Criteria and an overview the sustainable elements incorporated into the design of the project.
2. Provide the name, contact information, and resume of the green building professional that is part of the projects development team.
3. Provide a completed Enterprise Green Communities checklist.
4. Provide an Architect Certification stating that the preliminary plans and specifications meet all mandatory Green Criteria as well as the options elected by the owner/developer as specified on the Enterprise Green Communities checklist. *The project must meet or exceed the minimum scoring threshold through the options elected to be eligible for grant funding through Enterprise Green Communities.*

To be eligible for a Carryover Allocation, the Carryover Application for the Project must include:

1. An executed letter of intent, financial commitment from Enterprise Green Communities,
- or**
1. A certification from a HERS rater that the project will meet, if constructed as designed and based on RESNET® modeling, the HERS rating required by Enterprise Green Communities Criteria, and
  2. A certification from the project architect that the plans and specification include all design elements required to Enterprise Green Communities Criteria for funding.

To be eligible for a Final Allocation, The Final Allocation Package for the Project must include:

1. A certification from Enterprise Green Communities which attests that the project met sufficient Green Communities Criteria to be eligible for funding.

**MFA Qualified Allocation Plan  
Green Building Scoring Supplement**

**Build Green NM**

Projects which commit to obtaining Build Green NM certification are eligible for 18 points.

To be eligible for points for meeting Enterprise Green Communities Criteria, applications must include:

1. A one page narrative describing the intent of the project to comply with Build Green NM Criteria and an overview the sustainable elements incorporated into the design of the project.
2. Provide the name, contact information, and resume of the green building professional that is part of the projects development team.
3. Provide a completed copy of the Build Green NM Green Scoring Tool.
4. Provide an Architect Certification stating that the preliminary plans and specifications meet all of the options elected by the owner/developer as specified on the Build Green NM checklist.

To be eligible for a Carryover Allocation, the Carryover Application for the Project must include:

1. A letter from the Green Build NM Verifier certifying that the project has registered for the Green Certification Program.

To be eligible for a Final Allocation, The Final Allocation Package for the Project must include:

1. Evidence of Build Green NM certification must be provided.

**MFA Qualified Allocation Plan  
Green Building Scoring Supplement**

**MFA Green Building Criteria**

Projects meeting MFA Green Building Criteria are eligible for 5 to 15 points depending on options selected. Please refer to MFA Green Building Criteria for additional scoring detail.

To be eligible for points for meeting MFA Green Building Criteria, applications must include:

1. A one page narrative describing the intent of the project to comply with MFA Green Building Criteria and an overview the sustainable elements incorporated into the design of the project.
2. The name, contact information, and resume of the green building professional that is part of the projects development team.
3. A completed copy of the MFA Green Building Criteria Checklist.
4. An Architect Certification stating that the preliminary plans and specifications meet all of the options elected by the owner/developer as specified on the MFA Green Building Criteria Checklist.
5. Supplemental material as described in the MFA Green Building Criteria.

To be eligible for a Carryover Allocation, the Carryover Application for the Project must include:

1. Erosion and Sedimentation Control (ESC) plan
2. Construction Waste Management Plan (WMP)
3. An Architect Certification stating that the plans and specifications meet all of the options elected by the owner/developer as specified on the MFA Green Building Criteria Checklist.

To be eligible for a Final Allocation, The Final Allocation Package for the Project must include:

1. Owner Operations and Maintenance Plan
2. Resident Operations and Maintenance Plan
3. An Architect Certification stating that the plans and specifications meet all of the options elected by the owner/developer as specified on the MFA Green Building Criteria Checklist.

# **New Mexico Mortgage Finance Authority Green Building Criteria 2011**

## **PREFACE**

The New Mexico Mortgage Finance Authority (MFA) Green Building Criteria were originally created in 2005 for the purpose of providing a scoring option for the federal Low Income Housing Tax Credit Program that would be regionally appropriate for New Mexico's climate and for both urban and rural developments. Since their initial inclusion in the LIHTC Project Selection Criterion entitled, "Projects that benefit communities and the environment through more efficient use of resources, smarter planning and sustainable development," MFA's Green Building Criteria have been revised and will be utilized more broadly in other MFA Housing Development finance programs. The intent of these standards is to provide a flexible, dynamic document, which may require case-by-case interpretation and can be amended annually to reflect new ideas, trends and opportunities as the green building market expands and evolves.

There are six (6) categories included in MFA's Green Building Criteria:

- Site Selection and Design (SSD)
- Water Conservation (WC)
- Energy Efficiency (EE)
- Indoor Environmental Quality (IEQ)
- Materials Beneficial to the Environment (MBE)
- Operations and Maintenance (O&M)

To receive the minimum 5 points under MFA's Green Building Criteria, projects must meet all mandatory items. For additional points, up to 15, projects may choose from optional items. Five mandatory items for projects involving new construction include: xeric landscaping plan (1-a); erosion and sedimentation control plan (1-b); waste management plan (5-a); operations and maintenance plan for owners (6-a); and operations and maintenance plan for residents (6-b). Projects involving acquisition and substantial rehabilitation are excused from item 1-b (ESC plan) but must meet all other mandatory items to receive the minimum 5 points.

All committed items must be included in preliminary plans and specifications, in addition to any further documentation that may be required for MFA and its contracted partners to complete its review. The documentation provided may not entirely suffice if inconsistent with plans and specifications.

## MFA Green Building Criteria Checklist 2011

	<b>MFA Green Building Criteria</b>	<b>Scoring</b>	<b>Check if Committed</b>	<b>Check if additional Documentation is Provided</b>	<b>For MFA's Use</b>
<b>1</b>	<b>Site Selection &amp; Design (SSD)</b>				
<b>1-a*</b>	Native, xeric landscaping	<b>Mandatory</b>			
<b>1-b*</b>	Erosion & sedimentation control (ESC) plan	<b>Mandatory (NC only)</b>			
<b>1-c</b>	Site close and connected to goods/ services	1 point			
<b>1-d</b>	Pedestrian friendly development	1 point			
<b>1-e</b>	Community garden	1 point			
<b>1-f</b>	Preserved existing vegetation	1 point			
<b>1-g</b>	Porous, paved surfaces	1 point			
<b>1-h</b>	Shaded paved surfaces	1 point			
<b>1-i</b>	75% passive solar design	3 points			
<b>1-j</b>	100% passive solar design	1 point			
<b>2</b>	<b>Water Conservation (WC)</b>				
<b>2-a</b>	Greywater collection	1 point			
<b>2-b</b>	Rainwater collection	1 point			
<b>3</b>	<b>Energy Efficiency (EE)</b>				
<b>3-a</b>	High performance HVAC system	1 point			
<b>3-b</b>	Energy performance windows and doors	1 point			
<b>3-c</b>	Design for future active solar power	1 point			
<b>3-d</b>	Install solar powered devices	1 point			
<b>3-e</b>	Solar water heaters	1 point			
<b>3-f</b>	Sealed building envelope	1 point			
<b>3-g</b>	High insulation levels – walls, roof & foundation	1 point			
<b>4</b>	<b>Indoor Environmental Quality (IEQ)</b>				
<b>4-a</b>	Hard surfaced flooring	1 point			
<b>4-b</b>	Low VOC materials	1 point			
<b>4-c</b>	Composite wood free of urea-formaldehyde	1 point			
<b>4-d</b>	Non-Smoking Establishment	1 point (NC only)			
<b>5</b>	<b>Materials Beneficial to the Environment (MBE)</b>				

	<b>MFA Green Building Criteria</b>	<b>Scoring</b>	<b>Check if Committed</b>	<b>Check if additional Documentation is Provided</b>	<b>For MFA's Use</b>
<b>5-a*</b>	Construction waste management plan (WMP)	<b>Mandatory</b>			
<b>5-b</b>	Recycled-content Material	1 point			
<b>5-c</b>	Certified, salvaged or engineered wood	1 point			
<b>5-d</b>	Local or regional materials	1 point			
<b>6</b>	<b>Operations &amp; Maintenance (O&amp;M)</b>				
<b>6-a*</b>	Owner Operations and Maintenance (O&M) Plan	<b>Mandatory</b>			
<b>6-b*</b>	Resident Operations and Maintenance (O&M) Plan	<b>Mandatory</b>			

\* Mandatory Criteria

## **1. Site Selection and Design (SSD)**

### **\*1-a. Native, xeric landscaping**

Standard: Provide a landscaping plan using drought-tolerant species, native plants, and minimal lawn cover.

Intent: Conserve water and reduce the need for fertilizers and pesticides. Lawn cover is only allowed in designated “play areas.”

Documentation: Landscaping plan that shows planting materials to be used and their location to be planted. O&M Plan shall require minimal use of toxic pesticides and fertilizers.

### **\*1-b. Erosion and Sedimentation Control (ESC) plan**

Standard: Create and implement an erosion and sedimentation control (ESC) plan. This is mandatory for new construction only.

Intent: Minimize the loss of topsoil and infiltration of sedimentation into the storm water system during construction. The efficient disposal of materials reduces the environmental impact of building.

Documentation: Provide certification from the developer that an ESC will be completed prior to the start of construction. A copy of the plan will be required at carryover.

### **1-c. Close proximity and connectivity to goods & services**

Standard: Locate development site within ½ mile of areas with a high concentration of commercial activity and reasonable walking distance of community services, such as retail, grocery, healthcare, permanent public transit stops.

Intent: Develop in pedestrian friendly locations that promote healthy life styles and alternate modes of transportation and utilize existing infrastructure.

Documentation: Provide a map that shows goods and services in close proximity to the project. The map shall indicate ¼ mile and ½ mile radii and shall demonstrate connectivity between the project and these goods and services listed above by indicating the alternative transit pathways (bicycle, pedestrian, public transit) between the project and the goods and services.

### **1-d. Secure bike storage, ADA-compliant pathways, & pedestrian links to outside environment**

Standard: Provide secure bicycle storage, in addition to the bulk storage requirement of the MFA Design Guidelines, for at least 25% of all units. Storage should be covered, located in a well lighted area, visible from as many residential units as possible for the proposed building configuration. Ensure that all pathways are compliant with the Americans with Disabilities Act (ADA), and provide a direct pedestrian link from the development to the outside environment.

Intent: Develop infrastructure to ensure pedestrian and cycling options for transportation and recreation.

Documentation: Evidence in Site Plan. Indicate what percentage of units have bicycle storage available.

**1-e. Community Garden**

Standard: Plan a community garden on-site.

Intent: Promote community development and self-sustainment.

Documentation: Provide evidence in landscaping and/or site plans.

**1-f. Preservation of existing trees and vegetation**

Standard: Preserve existing trees and vegetation, except within 30 feet of buildings, driveways, solar access, areas cleared for food production or as required for grading & drainage.

Intent: Preserve mature trees and natural vegetation when possible.

Documentation: Provide pre-development and post-development plans highlighting trees and vegetation to be saved and/or relocated on-site.

**1-g. Porous, paved surfaces**

Standard: Use porous, pavement for at least 15% of all footpaths, patios, parking areas and other paved common areas.

Intent: Reduce the effect of heat islands within the site and assist in storm water infiltration and erosion control. Porous surfaces are well suited to use for footpaths, patios, and other common areas. For example, materials may include permeable concrete/pavement, brick, stone, gravel, or other manufactured products.

Documentation: Product list identifying porous paving product. Evidence on site plan indicating percentage of surfaces to be paved with porous materials (calculated using square footage of porous paved surfaces



divided by total square footage of paved surfaces) and locations where porous paving materials will be used.

#### **1-h. Shaded paved surfaces**

Standard: Shade at least 25% of all hardscape-paved surfaces with vegetation. Areas shaded by carports adjacent to the building will qualify. Shaded carports away from the building will not qualify.

Intent: Reduce the effect of heat islands within the site.

Documentation: Scaled Site Plan with North arrow, and landscaping plan with plant list specifying type of trees to be planted, their locations and total percentage of hardscapes shaded by vegetation.

#### **1-i Passive Solar Design in at least 75% of units<sup>1</sup>**

Standard: Provide at least 75% of all units with passive solar design components specified here.

Intent: A building's orientation and the materials and design of a building's wall systems can determine how effectively solar energy can be employed for energy savings. It is therefore important to choose design elements that utilize solar energy in the most efficient way, in order to maximize solar heating potential in the heating season and minimize solar gains in the cooling season. Such passive solar design elements include the following:

- proper orientation to maximize solar access and cross ventilation;
- optimal window sizing and placement to utilize solar energy for heating and lighting;
- proper shading by means of natural vegetation or calculated roof overhangs or awnings;
- sufficient thermal mass in floors, interior walls and bancos to maximize heat absorption and storing;
- adequate insulation in the walls, roof, and foundation of a building to resist heat loss in the cooler months and heat gain in the warmer months.

According to the New Mexico Solar Energy Association ([www.nmsea.org](http://www.nmsea.org)), a well-designed passive solar home in New Mexico can save about 80% in energy costs compared to an average home that is not designed according to passive solar principles.

Requirements: Utilize the following passive solar design components:

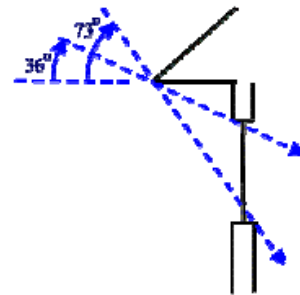
- South-facing windows should be oriented no more than 25 degrees east or 15 degrees west of true south (accounting for declination).

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<sup>1</sup> Projects satisfying Optional Criterion 1-i will receive 3 points.

Orientation within 5 degrees of south is ideal, and orientation within 15 degrees of south is nearly as effective.

- In order to avoid obstructing solar gain, no structures, including fences, should be located within 10 feet, no one-story structures within 17 feet, and no two-story structures within 40 feet of the south wall. Additionally, no significant obstructions should be placed within 25 degrees above south-facing windows (from the bottom of the feature) or within 45 degrees horizontal from the east and west edges of the south-facing window features.
- Provide “extra” thermal mass, exceeding the minimum thickness for mass wall allowance provided in the New Mexico Energy Conservation Code, in floors and/or interior walls that are directly lit by south-facing windows. Thermal mass should be in the form of brick, concrete slab or masonry, tile, or adobe – light-colored on walls and dark-colored on floors. Associated south-facing windows should be at least 7% and no more than 12% of the floor area of the solar heated room. -OR- If no “extra” thermal mass is added, south-facing windows should be larger than 3% and no more than 7% of the floor area of the solar heated room. South-facing windows should account for a total of no more than 20% of the total floor area of the building.
- Provide calculated overhangs for south facing windows, such that the dimensions of the overhang accommodate sun angles of 36 degrees and 73 degrees, as shown to the right.
- Minimize the number and size of north-, east- and west-facing windows, especially those facing southwest (>30 degrees west of south). West windows should be no larger than 2% of the floor area of the room, unless shading is used to prevent overheating. North and East windows should be no larger than 4% of the floor area of the respective rooms. The total of north-, east- and west-facing windows should not exceed 12% of the total heated floor area of the building.
- Provide shading for east- and west- facing windows to prevent summer solar gains. Shading can take the form of trees or other landscaping elements, calculated roof overhangs, or other shading devices, such as awnings, blinds, shutters, or vertical louvers.
- Certified, energy-efficient, thermal pane windows that meet or exceed those required by the New Mexico Energy Conservation Code should be used throughout the building.
- Insulation levels in the roofs, floors, and walls should exceed those required by the New Mexico Energy Conservation Code (<http://www.emnrd.state.nm.us/ecmd/Codes/buildingcodes.htm>).



Documentation: Minimally provide the following documentation:

- Scaled Site Plan with North arrow. For typical units, show various solar orientations with more than one north arrow, as necessary. Indicate proposed solar orientation, window sizing and placement, wall systems (showing materials, massing, and insulation), and shading.
- Landscaping plan with plant list specifying type of tree(s) to be planted, specifying their locations.
- Scaled Building Elevations that evidence the actual size of overhangs.
- Floor Plans of entire unit mix, indicating percentage floor area of south-facing windows and north-, east- and west-facing windows (N+E+W).
- Worksheets provided in the New Mexico Energy Conservation Code for passive solar heating, mass wall allowance, and insulation R-values.

**1-j. Passive Solar Design in 100% of units.**

Standard: Provide 100% of all units with the passive design components specified in 1-i above.

Documentation: Minimally provide the following documentation:

- Scaled Site Plan with North arrow. For typical units, show various solar orientations with more than one north arrow, as necessary. Indicate proposed solar orientation, window sizing and placement, wall systems (showing materials, massing, and insulation), and shading.
- Landscaping plan with plant list specifying type of tree(s) to be planted, specifying their location.
- Scaled Building Elevations that evidence the actual size of overhangs.
- Floor Plans of entire unit mix, indicating percentage floor area of south-facing windows and north-, east- and west-facing windows (N+E+W).
- Worksheets provided in the New Mexico Energy Conservation Code for passive solar heating, mass wall allowance, and insulation R-values.

**2. Water Conservation (WC)**

**2-a. Greywater harvesting**

Standard: Create and implement a greywater recycling system with on-site retention for non-potable water reuse either inside or outside the building.

Intent: Reduce utility costs and conserve water by reducing potable water use.

Documentation: Site plan evidencing greywater collection system, and product list.

## **2-b. Rainwater harvesting**

Standard: Create and implement a rainwater collection system with on-site retention for non-potable water irrigation.

Intent: Reduce utility costs and conserve water by reducing potable water use on outdoor plantings.

Documentation: Landscaping and/or site plan evidencing rainwater collection system, and product list.

## **3. Energy Efficiency (EE)**

### **3-a. HVAC systems**

Standard: Install Energy Star® rated heating and cooling systems. Evaporative cooling systems may be used if they meet the following minimum standards: media saturation effectiveness of 85% or higher, water consumption must not exceed 5 gallons (18.9 L) water per ton-hour of cooling, airflow rating must meet the minimum Industry Standard Rating (ISR) airflow of 2,500 CFM (cubic feet per minute), and the cooler must have a remote dedicated thermostat.

Intent: Conserve energy, reduce utility costs, and enhance comfort.

Documentation: Plans and specification must indicate Energy Star® HVAC systems. If evaporative cooling will be used, plans and specification must contain the above minimum requirements.

### **3-b. Energy-efficient, high performance windows and doors**

Standard: Install windows, skylights, and exterior doors that meet or exceed the 2009 New Mexico Energy Efficiency Building Code (<http://www.rld.state.nm.us/CID/GenBureau/PDFs/ProposedRules/051010/14%207%206%20NMAC%20-%202009%20New%20Mexico%20Energy%20Conservation%20Code%205-10-10.pdf>) and ENERGY STAR's minimum National Fenestration Rating Council (NFRC) ratings for U-Factor and Solar Heat Gain Coefficient (SHGC) for the particular geographic region.<sup>2</sup> New Mexico's counties fall into three of the eight Climate Zones specified by the

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<sup>2</sup> "Residential Windows, Doors, and Skylights Key Product Criteria," ENERGY STAR website, URL: [http://energystar.gov/index.cfm?c=windows\\_doors.pr\\_crit\\_windows](http://energystar.gov/index.cfm?c=windows_doors.pr_crit_windows).

International Energy Conservation Code, on which these standards are based (See 2006 IECC Climate Zone table below).<sup>3</sup>

2006 IECC Climate Zone	New Mexico Counties
CZ3 (South/Central)	Chaves, Dona Ana, Eddy, Hidalgo, Lea, Luna, Otero
CZ4 (North/Central)	Bernalillo, Curry, De Baca, Grant, Guadalupe, Lincoln, Quay, Roosevelt, Sierra, Socorro, Union, Valencia
CZ5 (Northern)	Catron, Cibola, Colfax, Harding, Los Alamos, Mckinley, Mora, Rio Arriba, San Juan, San Miguel, Sandoval, Santa Fe, Taos, Torrance

Intent: Conserve energy, reduce utility costs, and enhance comfort.

Documentation: Provide a scaled site plan with north arrow, indicating location of all windows, exterior doors and skylights, and provide product list identifying compliance with required standards.

### 3-c. Solar-ready design

Standard: Provide building accommodations, including orientation, design, wiring, and unobstructed roof area (200 sf minimum) to allow the installation of active solar energy in the future. Alternatively, photovoltaics may be located on other suitable structures on the property, e.g. parking shade structures.

Intent: Make active use of renewable energies to reduce both utility costs and environmental impacts of energy production.

Documentation: Provide scaled site plan with North arrow, indicating building orientation and detailing both the design elements that would accommodate future active solar use and the products to be used. Provide certification from the structural engineer that future roof-mounted systems are feasible given the load factor of the roof. For non-roof mounted system, provide proof of existing infrastructure on the site plan.

### 3-d. Solar power

Standard: Utilize active solar energy by installing solar powered devices, receive points for both 3d and 3e.

<sup>3</sup> More information on the International Energy Conservation Code Climate Zones can be found at URL: <http://resourcecenter.pnl.gov/cocoon/morf/ResourceCenter/article/1420>.

Intent: Make active use of renewable energies to reduce both utility costs and environmental impacts of energy production.

Documentation: Provide cut sheets highlighting products to be used and scaled site plan indicating building orientation and location(s) where solar devices will be installed.

**3-e. Solar hot water heating**

Standard: Install solar water heating system for common hot water needs.

Intent: Make active use of renewable energies to reduce both utility costs and environmental impacts of energy production.

Documentation: Evidence installation on plans and specifications. Provide product information in specifications.

**3-f. Sealed building envelope**

Standard: Follow ASHRE 62.2 2010 standards for Ventilation and Indoor Air Quality to properly seal the building envelope to reduce air infiltration and leakage. For example, tighten the seals around windows and doors, seal all plumbing and electrical conduit openings, caulk around windows and under headers and sills, seal openings into attics or crawlspaces with taped polyethylene covered with insulation, and other measures.

Intent: Ensure that building envelopes are adequately sealed to reduce air infiltration and leakage.

Documentation: Provide installation instructions evidencing such measures and reference in specifications. Provide documentation that the building meets the ASHRE 62.2 2010.

**3-g. High levels of insulation in walls, roof and foundation**

Standard: Install high levels of insulation in the exterior walls, ceilings/attic/roof, and floors/slab foundation, raising the R-value of the building envelope and helping to minimize heat flow, in the form of heat loss in the winter and heat gain in the summer. Minimum R-value for insulation used will vary depending upon the region of New Mexico (See 2006 IECC Climate Zone table above for regional zone designation).

Element	Specifications
2.3a Ceiling/Attic/ Roof Insulation	<ul style="list-style-type: none"><li>• CZ3: <math>\geq 30</math> R-value<sup>4</sup></li><li>• CZ4: <math>\geq 38</math> R-value</li></ul>

<sup>4</sup> R-values are for insulation only, not whole wall, and are derived from ENERGY STAR Builder Option Package standards for climate zones ([http://www.energystar.gov/index.cfm?c=bop.pt\\_bop\\_newmexico](http://www.energystar.gov/index.cfm?c=bop.pt_bop_newmexico)).

	<ul style="list-style-type: none"> <li>• CZ5: <math>\geq 38</math> R-value</li> </ul>
2.3b Wood Frame Wall Insulation	<ul style="list-style-type: none"> <li>• CZ3: <math>\geq 13</math> R-value</li> <li>• CZ4: <math>\geq 13</math> R-value</li> <li>• CZ5: <math>\geq 19</math> R-value</li> </ul>
2.3c Slab Foundation Insulation (at 2 feet depth)	<ul style="list-style-type: none"> <li>• CZ3: <math>\geq 0</math></li> <li>• CZ4: <math>\geq 10</math> R-value</li> <li>• CZ5: <math>\geq 10</math> R-value</li> </ul>

Intent: Proper insulation will not only increase comfort in the home but also reduce heating and cooling costs year-round.

Documentation: Provide scaled cross-sections indicating insulation systems used and R-values.

## 4. Indoor Environmental Quality (IEQ)

### 4-a. Hard-surfaced, resilient flooring

Standard: Install *only* low/no-VOC (volatile organic compounds) hard-surfaced, resilient flooring in order to avoid the collection of dust and other allergens that occur in carpet.

Intent: Provide living spaces that enhance resident health and comfort by reducing or eliminating toxic materials and increasing air quality.

Documentation: Provide product list specifying product to be installed. Highlight in specifications.

### 4-b. Low-VOC materials

Standard: Use certified Low-VOC materials such as paints, primers, sealants, and adhesives. Green Seal is an excellent resource.

Intent: Provide living spaces that enhance resident health and comfort by reducing or eliminating toxic materials and increasing air quality.

Documentation: Provide product list and description of materials and location of where the materials are to be used. Include VOC levels.

### 4-c. Composite wood free of urea-formaldehyde

Standard: Use composite wood only if free of urea formaldehyde. Particleboard and medium density fiberboard (MDF) shall be certified compliant with ANSI A208.1 and A208.2, respectively.

Intent: Provide living spaces that enhance resident health and comfort by reducing or eliminating toxic materials and increasing air quality.

Documentation: Documentation that the ANSI standards will be met. Evidence that this requirement is part of the specifications for sub-contractor submittals.

#### **4-d. Non-smoking establishment**

Standard: Provide a NON-Smoking establishment, designate an outdoor smoking area at least twenty feet away from all entryways and communal outdoor spaces.

Intent: Provide living spaces that enhance resident health and comfort by reducing or eliminating toxic materials and increasing air quality.

Documentation: Provide an example of a non-smoking policy tenant agreement that will be part of the lease-up process. Also, show where the designated smoking areas will be located on the site plan. This category is not applicable for rehabilitation projects.

### **5. Materials that Benefit the Environment (MBE)**

#### **\*5-a. Construction waste management plan (WMP)**

Standard: Develop and implement a construction waste management plan (WMP), evidence that the contractor is obligated to follow the plan and will communicate to all persons working on the job site.

Intent: Reduce construction waste material going to landfills.

Documentation: Provide Certification that a WMP will be created and implemented. A copy of the plan will be required at carryover.

#### **5-b. Recycled-content materials**

Standard: Ensure that at least 50% of all construction materials have recycled content.

Intent: Use resources efficiently, and reduce the impact of producing new materials.

Documentation: Provide product information in specifications, and provide calculations evidencing the percentage of recycled content materials of overall construction materials by weight. Calculations must be made as follows:<sup>5</sup>

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<sup>5</sup> This calculation is based on the method used in the Enterprise Green Communities Criteria (v.3.0).



- To find the value of recycled content for a given product, multiply the recycled content percentage by weight (post-consumer or post-industrial) by the value of the product.
- Add up the values of recycled content, excluding rebar, for all materials and furnishings.
- Divide this sum by the total value of the materials for the project.

#### **5-c. Certified, salvaged or engineered wood**

Standard: Use at least 25% wood products (measured in dollar value) that are certified according to the Forest Stewardship Council (FSC), salvaged from other buildings, or engineered framing materials.

Intent: Use resources efficiently and responsibly.

Documentation: Provide the following calculation: divide the sum of the dollar value of all certified, salvaged or engineered wood products by the dollar value of all wood products. Evidence of products used in specifications.

#### **5-d. Local or regional materials**

Standard: Use at least 20% of building materials (measured in dollar value) that are manufactured, extracted, or harvested within a 300-mile radius of the project site.

Intent: Reduce embodied energy of materials by reducing transportation costs.

Documentation: Evidence in product specifications of local or regional materials. Documentation from product manufacturer stating where the product is manufactured, harvested or extracted. Provide the following calculation: divide the sum of the dollar value of all local or regional materials by the dollar value of all construction materials.

### **6. Operations and Maintenance (O&M)**

#### **\*6-a. Operations and maintenance plan for use by building-owner**

Standard: Create a building Operations and Maintenance Plan (O&M) for use by owner.

Intent: Ensure proper maintenance of the building.

Documentation: Provide certification from the developer that an O&M Plan will be completed prior to building occupancy. A copy of the plan will be required at final allocation.

**\*6-b. Operations and maintenance plan for use by residents**

Standard: Create an Operations and Maintenance (O&M) Plan for use by residents. Provide orientation of residents upon move-in.

Intent: Explain the intent, benefits, use and maintenance of green building features, and encourage additional green activities such as recycling, gardening and use of healthy cleaning materials.

Documentation: Provide certification from the developer that an O&M Plan will be completed prior to building occupancy. A copy of the plan will be required at final allocation. Also, provide certification from the developer that resident orientation will occur upon each new resident upon move-in.

## ARCHITECT'S CERTIFICATION

I have examined the drawings and specifications dated \_\_\_\_\_ prepared by \_\_\_\_\_ (architect) and related to the development known as \_\_\_\_\_ (project name) located in \_\_\_\_\_ (city, state).

Based upon this examination, to the best of my knowledge and belief, these documents conform to all local, state and federal laws designated as the development standard for the project including, but not limited to, the Fair Housing Laws as they pertain to handicapped accessibility and adaptability, all local health, safety and building codes and those requirements as set forth in the New Mexico Mortgage Finance Authority's Low-Income Housing Tax Credit Qualified Allocation Plan.

Based upon examination of the drawings and specifications, all items in the initial Low-Income Housing Tax Credit application committed to including, but not limited to, [select **Enterprise Green Communities Criteria, Build Green NM, or MFA Green Building Criteria**] as attached hereto as Exhibit A and overall design elements are incorporated. *[Attach Enterprise Green Communities Criteria, Build Green NM, or MFA Green Building Criteria checklist as Exhibit A.]*

\_\_\_\_\_  
Architect

(S E A L)

\_\_\_\_\_  
Date

Based on the foregoing representations by the Architect, the Owner certifies that the development will be constructed in accordance with the requirements set forth above.

\_\_\_\_\_  
Owner

## Special Needs Housing Set-Aside Agreement

**WHEREAS,** the \_\_\_\_\_ [Insert Development Name] development, more particularly described in **Exhibit A**, was awarded Low-Income Housing Tax Credits (LIHTC) assistance from the New Mexico Mortgage Finance Authority (MFA) to construct or rehabilitate \_\_\_\_\_ apartment units in \_\_\_\_\_ [Insert City/County Name], New Mexico; and

**WHEREAS,** the LIHTC property funded committed to reserve \_\_\_\_\_ per cent ( \_\_\_\_\_ %) of the total units to individuals/households that meet the definition of “Special Needs Household” as defined in the State of New Mexico Housing Tax Credit Program 2011 Qualified Allocation Plan (QAP) eligible and

**WHEREAS,** \_\_\_\_\_ [Insert Local Lead Agency Name] provides, coordinates or contracts with agencies that provide direct community-based services in the \_\_\_\_\_ [Insert City/County Name] area to these populations; and

**WHEREAS,** \_\_\_\_\_ [Insert Local Lead Agency Name] seeks to expand and support supportive housing opportunities for homeless or Special Needs Households (SNH) in their communities, and

**WHEREAS,** there are certain terms contained within this Special Needs Housing Set-Aside Agreement (“Agreement”) that are capitalized and if contained in the Glossary attached as **Exhibit B**, shall be defined in the manner set forth in such Glossary, and

**WHEREAS,** the Owner may have special conditions pertaining to their Complex that are unique and such conditions and any requirements of those conditions are contained and set forth in **Exhibit C**,

**NOW, THEREFORE,** \_\_\_\_\_ [Insert Owner Name and any relevant Property Management Company Name] and \_\_\_\_\_ [Insert Local Lead Agency Name] agree to the following roles and responsibilities regarding the \_\_\_\_\_ units of Special Needs Housing within the \_\_\_\_\_ [Insert Complex Name] rental housing property for \_\_\_\_\_ persons served by \_\_\_\_\_ [Insert Local Lead Agency Name].

**Owner**

The Owner shall:

- A. Set-aside \_\_\_\_special needs housing units for persons eligible as described in the QAP and referred by \_\_\_\_\_ [Insert Local Lead Agency name].
- B. Assure that the\_\_\_\_Special Needs Housing units will not be segregated within the property or in any way be distinguishable (beyond, if applicable, the presence of accessible features or assistive technology) from any other unit in the development.
- C. Assure that the \_\_\_\_Special Needs Housing units remain available to eligible members of the Special Needs Household population and that the purposes and provisions of this Agreement are maintained through the Compliance Period as defined in Section 42 of the Internal Revenue Code, as amended and any Extended Use Period.
- D. Assure that arrangements outlined in this Agreement are maintained through the Compliance Period and Extended Use Period for the units reserved for the Special Needs Households.
- E. Provide or made to be provided reasonable accommodations/modifications as required under the provisions of the Fair Housing Act (“FHA”), Section 504 of the Rehabilitation Act of 1973 (“Rehab Act”), the Americans with Disabilities Act )”ADA”) and any other current local or state fair housing laws with which owners are already expected to comply.

**Local Lead Agency**

\_\_\_\_\_ [Insert Local Lead Agency name] shall:

- Pre-screen Special Needs applicants and make best efforts to assure that applicants referred to Owner or Owner designated Property Manager for tenancy in the units reserved for Special Needs Households:
  - Are members of the eligible population as defined herein,
  - Do not have household income in excess of applicable LIHTC limits for the property,
  - Have sufficient income to cover rent and tenant-paid utilities, and
  - Appear able to uphold his or her responsibilities under the lease as participants in this program.

- Refer applicants to Owner or Owner-designated Property Manager for the duration of the Compliance Period and Extended Use Period. \_\_\_\_\_ [Insert Local Lead Agency Name] must provide a standard letter of referral for each household referred to live in a permanent supportive housing unit.
- Work with applicants to obtain and submit to Owner or Property Manager required supporting documentation such as sources of income and birth certificates, and
- Consistently maintain a waiting list for applicants eligible to reside in the units reserved for Special Needs Households so that applicants can be referred according to agreed upon time frames to Owner or Owner-designated Property Manager for vacant permanent supportive housing units, based upon the number of units specified in the application to MFA and LIHTC Land Use Restriction Agreement. If requested by Property Manager, Local Lead Agency shall provide Property Manager with a copy of the waiting list, and updates to the waiting list shall be provided as reasonably requested by Property Manager.
- Assist the referred applicants in the application process, including requesting and negotiating Reasonable Accommodations and Modifications as described in the FHA, the Rehab Act, and the ADA.
- Make supportive services offered by the Local Lead Agency and other collaborating and/or contracted service provider agencies available to tenants of the Special Needs Household units. It is understood and agreed that these supportive services are not the responsibility of the Owner and will be available to Special Needs Households on an as requested basis, and that receipt of these or any other services shall not be a condition to tenancy.
- Facilitate communication with the Owner or Owner designated Property Manager by designating and maintaining, in the event of staff turnover, a named individual as the tenant services liaison on matters related to units reserved for Special Needs Households.

### **Property Manager**

The Owner shall cause the Property Management Company to:

- A. Provide a copy of the tenant selection plan to the Local Lead Agency.
- B. Promptly notify the \_\_\_\_\_ [insert Local Lead Agency], via date and time stamped written or email communication, whenever the Management Company becomes aware that an eligible unit is or is becoming available, including at initial occupancy and vacancy turnover.

- C. Screen all tenants referred by the Local Lead Agency using its established nondiscriminatory screening criteria.
- D. Work with Local Lead Agency to obtain all required supporting documentation from tenants.
- E. Comply with all applicable federal, state and local laws regarding fair housing and nondiscrimination.
- F. Include language on Reasonable Accommodations under the Fair Housing Act and other relevant statutes and regulations on its application for tenancy.
- G. If more than one unit is available, owner shall allow tenant to select between units for which they meet tenant selection plan criteria.
- H. In the event a Special Needs Household from the Local Lead Agency's Special Needs Household housing waiting list does not meet the established criteria, notify the applicant and the Local Lead Agency and entertain requests for Reasonable Accommodations in accordance with State and Federal Fair Housing Law and the provisions of this Agreement. Applicants shall be provided with an opportunity to appeal a rejection to the extent that the Applicant is entitled to that right under the FHA, Rehab Act, or the ADA. The Property Management Company shall not be obligated to provide the Local Lead Agency with any personal information concerning the Applicant if the Applicant does not consent to the release of same.
- I. Referral Process:
  - 1. During the Initial Lease Up period, the Property Manager will notify the Local Lead Agency via date and time stamped written or email communication of special needs household units to become available 30 days in advance of unit availability. The Local Lead Agency will refer one or more Special Needs Households for application within the following established deadline:
    - For developments with a set aside of 4 units or fewer referrals must be made within 7 business days after receipt of written or email notice from the Property Manager.
    - For developments with a set aside of 5 or more units referrals must be made within 14 business days after receipt of written or email notice from the Property Manager.

The Property Manager must accept a *qualified* Special Needs household referred within 30 days of date that notice of unit availability was delivered to the Local Lead Agency, prior to accepting any other applicant for such unit. Managers/Developers who are under tight deadlines to meet

their tax credit deadlines can negotiate with Local Lead Agencies to increase the timeliness of referrals.

2. After the Initial Lease Up period, when a unit reserved for Special Needs Households becomes available, if the Local Lead Agency refers one or more Special Needs Households within a reasonable period not to exceed 7 days after receipt of written notice from the Property Manager of notice of unit availability, the Property Manager must accept or decline such Special Needs Household referrals prior to considering any other applicant(s) for such unit.
3. If the Local Lead Agency is unable to provide a referral within the allotted period, it may exercise its rights to extend the period it has to make preferential referrals for up to 25 additional days. In this case, the Property Manager is compelled to refrain from renting the unit to a “non-Local Lead Agency referred” tenant for an additional period of up to 25 days. However, in this case the Local Lead Agency must offer to compensate the owner for the loss of rental income for a period of up to 25 days. If the unit is rented earlier than 25 days after it is vacated, the Local Lead Agency is only obligated to compensate the owner for the period of time between the end of the last lease and the beginning of the next lease, regardless of whether the Local Lead Agency used the full 25 days to make its referral.
4. Any notice of rejection of a Special Needs Household applicant must be provided in writing to the applicant and to the Local Lead Agency, must provide the reason(s) for rejection in sufficient detail to permit the applicant to understand and respond to the rejection, must provide an opportunity for an informal conference, and must include a statement that if the reason(s) for rejection are related to a disability, a request for Reasonable Accommodation may be presented at or before the informal conference, provided that the Property Manager shall not be obligated to provide the Local Lead Agency with any personal information concerning the Applicant if the Applicant does not consent to the release of same. The determination of whether the accommodation request is reasonable and whether the request will influence the applicant’s eligibility determination is to be made within one week.
5. If there is no Reasonable Accommodation that will improve the applicant’s eligibility determination, and the Local Lead Agency finds that the owner met his obligations to participate in a process to reach a reasonable accommodation, the owner may proceed to consider the other applicants, if any, that were referred by the Local Lead Agency.
6. If all applicants that were referred in the initial referral period (or the 25-day extension exercised by the Local Lead Agency) are declined (and



given their right to a seven-day period to work out a reasonable accommodation) the unit may be rented to any applicant eligible for the unit under tenant selection restrictions imposed by the NMMFA. The next comparable available unit in the property will be made available for referral for an eligible household from the Local Lead Agency's Special Needs Household waiting list. The Property Manager is not required to hold a unit if the Special Needs Household client fails to provide needed information (for example, verification of income) within 10 calendar days. The Property Manager is not obliged to accept a referred applicant unless the applicant is acceptable in accordance with the Property Manager's standard nondiscriminatory resident selection criteria (which must be applied consistently to all applicants for all units in the property).

- J. Facilitate communication with Local Lead Agency by designating and maintaining, in the event of staff turnover, a named individual as the primary contact on matters related to the Special Needs Household units.

### **All Parties**

All parties to this Agreement agree:

- A. That the Local Lead Agency is responsible for communicating as needed with the Owner and Management Company to ensure timely referrals of qualified applicants to available permanent supportive housing units.
- B. That the provisions and the spirit of this agreement notwithstanding, decisions on the admittance and/or retention of tenants according to Fair Housing are the responsibility of the Owner and Property Manager.
- C. That tenant participation in supportive services will not be a condition of tenancy.
- D. That, in the event that disagreements or difficulties arise between the parties to this agreement that they are unable to resolve through open and cooperative dialogue, they will seek assistance in resolving these conflicts through conference with the New Mexico Behavioral Health Collaborative's designated Statewide Entity (SE) responsible for contracting with Local Lead Agencies, and, a representative of NMMFA.
- E. That the terms of the Special Needs Household Agreement for the Complex prepared jointly by the Owner, Property Manager and Local Lead Agency as well as any attachments specified are hereby incorporated by reference.

### **Term**

- A. The initial term of this Agreement is three years.

Revised: November 6, 2009

- B. The Owner (and its successors or assigns) shall accept renewals of this Agreement, if offered by the Local Lead Agency (and its successors or assigns) on substantially the same terms, for a term (or terms) not to exceed the duration of the Compliance Period and Extended Use Period.
- C. Neither expiration nor termination of the Agreement shall relieve the Owner of any of its obligations under leases with Special Needs Households.

**Ability to Assign**

- A. The Local Lead Agency may not assign this Agreement without the prior written consent of the Statewide Entity and the NMMFA, which consent shall not be unreasonably withheld.
- B. The Developer may assign this Agreement and its obligations hereunder to any successor to its business by merger or consolidation or to any party acquiring substantially all of the assets of the Developer's business, provided the assigning party guarantees the performance of and causes the assignee to assume in writing all obligations of the assignor under this Agreement and has received approval from the NMMFA.
- C. The rights and obligations of this Agreement shall bind and benefit any successors or assignees of the parties.

**Default**

- A. Default on the terms of this Agreement by the Owner shall constitute a default under one or more of the Land-Use Restriction Agreements pertaining to this development under the Low Income Housing Tax Credit regulatory agreements.
- B. Both parties are required to notify one another, the NM Mortgage Finance Authority, the Behavioral Health Collaborative and the Behavioral Health Collaborative's designated Statewide Entity responsible for contacting with Local Lead Agencies in the event a default has believed to have occurred.

In Witness Whereof, the parties have executed or caused this Agreement to be executed by their duly authorized representatives as of the date written below.

Owner:

\_\_\_\_\_ [ Owner Contact, Title] \_\_\_\_\_ Date



## Exhibit A

### Property Description

#### General Information

Project Name			
Street Address			
Owner Name			
Owner Address			
Property Manager		Email:	
Contact Phone Number		Fax:	
Local Lead Agency (LLA)			
LLA Contact Phone Number		Fax:	
Tenant Services Liason			

Contact phone

#### Building Information

	Residential Unit Mix:	Total Units	Fully Accessible	Assistive Technology	SNH unit
	0 Bedroom				
	1 Bedroom				
	2 Bedrooms				Floating
	3 Bedrooms				Floating
	4 Bedrooms				
	Total Units				
<b>Total # of SNH units Required</b>					
List Utilities included in rent					
List expected rents of SNH units					
	Income Unit Mix	Total Units	SNH Unit Set-Aside		
	<30 AMI				
	30-40% AMI		Floating		
	40-50% AMI		Floating		
	50-60% AMI		Floating		
	> 60% AMI				
	Market				
	Non-revenue				

Dated: November 12, 2009

**EXHIBIT B**  
**GLOSSARY**

<b>Term</b>	<b>Definition</b>	<b>Source of Definition</b>
<b>Special Needs Households</b>	“Special Needs Households” means households in which an individual or household member is in need of supportive services, tenancy supports, and housing and has a substantial, long term disability, which includes any of the following: (1) Serious Mental Illness; (2) Addictive Disorder (i.e., individuals in treatment and demonstrated recovery from substance abuse disorder); (3) Developmental Disability (e.g., intellectual disability, autism, or other disability acquired before the age of 22); (4) Physical, sensory, or cognitive disability occurring after the age of 22; 5) Disability caused by effects of chronic illness (e.g., people with HIV/AIDS who are no longer able to work); (6) Age-related Disability (e.g., frail elderly, or, young adults with other special needs who have been in the foster care or juvenile services system), or, 7) households/individuals who are homeless.	2011 NMMFA QAP
<b>Reserved</b>	Refers to units that may not be rented to non-Special Needs Households unless the owner demonstrates a subsequent change in the level of demand for such units and a good faith effort to obtain the originally targeted number of units reserved for Special Needs Households. Any such change in reserve characteristics must be approved in advance by NMMFA	2011 NMMFA QAP
<b>Owner</b>	Owner of the rental housing development located in New Mexico that has been awarded Low Income Housing Tax Credits through the New Mexico Mortgage Finance Authority	

<p><b>Local Lead Agency (LLA)</b></p>	<p>Organizations selected by the New Mexico Behavioral Health Collaborative “through its single statewide entity” to be responsible for supportive services including acting as referral agents for community services, providing and coordinating services provided by local service providers and/or specific target populations. The LLA will enter into a formal agreement to provide tenant pre-screening, tenant referrals to the property manager, and social service coordination as well as serving as the Tenant Services Liaison. The LLA will remain in place for the length of the compliance and extended use period</p>	<p>2011 NMMFA QAP</p>
<p><b>Property Manager</b></p>	<p>A Property manager is a person or firm contractually charged with operating a real estate property. Operating responsibilities typically include finding and working with tenants and overseeing maintenance of the property.</p>	<p>Modified definition from Wikipedia</p>
<p><b>Qualified Allocation Plan (QAP)</b></p>	<p>Qualified Allocation Plan shall mean the Qualified Allocation Plan, which was adopted by Board Action on October 20, 2010 and made effective as of January 1, 2010, and which was approved by the Governor of the State of New Mexico pursuant to Section 42(m)(1)(B) of the Code and sets forth the Project Selection Criteria and the preferences for Projects which will receive Tax Credits.</p>	<p>2011 NMMFA QAP</p>
<p><b>Compliance Period</b></p>	<p>Refers, with respect to any building that is included in a Tax Credit Project, a minimum period of 15 years beginning on the first day of the first taxable year of the Tax Credit period with respect thereto in which a Tax Credit Project shall continue to maintain the Low Income Units as Low Income Units pursuant to the Applicant’s Set Aside Election in the Application, pursuant to Section 42 of the Code</p>	<p>2011 NMMFA QAP</p>

<b>Extended Use Period</b>	<b>“Extended Use Period”</b> means, with respect to any building that is included in a Tax Credit Project, the period that begins on the first day of the Compliance Period and ends on the later of (i) the ending date of the term specified by the Applicant in the Initial Application Package and recorded in the Land Use Restriction Agreement or (ii) the date that is the fifteenth anniversary of the last day of the Compliance Period, unless earlier terminated as provided in Section 42(h)(6) of the Code or more stringent requirements of the HCA as reflected in the LURA.	2011 NMMFA QAP
<b>Applicant</b>	A Special Needs Household referred by the LLA to the Owner or Property Manager when units are made available.	TAC Developed
<b>Reasonable Accommodations</b>	The Fair Housing Act, section 504 of the rehabilitation act of 1973, and the Americans with Disabilities Act each require housing providers to reasonable adjust their rules, policies, practices and procedures for people with disabilities if that is necessary to enable them to have an equal opportunity to use and enjoy facilities or programs.	Adapted from the various fair housing regulations
<b>Reasonable Modification</b>	Under fair housing law, a reasonable modification is physical modification to the premises that the Owner must allow a person with a disability to make — at their own expense —if needed to fully use and enjoy the housing unit.	
<b>Complex</b>	The development for which tax credits have been awarded and within which the PSH units have been set aside.	
<b>Set Aside</b>	Refers to all or a portion of a Project’s Units that are Rent Restricted and/or limited to use by a specified tenant income category , or in the case of this agreement, by special needs tenant group. Set Asides will be described in the Land Use Restriction Agreement	2011 NMMFA QAP
<b>Fair Housing Act (FHA)</b>	Section 504 of the Rehabilitation Act of 1973.	
<b>Americans with Disabilities Act (ADA)</b>	The <b>Americans with Disabilities Act of 1990</b> (ADA) is the short title of United States (Pub.L. 101-336, 104 Stat. 327, enacted July 26, 1990), codified at 42 U.S.C. § 12101 et seq. It was	Wikipedia

	signed into law on July 26, 1990, by President George H. W. Bush, and later amended with changes effective January 1, 2009. <sup>1</sup> The ADA is a wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability	
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## **"SPECIAL NEEDS" USE CERTIFICATION - INITIAL**

I have read and understand to the definition of "Special Needs Household" and "Local Lead Agencies (LLAs)" as defined in the 2011 Qualified Allocation Plan.

By signing this certification, \_\_\_\_\_ (Project) commits to reserve units for Special Needs Households.

**25% of the Units Set-Aside (20 points)**

**5% of the Units Set-Aside (5 points)**

"Reserved" will mean that the units may not be rented to other households unless the unit has been marketed for 30 days and no qualified households have been referred by the Local Lead Agency (LLA).

LLA(s) will be identified for the geographic area for the Project and the Project commits to having a signed agreement at Carryover Allocation for the Project. **Failure to sign this agreement may result in a cancellation of the tax credit reservation.** If no LLA has been identified, the Project commits to signing an agreement as soon as an LLA is identified.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Project

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Title