

DEFINITIONS

For the purposes of the Plan, the Fund has defined the following capitalized terms:

- **Adjusted Basis** – the cost basis of a building adjusted for capital improvements minus depreciation allowable
- **Allocation Certification** – IRS Form 8609
- **Applicant or Ownership Entity or Owner** – the Credit applicant which will own the LIHTCP property (e.g. ABC Apartments Limited Partnership is the Ownership Entity of ABC Apartments)
- **Certified Historic Structure** – a structure which is individually listed on the National Register of Historic Places, or a structure that has been determined by the National Park Service to be a “certified historic structure” as evidenced by a fully completed Historic Preservation Certification Application Part 1 – Evaluation of Significance form (currently, U.S. Department of the Interior, National Park Service Form 10-168)
- **the Chief Executive Officer of the Local Jurisdiction** – normally the mayor if the property is located within the boundaries of a municipality or the President of the County Commission if it is not
- **the Code** – the Internal Revenue Code of 1986, as amended
- **Concerted Community Revitalization Plan or CRP** – a formal plan which
 - is geographically specific and provides a clear direction for implementation,
 - includes a strategy for obtaining commitments of public and private investment in non-housing infrastructure, amenities, or services beyond the proposed property,
 - demonstrates the need for revitalization,
 - includes planning document elements such as setting goals for outcomes, identifying barriers to implementation, establishing timelines and benchmarks, and identifying community partners, and
 - includes multiple aspects of revitalizing a community which may include, but are not limited to, the following: a description of the geographic scope of the community; existing and/or future land uses; neighborhoods; natural resources; vacant land; historic resources; population and households; housing; transportation; public facilities; infrastructure; economic development; an assessment of the current condition of the community; a description of the plans for overcoming the community’s problems; and a description of the resources that are being devoted to the revitalization effort

A document will not be considered a CRP (a) unless it was initially approved at least six months prior to the date of the submission of the property’s Reservation Request

or an approved CRP's development began at least six months prior to the date of the submission of the property's Reservation Request or (b) if the Fund determines, in its sole discretion, that the document is a "single property" narrowly focused document, or that the document was approved solely for the awarding of such points.

- **Compliance Period** (also referred to as the initial 15-year Compliance Period) – the period of 15 taxable years beginning with the 1st taxable year of the Credit Period
- **Credit Period** – the period of 10 taxable years beginning with (1) the taxable year in which a building is placed in service, or (2) at the election of the Owner, the succeeding taxable year
- **Credit(s)** – Low-Income Housing Tax Credit(s)
- **Eligible Basis** – a component of the Qualified Basis of an LIHTCP property. It is generally equal to Adjusted Basis of the building, excluding land but including amenities and common areas.
- **ESOP (employee stock ownership plan)** – a Code Subsection 401(a) qualified defined contribution plan that is a stock bonus plan or a stock bonus/money purchase plan. An ESOP must be designed to invest primarily in qualifying employer securities as defined by Code Subsection 4975(e)(8) and meet certain requirements of the Code and regulations.
- **Existing Housing** – a property which is comprised solely of currently inhabited residential rental units, whether low-income (tenants with annual incomes at or below 80 percent of the area median gross income) or market rate
- **Existing Low-Income Housing** – a property which is comprised of currently inhabited low-income (tenants with annual incomes at or below 80 percent of the area median gross income) residential rental units
- **Extended Use Period** – the period beginning on the first day in the Compliance Period and ending on the later of (1) the date set forth in the Regulatory and Restrictive Covenants for Land Use Agreement (WVHDF LIHTCP-7 or LIHTCP-8), or (2) the date which is 15 years after the close of the Compliance Period
- **the Fund** – the West Virginia Housing Development Fund
- **General Partner** – general partner of a limited partnership Owner

References to General Partner also reference managing member and member owners of a limited liability company Owner.

- **Historic-Eligible Structure** – a Certified Historic Structure or an architectural resource in a property whose State Historic Preservation Office Section 106 Response letter indicates one or more of the following:
 - the property is planning to utilize Historic Rehabilitation Tax Credits in the redevelopment of the architectural resource.
 - the architectural resource is eligible for the National Register of Historic Places.
 - the architectural resource is a contributing resource to an historic district.
 - the architectural resource is a potentially contributing resource to an historic district
- **HOME Program** – HOME Investment Partnerships Program
- **HUD** – U.S. Department of Housing and Urban Development
- **Interior Unit Square Footage** – the unit gross area including
 - the full thickness of exterior walls enclosing a unit;
 - the full thickness of walls between a unit and adjacent common areas; and
 - half the thickness of demising/party walls between a unit and adjacent units
- **IRS** – Internal Revenue Service
- **Landscaping** – consists of the installation of topsoil, soil treatments (fertilizer), seed, sod, straw (if seeding is used), shrubs, trees, mulch, and/or flower beds
- **Light Emitting Diode (“LED”) Light Fixture** – a light fixture in which LED lamps or LED bulbs are installed
- **LIHTCP** – Low-Income Housing Tax Credit Program
- **Long-Term Lease** – a land lease of no less than 30 years, in which (1) the lessor agrees to be a party to the Regulatory and Restrictive Covenants for Land Use Agreement (the “Restrictive Covenants”), (2) the lease terms provide that the Restrictive Covenants survive termination of the lease, and (3) the lease terms contain any other provisions required by the Fund
- **the Manual** – the current Tax Credit Manual
- **Masonry Veneer** – brick, split-faced concrete masonry units with a minimum thickness of 3-5/8”, stone, or another Fund-approved masonry building product, but does not include faux brick veneer
- **New Supply** – a property which will directly result in a direct increase of the stock of low-income residential rental units
- **Non-Profit** – any nongovernmental agency or entity that currently has (1) an effective ruling letter from the IRS, granting tax exemption under Subsections

501(c), (d), or (e) of the Code, or (2) satisfactory evidence from the applicable state that the organization or entity is organized under its state of organization and qualified to do business in the applicable state as a non-profit organization

- **Ownership Entity or Owner or Applicant** – the Credit applicant which will own the LIHTCP property (e.g. ABC Apartments Limited Partnership is the Ownership Entity of ABC Apartments)
- **Partnership Agreement** – agreement of limited partnership of a limited partnership Owner

References to Partnership Agreement also reference operating agreement of a limited liability company Owner.

- **the Plan** – the current Allocation Plan
- **Principal** – any person who owns an interest in a for-profit entity; the directors, managing directors, and officers of an entity which is wholly ESOP-owned; the trustees of a Trust; and the Executive Director and Deputy Director; President and Vice-President; or Chair and Vice-Chair (or comparable officers) of a non-profit organization. The Fund does not define a Secretary or Treasurer or Board Member as a principal of a non-profit organization.
- **Program Calendar** – Exhibit A to the Manual which contains various deadlines related to the State’s LIHTCP
- **Property Architect** – the architect of record whose seal is stamped on the property plans and specifications
- **Property Contractor** – the person who holds the contractor’s license or the contractor’s authorized representative who is responsible for oversight of the construction or rehabilitation of the property
- **Qualified Basis** – the base that is multiplied by the credit percentage to determine the annual Credit. The Qualified Basis equals the applicable fraction times the Eligible Basis.
- **Reachable Green Space** – an area or areas of grass, Landscaping, or other vegetation which (post-construction) will be reasonably reachable by the tenants of the property (e.g., green space at the bottom of an unusable (slope of 20% or greater) hill, which cannot be accessed by any other reasonable route, will not count as green space). It does not include buildings, porches, sidewalks, curbs, or parking areas, etc. The Fund also considers playgrounds and other outdoor community/activity space amenities as green space.

- **RAD** – Rental Assistance Demonstration Program administered by HUD that allows public housing authorities and owners of other HUD-assisted properties to convert (public housing or other assisted) units from their original sources of HUD financing to project-based Section 8 contracts
- **Reservation Request** – the initial complete application stage for any property applying for Credits, preceded only by pre-registration
- **RD** – United States Department of Agriculture Office of Rural Development
- **Scattered Site Property** – a property which includes non-contiguous parcels which (post-construction) will contain residential rental units (See the description of a permissible Scattered Site Property in the Allocation Policies, Definition of “Property” section of the Manual.)
- **Selection Decision Letter** – letter sent from the Fund notifying an Applicant (1) the property has been selected to receive Credits or (2) the property has not been selected to receive Credits, but may choose to be wait-listed
- **State** – State of West Virginia
- **SHPO** – State Historic Preservation Office
- **State Housing Credit Ceiling** – the aggregate housing credit dollar amount which the Fund may allocate in a given year
- **Tax-Exempt Bond Financed Property** – a property which does not require a Credit allocation from the State Housing Credit Ceiling due to 50 percent or more of the property’s aggregate basis being financed by tax-exempt bonds which are subject to the State’s bond volume cap
- **Total Permanent Financing** – (This definition only as applies to the Type of Financing, RD or HUD Financing or Guarantee/**Insurance** scoring criterion and the Type of Financing, Favorable Financing scoring criterion) the total of all sources of funds listed in the Sources of Funds – Permanent Financing section on page 8 of WVHDF Form 1040 with the exception of deferred developer fee, existing replacement reserves, federal historic tax credit equity, state historic tax credit equity, General Partner equity, and low-income housing tax credit equity
- **Trust** – an arrangement whereby a person (a trustee) holds property as its nominal owner for the good of one or more beneficiaries

INTRODUCTION

The LIHTCP is authorized by Section 42 of the Code. Under Subsection 42(m), each housing credit agency is required to develop and adopt a “qualified allocation plan”

pursuant to which properties are selected for allocations of Credits. The Fund, as the housing credit agency for the State, is responsible for administering the LIHTCP and for developing and adopting the Plan for the State. The Governor must approve the Plan after the Plan has been subjected to public comment, including through a public hearing.

Note: The word “property” is generally used in the Plan as “project” is used in the Code.

According to Subsection 42(m)(1)(A) of the Code, the housing credit dollar amount with respect to any building shall be zero unless:

- such amount was allocated pursuant to a qualified allocation plan of the housing credit agency (the Fund), which is approved by the governmental unit of which the housing credit agency is a part (the State),
- the housing credit agency notifies the Chief Executive Officer of the Local Jurisdiction within which the building is located and provides that individual a reasonable opportunity to comment on the property,
- a comprehensive market study of the housing needs of low-income individuals in the area to be served by the property is conducted before the Credit allocation is made and at the developer’s expense by a disinterested party who is approved by the housing credit agency, and
- a written explanation is available to the general public for any allocation of a housing credit dollar amount that is not made in accordance with established priorities and selection criteria of the housing credit agency.

A “qualified allocation plan” is defined in Subsection 42(m)(1)(B) of the Code as a plan which:

1. sets forth selection criteria to be used to determine housing priorities of the housing credit agency which are appropriate to local conditions. Subsection 42(m)(1)(C) of the Code requires the following selection criteria to be included in the Plan:
 - a. property location,
 - b. housing needs characteristics,
 - c. property characteristics, including whether the property includes the use of existing housing as part of a community revitalization plan,
 - d. sponsor characteristics,
 - e. tenant populations with special housing needs,
 - f. public housing waiting lists,

- g. tenant populations of individuals with children,
 - h. properties intended for eventual tenant ownership,
 - i. energy efficiency of the property, and
 - j. the historic nature of the property;
2. also gives preference in allocating housing credit dollar amounts among selected properties to:
 - a. properties serving the lowest income tenants,
 - b. properties obligated to serve qualified tenants for the longest periods, and
 - c. properties which are located in qualified census tracts (as defined in Subsection 42(d)(5)(B)(ii) of the Code) and the development of which contributes to a concerted community revitalization plan; and
 3. provides a procedure that the housing credit agency (or an agent or other private contractor of such agency) will follow in monitoring for noncompliance with the provisions of Section 42 of the Code, in notifying the IRS of such noncompliance which the housing credit agency becomes aware of and in monitoring for noncompliance with habitability standards through regular site visits.

The provisions and requirements of the housing credit agency's qualified allocation plan must be satisfied by any property requesting any portion of the state's housing credit ceiling. Also, any Tax-Exempt Bond Financed Property must satisfy the provisions and requirements of the Plan, except where noted herein. Such exclusions may involve specific selection or preference criteria and other administrative criteria that are not mandated by Section 42 of the Code.

In addition, the Fund's Executive Director has discretion to waive or to seek the Fund's Board of Directors' approval to waive, particular selection or preference criteria or other criteria contained in the Plan or the Manual that are not mandated by Section 42 of the Code for an individual property.

A written explanation will be available to the general public with respect to any waiver granted or any allocation of a Credit that is not made in accordance with the established priorities and selection criteria contained in the Plan.

The Fund reserves the right to reject any property solely on the basis of the Fund's goal to prudently allocate limited Credit resources. Credits are not guaranteed to any Applicant, regardless of the property ranking or points achieved through the property evaluation process.

The following is not an exhaustive list, but contains possible examples of reasons for property rejection:

- More than one proposed property is included in the same primary market area, and it is determined that the selection of more than one property in the same primary market area would be unsustainable for market purposes. **Note:** Such determination may not result in rejection, but may result in wording added to the Selection Decision Letter which clarifies that such property can only be selected from the waiting list if the following occurs:
 - a selected or wait-listed property in the same market area serving the same tenant population withdraws (for any reason) in the current year; and
 - the wait-listed property becomes the highest-ranking property on the waiting list and sufficient Credits become available in an amount equal to or greater than the amount the wait-listed property requested and/or needed.
- The Fund deems that costs and/or fees in the application to be excessive or unreasonable based upon the specific development characteristics of the property.
- The Fund may determine that a property applying to the Top Off Set-Aside Category does not warrant additional Credit. This determination is more likely to occur for properties that are requesting additional Credit in the year prior to the year the property is to be placed in service, especially if ground has not yet been broken.
- As a result of the Fund’s third-party market study review.
- As a result of the Fund’s designated construction professional’s site suitability review.
- The Fund determines that a Principal of the General Partner or a Principal of the property developer does not fulfill all eligibility requirements as outlined in the Program Participants Eligibility Requirements section of the Plan below.

PUBLIC HEARING AND GOVERNOR’S APPROVAL

In accordance with Subsection 42(m)(1)(A)(i) of the Code, the required public hearing was held on _____, and the Plan was approved by the Governor of the State on _____.

NOTIFICATION AND PERIOD OF COMMENT FOR LOCAL JURISDICTION

Prior to allocating any Credits and in accordance with Subsection 42(m)(1)(A)(ii) of the Code, the Fund will notify the Chief Executive Officer of the Local Jurisdiction within which the buildings in the property are or will be located and will provide the Chief Executive Officer of the Local Jurisdiction 60 calendar days, beginning on the day the notification is dated, to provide comments. The Fund welcomes all comments from the

local jurisdiction. However, the Fund is an equal opportunity housing provider and, therefore, will not consider any comments that object to the property development in violation of the Fair Housing Act or any other applicable federal or state law.

PROGRAM PARTICIPANTS ELIGIBILITY REQUIREMENTS

Any material misrepresentations or failure to disclose with regard to any of the following eligibility requirements is grounds for rejection of an application and possible prohibition of future applications.

Program Participants Eligibility Requirements Certification and Exhibits

The Fund will not select or allocate Credits to any property whose developer and/or General Partner includes any individual who:

- is a convicted felon;
- appears on HUD's Excluded Parties List;
- has past due outstanding LIHTCP compliance monitoring fees owed to the Fund;
- [the following requirements are applicable to any individual who has not participated as a Principal of a General Partner or Principal of a developer of a property which has received final Allocation Certifications for any LIHTCP property located in the State]:
 - does not have at least three years of housing experience (as a developer of residential housing, or as an owner of residential rental housing, or any combination of both encompassing a 36-month period in the aggregate) – evidenced by a resume, in the form prescribed by the Fund (Exhibit 2 to WVHDF Form LIHTCP-G), of such experience, including beginning and ending dates; ~~or~~
 - has issues of non-compliance in any state that have been reported to the IRS as continuing to be unresolved after the end of the correction period, and continue to be unresolved as of the date a property's Reservation Request is submitted to the Fund and as of the date of issuance of such property's Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B) (or for a Tax-Exempt Bond Financed Property, as of the date of the Fund's issuance of the property's Subsection 42(m) letter.); or
- has issues of non-compliance in the State that have been reported to the IRS as continuing to be unresolved after the end of the correction period, **and** continue to be unresolved as of the date a property's Reservation Request is submitted to the Fund and as of the date of issuance of such property's Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B) (or for a Tax-Exempt Bond

Financed Property, as of the date of the Fund's issuance of the property's Subsection 42(m) letter.)

The following persons must complete, sign, and submit a Program Participants Eligibility Requirements Certification (WVHDF Form LIHTCP-G) verifying the eligibility items listed above:

- Each Principal of the **property developer** (directly or through a sub-entity); **and**
- Each Principal of the **General Partner of the Ownership Entity** (directly or through a sub-entity).

The WVHDF Form LIHTCP-G must be dated **not more than 10 calendar days prior** to the submission of the property's Reservation Request.

In addition to the WVHDF Form LIHTCP-G, if the Principal owns any LIHTCP property outside of the State which is in the initial 15-year Compliance Period, and such individual has not participated as a Principal of a General Partner or Principal of a developer of a property which has received final Allocation Certifications for any LIHTCP property located in the State, an LIHTCP Compliance Certification (Exhibit 1 to WVHDF Form LIHTCP-G) for each applicable state must be signed by an authorized representative of the applicable housing credit agency and submitted to the Fund.

Exhibit 1 to WVHDF Form LIHTCP-G must be dated **not more than 30 calendar days prior** to the submission of the property's Reservation Request.

If the applicable housing credit agency refuses, in writing, to execute the required Exhibit 1 to WVHDF Form LIHTCP-G, the Fund may consider accepting alternate housing credit agency-generated compliance monitoring records. In order for the Fund to consider such compliance monitoring records, the housing credit agency refusal letter and the alternate compliance monitoring records must be submitted with the application.

In addition to the WVHDF Form LIHTCP-G and Exhibit 1 to WVHDF Form LIHTCP-G, if the Principal has not received final Allocation Certifications for any LIHTCP property located in the State, a Resume of Housing Experience (Exhibit 2 to WVHDF Form LIHTCP-G) must be submitted to the Fund.

Minimum Credit Score and Fiscal Soundness

The Fund will not select or allocate Credits to any property whose for-profit General Partner (including for-profit sub-entities) includes any Principal who has a credit score (Experian) below 620. Note: A credit report will not be required for the Principals of non-profit organizations. In order for the Fund to request and obtain a copy of such person's credit report, each Principal of a **for-profit General Partner**

of the Ownership Entity (directly or through a sub-entity) must complete, sign, and submit a Credit Check Authorization and Release Form (WVHDF Form LIHTCP-I).

The Fund will not select or allocate Credits to any property whose non-profit General Partner (including non-profit sub-entities) is unable to evidence fiscal soundness. In order for the Fund to determine fiscal soundness, the Applicant must submit the non-profit organization's three most recent years of audited financial statements. The Fund considers the "three most recent years" to mean for 2021 applications, the 2018, 2019, and 2020 audited financial statements, and for 2022 applications, the 2019, 2020, and 2021 audited financial statements. If audited financial statements are unavailable for the most recent year~~any or all of the three most recent years~~, the Applicant must submit accountant reviewed, accountant compiled, or entity-prepared financial statements for ~~that any years which are unavailable.~~ If audited financial statements are not available for any of the three most recent years, the Fund may consider accepting other financial statements on a case-by-case basis.

Other Eligibility Requirements

The Fund reserves the right to reject an application if one or more additional factors contrary to the Fund's goal to prudently allocate limited Credit resources applies to ~~any Principal of~~ the General Partner, property developer, consultant, construction contractor, syndicator and/or management company, or any Principal thereof. Such additional factors include, but are not limited to, the following:

- Delinquencies of 30 calendar days on two or more occasions during the previous 12 months, or delinquencies of 60 calendar days on one or more occasion(s) during the previous 12 months on any Fund loan;
- Uncured default on any Fund loan;
- Foreclosure within the past 10 years on any Fund loan;
- Unresolved material audit findings, particularly related to funds management or compliance with federal program requirements, during the most recent three-year period;
- Adverse public filings and/or criminal record;
- The submission of any false, misleading, or untrue statements, documents, or other information to the Fund in connection with any Fund program; or
- Failure to produce a property after receiving an award under any Fund program and/or a history of repeated compliance issues.

MINIMUM HOUSING STANDARDS AND SITE SUITABILITY RATINGS

Minimum Housing Standards

At a minimum, in order for a property to be eligible for Credits, the property must be constructed or rehabilitated, as applicable, in compliance with the following:

- the 2010 Standards of the Americans with Disabilities Act of 1990,
- Section 504 of the Rehabilitation Act of 1973,
- the Fair Housing Act of 1968,
- the Architectural Barriers Act of 1968, and the current:
- State Building Code, including the following, and any corresponding successor code:
 - the International Building Code,
 - the International Plumbing Code,
 - the International Mechanical Code,
 - the International Property Maintenance Code,
 - the International Energy Conservation Code,
 - the International Residential Code for One- and Two-Family Dwellings,
 - ANSI A117.1 (Accessible and Usable Buildings and Facilities),
 - the International Fuel Gas Code,
 - the International Existing Building Code, and
 - the National Electric Code (NFPA 70);
- Life Safety Code and the West Virginia State Fire Commission Standards;
- Local building code (if any exists for the jurisdiction within which the buildings in the property are or will be located);
- Local zoning and/or land use regulations or restrictions, if any;
- Local floodplain ordinance, if any; and
- EPA NPDES Permit and State DEP Water Quality Requirements.

Property Architect Site Suitability Rating

For a property applying to the Top Off Set-Aside Category, resubmission of the Fund form Property Architect Site Suitability Rating (described below) is not required.

The Property Architect must assess and assign a suitability rating (superior, good, average, fair, or poor) to the site for the property. The Fund’s **most-recent** form entitled Property Architect Site Suitability Rating Form must be completed, signed, and dated by the Property Architect, and must be submitted with the property’s Reservation Request. Items listed on the form which must be considered in making this assessment include the following:

- economic opportunities;
- educational facilities;
- neighborhood/community amenities;

- accessibility for transportation;
Note: ingress and egress to and from the property site (post-construction) must be by way of a two-lane road, at a minimum;
- proximity/availability of utility services,
 - water,
 - sewer,
 - gas,
 - electric,
 - telephone,
 - mobile phone cell service,
 - cable/high-speed internet, and
 - refuse disposal;
- proximity to fire hydrants;
- proximity to professional or volunteer fire departments;
- number of planned on-site parking spaces and adequacy of planned on-site parking;
- propriety of building set-back from access roads;
- undesirable location and/or undesirable views;
- proximity to/location within a certified historical district;
- existence of residential tenants living in any form of dwelling (permanent or temporary) or existence of commercial tenants (including storage) on site;
- geographic site features such as,
 - within the 100-year floodplain or other flood issues, (Note: Only in limited circumstances, will flood mitigation be permitted for new construction properties. For all properties which involve new construction which are located within the 100-year floodplain, all new improvements must be at a minimum of two feet above the 100-year floodplain.)
 - high tension wires,
 - within 300 feet of railroad tracks or other potential noise generators such as major highways or airports,
 - cuts and/or fills,
 - rock formations,
 - extensive grade,
 - subsurface rock,
 - drainage,
 - high water table, and
 - other naturally occurring or manmade hazards; and
- any other criteria cited by the Property Architect.

The Property Architect must also assess on the same Fund form any and all green and sustainable features to be incorporated into the new construction or rehabilitation of the buildings and site for the property. Items on the form which must be considered include, but are not limited to, the following:

- Urban infill in economic opportunity areas,

- Habitat protection,
- Wetlands protection,
- Photovoltaics (PV) – e.g. solar power,
- Insulation standards,
- Energy Star products,
- HVAC performance,
- Energy codes,
- Energy Star building certifications,
- Preservation of existing flora,
- Recycled content,
- Water conservation,
- Renewable/re-used materials,
- Construction waste management,
- Storm water management,
- Hazard proximity,
- Environmental assessment issues,
- Hazard abatement,
- Low/No-VOC (Volatile Organic Compounds) materials – e.g. carpet and paint,
- Bins for tenant disposal of recyclable materials – e.g. plastic, paper, and metals,
- Formaldehyde-Free flooring, and
- Formaldehyde-Free ventilation; and
- any other green and sustainable features cited by the Property Architect.

The Fund's Site Suitability Rating

For a property applying to the Top Off Set-Aside Category, the Fund will not re-visit the site for the purpose of assessing and assigning a suitability rating.

One of the Fund's designated construction professionals will visit the site and assess and assign a suitability rating (superior, good, average, fair, or poor) to the site for the property, utilizing the criteria outlined above. Such assessment and assignment of the suitability rating of the site for any property by the Fund's designated construction professional are solely for the Fund's use and shall not be construed to be a representation or warranty to any party of such site's suitability. The Fund does not make any representations or warranties as to the site suitability for any such property. The purposes of the Fund's designated construction professional's site suitability assessment are as follows:

- to visually assess and rate the site as it was on the day of the site visit;
- to identify any concerns or issues with regard to the site, including whether or not the property may be unable to fulfill quality of housing commitments; and
- for properties involving rehabilitation, to identify any issues in the capital needs assessment which should be but are not included in the planned scope of rehabilitation.

The Fund reserves the right to reject any property rated as “poor”, solely on the basis of the Fund’s designated construction professional’s site suitability assessment for any such property. Issues that might cause a site to be rated as “poor” and result in the rejection of such property include, but are not limited to, the following:

- site location with flood issues;
- site conditions which result in construction costs above what is deemed reasonable or a prudent use of the State’s limited Credit resources;
- proximity to railroad tracks, highways, airports, etc., that prohibit the reduction of interior and/or exterior noise to an acceptable level; or
- any other naturally occurring or man-made hazards, posing health or safety risks to tenants.

The Fund’s acceptance of a site is solely for the Fund’s internal use. Applicants, lenders, syndicators, tenants, and any other parties involved in such property are not entitled to and should not rely upon or in any way utilize the Fund’s acceptance of the site as a warranty for any purpose.

SUMMARY OF SELECTION AND PREFERENCE CRITERIA

In order to comply with Subsections 42(m)(1)(B) and (C) of the Code, the Fund has developed a point system to be used in making the property selections for allocations of Credits. Selection and Preference Criteria have been established to provide the framework for the point system. In some of the criteria, more specific characteristics have also been established. An assignment of the total points available for each selection or preference criterion and each specific characteristic is detailed in the Selection and Preference Criteria section of the Plan. A summary of the selection and preference criteria and the total points available is provided below:

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Category of Selection and Preference Criteria	Total Points Available – New Supply	Total Points Available – Existing Low-Income Housing
Property Characteristics (Including Existing Housing as Part of a Community Revitalization Plan)	120	225 <u>235</u>
Ability to Produce a Qualified Low-Income Residential Rental Property	160 <u>165</u>	160 <u>165</u>
Property Location and Housing Needs Characteristics	190 <u>200</u>	95 <u>100</u>
Sponsor Characteristics	10	10
Tenant Populations Targeted for Occupancy	25 <u>20</u>	25 <u>20</u>
Persons on a Public Housing Waiting List	25	25
Properties Committed to Eventual Tenant Ownership	5	5
Historic Nature of the Property	20	20
Preference for Properties Serving the Lowest Income Tenants	50	50
Preference for Properties Obligated to Serving Qualified Tenants for the Longest Periods of Time	150	150
Preference for Community Revitalization Properties Located in Qualified Census Tracts	50 <u>40</u>	50 <u>40</u>
Energy Efficiency and Quality of Housing	195	185 <u>180</u>
TOTAL POINTS AVAILABLE	1000	1000

Note: Due to the bifurcation of the scoring system as shown above, any property involving both Existing Low-Income Housing and New Supply will be scored on a weighted average based upon the number of units. **Due to the additional work required to score such property, a higher processing fee as outlined in the Manual must be submitted to the Fund.**

The Fund has set a minimum point threshold of 500 Selection and Preference Criteria points that must be met by a proposed property in order for such property to be considered any further for LIHTCP eligibility.

SELECTION AND PREFERENCE CRITERIA

Generally, unless otherwise stated, backup documentation which is older than six months from the date the application is submitted will be considered stale and will be unacceptable.

A Summary of Attachments (WVHDF Form LIHTCP-E) should be utilized by Applicants in connection with their preparation and submission of requests.

Property Characteristics (Including Existing Housing as Part of a Concerted Community Revitalization Plan) (Maximum Points Available: 120 for New Supply or ~~225~~235 for Existing Low-Income Housing)

1. Set-Aside Categories

(Maximum Points Available: 50 for New Supply or 30 for Existing Low-Income Housing)

The Fund has determined that Set-Aside Categories should be established to direct the allocation of Credits to properties possessing certain features or characteristics.

In order for a proposed property to be considered any further for LIHTCP selection and eligibility, the property must satisfy the property characteristics and features for one of the four Set-Aside Categories, as identified and described below.

Each property may compete for Credits from only one set-aside category.

The set-aside categories, a description of the features and characteristics for each category, the type and size of property, the number of points awarded, and the percentage of the State Housing Credit Ceiling that is set aside for each category is provided below:

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Set-Aside Category and Description of the Features and Characteristics of the Category	Type and Size of Property	Points Awarded	Percentage of the State's Housing Credit Ceiling
a. Qualified Non-Profit: Category for the exclusive use of a Qualified Non-Profit Organization as defined in this section of the Plan. The Applicant must submit documentation evidencing that it fulfills the definition.	New & ≤ 50 New & > 50 Rehab & ≤ 50 Rehab & > 50 A&R & ≤ 50 A&R & > 50	50 40 30 20 10 0	10.0%
b. Existing Low-Income Housing Preservation: Category for the exclusive use for the preservation of Existing Low-Income Housing. The property will <u>not</u> result in a direct increase of the stock of low-income residential rental units. The Applicant must submit documentation evidencing that it fulfills the definition.	Rehab & ≤ 50 Rehab & > 50 A&R & ≤ 50 A&R & > 50	30 20 10 0	34.5%
c. New Supply: Category for the exclusive use of a newly constructed property, a substantial rehabilitation property, or an acquisition with substantial rehabilitation property, all of which must result in a direct increase of the stock of low-income residential rental units.	New & ≤ 50 New & > 50 Rehab & ≤ 50 Rehab & > 50 A&R & ≤ 50 A&R & > 50	50 40 30 20 10 0	53.0%
d. Top Off: Category for the exclusive use of a 20172019 and/or 20182020 (or 20182020 and/or 20192021) Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B) recipient for additional Credit. In order to qualify for this set-aside category, the Applicant must submit documentation (to the Fund's satisfaction) evidencing the need for additional Credit. Acceptance of any property in this set-aside category is in the Fund's sole discretion.	The same points (0-50) will be awarded as were awarded in the property's Reservation Request which resulted in such property receiving its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B).		2.5%

For "Type and Size of Property" the following definitions apply:

- New = Newly Constructed;
- Rehab = Substantial Rehabilitation, inclusive of adaptive re-use;
- A&R = Acquisition and Substantial Rehabilitation, inclusive of adaptive re-use;
- ≤ 50 = Less than or equal to 50 residential rental units; and
- > 50 = More than 50 residential rental units.

If a property involves both new construction and substantial rehabilitation of existing units, the points above will be awarded on a weighted average basis.

In order to qualify for the **Qualified Non-Profit Set-Aside Category**, the Applicant must submit the following regarding the non-profit entity:

- evidence that the entity is either a 501(c)(3) or 501(c)(4) organization;
- evidence that the entity is exempt from taxes under Subsection 501(a) of the Code (a copy of the IRS determination letter declaring exempt status for the non-profit entity must accompany such non-profit entity's request);
- a certificate of certification from an authorized officer of the non-profit entity stating that such officer knows of nothing that would adversely affect such determination;
- evidence that the entity's exempt purposes include the fostering of low-income housing (a copy of the non-profit entity's Articles of Incorporation, Articles of Organization, or similar organizational documents must accompany such non-profit entity's request);
- a narrative which explains how the entity
 - will own an interest in the property (**directly or through a partnership** (as a General Partner; owning not less than 51% of the General Partner interest));
 - will materially participate (as defined in the passive loss rules, Code Subsection 469(h)) in the development and operation of the property throughout the Compliance Period on a regular, continuous and substantial basis; and
 - is not affiliated with or controlled by a for-profit organization; and
- evidence that the entity has been in existence for at least five years.

In order to qualify for the **Existing Low-Income Housing Preservation Set-Aside Category**, the Applicant must submit a current rent roll which includes, at a minimum, the following unit-level items:

- Number of bedrooms – list must include occupied and vacant units,
- Number in household,
- Household income,
- Tenant paid rent, and
- Utility allowance

Such rent roll must evidence that the property satisfies the features and characteristics of the Existing Low-Income Housing Preservation Set-Aside Category as detailed in the chart above.

Points will be awarded to properties based upon the information provided by the Applicant in the applicable section of page 15 of WVHDF Form 1040.

In order to qualify for the **Top Off Set-Aside Category**, the Applicant must submit an explanation satisfactory to the Fund of the reasoning for the request for additional Credit.

2. Scoring Applicable to Existing Low-Income Housing Properties Only:
Existing Housing in Most Need of and Most Suitable for Rehabilitation (Maximum Points Available: 0 for New Supply or 100 for Existing Low-Income Housing)

For a property applying to the Top Off Set-Aside Category, such property will receive the same points as it did for this scoring criterion in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B).

The Fund's designated construction professionals will visit all pre-registered Existing Low-Income Housing properties. Each property will be categorized using a tiered system to determine which properties are in most need of and most suitable for rehabilitation. The Fund may seek consultation with RD and HUD with regard to this scoring criterion.

Points will be awarded to properties based upon the Fund's categorization of the Existing Low-Income Housing properties in most need of and most suitable for rehabilitation as follows:

100 points will be awarded to each property which is ~~ranked~~ as a Tier 1 property (in the most need of and most suitable for rehabilitation).

75 points will be awarded to each property which is ~~ranked~~ as a Tier 2 property.

50 points will be awarded to each property which is ~~ranked~~ as a Tier 3 property.

Properties which are determined to be below a Tier 3 ~~ranking~~ will receive zero points, and it is recommended that such properties not be submitted for consideration.

For this criterion, a Scattered Site Property will be scored on a weighted average based upon the number of units.

Instances when the Fund may consider a property not suitable for rehabilitation may include, but are not limited to, the following:

- When the rehabilitation costs to make the property into decent, safe, and sanitary housing exceeds the cost of replacing it with a newly constructed building.

- When most of the structural components appear severely out of alignment, damaged, substandard, or missing.
- When the overall condition of the structure is unacceptable for purposes of habitation.
- When the current value of the structure, plus rehabilitation costs exceed a level considered economically feasible, given the property's potential for income after rehabilitation, the estimated operating expenses, and the cost of available mortgage financing.

3. Type of Financing (Maximum Points Available: 45 for New Supply or ~~5565~~ for Existing Low-Income Housing)

a. RD or HUD Financing or Guarantee/Insurance (Points Available: 20)

20 points will be awarded to an Applicant that submits documentation evidencing that the property will

- preserve existing RD or HUD low-income residential rental units previously financed or guaranteed/insured through any RD or HUD finance or guarantee/insurance program; or
- provide a new supply of RD or HUD low-income residential rental units financed or guaranteed/insured through any RD or HUD finance or guarantee/insured program.

Eligible RD or HUD finance or guarantee/insurance programs include, but are not limited to, the following:

- Guaranteed Rural Rental Housing Program (RD Section 538),
- Rural Rental Housing Program Financing (RD Section 515),
- HUD Mortgage Insurance (for example, HUD Sections 220, 221(d)(4), 207/223(f), 223 (a)(7), and 231),
- HOME Program, and
- National Housing Trust Fund (“HTF”).

Note: The Fund's HOME Program and HTF financing are utilized to fill financing gaps on properties that, due to inadequate cash flow, have an inability to amortize all hard debt at standard mortgage interest rates required to fund property costs. Further, if there is the ability to amortize all or a portion of the HOME Program or HTF financing, the interest rate is normally zero percent, but no higher than one percent. Therefore, if requesting amortizing HOME Program or HTF financing as a source of funds for a property, the interest rate must be no higher than one percent. The interest rate on any deferred HOME Program or HTF financing would be zero.

The Fund requires that properties which are requesting HOME or HTF funds from the Fund defer 20% of the Developer's Fee. [The required deferred Developer's Fee will be calculated in the same manner as provided in the Allocation Policies, State-Designated Basis Boost section of the Manual. Such calculation is included in the margin of page 8 of WVHDF Form 1040.] If the required deferred Developer's Fee is not included in the permanent financing on page 8 of WVHDF Form 1040, the deferred Developer's Fee will be increased to the required amount and the Fund HOME or HTF will be decreased by the same amount. If such adjustment causes the property's total RD or HUD financing to fall below the required 50% level, the points available will not be awarded to such property.

In order to be awarded the points available,

- The Applicant must submit evidence documenting the use of an eligible RD or HUD financing or guarantee/insurance program. However, backup documentation is not required for the following permanent financing being requested of the Fund: Multi-Family with an RD 538 guarantee, Multi-Family with HUD/FHA insurance, HOME Program, or HTF.
- Such financing or guaranteed/insured financing must equal or exceed 50% of the property's Total Permanent Financing. It is highly recommended that such financing or guaranteed/insured financing be structured at greater than 50% of the property's Total Permanent Financing so that an unexpected property cost increase would not cause such financing or guaranteed/insured financing to fall below the 50% level.

The only two exceptions to the 50% financing threshold are as follows:

- Properties which are awarded points under the scoring criterion Maturing Mortgage with Expiring Project-Based Rental Assistance will be awarded the points available regardless of the percentage of the Total Permanent Financing the RD or HUD financing represents.
 - If the percentage falls below 50% due to changes required by the Fund's post-selection property underwriting.
- b. **Scoring Applicable to Existing Low-Income Housing Properties Only:** Maturing Mortgage with Expiring Project-Based Rental Assistance (Points Available: 0 for New Supply or 10 for Existing Low-Income Housing)

10 points will be awarded to an Applicant that submits documentation evidencing that the property has an RD mortgage which will mature in five years or less (measured from the property's Reservation Request due date) and which, if repaid, will result in the loss of RD Rental Assistance for the property.

OR

10 points will be awarded to an Applicant that submits documentation evidencing that the property has a HUD mortgage (Section 236 or similar) which will mature in five years or less (measured from the property's Reservation Request due date) and which, if repaid, will result in the loss of Section 8 Project-Based Subsidy.

For each of the above, in order to be eligible for the points available the rental assistance must cover at least 25% of the property's total units.

For this criterion, a Scattered Site Property will be scored on a weighted average based upon the number of units.

c. Scoring Applicable to Existing Low-Income Housing Properties Only: Expiring LIHTCP Extended Use Period (Points Available: 0 for New Supply or 10 for Existing Low-Income Housing)

10 points will be awarded to a property that has an Extended Use Period which will expire in two years or less (measured from the property's Reservation Request due date).

OR

5 points will be awarded to a property that has an Extended Use Period which will expire in five years or less (measured from the property's Reservation Request due date).

For this criterion, a Scattered Site Property will be scored on a weighted average based upon the number of units.

d. Favorable Financing (Points Available: 25)

25 points will be awarded to an Applicant that submits documentation evidencing that the property will be financed with **construction** and **permanent** financing as follows:

- The construction financing must have total financing origination fees **including costs for lender legal review and lender inspections** at a percentage or amount which is at or below 1% of the construction loan amount.
- The permanent financing must have:
 - a fixed interest rate which must be at or below the “maximum favorable financing rate” * for the loan term;
 - a loan term that meets or exceeds the Compliance Period; and
 - total financing origination fees **including costs for lender legal review** which is no higher than the greater of \$5,000 or 1% of the permanent loan amount.

- * The “maximum favorable financing rate” will be provided via notice to the mailing list and published on the Fund website no later than the day of the annual Application Workshop.

The Fund reserves the right to modify the terms above for 202022 based upon market conditions. Such modification would be provided via notice to the mailing list and provided on the Fund website no later than the day of the annual Application Workshop.

In order to be awarded the points available,

- Construction Financing: The Applicant must submit either a written conditional financing commitment or letter of intent for the **construction** financing with the same or similar variables as are required under the Permanent Financing scoring criterion as listed in the Ability to Produce a Qualified Low-Income Housing Residential Rental Property subsection of the Plan (note: a loan term of less than 15 years is permitted). **Additionally**, the commitment or letter of intent **must** clearly and specifically provide a list of **all** financing fees (presented as a dollar amount or as a percentage of the construction financing), **including costs for lender legal review and lender inspections**. Such commitment or letter of intent must evidence favorable construction financing as defined above.

Note: a written conditional financing commitment or letter of intent is not required for construction financing being requested of the Fund. In order to request such financing, **the applicable section at the top of page 8 of WVHDF Form 1040 must be appropriately completed.**

- Permanent Financing:
 - The Applicant must submit either a written conditional financing commitment or letter of intent for the **permanent** financing with the same variables as are required under the Permanent Financing scoring criterion as listed in the Ability to Produce a Qualified Low-Income Housing Residential Rental Property subsection of the Plan. **Additionally**, the commitment or letter of intent **must** clearly and specifically provide a list of **all** financing fees (presented as a dollar amount or as a percentage of the ~~construction~~permanent financing), **including costs for lender legal review**.
 - Such commitment or letter of intent must evidence favorable permanent financing as defined above **AND** such favorable permanent financing must be equal to or exceed 50% of the property’s Total Permanent Financing. It is highly recommended that such favorable financing be structured at greater than 50% of the property’s Total Permanent Financing so that an unexpected property cost increase would not cause such favorable financing to fall below the 50% level.

Notes:

- RD Section 515 financing which has interest credit subsidy is considered favorable permanent financing.
- A written conditional financing commitment or letter of intent is not required for permanent financing being requested of the Fund (e.g. Multi-Family with or without an RD 538 or HUD/FHA guarantee/insurance, HOME Program, HTF, etc.). In order to request such financing, the Sources of Funds – **Permanent Financing section of page 8 of WVHDF Form 1040 must be appropriately completed.**

The only exception to the 50% financing threshold referenced above is if the percentage falls below 50% due to changes required by the Fund's post-selection property underwriting.

4. **Scoring Applicable to Existing Low-Income Housing Properties Only:** Existing Housing as Part of a Concerted Community Revitalization Plan (Points Available: 0 for New Supply or 15 for Existing Low-Income Housing)

For a property applying to the Top Off Set-Aside Category, such property will receive the points available if it received the points available in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B). Resubmission of backup documentation is not required.

15 points will be awarded to an Applicant that submits documentation evidencing that the property includes the use of Existing Housing that is **clearly and specifically stated** as part of a CRP that has been **approved** by the **appropriate governing body of the local jurisdiction** within which such "community" is located. The following definitions apply to the following terms for this subsection of the Plan:

- **Clearly and specifically stated** – the existing housing must be located in specified boundaries within the community as evidenced by a geographic scope description of the community and/or map included in the adopted plan or the existing housing must be specifically named in the CRP **AND** the rehabilitation of such housing **fulfills the specified goals** of the CRP (e.g., a goal to rehabilitate and improve existing housing).
- **Fulfills the specific goals** – the rehabilitation of the property fulfills one or more goals listed for the specific area in which the property is located within the community. For example, if the property is located in Neighborhood A, but the goal that the rehabilitation of the property fulfills is a goal for Neighborhood B, the property does not fulfill the specified goals of the CRP.
- **Approved** – the appropriate governing body of the local jurisdiction has taken

an official action to adopt such CRP by ordinance or resolution.

- **Appropriate governing body of the local jurisdiction** – either
 - the city council or comparable governing body of a municipality, or
 - the county commission or comparable governing body of a county, or
 - a specific community development authority (or other similar entity) set up in accordance with State law (e.g., West Virginia Code Chapter 7, Article 12) whose jurisdiction includes the location involved.

In order to be eligible for the points available, the following must be submitted as backup documentation:

- ordinance or resolution evidencing approval of the CRP by the appropriate governing body of the local jurisdiction;
- if applicable, documentation (e.g. ordinance or resolution) evidencing when the process of adoption began for the specific CRP;
- the entire approved CRP, including any and all referenced maps, exhibits, and attachments; and
- if the CRP appears to be out of date, confirmation from the governing body of the local jurisdiction that such CRP is still in full force and effect and has not been superseded by another document or plan.

For this criterion, a Scattered Site Property will be scored on a weighted average based upon the number of units.

Note: It is highly recommended that an Applicant request a review of the CRP during pre-application assistance. ~~Although not required to be awarded points, it is also recommended that the CRP, which is part of the above-referenced backup documentation, be a searchable PDF document and include a page which details CRP pages and sections important to the Fund's review.~~ Items submitted during pre-application assistance review are not considered part of a property's Reservation Request and are not reviewed in conjunction with determining whether a property has met minimum requirements for a particular type of request or for determining whether a property is awarded points for selection and preference criteria. It is the Applicant's responsibility to ensure that all required documentation, whether acceptance or scoring related or any other documents, are uploaded to the property's Procorem WorkCenter.

5. Property-Based Rental Assistance (Maximum Points Available: 25)

For a property applying to the Top Off Set-Aside Category, such property will receive the same points as it did for property-based rental assistance in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B). Resubmission of backup documentation is not required.

15 points will be awarded to an Applicant that submits documentation evidencing that the property has property-based rental assistance (e.g. RD, HUD, or applicable public housing authority) for at least 25% but less than 50% of the residential rental units in the property.

OR

20 points will be awarded to an Applicant that submits documentation evidencing that the property has property-based rental assistance (e.g. RD, HUD, or applicable public housing authority) for at least 50% but less than 75% of the residential rental units in the property.

OR

25 points will be awarded to an Applicant that submits documentation evidencing that the property has property-based rental assistance (e.g. RD, HUD, or applicable public housing authority) for at least 75% of the residential rental units in the property.

For this criterion, a Scattered Site Property will be scored on a weighted average based upon the number of units.

In order to be eligible for the points available for property-based rental assistance, evidence of the property-based rental assistance satisfactory to the Fund must be submitted, and such evidence **must include the number of units covered** by the assistance. The following documentation will generally be considered satisfactory to evidence fulfillment of this criterion:

- For existing property-based subsidy:
 - An unexpired commitment for property-based rental subsidy for the property, **OR**
 - A commitment for property-based subsidy for the property which has surpassed its term, AND evidence from the assistance provider that the commitment is still in full force and effect as of the date the Reservation Request is submitted to the Fund, **OR**
 - For a RAD conversion, a Commitment to Enter into a Housing Assistance Payments (CHAP) letter provided by HUD.

In either case, the commitment and/or letter must be signed by an authorized representative of the assistance provider. If an expiration date is not included in the document, the Fund may verify with the rental subsidy provider to verify that the rental subsidy is still in full force and effect.

Backup documentation which is dated more than six months prior to the property's Reservation Request due date will not be considered stale if such subsidy is still in full force and effect.

- For new HUD property-based subsidy, one of the following:
 - ~~The public housing authority’s administrative plan for the Housing Choice Voucher Program evidencing inclusion of procedures for owner submission of property-based voucher proposals and for the public housing authority’s selection of project based voucher proposals (see 24 CFR § 983.51(a)), AND~~
 - ~~The public housing authority’s notice to HUD pursuant to 24 CFR § 983.6(d), AND~~
 - ~~Evidence, including public notice, that the administrative plan procedures were followed (1) by Request for Project Based Voucher Proposal process (per 24 CFR § 983.51(b)(1)) or (2) by Selection Based Upon Previous Competition (per 24 CFR § 983.51(b)(2)) or (3) in accordance with the new Section 8(e)(13)(N) of the United States Housing Act of 1937 which allows a PHA to attach Project Based Vouchers to a property in which the PHA has an ownership interest or over which the PHA has control, without following a competitive process, but only in cases in which the PHA is engaged in an initiative to improve, develop, or replace a public housing property or site (see HUD Notice PIH 2017-21 (HA) Implementation Guidance: Housing Opportunity Through Modernization Act of 2016 (HOTMA) – Housing Choice Voucher (HCV) and Project Based Voucher (PBV) Provisions), AND One of the following:~~
 - A signed conditional commitment letter from the public housing authority committing to enter into an Agreement to Enter into Housing Assistance Payments Contract (“AHAP Contract”). Such letter must contain conditions such as (1) HUD subsidy layering review completion, and (2) environmental review approval (see 24 CFR § 983.153)

OR

- A fully executed AHAP Contract, including Part I, Part II, and all necessary and required exhibits AND evidence of HUD subsidy layering review completion AND evidence of environmental review approval.

Note: Public housing authorities committing new property-based subsidy through the HUD Request for Project-based voucher Proposals process should refer to CFR Title 24, Subtitle B, Chapter IX, Part 983 for proper procedures.

For new HUD property-based subsidy, rents should be set at 110% of fair market rent or an amount acceptable to the Fund, in its sole discretion.

Ability to Produce a Qualified Low-Income Residential Rental Property
 (Total Maximum Points Available: ~~160165~~)

Points will be awarded to properties that have achieved certain milestones in the development process. The key components and milestones of development are described below.

1. Permanent Financing (Points Available: 25)

25 points will be awarded to an Applicant that submits documentation evidencing that the Ownership Entity has received written conditional permanent financing commitments or letters of intent from all intended sources of permanent financing, including developer-provided financing (deferred Developer's Fee) for all amounts of such permanent financing, except for permanent financing being requested of the Fund (e.g. Multi-Family with or without an RD 538 or HUD/FHA guarantee/insurance, HOME Program, HTF, etc.).

- In order to be eligible for the points available, **for a written conditional permanent financing commitment**, such commitment must
 - be committed to the Ownership Entity or the General Partner on behalf of the Ownership Entity,
 - be signed by the permanent financing source,
 - identify the property by name, description, or location,
 - include the estimated loan amount,
 - include the interest rate,
 - include the loan term (note: a loan term of less than 15 years is not permitted except for in the case of deferred Developer's Fee), and
 - include the amortization term.

In order to be eligible for the points available, with regard to the deferred Developer's Fee, the Applicant must submit a fully completed and executed Fund form entitled Deferred Developer Fee Permanent Financing Commitment.

For a property applying to the Top Off Set-Aside Category, in lieu of a written conditional permanent financing commitment, the Fund will accept a signed promissory note for financing sources which have already been closed.

- In order to be eligible for the points available **for a letter of intent**, such letter must
 - be addressed to the Ownership Entity or the General Partner on behalf of the Ownership Entity,
 - be signed by the permanent financing source,
 - identify the property by name, description or location,
 - include the amount of permanent financing sought (this may be presented in a "not to exceed" amount),
 - include the anticipated interest rate (this may be a "not to exceed" rate),
 - include the loan term (note: a loan term of less than 15 years is not permitted except for in the case of deferred Developer's Fee),
 - include the amortization term, and

- **include the anticipated date of the permanent financing decision.**

Additional requirements for written conditional permanent financing commitments or letters of intent:

- For non-traditional lenders including, but not limited to, Federal Home Loan Bank, public housing authorities, and non-profit entities, such written conditional permanent financing commitment or letter of intent must
 - name the source of such funds and,
 - if applicable, provide a copy of the underlying commitment of such funds to the non-traditional source.

Note: Be certain that the commitment or letter of intent is to the Ownership Entity. Example #1: The Federal Home Loan Bank (“FHLB”) may make a commitment to a member bank, therefore, a commitment from the member bank to the Ownership Entity must also be submitted as part of the backup documentation provided for that source of funds. [A fully executed FHLB Direct Subsidy Agreement would evidence the member bank commitment to the property. However, since such agreement does not include the funding amount, additional separate documentation from the FHLB evidencing the funding amount would need to be submitted.] Example #2: A non-profit General Partner may be awarded funds from an entity. A commitment from the non-profit General Partner to the Ownership Entity must also be submitted as part of the backup documentation. If the Applicant has questions regarding non-traditional sources of funds, it is highly recommended that the Applicant contact the Fund during pre-application assistance.

- If the permanent financing source is in the form of a grant (outright or ratably forgiven), the written conditional permanent financing commitment or letter of intent must expressly state this fact. This will eliminate the requirement to provide an interest rate and loan and amortization terms.

Requirements for RD mortgages or HUD/FHA-insured mortgages and requirements for RD or HUD subsequent rehabilitation loans:

For properties which are assuming an RD mortgage or HUD/FHA-insured mortgage, the Applicant must submit the following which will be considered sufficient for the awarding of points under this criterion with respect to that particular source of permanent financing:

- a letter from RD or HUD which acknowledges the intent of the Applicant to submit a transfer package for the transfer of the physical assets and mortgage loan assumption, and
- an RD-provided or HUD-provided summary of the estimated mortgage amount (e.g. for RD an M1XI screen print).

In addition, if part of such property's financing structure includes an RD or HUD subsequent rehabilitation loan, the Applicant must submit an acknowledgement letter (specifying the estimated loan amount) from RD or HUD which states that the Applicant has submitted an application for such funds to the appropriate governmental agency (RD or HUD) for approval of such loan and that the applicable agency has those funds available. Such acknowledgement letter will be considered sufficient for the awarding of points under this criterion with respect to that particular source of permanent financing.

Regarding HOME Program or HTF financing provided by the Fund, for properties that are unable to fully amortize such financing, during the loan term the Fund will require each year following the repayment of the Property's deferred developer's fee, payments to the Fund in an amount equal to 50% of the Property's net cash flow. This provision does not apply to properties financed with an RD 515 mortgage.

2. Syndication of Investment Interests and Tax Credits (Points Available: 20)

25 points will be awarded to an Applicant that submits documentation evidencing that the Applicant has formally accepted in writing a syndicator's written offer/proposal to perform as the syndicator for the property. Such written offer/proposal must include, at a minimum, the following:

- the annual Credit amount,
- the percentage of Credits syndicated,
- the total equity contribution, and
- the pay-in schedule.

For properties which are pursuing historic tax credits, in order to be eligible for the points available, the syndicator's written offer/proposal must include each of the above variables for the historic tax credit equity (federal and state variables must be listed separately), except for the pay-in schedule which may include total equity from all tax credit sources.

For a property applying to the Top Off Set-Aside Category, in order to be eligible for the points available:

- If a Partnership Agreement has been executed, the Applicant must submit such agreement. If the agreement does not include a section which details payment of equity for at least the additional Credit requested (can be in the form of "upward adjuster" language), a letter including each of the above variables for at least the additional Credit requested must be submitted.
- If an executed Partnership Agreement is not available, the syndicator's written offer/proposal must include each of the above variables for the original Carryover Allocation Certificate (WHVDF LIHTCP-3 or LIHTCP-3B) amount plus at least the additional Credit requested and must be submitted.

3. Developer Experience in the LIHTCP (Points Available: 2025)

For a property applying to the Top Off Set-Aside Category, such property will receive the points available if it received the points available in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B) (based upon the number of properties for which an Allocation Certification was submitted). Resubmission of backup documentation is not required.

Points will be awarded to an Applicant that submits documentation [a copy of **one** of the final (signed by an authorized representative of the appropriate housing credit agency) Allocation Certifications and for properties located outside of the State, the executed Partnership Agreement, or other documentation acceptable to the Fund, defining the property developer for such property] evidencing that the developer or co-developer meeting the requirement below (not on a combined basis) has participated in at least three LIHTCP properties, regardless of the state in which such properties are located, that have been placed in service and received the final Allocation Certifications for all of the buildings and credit types associated with each such property from the applicable housing credit agency.

Points will be awarded on the following basis:

- 25 points will be awarded for participation in eight or more LIHTCP properties; or
- 20 points will be awarded for participation in ~~five~~six or more LIHTCP properties; or
- 15 points will be awarded for participation in four LIHTCP properties; or
- 10 points will be awarded for participation in ~~three~~two LIHTCP properties.

Requirement for receiving points for a co-developer's experience: To be awarded the points available for a co-developer's experience:

- The number of co-developers for the property must be limited to two;
- both co-developers must complete 50% of the work and receive 50% of the compensation, and
- the development agreement must clearly evidence the percentages of work and the percentages of compensation.

4. Developer's and General Partner's Post-2008 Timely Delivery of Units in West Virginia (Maximum Points Available: 20)

For a property applying to the Top Off Set-Aside Category, such property will receive the same points as it did for West Virginia properties only in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B). Resubmission of backup documentation is not required.

A property will be awarded 2 or 1 points for each LIHTCP property where the Principals of the developer and/or the General Partner have placed **all** of the

buildings in such property in service within 18 months of the end of the calendar year in which each such property received its Carryover Allocation Certificates, in the State regardless of the state in which any such property is located. Properties which can be counted for timely-delivery exclude Tax-Exempt Bond Financed Properties and Tax Credit Exchange Program-only properties.

For a property to be considered timely delivered, such property must have received its initial Carryover Allocation Certificate **during 2009 or later**. Additionally, to be eligible for the points available, an Applicant must submit ~~the following:~~

a Developer's and General Partner's Timely Delivery of Units Certification (WVHDF Form LIHTCP-K) which must be signed by the applicable developer(s), applicable General Partner(s), and an authorized representative of the Fund applicable housing credit agency, OR

~~If the applicable housing credit agency refuses, in writing, to execute the WVHDF Form LIHTCP-K,~~

~~a Certification of Involvement (LIHTCP-K2) signed by the applicable developer(s) and applicable General Partner(s) who were involved in the claimed properties AND~~

~~a copy of each and every final (signed by an authorized representative of the appropriate housing credit agency) Allocation Certification for each such property AND~~

~~the housing credit agency refusal letter.~~

Due to the fact that the information does not change, a properly completed WVHDF Form LIHTCP-K which is dated more than six months prior to the property's Reservation Request due date will not be considered stale. However, it is important to remember that only post-2008 properties will be considered for points.

If each developer/co-developer and each General Partner/co-General Partner have timely delivered at least one property (as evidenced by properly completed WVHDF Forms LIHTCP-K ~~and/or LIHTCP-K2~~), then two points will be awarded for each timely-delivered property. Otherwise, one point will be awarded for each timely-delivered property.

Note: a maximum of 10 properties will be considered under this criterion.

5. General Partner Portfolio Occupancy Rate (Points Available: 25)

A property will be awarded 25 points if an Applicant submits documentation [a properly completed and current General Partner Portfolio Occupancy Rate (WVHDF Form LIHTCP-J) and detailed rent rolls (a summary rent roll which only includes property-level information is not acceptable) for each property in the State as of the respective measurement date listed in the Program Calendar] evidencing

that the portfolio of completed West Virginia LIHTCP properties (i.e., property has been placed in service for a year or more before the respective measurement date listed in the Program Calendar) of the General Partner(s) (and underlying Principals) collectively was 93% or more **occupied** as of the respective measurement dates listed in the Program Calendar.

For General Partners who do not yet have a West Virginia LIHTCP property which has been placed in service for a year or more before the respective measurement date (as outlined above), a property will be awarded the points available, if the Applicant submits documentation (as outlined above) evidencing that the portfolio of completed LIHTCP properties of the General Partner(s) collectively was 93% or more occupied as of the respective measurement dates listed in the Program Calendar.

Notes:

- For properties that contain both LIHTCP and market rate units, all units (LIHTCP and market rate) must be included in the computation of the overall occupancy rate.
- The portfolio must include all LIHTCP properties, ~~wherever located~~, **including those in the Extended Use Period beyond the initial 15-year Compliance Period.** The only exceptions are the following:
 - properties which have **not** been placed in service for a year before the respective measurement date listed in the Program Calendar;
 - properties which have been selected to receive a new allocation of Tax Credits and are currently preparing for or undergoing rehabilitation; and
 - units in a lease-purchase property which have been sold can be excluded from the total units for such property.

The Applicant should submit property-specific backup documentation with the Reservation Request evidencing (1) for properties located outside the State, placement in service beyond the measurement date, (2) for properties located outside the State, the awarding of a new allocation of Tax Credits, or (3) that lease-purchase units have been sold, as applicable.

- If it is determined, based upon a review by the Fund, that properties were **inadvertently** left off or units do not appear to be reported correctly on the WVHDF Form LIHTCP-J, the Fund may request that a corrected form and, if applicable, the rent rolls associated with the missing properties, be submitted after the Reservation Request due date.

6. Participation in the Most Recent Fund Application Workshop (Maximum Points Available: ~~3025~~)

A property will be awarded 2012.5 points if an Applicant submits documentation evidencing that **one** of the Principals of **each developer/co-developer** of such property attended **all** sessions of the most recent Fund LIHTCP Application Workshop. Documentation must be in the form of a signed Certificate of Attendance for each such Principal.

IN ADDITION

A property will be awarded 512.5 points for ~~each-an~~ **employee on the payroll of the developer [who is predominantly (more than 50% of the worktime) employed in development] or for an each additional Principal** who attended **all** sessions of the most recent Fund LIHTCP Application Workshop. The Applicant must submit documentation which must be in the form of a signed Certificate of Attendance for ~~each~~ such employee or Principal. Additionally, for points to be awarded for employee attendance the appropriate section of WVHDF Form 1040 must be completed attesting that more than 50% of the named employee's work time is spent in development. ~~A maximum of 10 points is available under this portion of the criterion.~~

The Application Workshop may be held virtually if necessary due to COVID or a similar situation.

7. Pipeline Properties (Points Available: 20)

20 points will be awarded to a property where such property was most recently notified by the Fund as not having been selected to receive an allocation of Credits from the prior year's State Housing Credit Ceiling if the criteria below are met.

In order to be eligible for the points available, no backup documentation is required but the following must be true:

For Existing Housing only:

- The property cannot have changed, and
- there must be continuity in the General Partner of the Ownership Entity. The Fund considers continuity in the General Partner to have been disrupted if 50% or more of the General Partner interest **havehas** changed to an unrelated entity or entities.

For Properties Other Than Existing Housing:

- the property site cannot have changed;
- the unit size (Interior Unit Square Footage) cannot have decreased;
- the composition cannot have changed (i.e. same number of units for each bedroom size (e.g. one-bedroom, two-bedroom); and
- there must be continuity in the General Partner of the Ownership Entity. The Fund considers continuity in the General Partner to have been disrupted if

50% or more of the General Partner interest ~~have~~has changed to an unrelated entity or entities.

Any property described below is not eligible to receive any of the points available for Pipeline Properties:

- Any property that withdrew from the competition **prior to** the date of the Selection Decision Letter;
- Any property that was selected but withdrew after the date of the Selection Decision Letter; or
- Any property that was rejected for any reason by the Fund.

Property Location and Housing Needs Characteristics (Maximum Points Available: ~~190~~200 for New Supply or ~~95~~100 for Existing Low-Income Housing)

Exhibit A to the Plan contains the Statewide and census tract statistics for each property location and housing needs characteristics criterion described in this section with the exception of the Un-Met Housing Need criteria, the School Performance – Grades Based Upon the West Virginia Schools Balanced Scorecard criterion, and the Proximity to Public Transportation criterion. The property location and housing needs characteristics and basis for awarding points utilizing such characteristics are provided below.

A Scattered Site Property involving sites located in differing census tracts, counties, or school districts will be scored on a weighted average based upon the number of units. It is the Applicant's responsibility to submit documentation providing information by site. For example, the WVHDF Form 1040 should list the census tract, elementary school, middle school, and high school for one of the sites, but additional documentation should be provided listing those items for the other site(s).

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1. LIHTCP Unit Production as a Percentage of the Renter-Occupied Housing Units (Maximum Points Available: ~~2030~~ for New Supply or ~~1015~~ for Existing Low-Income Housing)

Sources: LIHTCP Production Summary for 1987 through ~~2018~~~~20~~, and

~~2012~~~~14~~-~~2016~~~~18~~ American Community Survey 5-Year Estimates, File Number DP04: Selected Housing Characteristics, Renter-Occupied Housing Units for the State and Counties.

Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Property Located in a County Where that County's LIHTCP Unit Production as a Percentage of the Renter-Occupied Housing Units is Included in or Falls Between
23	11.5	13.93% and 15.48%
46	23	12.38% and 13.92%
69	34.5	10.83% and 12.37%
812	46	9.28% and 10.82%
1015	57.5	7.74% and 9.27%
1218	69	6.19% and 7.73%
1421	710.5	4.64% and 6.18%
1624	812	3.09% and 4.63%
1827	913.5	1.54% and 3.08%
2030	1015	0.00% and 1.53%

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2. Median Household Income (Maximum Points Available: 20 for New Supply or 10 for Existing Low-Income Housing)

Sources: ~~2012~~2014-201618 American Community Survey 5-Year Estimates, File Number S1903: Median Income in the Past 12 Months (in 201618 Inflation-Adjusted Dollars), Median Household Income for the State and Counties.

Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Property Located in a County Where that County's Median Household Income is Included in or Falls Between
2	1	\$ <u>71,507</u> and \$ <u>76,503</u>
4	2	\$ <u>66,511</u> and \$ <u>71,506</u>
6	3	\$ <u>61,516</u> and \$ <u>66,510</u>
8	4	\$ <u>56,520</u> and \$ <u>61,515</u>
10	5	\$ <u>51,525</u> and \$ <u>56,519</u>
12	6	\$ <u>46,529</u> and \$ <u>51,524</u>
14	7	\$ <u>41,533</u> and \$ <u>46,528</u>
16	8	\$ <u>36,538</u> and \$ <u>41,532</u>
18	9	\$ <u>31,542</u> and \$ <u>36,537</u>
20	10	\$ <u>26,547</u> and \$ <u>31,541</u>

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3. Percentage of Households whose Gross Rent as a Percentage of Household Income is 30% or Greater (Maximum Points Available: 20 for New Supply or 10 for Existing Low-Income Housing)

Sources: ~~2012~~2014-~~2016~~2018 American Community Survey 5-Year Estimates, File Number DP04: Selected Housing Characteristics, Percentage of Households whose Gross Rent as a Percentage of Household Income is 30.0 to 34.9 Percent for the State and Counties, and

~~2012~~2014-~~2016~~2018 American Community Survey 5-Year Estimates, File Number DP04: Selected Housing Characteristics, Percentage of Households whose Gross Rent as a Percentage of Household Income is 35.0 Percent or More for the State and Counties.

Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Property Located in a County Where that County's Percentage of Households whose Gross Rent as a Percentage of Household Income is 30% or Greater is Included in or Falls Between
2	1	<u>24.4%</u> and <u>28.6%</u>
4	2	<u>28.7%</u> and <u>32.9%</u>
6	3	<u>33.0%</u> and <u>37.2%</u>
8	4	<u>37.3%</u> and <u>41.5%</u>
10	5	<u>41.6%</u> and <u>45.9%</u>
12	6	<u>46.0%</u> and <u>50.2%</u>
14	7	<u>50.3%</u> and <u>54.5%</u>
16	8	<u>54.6%</u> and <u>58.8%</u>
18	9	<u>58.9%</u> and <u>63.1%</u>
20	10	<u>63.2%</u> and <u>67.6%</u>

4. Rental Vacancy Rate (Maximum Points Available: 20 for New Supply or 10 for Existing Low-Income Housing)

Sources: ~~2012~~2014-~~2016~~2018 American Community Survey 5-Year Estimates, File Number DP04: Selected Housing Characteristics, Rental Vacancy Rate for the State and Counties.

Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Property Located in a County Where that County's Rental Vacancy Rate is Included in or Falls Between
2	1	<u>18.1%</u> and <u>20.2%</u>
4	2	<u>16.1%</u> and <u>18.0%</u>
6	3	<u>14.1%</u> and <u>16.0%</u>
8	4	<u>12.1%</u> and <u>14.0%</u>
10	5	<u>10.1%</u> and <u>12.0%</u>
12	6	<u>8.0%</u> and <u>10.0%</u>
14	7	<u>6.0%</u> and <u>7.9%</u>
16	8	<u>4.0%</u> and <u>5.9%</u>
18	9	<u>2.0%</u> and <u>3.9%</u>
20	10	<u>0.0%</u> and <u>1.9%</u>

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5. Un-Met Housing Need

- a. **For properties which have an occupancy type* of family:** Family Potential Un-Met Housing Need (Maximum Points Available: 20 for New Supply or 10 for Existing Low-Income Housing)

~~Sources: [West Virginia Statewide Housing Needs Assessment for the State of West Virginia \(September 2019\)](#), [Family \(Under Age 55\) Potential “Un-Met” Housing Need — 2014: Tax Credit \(41% – 60% AMHI\) Figure 6-24 – Units of Unmet Need for General Occupancy Renters, 2019, Units of Unmet Need – 0-60% AMI.](#)~~

~~[Housing Needs Assessment County Profiles for the State of West Virginia \(September 2019\), Figure 14 – Unmet Need and Units of Unmet Need by Type and Tenure, Unmet Need Percentage – 0-60% AMI – Renters General Occupancy.](#)~~

~~Note: If an updated Statewide Housing Needs Assessment becomes available prior to the 2020 application rounds, the Fund will provide an update on the Fund website (www.wvhdf.com), will email information to the Fund LIHTCP mailing list, and provide an updated WVHDF Form 1040 which will adjust scoring based upon the updated assessment. This may include changing the scoring criterion from county based to census tract based.~~

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Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Family-Targeted Property Located in a County Where that County's Rank of Family Potential Un-Met Housing Need is Included in or Falls Between
1	0.5	51 and 55
2	1	46 and 50
3	1.5	41 and 45
4	2	36 and 40
5	2.5	31 and 35
6	3	26 and 30
7	3.5	21 and 25
8	4	16 and 20
10	5	11 and 15
15	7.5	6 and 10
20	10	1 and 5

* Occupancy type is defined in the market study ~~and in the Property Description section of the WVHDF Form 1040.~~

OR

- b. **For properties which have an occupancy type* of elderly:** Senior Potential Un-Met Housing Need (Maximum Points Available: 20 for New Supply or 10 for Existing Low-Income Housing)

Sources: ~~West Virginia Statewide Housing Need Assessment for the State of West Virginia (September 2019), Senior (55+) Potential "Un-Met" Housing Need – 2014: Tax Credit (41% – 60% AMHI) Figure 6-25 – Units of Unmet Need for Elderly Renters, 2019, Units of Unmet Need – 0-60% AMI.~~

~~Housing Needs Assessment County Profiles for the State of West Virginia (September 2019), Figure 14 – Unmet Need and Units of Unmet Need by Type and Tenure, Unmet Need Percentage – 0-60% AMI – Renters Elderly.~~

~~Note: If an updated Statewide Housing Needs Assessment becomes available prior to the 2020 application rounds, the Fund will provide an update on the Fund website (www.wvhdf.com), will email information to the Fund LIHTCP~~

~~mailing list, and provide an updated WVHDF Form 1040 which will adjust scoring based upon the updated assessment. This may include changing the scoring criterion from county based to census tract based.~~

Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Senior-Targeted Property Located in a County Where that County's Rank of Senior Potential Un-Met Housing Need is Included in or Falls Between
1	0.5	51 and 55
2	1	46 and 50
3	1.5	41 and 45
4	2	36 and 40
5	2.5	31 and 35
6	3	26 and 30
7	3.5	21 and 25
8	4	16 and 20
10	5	11 and 15
15	7.5	6 and 10
20	10	1 and 5

Note: For properties which have an occupancy type* of family and elderly, the points awarded to such properties will be an average of the points from section a and section b above.

* Occupancy type is defined in the market study ~~and in the Property Description section of the WVHDF Form 1040.~~

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6. High-Opportunity Location (Maximum Points Available: 90 for New Supply or 45 for Existing Low-Income Housing)
 - a. General Housing Stability – Owner-Occupied Units as a Percentage of Total Occupied Housing Units (Maximum Points Available: 10 for New Supply or 5 for Existing Low-Income Housing)

Sources: ~~2012~~2014-201618 American Community Survey 5-Year Estimates, File Number DP04: Selected Housing Characteristics, Owner-Occupied Housing Units as a Percentage of Total Occupied Housing Units for the State and Census Tracts.

Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Property Located in a Census Tract Where that Census Tract’s Owner-Occupied Units as a Percentage of Total Occupied Housing Units is Included in or Falls Between
1	0.5	<u>2.5%</u> and <u>11.5%</u>
2	1	<u>11.6%</u> and <u>20.7%</u>
3	1.5	<u>20.8%</u> and <u>29.9%</u>
4	2	<u>30.0%</u> and <u>39.1%</u>
5	2.5	<u>39.2%</u> and <u>48.3%</u>
6	3	<u>48.4%</u> and <u>57.5%</u>
7	3.5	<u>57.6%</u> and <u>66.7%</u>
8	4	<u>66.8%</u> and <u>75.9%</u>
9	4.5	<u>76.0%</u> and <u>85.1%</u>
10	5	<u>85.2%</u> and <u>94.4%</u>

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- b. General Housing Stability – Percentage of Households whose Occupants per Room are 1.01 or More (Maximum Points Available: 10 for New Supply or 5 for Existing Low-Income Housing)

Sources: ~~2012~~2014-201618 American Community Survey 5-Year Estimates, File Number DP04: Selected Housing Characteristics, Percentage of Households whose Occupants per Room are 1.01 or More for the State and Census Tracts.

Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Property Located in a Census Tract Where that Census Tract’s Percentage of Households whose Occupants per Room are 1.01 or More is Included in or Falls Between
1	0.5	<u>9.9%</u> and <u>11.0%</u>
2	1	<u>8.8%</u> and <u>9.8%</u>
3	1.5	<u>7.7%</u> and <u>8.7%</u>
4	2	<u>6.7%</u> and <u>7.6%</u>
5	2.5	<u>5.5%</u> and <u>6.6%</u>
6	3	<u>4.4%</u> and <u>5.4%</u>
7	3.5	<u>3.3%</u> and <u>4.3%</u>
8	4	<u>2.2%</u> and <u>3.2%</u>
9	4.5	<u>1.1%</u> and <u>2.1%</u>
10	5	0.0% and <u>1.0%</u>

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- c. Poverty/Public Assistance – Population Below the Poverty Level as a Percentage of the Total Population (Maximum Points Available: 10 for New Supply or 5 for Existing Low-Income Housing)

Sources: ~~2012~~2014-201618 American Community Survey 5-Year Estimates, File Number S1701: Poverty Status in the Past 12 Months, Population for Whom Poverty Status is Determined for the State and Census Tracts.

Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Property Located in a Census Tract Where that Census Tract's Population Below the Poverty Level as a Percentage of the Total Population is Included in or Falls Between
1	0.5	<u>66.8%</u> and <u>74.2%</u>
2	1	<u>59.5%</u> and <u>66.7%</u>
3	1.5	<u>52.1%</u> and <u>59.4%</u>
4	2	<u>44.8%</u> and <u>52.0%</u>
5	2.5	<u>37.4%</u> and <u>44.7%</u>
6	3	<u>30.1%</u> and <u>37.3%</u>
7	3.5	<u>22.7%</u> and <u>30.0%</u>
8	4	<u>15.4%</u> and <u>22.6%</u>
9	4.5	<u>8.0%</u> and <u>15.3%</u>
10	5	<u>0.7%</u> and <u>7.9%</u>

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- d. Poverty/Public Assistance – Households Receiving Food Stamps/SNAP as a Percentage of Total Households (Maximum Points Available: 10 for New Supply or 5 for Existing Low-Income Housing)

Source: ~~2012~~2014-201618 American Community Survey 5-Year Estimates, File Number S2201: Percent Households Receiving Food Stamps/SNAP for the State and Census Tracts.

Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Property Located in a Census Tract Where that Census Tract's Households Receiving Food Stamps/SNAP as a Percentage of Total Households is Included in or Falls Between
1	0.5	<u>54.8%</u> and <u>60.9%</u>
2	1	<u>48.7%</u> and <u>54.7%</u>
3	1.5	<u>42.6%</u> and <u>48.6%</u>
4	2	<u>36.5%</u> and <u>42.5%</u>
5	2.5	<u>30.4%</u> and <u>36.4%</u>
6	3	<u>24.3%</u> and <u>30.3%</u>
7	3.5	<u>18.2%</u> and <u>24.2%</u>
8	4	<u>12.1%</u> and <u>18.1%</u>
9	4.5	<u>6.0%</u> and <u>12.0%</u>
10	5	<u>0.0%</u> and <u>5.9%</u>

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- e. Labor Market Engagement – Unemployment Rate of the Total Population 20 to 64 Years of Age (Maximum Points Available: 10 for New Supply or 5 for Existing Low-Income Housing)

Sources: ~~2012~~2014-201618 American Community Survey 5-Year Estimates, File Number S2301: Employment Status, Unemployment Rate for the Population 20 to 64 Years of Age for the State and Census Tracts.

Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Property Located in a Census Tract Where that Census Tract’s Unemployment Rate of the Total Population 20 to 64 Years of Age is Included in or Falls Between
1	0.5	<u>26.7%</u> and <u>29.7%</u>
2	1	<u>23.7%</u> and <u>26.6%</u>
3	1.5	<u>20.7%</u> and <u>23.6%</u>
4	2	<u>17.8%</u> and <u>20.6%</u>
5	2.5	<u>14.8%</u> and <u>17.7%</u>
6	3	<u>11.8%</u> and <u>14.7%</u>
7	3.5	<u>8.9%</u> and <u>11.7%</u>
8	4	<u>5.9%</u> and <u>8.8%</u>
9	4.5	<u>2.9%</u> and <u>5.8%</u>
10	5	0.0% and <u>2.8%</u>

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- f. Labor Market Engagement – Population 25 Years of Age and Older with an Educational Attainment of a Bachelor’s Degree or Higher as a Percentage of the Total Population 25 Years of Age and Older (Maximum Points Available: 10 for New Supply or 5 for Existing Low-Income Housing)

Sources: ~~2012~~2014-201618 American Community Survey 5-Year Estimates, File Number S1501: Educational Attainment, Percent Bachelor’s Degree or Higher for the Population 25 Years of Age and Older for the State and Census Tracts.

Properties will be awarded points on the following basis:

Points Awarded for New Supply	Points Awarded for Existing Low-Income Housing	For a Property Located in a Census Tract Where that Census Tract’s Population 25 Years of Age and Older with an Educational Attainment of a Bachelor’s Degree or Higher as a Percentage of the Total Population 25 Years of Age and Older is Included in or Falls Between
1	0.5	<u>0.0%</u> and <u>3.7%</u>
2	1	<u>3.8%</u> and <u>7.6%</u>
3	1.5	<u>7.7%</u> and <u>11.4%</u>
4	2	<u>11.5%</u> and <u>15.3%</u>
5	2.5	<u>15.4%</u> and <u>19.2%</u>
6	3	<u>19.3%</u> and <u>23.0%</u>
7	3.5	<u>23.1%</u> and <u>26.9%</u>
8	4	<u>27.0%</u> and <u>30.7%</u>
9	4.5	<u>30.8%</u> and <u>34.6%</u>
10	5	<u>34.7%</u> and <u>38.6%</u>

- g. School Performance and Proximity to Senior Amenities

1. For properties which are not elderly properties: School Performance – Grades Based Upon the 2019 West Virginia Schools Balanced Scorecard (Maximum Points Available: 20 for New Supply or 10 for Existing Low-Income Housing)

For this section, an “elderly property” is defined as a property which (1) has or will have 80% of its units occupied by a head of household 55 years of age or older or (2) has or will have 100% of its units occupied by a head of household age 62 or older.

The Fund has assigned letter grades to each school in the State based upon the West Virginia Schools Balanced Scorecard. Points will be awarded to properties based upon the letter grade of the schools (elementary, middle, and high school) in such property’s public-school district. The property address must be serviced by the school bus route for the applicable school. If the property address is not serviced by the school bus route for the claimed school, even if the school is located in the property’s public-school district, points will not be awarded for that school. If more than one school is located in the property’s public-school district (e.g. two elementary schools), and the property address is serviced by both schools, the property will be awarded points for the highest graded school. Each property will receive one point-award from each points awarded column below.

Points will be awarded to properties on the following basis:

Grade	Points Awarded for New Supply		
	Elementary School	Middle School	High School
A	5	5	10
B	4	4	8
C	3	3	6
D	2	2	4
Grade	Points Awarded for Existing Low-Income Housing		
	Elementary School	Middle School	High School
A	2.5	2.5	5
B	2	2	4
C	1.5	1.5	3
D	1	1	2

OR

2. For elderly properties: Proximity to Senior Amenities (Points Available: 20 for New Supply or 10 for Existing Low-Income Housing)

For this section, an “elderly property” is defined as a property which (1) has or will have 80% of its units occupied by a head of household 55 years of age or older or (2) has or will have 100% of its units occupied by a head of household age 62 or older.

20 points will be awarded to an Applicant which submits documentation evidencing that the property is located within 1/5th of a mile from amenities

for the senior population, including health and retail establishments, home health agencies, and/or hospitals.

OR

10 points will be awarded to an Applicant which submits documentation evidencing that the property is located within 5 miles from amenities for the senior population, including health and retail establishments, home health agencies, and/or hospitals.

For Existing Low-Income Housing Properties Only: The points awarded to such property will be one-half of the amount listed above.

- h. Proximity to Public Transportation (Points Available: 10 for New Supply or 5 for Existing Low-Income Housing)

For a property applying to the Top Off Set-Aside Category, such property will receive the same points as it did for this scoring criterion in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B). Resubmission of backup documentation is not required.

10 points will be awarded to an Applicant which submits documentation evidencing that the property is located within 1/5th of a mile from a public transportation stop (e.g. bus stop, PRT station, bus route with “hail and ride” stops), or that a public transportation stop will be added within 1/5th of a mile in conjunction with the establishment of the New Supply housing;

OR

10 points will be awarded to an Applicant which submits documentation evidencing that the property will provide a form of transportation from and to the property that is comparable to or exceeding the service levels (e.g. accessibility, capacity, reliability, practicality, etc.) and scope of a typical fixed route public transportation system.

In order to be awarded the points available, the transportation service must be available to all residents of the property.

For Existing Low-Income Housing Properties Only: The points awarded to such property will be one-half of the amount listed above.

Sponsor Characteristics (Maximum Points Available: 10)

For a property applying to the Top Off Set-Aside Category, such property will receive the points available if it received the points available in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B). Resubmission of backup documentation is not required.

In order to be eligible for the points available under this subsection, for each scoring criterion an Applicant must submit a narrative which explains how the property will fulfill such scoring criterion.

1. Woman or Minority Participation in Property Development (Points Available: 3)

3 points will be awarded to an Applicant that submits backup documentation evidencing that a narrative describing how there is woman or minority participation in the development of the property.

2. Woman or Minority Participation in Property Management (Points Available: 4)

4 points will be awarded to an Applicant that submits backup documentation evidencing that a narrative describing how there will be woman or minority participation in the management of the property.

For sections one and two above, a minority includes United States citizens who are:

- American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification);
- Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands);
- Black (all persons having origins in any of the black African racial groups not of Hispanic origin); and
- Hispanic (all persons of Mexican, Puerto Rican, Cuban, or South American, or other Spanish culture or origin, regardless of race).

3. Support Services Provided and/or Coordinated by a Non-Profit or by a Public Housing Authority or by a Governmental or Quasi-Governmental Entity (Points Available: 3)

3 points will be awarded to an Applicant that submits documentation describing, **including frequency**, the appropriate support services that **will be provided and/or coordinated** by a Non-Profit or by a Public Housing Authority or by a Governmental or Quasi-Governmental Entity for the residents of the property. If the support services are being provided and/or coordinated by a Non-Profit, the Applicant must submit such entity's IRS determination letter declaring exempt status for the non-profit entity.

In order to be considered support services for the purposes of awarding the points available, such support services may be available on a continual basis but must be available to tenants no less frequently than monthly (with the exception of the USDA Food and Nutrition Services Summer Food Service Program which is available during the summer months when school is not in session).

Examples of support services include, but are not limited to, the following:

- Computer and software training classes,
- Financial literacy classes,
- Nutrition training,
- Meals on wheels,
- Substance abuse recovery services,
- USDA Food and Nutrition Services Summer Food Service Program (Note: since this support service is only available for part of the year, it must be combined with other support services so that support services will be available throughout the year),
- Health assessments, and
- Medicare and insurance assistance.

Examples of unacceptable “support services”, due to the fact such examples are considered amenities and not support services, include, but are not limited to, the following:

- Community garden,
- Library and/or reading club,
- Coffee club,
- Computer room,
- Exercise room and/or aerobics class,
- Holiday parties, and
- Craft room and/or craft club.

Tenant Populations Targeted for Occupancy (Maximum Points Available: 2520)

For a property applying to the Top Off Set-Aside Category, such property will receive the points available if it received the points available in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B).

Note: Targeting is performing outreach to attract occupancy by the Applicant-selected tenant populations. Setting aside units for the Applicant-selected tenant populations is not required. The tenant populations are separate and apart from any occupancy requirements under The Fair Housing Act (e.g. Housing for Older Persons).

Option 1: Tenant Populations with Special Housing Needs

20 points will be awarded to an Applicant that commits to target for occupancy~~this criterion and submits documentation describing how the property will target for occupancy~~ one or a combination of more than one of the Applicant-selected tenant populations listed below for at least 25% of the residential rental units in the property. The units in the property should be designed and suitable for the targeted occupancy populations. Tenant populations with special housing needs are as follows:

- Homeless - A person, family, or household who lacks a fixed, regular and adequate night time residence and has a primary night time residence which is (i) a supervised shelter, designed to provide temporary living accommodations; or (ii) an institution that provides a temporary residence for persons intended to be institutionalized; or (iii) a place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- Displaced - A person, family, or household displaced by a governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.
- Elderly - A person who is at least 62 years of age.
- Handicapped - A person having a physical or mental impairment which substantially limits one or more major life activities; a person having a record of such an impairment; or a person being regarded as having such an impairment.
- Disabled - A person under a disability, as defined in Section 223 of the Social Security Act, or in Section 102 of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, or in 24 CFR Part 891.

Note: A family whose head of household or the spouse of such individual is an elderly, disabled, or handicapped person would qualify under the Elderly, Handicapped, or Disabled sections above.

~~An additional 5 points will be awarded to an Applicant that commits to target for occupancy the Elderly tenant population. The Elderly tenant population can only be targeted in elderly properties. For this section, an “elderly property” is defined as a property which (1) has or will have 80% of its units occupied by a head of household 55 years of age or older or (2) has or will have 100% of its units occupied by a head of household age 62 or older.~~

In electing to serve tenant populations with special housing needs, the Applicant is responsible for ensuring that the chosen tenant populations are compatible with each other and that elections do not violate the Fair Housing requirements or any other applicable law.

OR

Option 2: Tenant Populations of Individuals with Children

20 points will be awarded to an Applicant that commits to ~~target for occupancy~~~~this criterion and submits documentation describing how the property will target for occupancy~~ one or both of the Applicant-selected tenant populations listed below for at least 25% of the residential rental units in the property. The units in the property should be designed and suitable for the targeted occupancy populations. Tenant populations of individuals with children are as follows:

- Large Family - A family unit consisting of one or more adult members having legal custody of three or more dependent children, each of whom is age eighteen or younger or a full-time student.
- Single Parent Family - A family unit consisting of only one adult member having legal custody of one or more dependent children, each of whom is age eighteen or younger or a full-time student.

In electing to serve tenant populations of individuals with children, the Applicant is responsible for ensuring that the chosen tenant populations are compatible with each other and that selections do not violate the Fair Housing requirements for any other applicable law.

Persons on a Public Housing Waiting List (Points Available: 25)

For a property applying to the Top Off Set-Aside Category, a copy of the written agreement which was submitted in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B) will fulfill this requirement. However, a copy of the refusal letter which was submitted in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B) will not fulfill this requirement.

25 points will be awarded to an Applicant that submits a fully executed and witnessed Commitment to Utilize the Applicable Public Housing Authority's Waiting List (WVHDF Form LIHTCP-6 or LIHTCP-6B) which is a written commitment with the appropriate public housing authority ("PHA") to utilize such PHA's waiting list and to target the persons appearing on that waiting list to occupy all vacant low-income units in the property on an on-going basis.

For this criterion, a Scattered Site Property will be scored on a weighted average based upon the number of units.

A fully executed ~~and witnessed~~ written agreement will not be considered stale if it is dated within three years prior to the property's Reservation Request due date and the PHA representative who signed the written agreement is still an authorized representative of the PHA. Note: The three-year window does not apply to a refusal letter.

In the event the PHA **refuses, in writing, to enter into either form of written agreement** (WVHDF Form LIHTCP-6 or LIHTCP-6B) to evidence this commitment, the 25 points available will still be awarded if the Applicant submits such refusal letter.

However, the Fund will **not** award points for the following:

- the PHA's refusal is related to the PHA's late receipt of a request from the Applicant that inhibited the PHA's ability to respond affirmatively prior to the due date of the LIHTCP application, or
- the PHA's refusal is based upon the PHA's unwillingness to release its waiting list. (WVHDF Form LIHTCP-6B was formulated so that the PHA would not have to release its waiting list to the Owner, but the Owner would instead inform the PHA of any vacancies at the property.)

Properties Committed to Eventual Tenant Ownership (Points Available: 5)

For a property applying to the Top Off Set-Aside Category, such property will receive the points available if it received the points available in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B). Resubmission of backup documentation is not required.

Properties which commit to Preference for Properties Obligated to Serving Qualified Tenants for the Longest Periods of Time are not eligible for these points.

Properties which have established or will establish site control in the form of a Long-Term Lease, as opposed to a recorded deed, are not eligible for these points.

Due to federally regulated affordability period requirements, properties requesting the points under this scoring criterion cannot request HOME or HTF Funds.

5 points will be awarded to an Applicant that (1) commits all residential rental units to eventual tenant ownership, beginning no later than four years after the end of the initial 15-year Compliance Period, and (2) submits documentation evidencing a business plan describing how the residential rental units will be converted to tenant ownership.

In order to be eligible for the points available, the property must be comprised of single-family homes, duplexes or townhouses (with proper legal separation of units).

Historic Nature of Property (Points Available: 20)

For a property applying to the Top Off Set-Aside Category, such property will receive the points available if it received the points available in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B). Resubmission of backup documentation is not required.

Note: Regardless of whether or not a property pursues the points available, if existing structures in a property are rehabilitated to historic standards, such property is required to pursue and obtain both Federal and State historic tax credit equity.

20 points will be awarded to an Applicant that submits documentation evidencing

- the property will involve the rehabilitation of a eCertified hHistoric sStructure(s),
- the rehabilitation of such structures will be completed in such a manner to be eligible for federal and State historic tax credits; and
- the Applicant is pursuing historic tax credit equity.

In order to be eligible for the points available, at least 50% of the residential rental units in the property must be contained in such Certified hHistoric sStructure(s).

In order to evidence that the Applicant is pursuing historic tax credit equity and that the structure is a eCertified hHistoric sStructure, the Applicant must submit the following:

- A syndicator’s written offer/proposal to perform as the syndicator for the historic tax credit equity for the property. Such written offer/proposal must include, at a minimum the annual historic credit amount (federal and state listed separately), the total historic equity contribution (federal and state listed separately), and the pay-in schedule.

AND

- Documentation evidencing that the structure is individually listed on the National Register of Historic Places.

OR

- A fully completed Historic Preservation Certification Application Part 1 – Evaluation of Significance form (currently, U.S. Department of the Interior, National Park Service Form 10-168) which evidences that the National Park Service has determined that the structure is a “certified historic structure”.

A Part 1 which is dated more than six months prior to the property’s Reservation Request due date will not be considered stale.

For this criterion, a Scattered Site Property will be scored on a weighted average based upon the number of units.

Preference for Properties Serving the Lowest Income Tenants
(Maximum Points Available: 50)

For a property applying to the Top Off Set-Aside Category, such property will receive the same points as it did in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B).

In order to be eligible for the points available for Option 1 or Option 2 below, the following must be true:

- The property’s market study must acknowledge and incorporate the Applicant-selected lower income targeting commitment, and
- The property’s cash flow must evidence that the property is feasible given the Applicant-selected lower income targeting commitment.

Option 1: Tenants with Incomes at or below 40% of the Area Median Gross Income (Points Available: 50)

Points will be awarded to an Applicant that commits the property to using set percentages of the total residential rental units in the property to serve tenants with annual incomes at or below 40% of the area median gross income, based upon the following:

Points Awarded	The Applicant Has Committed the Property to Serving Tenants with Annual Incomes at or Below 40% of the Area Median Gross Income
10	for 5% of the total residential rental units in the property, or
20	for 10% of the total residential rental units in the property, or
30	for 15% of the total residential rental units in the property, or
40	for 20% of the total residential rental units in the property, or
50	for 25% of the total residential rental units in the property.

The commitment to serve tenants with annual incomes at or below 40% of the area median gross income requires that such units are also rent-restricted, using the 40% of the area median gross income limits.

Due to limited soft funding resources, for Applicants who (1) request soft fund financing (HOME, HTF, etc.) (whether fully amortizing or not) from the Fund for the property, and (2) commit the property to lower income targeting at 40% of the area median income, the property must have project-based rental assistance committed (as outlined in the Project-Based Rental Assistance scoring criterion) to the property which covers at least the number of units committed to 40% of the area median income.

Example: A 48-unit property commits 25% of the units to serving tenants at or below 40% of the area median income. Such property must have a commitment for 12 units of project-based rental assistance.

If such property does not have project-based rental assistance as required above, the property’s lower income targeting will be increased from 40% of the area median income to 50% of the area median income and will be awarded the applicable lower

points. The resulting increase in rental income will lower the soft fund financing (HOME, HTF, etc.) from the Fund. Additionally, the Applicant will be required to provide an updated market study which incorporates the change in the rents. Accordingly, a Market Study Resubmission Fee of \$250 will be due and payable to the Fund.

Note: This commitment to serve tenants with annual incomes at or below 40% of the area median gross income is in addition to the minimum set-aside requirement that must be elected by the Owner. The minimum set-aside requirement options that an Owner may choose from in making such election are as follows:

- 20% or more of the residential rental units in such property are both rent-restricted and occupied by individuals whose annual income is 50% or less of the area median gross income, or
- 40% or more of the residential rental units in such property are both rent-restricted and occupied by individuals whose annual income is 60% or less of the area median gross income.

OR

Option 2: Tenants with Incomes at or below 50% of the Area Median Gross Income (Points Available: 40)

Points will be awarded to properties that are committed to using set percentages of the total residential rental units in the property to serve tenants with annual incomes at or below 50% of the area median gross income, based upon the following:

Points Awarded	The Applicant Has Committed the Property to Serving Tenants with Annual Incomes at or Below 50% of the Area Median Gross Income
8	for 5% of the total residential rental units in the property, or
16	for 10% of the total residential rental units in the property, or
24	for 15% of the total residential rental units in the property, or
32	for 20% of the total residential rental units in the property, or
40	for 25% of the total residential rental units in the property.

The commitment to serve tenants with annual incomes at or below 50% of the area median gross income requires that such units are also rent-restricted, using the 50% of the area median gross income limits.

Note: This commitment to serve tenants with annual incomes at or below 50% of the area median gross income may be in connection with or may be in addition to the minimum set-aside requirement (referred to in the previous section) that must be elected by the Owner.

Preference for Properties Obligated to Serving Qualified Tenants
for the Longest Periods of Time (Points Available: 150)

For a property applying to the Top Off Set-Aside Category, such property will receive the points available if it received the points available in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B).

Properties which commit to Properties Committed to Eventual Tenant Ownership are not eligible for these points.

150 points will be awarded to an Applicant that commits (in the applicable section of WVHDF Form 1040) the property to serving qualified low-income tenants, using the elected minimum set-aside requirement for the percentage (50% or 60%) of the area median gross income, and the applicable IRS rent restrictions for 15 years **beyond** the close of the initial 15-year Compliance Period.

Note: This preference criterion is an optional commitment made only at the election of the Owner. It is not necessary for an Owner to commit to this preference criterion in order to participate in the LIHTCP.

However, an Extended Low-Income Housing Commitment is required under Federal law and applies to any and all properties participating in the LIHTCP. Subsection 42(h)(6) of the Code provides that a building is eligible for Credit only if an Extended Low-Income Housing Commitment is in effect. An Extended Low-Income Housing Commitment is an agreement between the Fund and the Ownership Entity that:

- requires that the applicable fraction for the building, for each taxable year in the Extended Use Period, not be less than the applicable fraction specified in the agreement, and prohibits the eviction or the termination of tenancy (other than for good cause) of an existing tenant of any low-income unit, or any increase in the gross rent with respect to any low-income unit not otherwise permitted under Section 42 of the Code,
- allows prospective, present or former tenants of the building, who meet the applicable income limitation, the right to enforce the requirements associated with the applicable fraction, or the prohibitions associated with the eviction or termination of tenancy and with increases in the gross rent, in any State court,

- prohibits the disposition to any person of any portion of the building to which such agreement applies, unless all of the building to which such agreement applies is disposed of to such person,
- prohibits the refusal to lease to a holder of a voucher or certificate of eligibility under Section 8 of the United States Housing Act of 1937 because of the status of the prospective tenant as such a holder,
- is binding on all successors of the Ownership Entity, and
- is recorded pursuant to State law as a restrictive covenant with respect to the property.

Additional information is contained in Subsections 42(h)(6)(A) through (K) of the Code.

In the event the property commits to this scoring criterion, the Qualified Contract provision is not available or applicable to the Owner, with respect to the termination of the Extended Low-Income Housing Commitment.

Preference for Concerted Community Revitalization Properties
Located in Qualified Census Tracts (Points Available: ~~5040~~)

For a property applying to the Top Off Set-Aside Category, such property will receive the points available if it received the points available in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B). Resubmission of backup documentation is not required.

5040 points will be awarded to an Applicant that submits documentation evidencing that the property is located in a Qualified Census Tract and the development of such property is **clearly** and **specifically stated** as part of a CRP that has been approved by the appropriate governing body of the local jurisdiction within which such “community” is located. The following definitions apply to the following terms for this subsection of the Plan:

- **Clearly and specifically stated** – the property must be located in specified boundaries within the community as evidenced by a geographic scope description of the community and/or map included in the adopted plan or the property is specifically named in the CRP **AND** the development of such housing **fulfills the specified goals** of the CRP
- **Fulfills the specific goals** – the development or rehabilitation of the property fulfills one or more goals listed for the specific area in which the property is located within the community. For example, if the property is located in Neighborhood A, but the goal that the development or rehabilitation of the property fulfills is a goal for Neighborhood B, the property does not fulfill the specified goals of the CRP.

- **Approved** – the appropriate governing body of the local jurisdiction has taken an official action to adopt such CRP by ordinance or resolution.
- **Appropriate governing body of the local jurisdiction** – either
 - the city council or comparable governing body of a municipality, or
 - the county commission or comparable governing body of a county, or
 - a specific community development authority (or other similar entity) set up in accordance with State law (e.g., West Virginia Code Chapter 7, Article 12) whose jurisdiction includes the location involved.

In order to be eligible for the points available, the following must be submitted as backup documentation:

- ordinance or resolution evidencing approval of the CRP by the appropriate governing body of the local jurisdiction; and
- if applicable, documentation (e.g. ordinance or resolution) evidencing when the process of adoption began for the specific CRP;
- the entire approved CRP, including any and all referenced maps, exhibits, and attachments; and
- if the CRP appears to be out of date, confirmation from the governing body of the local jurisdiction that such CRP is still in full force and effect and has not been superseded by another document or plan.

For this criterion, a Scattered Site Property will be scored on a weighted average based upon the number of units.

Note: It is highly recommended that the Applicant request a review of the CRP during pre-application assistance. ~~Although not required to be awarded points, it is also recommended that the CRP which is part of the above referenced backup documentation be a searchable PDF document and include a page which details CRP pages and sections important to the Fund's review.~~ Items submitted during pre-application assistance review are not considered part of a property's Reservation Request and are not reviewed in conjunction with determining whether a property has met minimum requirements for a particular type of request or for determining whether a property is awarded points for selection and preference criteria. It is the Applicant's responsibility to ensure that all required documentation, whether acceptance or scoring related or any other documents, are uploaded to the property's Procurement WorkCenter.

The Fund utilizes the Federal Financial Institutions Examination Council's Geocoding/Mapping System and/or the United States Census Bureau's Census Tract Reference Maps in determining which census tract a property is located within. Current Internet addresses are as follows:

- <https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>

- https://www2.census.gov/geo/maps/dc10map/tract/st54_wv/

Energy Efficiency and Quality of Housing (Maximum Points Available: 195200 for New Supply or 185 for Existing Low-Income Housing)

The number of points awarded for the energy efficiency and quality of housing characteristics below will be based upon the response to each characteristic listed below which is certified, in writing in the Energy Efficiency and Quality of Housing section of the current WVHDF Form 1040, by the Owner, the Property Architect, and the Property Contractor.

Based upon the Fund's review of the property (e.g. the Fund's site visit) and other backup documentation provided as part of the Reservation Request (e.g. the Capital Needs Assessment, construction estimate, etc.), if it appears that a certified characteristic cannot be fulfilled by the property, thus possibly resulting in a lower score, the Fund may request clarification of the property's ability to fulfill the characteristic. For example, if the certification evidences that an Existing Low-Income Housing Property's Interior Unit Square Footage will be above the minimums required for scoring, but the Fund's site suitability review evidences units measuring below the Interior Unit Square Footage minimums, the Fund would verify the calculation and/or that the unit's Interior Unit Square Footage will be increased as a part of the planned substantial rehabilitation of the property.

In order to satisfactorily fulfill the Energy Star-related scoring criteria below, the product installed must fulfill the Energy Star certification which is in effect as of the date the property's Reservation Request was submitted.

Note: For Scattered Site Properties, a separate Energy Efficiency and Quality of Housing section of the WVHDF Form 1040 must be completed and certified, as referred to above, for each non-contiguous parcel.

The energy efficiency and quality of housing characteristics are as follows:

1. Masonry Veneer Exterior Percentage (Points Available: 15)

15 points will be awarded to properties where at least 60% of each building's exterior (excluding gabled ends, doors, and windows), post-construction, is properly anchored Masonry Veneer. For the purposes of this scoring criterion, a gabled end is defined as the triangular area from the eave to the ridge of the gable.

2. Energy Star Certified Whole-Unit HVAC (Points Available: 15)

15 points will be awarded to properties where, in conjunction with the construction or rehabilitation, each residential rental unit will incorporate new Energy Star certified whole-unit heating, ventilation, and air conditioning, utilizing a heat pump or a split gas heating and cooling system.

3. Energy Star Certified Appliances (Points Available: 15)

Note: Although not required for scoring, either a recirculating range hood (can be non-vented or duct free) or a recirculating over-the-range microwave is required for each residential rental unit.

15 points will be awarded to properties that, in conjunction with the construction or rehabilitation, provide within each residential rental unit:

- a new Energy Star certified refrigerator,
- a new Energy Star certified under-the-counter dishwasher, and
- a new Energy Star certified water heater. In lieu of a new Energy Star certified water heater, the Fund will allow the following:
 - electric water heaters with a minimum energy factor of 0.95 provided within each residential rental unit,
 - a central Energy Star certified water heating system, or
 - a central water heating system with a minimum energy factor of 0.95.

Note: If a property commits to provide new hybrid or heat pump style Energy Star certified water heaters, such water heaters must be installed in a space that provides the proper cubic feet of space for unrestricted air flow. If properly-sized space is not available, outlet duct kits that redirect inlet and outlet air to an alternate location must be installed.

It is highly recommended that prior to purchase, appropriate documentation be provided to the Fund to confirm the acceptability of the appliances to be ordered and installed at the property.

For Existing Housing Properties only: In conjunction with the above scoring criterion, the Fund may consider Energy Star certified appliances which have been newly installed in the previous 24 months and are still in like-new condition. ~~In order to be eligible for the points available for such recently replaced appliances, if the property is selected,~~ the following must be submitted with the Reservation Request no later than 30 calendar days prior to equity closing:

- dated invoices for each of the recently-replaced appliances, evidencing Energy Star certification, and
- a detailed list of the units in which each appliance is currently installed.

However, the Applicant must agree that such appliance will be replaced as prescribed above if the Fund's designated construction professional determines that such replacement is warranted.

4. Energy Star Certified Exterior Doors and Windows (Points Available: 15)

Properties which involve rehabilitation of an Historic-Eligible Structure ~~historic structures~~, ~~are not eligible for these points.~~ will only be awarded the points available if the Applicant submits one of the following:

- documentation from SHPO which confirms that installation of new Energy Star Certified Exterior Doors and Windows as outlined in this scoring criterion **will not** result in an adverse effect to the Historic-Eligible Structure, or*
- documentation from SHPO that the installation of new Energy Star Certified Exterior Doors and Windows as outlined in this scoring criterion **will** result in an adverse effect to the Historic-Eligible Structure, but SHPO has agreed to permit installation of such doors and windows as memorialized in a fully executed Memorandum of Agreement (must be included as backup).*

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15 points will be awarded to properties where, in conjunction with the construction or rehabilitation, **all** exterior doors (including sliding doors, patio doors, etc.) and **all** exterior windows of each residential rental unit in the property will be new and will comply with the applicable climate zone qualification criteria as prescribed in the document Energy Star Program Requirements for Residential Windows, Doors and Skylights – Version 6.0. **The Fund expects that all exterior doors and windows will contain labels showing the fenestration rating of the product and the Energy Star label will be clearly displayed on each product, until verified by the Fund’s Technical Services Inspector. If, at purchase, the fenestration rating and/or the Energy Star label is not attached to the product, it is highly recommended that the Fund be contacted prior to installation to ensure that the product is, in fact, Energy Star certified.**

Note: The Fund does not consider individual residential rental unit doors which exit to temperature controlled common areas as “exterior doors” for scoring purposes.

5. Roofing Materials (Points Available: 15)

15 points will be awarded to properties where, in conjunction with the construction or rehabilitation, all building roofs in the property will be covered by new roofing materials which have a minimum remaining manufacturer warranted life of at least 30 years.

Note: For metal roofing, exposed fasteners are not acceptable and must be concealed in order to be eligible for the points available.

For existing structures, in order to be eligible for the points available, and in addition to the preceding paragraph, roofing materials (including felts and flashings) must be removed to the existing roof sheathing. The existing roof

sheathing must be inspected and replaced if damaged. Further, if it is necessary for any existing roof sheathing to be replaced, roof framing and insulation must also be inspected and replaced if damaged.

For existing structures only: In conjunction with the above scoring criterion, the Fund may consider roofs which have been replaced recently and still have a remaining manufacturer warranted life of 25 years. ~~In order to be eligible for the points available for such recently replaced roofs, If the property is selected, the following must be submitted with the Reservation Request no later than 30 calendar days prior to equity closing:~~

- dated invoices and warranties for the roofs that were replaced which must evidence that the remaining manufacturer warranted life of the roofs is at least 25 years,
- a detailed list of which building roofs were replaced, and
- documentation evidencing that the roof sheathing, roof framing, and insulation work required above for existing structures, was also completed in conjunction with the roof replacement.

However, the Applicant must agree that such roofs must be replaced as prescribed above if the Fund's designated construction professional determines that such replacement is warranted.

6. Energy Star Certified Light Emitting Diode ("LED") Light Fixtures, Ceiling Fans, and Bath Exhaust Fans (Points Available: 15)

15 points will be awarded to properties where, in conjunction with the construction or rehabilitation, within each residential rental unit:

- Energy Star certified **ceiling LED Light Fixtures** will be installed within all habitable spaces and baths, walk-in closets, halls, utility rooms, and stairs,
- An Energy Star certified ceiling fan ~~which incorporates an LED Light Fixture~~ will be installed in each bedroom and the living room, and
- An Energy Star certified exhaust fan which incorporates an **LED Light Fixture** will be installed in each full bathroom.

The Energy Star certified ceiling fan (second bullet above) installed in each bedroom and the living room may incorporate an Energy Star certified LED Light Fixture. Such incorporated fixture will fulfill the requirement of installing Energy Star certified ceiling LED Light Fixtures (first bullet above) in those specific habitable spaces (each bedroom and the living room).

7. Thickness and Warranty of Siding and Trim (Points Available: 15)

15 points will be awarded to properties where, in conjunction with the construction or rehabilitation, all siding and trim on the exterior of all buildings in

the property will have a thickness of 0.044” or greater and a lifetime non-prorated or prorated 50-year transferable limited warranty.

For existing structures only: In conjunction with the above scoring criterion, the Fund may consider siding and trim which has been replaced recently and still has a remaining manufacturer warranted life of 45 years. ~~In order to be eligible for the points available for such recently replaced siding and trim,~~ If the property is selected, the following must be submitted with the Reservation Request no later than 30 calendar days prior to equity closing:

- dated invoices and warranties for the siding and trim that was replaced which must evidence (1) a thickness of 0.044” or greater and (2) that the remaining manufacturer warranted life of the siding and trim is at least 45 years, and
- a detailed list of what siding and trim was replaced on which buildings.

However, the Applicant must agree that such siding and trim must be replaced as prescribed above if the Fund’s designated construction professional determines that such replacement is warranted.

For properties which do not involve new construction: If 100% of each existing structure’s pre-construction exterior (excluding doors, and windows, but including gabled ends) is Masonry Veneer, such property will be eligible for the points available. For the purposes of this scoring criterion, a gabled end is defined as the triangular area from the eave to the ridge of the gable.

8. Green Building Training for Residential Housing (Points Available: 15)

For a property applying to the Top Off Set-Aside Category, such property will receive the same points as it did in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B). Resubmission of backup documentation is not required.

15 points will be awarded to properties, provided that either the Property Contractor or a Principal of the developer/co-developer has attended (within ~~three years~~12 months prior to the property’s Reservation Request due date) ~~in-person~~ green building training relating to residential housing, ~~that is acceptable to the Fund.~~ A certificate of attendance must be submitted which includes the date of the training and the name of the attendee. Such training must be approved by the Fund. ~~In addition, if the training is not provided by the Fund, the training agenda must be submitted, and such agenda must evidence at least six hours of classroom time of acceptable training (excludes trade show booth exhibit review time and online courses).~~

9. **Scoring Applicable to New Supply Properties Only:** Reachable Green Space Percentage (Points Available: ~~10~~15)

Existing Low-Income Housing Properties are not eligible for these points.

10 points will be awarded to properties where at least 30% of the post-construction useable (slope of less than 20%) site will provide Reachable Green Space. ~~If the property is selected, Properties committing to this criterion must provide~~ a post-construction certified survey including a calculation of the Reachable Green Space percentage which must evidence that the criterion was met or exceeded must be submitted with the property's Allocation Request.

10. Laundry Closet with ~~Energy Star Certified~~ Washer and ~~Energy Star Certified~~ Dryer or Hookup Only (Maximum Points Available: ~~15~~10)

15 points will be awarded to properties that provide, in conjunction with the construction or rehabilitation, within each residential rental unit, a laundry closet containing a new ~~Energy Star certified~~ washer and a new ~~Energy Star certified~~ dryer, without any additional charge to the tenant.

OR

10 points will be awarded to properties that provide, in conjunction with the construction or rehabilitation, within each residential rental unit, a laundry closet containing a washer and dryer hookup, without any additional charge to the tenant. In order to be eligible for the points available, the tenant must be allowed to install a washer and dryer in the unit.

For Existing Housing Properties only: In conjunction with the above scoring criterion, the Fund may consider ~~new Energy Star certified~~ washers and ~~new Energy Star certified~~ dryers which have been newly installed in the previous 24 months and are still in like-new condition. ~~In order to be eligible for the points available for such recently replaced appliances, If the property is selected,~~ the following must be submitted with the Reservation Request no later than 30 calendar days prior to equity closing:

- dated invoices for each of the recently-replaced appliances, ~~evidencing Energy Star certification~~, and
- a detailed list of the units in which each appliance is currently installed.

However, the Applicant must agree that such washers and dryers will be replaced as prescribed above if the Fund's designated construction professional determines that such replacement is warranted.

Scoring Alternative Applicable to Existing Housing:

15 points will be awarded to properties that provide, in conjunction with the construction or rehabilitation, a laundry room with new ~~Energy Star certified~~ washers and new ~~Energy Star certified~~ dryers. Such washers and dryers may be coin-operated.

11. Interior Unit Square Footage (Points Available: 10)

Scoring and Requirements Applicable to Properties Other Than Existing Housing:

10 points will be awarded to properties where the post-construction Interior Unit Square Footage of each residential rental unit in the property is equal to or greater than the amounts specified below:

Number of Bedrooms	Interior Unit Square Footage
Efficiency	550
1 Bedroom	650
2 Bedrooms	800
3 Bedrooms*	1,000
4 Bedrooms*	1,150

* In order for a property to be eligible for Credits, regardless of the Interior Unit Square Footage of the three- or four-bedroom units in a property, all three- or four-bedroom units must have two full bathrooms.

Maximum Interior Unit Square Footage: Newly constructed residential rental units cannot exceed 150 square feet above the Interior Unit Square Footage amounts listed above. In calculating a unit’s Interior Unit Square Footage **to determine if it is within the maximums permitted**, the square footage of interior stairs may be excluded. The maximum Interior Unit Square Footage does not apply to units in adaptive re-use buildings.

Scoring Applicable to Existing Housing Properties only:

10 points will be awarded to properties where the post-construction Interior Unit Square Footage of each residential rental unit in the property is equal to or greater than the amounts specified below:

Number of Bedrooms	Interior Unit Square Footage
Efficiency	500
1 Bedroom	600
2 Bedrooms	750
3 Bedrooms	950
4 Bedrooms	1,100

12. High-Speed Internet Access (Points Available: 10)

10 points will be awarded to properties that, post-construction, are hard wired for high-speed internet access or the property will provide security-enabled Wi-Fi internet access available to each residential rental unit and in common areas. If hard wired, the high-speed internet cable must be wired throughout each residential rental unit and jacks must be installed in one or more central locations and in each bedroom.

Note: Internet access is not considered a utility. Therefore, it is permissible for an LIHTCP property to require that tenants pay for **optional** internet service. However, if a tenant, as a requirement of tenancy, must pay a monthly fee for internet access, such fee must be included in the calculation of gross rent to determine if a unit is at or below the applicable IRS rent restriction.

13. Landscaping Cost Per Unit (Points Available: 10)

10 points will be awarded to properties where, in conjunction with the construction or rehabilitation, the cost for Landscaping per residential rental unit is at least \$350 for multiple building properties or at least \$175 for single building properties. In order for the property to be eligible for the points available, the construction estimate submitted with the Reservation Request must include a Landscaping line item at an amount at or above the applicable minimum stated.

14. Fair Housing Act and Americans with Disabilities Act Training (Points Available: 10)

For a property applying to the Top Off Set-Aside Category, such property will receive the same points as it did in the year in which the property received its initial Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B). Resubmission of backup documentation is not required.

10 points will be awarded to properties, provided that the Property Architect and Property Contractor have completed (within three years prior to the property's Reservation Request due date) Fair Housing Act **and** Americans with Disabilities Act ~~in-person~~ training addressing design and construction requirements ~~provided and administered by an organization that is acceptable to the Fund~~. A certificate of attendance must be submitted which includes the date of the training and the name of the attendee. ~~Such training must be approved by the Fund. In addition, if the training is not provided by the Fund, the training agenda must be submitted, and such agenda must evidence at least six hours of classroom time of acceptable training.~~

It is important to note that if the Property Contractor or Property Architect for a selected property changes after selection, the Fund is to be notified and if this scoring criterion was committed to in the property's

Reservation Request, it is the responsibility of the Applicant to ensure the replacement contractor or architect have the applicable training.

15. Stove Top Fire Suppression or Prevention (Points Available: 10)

10 points will be awarded to properties where, in conjunction with the construction or rehabilitation, all cooking surfaces will be equipped with fire suppression or prevention features (e.g. a Stovetop FireStop Venth Hood product or similar fire suppression product, or Safe-T-element cooking system or a similar fire prevention device).

The Fund reserves the right to be present at any construction inspections to the extent the Fund deems it appropriate. The Fund's construction inspection is solely for the Fund's use. Applicants, lenders, syndicators, tenants, and any other parties involved in any such property are not entitled to and should not rely upon or in any way utilize the Fund's construction inspection for any purpose.

Regardless of the Fund's presence or absence at a construction inspection, the Fund may request a copy of each construction inspection reports during the construction period must be submitted to the Fund by the Applicant. The only exception to this requirement is if the inspecting entity denies, in writing, to release such inspection reports to outside entities (such as the Fund).

In addition, prior to issuing any Allocation Certifications to a property, one of the Fund's designated construction professionals will visit such property to verify that all energy efficiency and quality of housing commitments have been fulfilled. Failure to fulfill all commitments may result in the cancellation and complete return to the Fund of the Credits allocated to such property as well as prohibition from any future participation in the State's LIHTCP as determined by the Fund in its sole discretion. It is expected that manufacturer stickers and/or Energy Star labels will not be removed from windows, doors, appliances, etc. until the Fund has completed the final review. It is the responsibility of the Owner to retain any and all invoices and evidence required to substantiate that every commitment has been fulfilled.

Related to the Fund's final review, Energy Star certification is determined based upon the date such product is purchased in conjunction with the new construction or substantial rehabilitation of the property. If, at purchase, an Energy Star label is not attached to the product, it is highly recommended that the Fund be contacted prior to installation to ensure that the product is, in fact, Energy Star certified.

NEGATIVE POINTS

The Fund will reduce a property's total score ~~as follows~~~~by two points~~ for **each** Reservation Request Acceptance Checklist item which was not fulfilled prior to the Reservation Request due date and was permitted to be submitted during the Threshold Review and Correction Period.:

- For the first and second item – two points per item
- For the third and fourth item – three points per item
- For the fifth and sixth item – four points per item
- For the seventh item and beyond – five points per item

PROPERTY SELECTION PROCESS

The Fund will accept Reservation Requests during the respective application periods listed in the Program Calendar.

Each Applicant must submit documentation evidencing that the property satisfies all of the applicable requirements for a Reservation Request. **If a property does not meet or exceed all of the applicable requirements for a Reservation Request and is unable to meet or exceed them by the end of the respective Threshold Review and Correction Periods listed in the Program Calendar, the Fund will reject the request, and the Fund will notify the Applicant of the rejection and of the reason for the rejection.** The requirements for Reservation, Carryover Allocation, and Allocation Requests are not a required element of a qualified allocation plan, and therefore are contained in the Requirements for Requests section of the Manual.

All properties, for which requests were received during the respective application periods listed in the Program Calendar and deemed acceptable, will be:

- evaluated against the Selection and Preference Criteria,
- compared to the minimum threshold,
- ranked in the Applicant-selected set-aside category in order by the total points awarded,
- reviewed for a preliminary determination of the housing credit dollar amount needed, and
- selected or wait-listed.

The process of ranking and selecting or wait-listing (referred to above in the third and fifth bullets) do not apply to Tax-Exempt Bond Financed Properties. Each area of processing requests will be discussed in additional detail in the following sections of the Plan.

Property Evaluation Against the Selection and Preference Criteria

If a property satisfies the requirements for a Reservation Request, the application will continue for further evaluation against the Selection and Preference Criteria section of the Plan.

Comparison to the Minimum Threshold

Once all acceptable Reservation Requests have been evaluated against the Selection and Preference Criteria, the total points awarded for each property will be compared to the minimum threshold (500 points) necessary for any property to be considered further for LIHTCP eligibility. This comparison will not consider negative points related to submission of acceptance items permitted during the Threshold Review and Correction Period. **If the property's total point award does not meet or exceed the minimum threshold, the Fund will reject the request, and will notify the Applicant of the rejection and of the reason for the rejection.** If the property's total point award meets or exceeds the minimum threshold, the property's Reservation Request will continue for further processing.

Property Ranking

This subsection of the Plan is not applicable to Tax-Exempt Bond Financed Properties.

Each property meeting or exceeding the minimum threshold will be placed in descending order, by the total points awarded, into the Applicant-selected set-aside category.

Preliminary Review and Determination of the Housing Credit Dollar Amount Needed

In accordance with Subsections 42(m)(2)(A), (B), and (C)(i)(I) of the Code, the Fund will perform a preliminary review and determination of the housing credit dollar amount necessary for the financial feasibility of each ranked property and its viability as a qualified low-income housing property throughout the Credit Period.

In making its determination of the housing credit dollar amount necessary, the Fund is required to consider:

- the sources and uses of funds and the total financing planned for the property,
- any proceeds or receipts expected to be generated by reason of tax benefits,
- the percentage of the housing credit dollar amount used for property costs other than the cost of intermediaries, and
- the reasonableness of the developmental and operational costs of the property.

Consideration of the percentage of the housing credit dollar amount used for property costs (other than the cost of intermediaries) shall not be given so as to impede the development of properties in hard-to-develop areas. Subsection 42(m)(2)(B) of the Code also provides that "such a determination shall not be construed to be a representation or warranty as to the feasibility or viability of the project". The manner and methodology the Fund will utilize for making the required determination are not included in the Plan, but are included in the Allocation Policies, Fund Underwriting Analysis section of the Manual.

Generally, each selected property's Selection Decision Letter will reserve Credit in an amount equal to the amount which the Applicant requested. However, the amount ultimately allocated to a property in a Carryover Allocation Certificate (WVHDF LIHTCP-3 or LIHTCP-3B) may be less than the amount reserved in the Selection Decision Letter.

During the Fund's preliminary review and determination of the housing credit dollar amount needed, the Fund may determine that a property is requesting Credits in an amount which exceeds the amount considered reasonable for the financial feasibility of the property or the property's debt needs to be restructured. This determination may be based upon any or a combination of the following:

- The property can support additional debt and reduce the amount of Credits requested.
- The property has adequate cash flow to amortize what is proposed to be deferred payment debt.
- The property's equity to total property costs percentage is higher than reasonable.
- The property is eligible for fewer and/or needs fewer Credits than requested due to adjustments to Property Costs, Adjusted Basis, Eligible Basis, and Qualified Basis. Such adjustments may include, but are not limited to, excess property costs, excess builder's line items, and excess developer's fee.

Such determination may result in a reduction in the amount of Credits ultimately allocated to the property.

Property Selection

Tax-Exempt Bond Financed Properties will be selected based upon each such property's satisfaction of the applicable provisions of the Plan. Each such property's selection will not be based upon the following provisions of this subsection of the Plan.

Properties will be selected within and to the extent that Credits are available in the appropriate specific set-aside category, based upon the highest ranking of Reservation Requests within each category, until sufficient Credits are no longer available in the applicable set-aside category to fund the next highest-ranking property.

If Credits remain in a set-aside category (other than the Non-Profit Set-Aside Category), such Credits will be moved to the pooled Set-Aside Category. All properties which were not initially selected from the Applicant-selected set-aside category will be ranked in order of point score in the pooled Set-Aside Category. Properties will be selected within and to the extent that Credits are available in the pooled Set-Aside Category, based upon point score.

Note: If there are insufficient Credits available within a particular set-aside category to fund the next highest ranking property, and if such property has a high enough score to be selected for the remaining Credits needed from the pooled Set-Aside Category,

the Fund may choose to partially award Credits for such property from the appropriate specific set-aside category and award Credits for the remainder from the pooled Set-Aside Category.

If a property is not selected from the Applicant-selected set-aside category and/or the pooled Set-Aside Category, the Applicant will be notified and provided with an opportunity to have the Reservation Request wait-listed in the pooled Set-Aside Category.

Note: If two or more properties have the same score within a specific set-aside category or within the pooled Set-Aside Category, and there are not sufficient Credits available in such Set-Aside Category to select all of the tied properties, the lowest amount of Credits requested per total Interior Unit Square Footage will receive the award.

After initial selections are made, 10% of any Credit returned from a **prior year's** allocation will be allocated to the Non-Profit Set-Aside Category. The remaining 90% will be allocated to the pooled Set-Aside Category.

If a current year selected property chooses to withdraw, the Credit not allocated to such property will be returned to the Non-Profit Set-Aside Category if the selection was made from the Non-Profit Set-Aside Category, or will be allocated to the pooled Set-Aside Category if the selection was made from any other set-aside category.

The Fund reserves the right to enter into Binding Agreements (WVHDF LIHTCP-4) that commit the Fund to allocate up to \$250,000 (in the aggregate) in Credits from the next calendar year's State Housing Credit Ceiling. Any Binding Agreement decision made by the Fund would be based upon:

- point score (except as is provided for in the first paragraph of the Waiting List section of the Plan), and
- the Fund's goal to allocate at least the required percentage (approximately 100%) of the current year's State Housing Credit Ceiling in order for the Fund to be considered a "qualified state" to receive Credits from the National Pool, as provided for in Subsection 42(h)(3)(D) of the Code (e.g. if the Fund has allocated sufficient Credits to be eligible for the National Pool, Binding Agreements will not be entered into for the next year's State Housing Credit Ceiling).

Waiting List

This subsection of the Plan is not applicable to Tax-Exempt Bond Financed Properties.

As stated in the previous section, Credits may become available due to a return of Credits from a **prior year's** allocation or the withdrawal of a selected current year property. At the time it is determined by the Fund that no additional Credits will become available before the end of the calendar year to fund wait-listed properties, wait-listed properties appearing on the pooled Set-Aside Category waiting list will be considered for selection in the manner and to the extent described in the Property

Selection section of the Plan, and either selected or removed, as appropriate, from such waiting list in descending order of highest ranking. This process of selecting or removing wait-listed properties will continue until all such properties have been selected or removed from the waiting list.

This may result in a lower ranking property being selected due to the following:

- the amount of Credit requested compared to the amount of Credit available, and/or
- the requirement for the Fund to allocate 10% of the State Housing Credit Ceiling to Qualified Non-Profit entities (as defined by the Fund in the non-profit qualifications listed in the Property Characteristics, Set-Aside Categories subsection of the Plan). In this circumstance, the Fund will proceed down the pooled Set-Aside Category waiting list until a property is found which is eligible for the Qualified Non-Profit credit regardless of whether or not the property applied to the Qualified Non-Profit Set-Aside

Such selection decisions made by the Fund would be based upon the Fund's goal to allocate at least the required percentage (approximately 100%) of the current year's State Housing Credit Ceiling in order for the Fund to be considered a "qualified state" to receive Credits from the National Pool, as provided for in Subsection 42(h)(3)(D) of the Code.

COMPLIANCE MONITORING PROCEDURE

Authorized Delegate

As is permitted under 26 CFR 1.42-5, the Fund may retain an agent or other private contractor ("Authorized Delegate") to perform compliance monitoring functions except for the responsibility of notifying the IRS of compliance monitoring activities (via IRS Form 8610) and of issues of noncompliance (via IRS Form 8823).

References to the Fund in this Compliance Monitoring Procedure are *de facto* references to the Authorized Delegate with the exception of the Fund's responsibility of notifying the IRS and with the exception of any references to agreements entered into with RD or tax-exempt bond issuers as is permitted under the Exceptions from a Specific Portion of the Review Requirements portion of this Compliance Monitoring Procedure.

Effective Date and General Provisions

Subsection 42(m)(1)(B)(iii) of the Code defines a qualified allocation plan, in part, as a plan which provides a procedure ("Compliance Monitoring Procedure") that the housing credit agency (the Fund), or an agent or other private contractor of such agency, will follow in monitoring for noncompliance with the provisions of Section 42 of the Code, in notifying the IRS of such noncompliance to the extent that the housing credit agency becomes aware of such matters of noncompliance, and in monitoring for noncompliance with habitability standards through regular site visits.

This Compliance Monitoring Procedure is in accordance with Subsection 42(m)(1)(B)(iii) of the Code and 26 CFR 1.42-5. This Compliance Monitoring Procedure is applicable, unless otherwise stated, to all buildings placed in service for which the Credit is, or has been, allowable at any time, in accordance with Subsection 42(m)(1)(B)(iii) of the Code. Pursuant to 26 CFR 1.42-5(h), this Compliance Monitoring Procedure does not require monitoring for whether a building is in compliance with the requirements of Section 42 of the Code prior to January 1, 1992.

The Compliance Monitoring Procedure, as is required by Subsection 42(m)(1)(B)(iii) of the Code and 26 CFR 1.42-5 described above, includes:

1. recordkeeping and record retention provisions,
2. certification and review provisions,
3. inspection provisions, and
4. provisions for notifying Owners and the IRS of noncompliance or lack of certification.

All allocations of Credit (for allocations made both prior to and subsequent to January 1, 1992) are specifically conditioned upon the Owner complying with, and consenting and permitting the Fund to implement the provisions and requirements of this Compliance Monitoring Procedure (including the Recordkeeping and Record Retention Requirements, the Certification and Review Requirements, the Inspection Requirements, and the Notification of Noncompliance Requirements).

Compliance with the requirements of Section 42 of the Code and with habitability standards is the responsibility solely of the Owner of the building to which the Credit is allocated. The Fund's obligation to monitor for compliance with the requirements of Section 42 of the Code and with habitability standards does not make the Fund liable for an Owner's noncompliance or relieve the Owner of its responsibility for compliance.

Recordkeeping and Record Retention Requirements

Recordkeeping Requirements

The Owner of a low-income housing property is required to keep records for each building in the property for each year in the Compliance Period showing:

- the total number of residential rental units in the building (including the number of bedrooms and the size in square feet of each residential rental unit),
- the percentage of residential rental units in the building that are low-income units,

- the rent charged on each residential rental unit in the building (including any utility allowance),
- the number of occupants in each low-income unit, but only if rent is determined by the number of occupants in each unit under Code Subsection 42(g)(2) (as in effect before the amendments made by the Omnibus Budget Reconciliation Act of 1989),
- the low-income unit vacancies in the building and information that shows when, and to whom, the next available units were rented,
- the annual income certification of each low-income tenant per unit,
- documentation to support each low-income tenant's income certification (for example, a copy of the tenant's federal income tax return, Forms W-2, or verifications of income from third parties such as employers or state agencies paying unemployment compensation), ~~or a copy of the tenant's federal income tax return or IRS Forms W-2~~. For an exception to this requirement, see Subsection 42(g)(8)(B) of the Code (which provides a special rule for a 100 percent low-income building), or i Tenant income is calculated in a manner consistent with the determination of annual income under Section 8 of the United States Housing Act of 1937 ("Section 8"), not in accordance with the determination of gross income for federal income tax liability. In the case of a tenant receiving housing assistance payments under Section 8 ~~of the United States Housing Act of 1937~~, the requirement to obtain and retain documentation to support the annual income certification for each such low-income tenant is satisfied if the public housing authority provides a statement to the Owner, which the Owner retains, declaring that such tenant's income does not exceed the applicable income limit under Subsection 42(g) of the Code,
- the Eligible Basis and Qualified Basis of the building at the end of the first year of the Credit Period, and
- the character and use of the nonresidential portion of the building included in the building's Eligible Basis under Subsection 42(d) of the Code (e.g. tenant facilities that are available on a comparable basis to all tenants and for which no separate fee is charged for use of the facilities, or facilities reasonably required by the property).

Record Retention Requirement

The Owner of a low-income housing property is required to keep and retain the records (described above) for the first year of the Credit Period for each building in the property for at least six years after the due date (with extensions) for filing the federal income tax return for the last year of the Compliance Period of the building.

The Owner of a low-income housing property is required to keep and retain the records (described above) for each year of the second through the fifteenth year of the Compliance Period for at least six years after the due date (with extensions) for filing the federal tax return for each such year.

Inspection Record Retention Requirement

The Owner of a low-income housing property is required to keep and retain the original local health, safety, or building code violation reports or notices that were issued by the State or local government unit responsible for making local health, safety, or building code inspections for the Fund's inspection under the Inspection Requirements portion of this Compliance Monitoring Procedure. Retention of the original violation reports or notices is not required once the Fund reviews the violation reports or notices and completes its inspection, unless the violation remains uncorrected.

Certification and Review Requirements

Certification Requirements

The Owner of a low-income housing property is required to certify at least annually during each year of the ~~Compliance Period~~Extended Use Period to the Fund, under penalty of perjury, on forms provided by the Fund that, for the preceding twelve-month period:

- The property met the requirements of the 20-50 test, or the 40-60 test under Subsection 42(g)(1)(A) or Subsection 42(g)(1)(B) of the Code, respectively, whichever minimum set-aside test was applicable to the property, and the 15-40 test under Subsections 42(g)(4) and 142(d)(4)(B) of the Code for “deep rent skewed” properties, if applicable to the property.
- There was no change in the applicable fraction (as is defined in Subsection 42(c)(1)(B) of the Code) of any building in the property, or that there was a change and a description of the change.
- The Owner has received an annual income certification from each low-income tenant and documentation to support that certification; or, in the case of a tenant receiving housing assistance payments under Section 8 of the United States Housing Act of 1937, the Owner has received an annual income certification from each such low-income tenant, and a statement from the public housing authority that such tenant's income does not exceed the applicable income limit under Subsection 42(g) of the Code to support the annual low-income certification for each such low-income tenant.

- Each low-income unit in the property was rent-restricted under Subsection 42(g)(2) of the Code.
- All units in the property were for use by the general public (as defined in 26 CFR 1.42-9), including the requirement that no finding of discrimination under the Fair Housing Act, 42 U.S.C. 3601-3619, occurred for the property. A finding of discrimination includes an adverse final decision by the Secretary of HUD, 24 CFR 180.680, an adverse final decision by a substantially equivalent State or local fair housing agency, 42 U.S.C. 3616a(a)(1), or an adverse judgment from a federal court. If a finding of discrimination as defined above occurred for the property, the Owner must attach a copy of the finding of discrimination to the annual certification submitted to the Fund.
- The buildings and low-income units in the property were suitable for occupancy, taking into account local health, safety, and building codes (or other habitability standards), and the State or local government unit responsible for making local health, safety, or building code inspections did not issue a violation report for any building or low-income unit in the property. If a violation report or notice was issued by the governmental unit, the Owner must attach a statement summarizing the violation report or notice, or a copy of the violation report or notice to the annual certification submitted to the Fund. In addition, the Owner must state whether the violation has been corrected.
- There was no change in the Eligible Basis (as is defined in Subsection 42(d) of the Code) of any building in the property, or that there was a change and an explanation of the nature of the change.
- All tenant facilities (such as swimming pools, other recreational facilities and parking areas) included in the Eligible Basis (under Subsection 42(d) of the Code) of any building in the property were provided on a comparable basis without charge to all tenants in the building.
- If a low-income unit in the property became vacant during the year, reasonable attempts were or are being made to rent that unit or the next available unit of comparable or smaller size to tenants having a qualifying income before any units in the property were or will be rented to tenants not having a qualifying income.
- If the income of tenants of a low-income unit in the building increased above the limit allowed in Subsection 42(g)(2)(D)(ii) of the Code, the next available unit of comparable or smaller size in the building was or will be rented to tenants having a qualifying income.
- An extended low-income housing commitment (as is described in Subsection 42(h)(6) of the Code), Regulatory and Restrictive Covenants for Land Use

Agreement (WVHDF LIHTCP-7 or LIHTCP-8), was in effect (for buildings subject to Subsection 7108(c)(1) of the Omnibus Budget Reconciliation Act of 1989, 103 Stat. 2106, 2308-2311), including the requirement under Subsection 42(h)(6)(B)(iv) of the Code that an Owner cannot refuse to lease a unit in the property to an applicant because the applicant holds a voucher or certificate of eligibility under Section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437f (for buildings subject to Subsection 13142(b)(4) of the Omnibus Budget Reconciliation Act of 1993, 107 Stat. 312, 438-439).

- All low-income units in the property were used on a nontransient basis (except for transitional housing for the homeless provided under Subsection 42(i)(3)(B)(iii) of the Code or single-room-occupancy units rented on a month-by-month basis under Subsection 42(i)(3)(B)(iv) of the Code).

Review Requirements

In connection with each Owner's submission of the Owner's Annual Certification ("Owner's Certification"), the Fund is required to review, on an annual basis during each year of the Compliance Period, each Owner's Certification for compliance with Section 42 of the Code.

In addition to obtaining and reviewing each Owner's Certification, the Fund is required to:

- For all buildings placed in service on or after January 1, 2001, conduct on-site inspections of all buildings in the property by the end of the second calendar year following the year the last building in the property is placed in service, and for at least 20% of the property's low-income units, inspect the units and review the low-income certifications, the documentation supporting the certifications, and the rent records for the tenants in those units.
- At least once every three years, conduct on-site inspections of all buildings in the property, and for at least 20% of the property's low-income units, inspect the units and review the low-income certifications, the documentation supporting the certifications, and the rent records for the tenants in those units.

The Fund is required to randomly select which low-income units and tenant records are to be inspected and reviewed. The review of tenant records may be undertaken wherever the Owner maintains or stores the records (either on-site or off-site). The units and tenant records to be inspected and reviewed will be chosen in a manner that will not give Owners of low-income housing properties advance notice that a unit and tenant records for a particular year will or will not be inspected and reviewed.

Generally, the Fund will provide an Owner with reasonable notice (~~30~~14 calendar days) that an inspection of the building and low-income units or tenant record

review will occur so that the Owner may notify tenants of the inspection or assemble tenant records for review.

Exceptions from a Specific Portion of the Review Requirements

The Fund is permitted, only under certain circumstances, to except, from only a specific portion of the above Review Requirements, certain buildings that are subject to monitoring programs other than that required under Subsection 42(m)(1)(B)(iii) of the Code. Buildings that may be excepted from that portion of the Review Requirements are buildings financed by RD under the Section 515 program and buildings of which 50 percent or more of the aggregate basis (taking into account the building and the land) is financed with the proceeds of tax-exempt bonds (obligations, the interest on which is exempt from tax under Section 103 of the Code).

In order for a building to be excepted, the Fund must have entered into an agreement with RD or the tax-exempt bond issuer. Under the agreement, RD or the tax-exempt bond issuer must agree to provide information concerning the income and rent of the tenants in the building to the Fund. The Fund, upon receipt and review of such income and rent information, may assume the accuracy of the information provided by RD or the tax-exempt bond issuer without verification. The Fund must review the income and rent information and determine that the income limitation and rent restriction of Subsections 42(g)(1) and (2) of the Code are met. **However, if the income or rent information provided by RD or the tax-exempt bond issuer is not sufficient for the Fund to make these determinations, the Fund is required to request the necessary additional income or rent information from the Owner of the buildings.** For example, since RD determines tenant eligibility based on its definition of “adjusted annual income” rather than “annual income” as is defined under Section 8 and as is required under Section 42 of the Code, the Fund may have to request a copy of the income certification that the tenant and Owner prepared in order to calculate the tenant’s income in accordance with the Section 8 definition of “annual income” for Section 42 tenant income eligibility purposes.

In the event a properly excepted RD 515 property has been selected for review and inspection by the Fund, in any year of the property’s Compliance Period, the Owner of an excepted building is not required to provide or otherwise make available for the Fund’s review and inspection, and the Fund is not required to review and inspect, the tenant’s annual income certification, the documentation the Owner has received to support that annual income certification, and the rent record for each low-income tenant in at least 20% of the low-income units in that property, all of which is otherwise required in the Review Requirements portion of this Compliance Monitoring Procedure.

In the event that an exception is granted for a building, the Owner of that building should understand that the Fund may cancel the exception where circumstances indicate that the monitoring is not meeting the needs of the LIHTCP.

Inspection Requirements

As a condition of the allocation of Credits, the Fund has the right to perform an on-site inspection of any low-income housing property at any time during the ~~Compliance Period~~Extended Use Period of the buildings in the property.

The Inspection Requirement is a required part of this Compliance Monitoring Procedure and is a separate requirement from any tenant file review described in the Certification and Review Requirements portion of this Compliance Monitoring Procedure.

For the on-site inspections of buildings and low-income units described in the Certification and Review Requirements portion of this Compliance Monitoring Procedure, the Fund is required to review any local health, safety, or building code violations reports or notices retained by the Owner in accordance with the Inspection Record Retention Requirement portion of this Compliance Monitoring Procedure. In addition, the Fund is required to determine:

- Whether the buildings and the units are suitable for occupancy, taking into account local health, safety, and building codes (or other habitability standards);

OR

- Whether the buildings and units satisfy, as determined by the Fund, the uniform physical condition standards for public housing established by HUD (24 CFR 5.703). The HUD physical condition standards do not supersede or preempt local health, safety, and building codes. A low-income housing property under Section 42 of the Code must continue to satisfy these codes, and if the Fund becomes aware of any violation of these codes, the Fund is required to report the violation to the IRS. However, provided the Fund determines by inspection that the HUD standards are met, the Fund is not required to determine by inspection whether the property meets local health, safety, and building codes.

The Fund is not required to inspect a building if the building is financed by RD under the Section 515 program, provided that RD inspects the building (under 7 CFR, part 1930), and provided that RD and the Fund have entered into an agreement, under which RD agrees to notify the Fund of the inspection results.

Notification of Noncompliance Requirements

Owner

The Fund will promptly give the Owner of a low-income housing property written notice if the Fund does not receive the required Owner's Certification (described in the Certification and Review Requirements portion of this Compliance Monitoring Procedure), or if the Fund does not receive or is not permitted to inspect any low-income tenant's annual income certification, supporting documentation, and rent records (described in the Review Requirements portion of this Compliance Monitoring Procedure), or if the Fund discovers on inspection, review, or in some other manner (e.g. Department of Justice Consent Order), that the property is not in compliance with the provisions of Section 42 of the Code.

Correction Period

The Owner has an opportunity to supply missing certifications or to correct noncompliance with Section 42 of the Code within a ~~90~~30-calendar day correction period, which begins on the date the Fund's written notice of noncompliance with Section 42 of the Code was mailed to the Owner (as described in the preceding paragraph). However, the Fund may grant, in writing, upon receipt and consideration of a written request from the Owner, an extension of up to six months, but only if the Fund determines, in its sole discretion, that there is good cause for granting the extension.

Internal Revenue Service

The Fund is required to notify the IRS of an Owner's noncompliance or failure to certify no earlier than the end of the correction period (described in the preceding paragraph) including any extensions, and no later than 45 calendar days after the end of the correction period (described in the preceding paragraph) including any extensions, whether or not the noncompliance or failure to certify is corrected. The Fund will notify the IRS by filing IRS Form 8823, Low-Income Housing Credit Agencies Report of Noncompliance, with the IRS prior to the end of the 45-calendar day period. The Fund must explain on IRS Form 8823 the nature of the noncompliance or failure to certify and indicate whether the Owner has corrected the noncompliance or failure to certify.

If a building goes entirely out of compliance with Section 42 of the Code, so that no Credit is allowable for the building for the taxable year or in any future taxable year during the Compliance Period, the Fund need not file IRS Form 8823 in every subsequent year to report the noncompliance. Instead, the Fund may file a single IRS Form 8823 for the building when the Fund becomes aware that the building has gone entirely out of compliance, provided that the Fund reports on the form that the building is entirely out of compliance and will not be in compliance in the future. If the noncompliance or failure to certify is corrected within three years after the end of the correction period, the Fund is required to file IRS Form 8823 with the IRS reporting the correction of the noncompliance or failure to certify.

Fund Recordkeeping and Record Retention Requirements

The Fund is required to retain the Owner's Certification, the annual income certifications, the supporting documentation, rent records, and any other records described in the Certification and Review Requirements portion of this Compliance Monitoring Procedure for at least three years beyond the end of the calendar year in which the Fund receives such certifications and records. However, the Fund is required to retain any records related to noncompliance or failure to certify for at least six years beyond the Fund's filing of IRS Form 8823 with the IRS.

Fund Reports of Compliance Monitoring Activities

The Fund is required to report its compliance monitoring activities annually on IRS Form 8610, "Annual Low-Income Housing Credit Agencies Report".

Modification of the Compliance Monitoring Procedure

This Compliance Monitoring Procedure is based upon 26 CFR 1.42-5, "Monitoring Compliance with Low-Income Housing Credit Requirements" and the 2000 Memorandum of Understanding among the Department of the Treasury, HUD, and the Department of Justice.

This Compliance Monitoring Procedure is subject to modifications by the Fund, in order to comply with any future promulgations, issuances, or modifications of 26 CFR 1.42-5, Section 42 of the Code, and all regulations, rules, rulings, policies, procedures and any other official statements promulgated and issued by the IRS, or the Treasury Department (including currently existing and future promulgations and issuances). Further, this Compliance Monitoring Procedure is also subject to any other modification by the Fund that the Fund, in its sole discretion, considers is necessary.

From time to time the Fund may assign a property for inclusion in the HUD Physical Inspection Pilot Program and in doing so may elect to apply the provisions allowed under IRS regulations published in the Federal Register on February 25, 2016 and Revenue Procedure 2016-15 issued concurrently. In addition, the Fund reserves the right to utilize other provisions permitted under the revenue procedure as are deemed necessary and appropriate including, but not limited to, decoupling of units selected for physical inspection and low-income certification.

Compliance Monitoring Fees

The Ownership Entity of any property that is subject to this Compliance Monitoring Procedure will be charged an annual monitoring fee equal to \$35 per year per residential rental unit in any such property, for fees collected in 20~~19~~21 and 20~~20~~22. The Compliance Monitoring Fee amount may change in subsequent years.

The Ownership Entity's failure to pay such fee will be treated as an instance of noncompliance.

Compliance Monitoring During the Extended Use
Period after the Close of the Initial 15-Year Compliance Period

The Fund will continue to monitor any low-income housing property ~~and apply all portions of this Compliance Monitoring Procedure~~, after the close of the initial 15-year Compliance Period and during the Extended Use Period, ~~as specified in such property's Regulatory and Restrictive Covenants for Land Use Agreement (WVHDF LIHTCP-7 or LIHTCP-8), except as follows: For details on the monitoring procedure followed after the close of the initial 15-year Compliance Period refer to the Fund's current Tax Credit Compliance Manual.~~

- ~~• A full first annual certification must be completed for all LIHTC households. Once, a household reaches the second year of occupancy, only a self-certification is needed.~~
- ~~• Student restrictions have been eliminated. Single full-time students are eligible after the close of the initial 15-year Compliance Period. **Important Note: If a property receives a re-syndication of Credits, full-time student households would be ineligible.**~~

~~The above-referenced exceptions only apply to those properties that have completed the initial 15-year Compliance Period and are in the Extended Use Period. Therefore, before making any policy changes, the Owner should review the property's IRS Forms 8609 carefully in order to determine if the property has fully completed the initial 15-year Compliance Period. If unsure of whether or not the property has completed the initial 15-year Compliance Period, please contact the Fund for further assistance.~~

~~It is also important to note the following:~~

- ~~• All End of Year Documentation must continue to be submitted annually. This includes the End of Year History Report database and the Owners Certification of Continuing Compliance.~~
- ~~• All units must be rented to income-eligible households and the rent must remain restricted below the applicable rent limit at all times.~~

~~If the Fund's policy on this matter changes, guidance as to the scope of monitoring after the close of the initial 15-year Compliance Period will be issued at the time the policy changes.~~

Compliance Manual

Additional compliance requirements which are not a required element of a qualified allocation plan can be found in the Fund's current Tax Credit LIHTC Compliance Manual located at the following web address:

<https://www.wvhdf.com/multifamily-compliance-documents/lihtcp-compliance-documents>

OTHER MATTERS

The Fund makes no representation concerning any tax or other consequences resulting from participation in or information concerning the LIHTCP and accepts no responsibility for any adverse consequences to the Owner or property investors arising out of any participation in or other information concerning the LIHTCP. All Applicants to the LIHTCP agree that the Fund will not be held responsible or liable for any representations made or adverse tax or other consequences to the Applicant or property investors relating to the participation in or other information concerning the Fund's LIHTCP, and, therefore, the Applicant must assume the risk of all damages, losses, costs and expenses of any kind and nature that may be hereinafter suffered, incurred or paid arising out of the use of any information concerning the LIHTCP. Submission of an application (Reservation Request, Carryover Allocation Request, or Allocation Request) is conclusive evidence of an Applicant's agreement to abide by, be bound by, and act in accordance with the content and provisions of this paragraph and the content and provisions of the Plan, in its entirety. In addition, submission of an application (Reservation Request, Carryover Allocation Request, or Allocation Request) is evidence of an Applicant's certification of the items listed in the Owner Certification section of the WVHDF Form 1040 signed and attested to by an authorized representative of the Owner.

All interested parties should understand that full regulations for the LIHTCP have not been promulgated yet and that existing regulations may be changed or repealed, new regulations may be promulgated from time to time, and interpretations of existing laws and regulations may be issued. Therefore, the Fund reserves the right to change or modify the contents of the Plan, in order to comply with any future promulgations or interpretations, or in order to facilitate the allocation of Credits that could not otherwise be made, or in order to address any unforeseen circumstances that arise.