



## 2020 Multifamily Uniform Application Application Webinar Questions Log

### Audience Question:

**Q:** General: It sounds like TDHCA will be posting FAQs or something similar. Is that correct? We would really appreciate that resource as we try not to interpret the QAP and it is faster than emailing staff directly as we understand that answering many questions can be time consuming for staff.

**A:** This Q&A document will only cover the questions asked during the webinar on November 21, 2019. Applicants will have to contact staff directly for answers to other technical questions. You can email me at [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us). We are committed to getting back to you as promptly as possible.

### Audience Question:

**Q:** Regarding pre-application submission: Is an amenities list required to be submitted with the Pre-Application?

**A:** The amenities list is no longer required to be submitted with the pre-application.

### Audience Question:

**Q:** Regarding Pre-Application documentation: For 2020 Notifications, do elected officials need to be individually recognized or does only addressing the correct office suffice?

**A:** The rules at 10 TAC §§11.8(b)(2) and 11.203 were revised for 2020 because Tex. Gov't Code Sections 2306.6704(b-1) and 2306.6705(9) require evidence that the applicant has notified certain "entities." The change was made so that applicants would not lose pre-application points or eligibility for not notifying an individual. Applicants are not required to notify individuals. However, an Applicant must be sure to notify every entity, e.g., each city council district is an individual entity. An applicant does not need to re-notify if there is a change in official; an applicant does need to re-notify if boundaries of the entity change.

### Audience Question:

**Q:** Regarding lottery applications: For 4% tax credit applications who are also in the 2020 bond lottery (e.g. application is due Dec 13th), can we use the 2019 certification forms or will there be 2020 versions posted very soon?

**A:** 4% HTC Applications associated with the 2019 Bond Lottery and Applications for Multifamily Direct Loan Funds under the 2020-2 Bond Lottery NOFA should use the 2019 certifications and

templates posted at <https://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

**Audience Question:**

**Q:** Regarding Tabs 2 and 7: Can you clarify school ratings for this year regarding those rated F? The QAP implies that any school rated F for 2019 is considered ineligible with no opportunity for mitigation, but Tab 7 of the Draft Application implies that if the school is rated F for 2019 and Met Standard for 2018 you can mitigate it by submitting the NRFR and supporting documentation. Please clarify.

**A:** Per 10 TAC §11.101(a)(3)(B)(iv) of the QAP related to Neighborhood Risk Factors, for a Development Site located within the attendance zone of an elementary school, a middle school or a high school that has a 2019 TEA Accountability Rating of D and a 2018 Improvement Required Rating; or a 2019 TEA Accountability Rating of F and a 2018 Met Standard Rating, an Applicant may provide information indicating sufficient mitigation. The Department requests that this information also be submitted in instances where a school in the attendance zone containing the Development achieved a 2019 TEA Accountability Rating of F or D and does not have a TEA Accountability rating for 2018, and in instances where a school in the attendance zone containing the Development does not have a TEA Accountability rating for 2019 and has a 2018 Improvement Required Rating.

10 TAC §11.101(b)(1) is related to Ineligible Developments, and per item (C) of that rule related to Ineligibility of Developments within Certain School Attendance Zones, any Development that falls within the attendance zone of a school that has a 2019 TEA Accountability Rating of F and a 2018 Improvement Required Rating is ineligible with no opportunity for mitigation. Consideration for Developments within such zones that are not exempt would only be achieved through the waiver process as outlined in 10 TAC §11.207, and that waiver must be submitted prior to submission of the pre-application (if one is submitted) or prior to submission of the full application.

Developments that are encumbered by a TDHCA LURA on the first day of the Application Acceptance Period or at the time of Pre-application (if applicable), Elderly Developments, Supportive Housing SRO Developments, and Supportive Housing Developments where all Units are Efficiency Units are exempt.

**Audience Question:**

**Q:** Regarding the census tract map required in Tab 8: Will the manual include steps on getting the map with the full census tract? The HUD website [https://www.huduser.gov/portal/sadda/sadda\\_qct.html](https://www.huduser.gov/portal/sadda/sadda_qct.html) no longer provides full census tract numbers.

**A:** Staff was able to go the site indicated above and retrieve the map. Note that the full census tract number appears not on the map but is superimposed in a box that pops up when the census tract is selected. Contact [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us) if further assistance is needed.

**Audience Question:**

**Q:** Regarding the census tract map required in Tab 8: Do you need an outline of the site on the

census tract map?

**A:** An outline of the site is not required, but noting the location of the site on the map is helpful for staff, for instance, in determining eligibility for points under Opportunity Index.

**Audience Question:**

**Q:** Regarding Tab 9 scoring for 9% HTC applications: Are readiness to proceed points included in the self-score?

**A:** Readiness to proceed points are not included in the self-score.

**Audience Question:**

**Q:** Regarding Tab 9 scoring for 9% HTC applications: If no Opportunity Index or Concerted Revitalization Plan points are requested, do we still submit an amenities list and back up?

**A:** If you are not requesting points for Opportunity Index or Concerted Revitalization Plan, you do not need to select amenities on the Site Information Part II form, and you do not need to provide any information regarding amenities.

**Audience Question:**

**Q:** Regarding Tab 9 documentation for 9% HTC applications: Who is the right contact to discuss whether an area we think qualifies for a Concerted Revitalization Area does indeed meet those requirements?

**A:** You can contact Sharon Gamble at [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us) with any questions about the rules. However, until we are reviewing your submitted application, we will make no final determination on whether an area meets the requirements for points.

**Audience Question:**

**Q:** Regarding Tab 9 scoring for 9% HTC applications: Can you add the points on the Urban Core options on the application?

**A:** If by "add" you mean can we indicate the point values on the form like we did for the average income items, we have already done so and they are included. If by "add" you mean is the application designed so that an applicant can select more than one option and the application will total the scores, then, no, an applicant cannot select more than one option and the application will not perform such an addition function.

**Audience Question:**

**Q:** Regarding Tab 9 scoring for 9% HTC applications: We would like to have TDHCA confirm that Travis County is actually a Readiness To Proceed county. It appears that Travis County has not had individual assistance provided.

**A:** We have confirmed that Travis County (and many of the other counties originally listed on the disaster counties exhibit) does not qualify as a Readiness to Proceed county and will not be eligible for points under 10 TAC §11.9(c)(8) related to readiness to proceed. The list of eligible disaster counties has been revised and re-posted at <https://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

**Audience Question:**

**Q:** Regarding Tab 9 documentation for 9% HTC applications: There are some OnTheMap areas that are incorrect or say no data. Can alternative job data be used?

**A:** 10 TAC §11.9(c)(7)(B) states that “the data used will be based solely on that available through US Census’ OnTheMap tool. As staff does not have the ability to waive the rule, any determination on the use of alternative data would have to be made by the Department’s governing board as a decision on a request to waive the requirement in rule.

**Audience Question:**

**Q:** Regarding Tab 9 documentation for 9% HTC applications: How do we get a report date for "On The Map"? I do not see where the date is located on the primary jobs report.

**A:** Refer to Page 21 of the application manual for step-by-step instructions on producing the report. The report will have a “created on” date on the front page.

**Audience Question:**

**Q:** Regarding Tab 11 documentation for applications: Re-platting is a 6-9 month process in some cities and very expensive. Changes in infrastructure have to be finalized, and drainage studies have to be completed before a plat is finalized. How will TDHCA make exceptions for these cases?

**A:** The rule was revised for 2020 to allow for re-platting of previously subdivided land, in response to 2019 Applications that did not have site control without this provision. No public comment regarding a longer process was submitted regarding the change to this provision. If the Applicant is not able to evidence site control without re-platting, they may request waiver of the requirement at or before Application.

**Audience Question:**

**Q:** Regarding Tab 13 documentation for applications: What if multiple sites from the same seller are in one purchase contract? Do you still complete multi-site tab?

**A:** Yes. The form is required if a development site is assembled by aggregating noncontiguous tracts conveyed by one contract, or tracts conveyed by more than one contract whether contiguous or not, or if there is more than one census tract. Refer to the top of the form for more information about required documentation.

**Audience Question:**

**Q:** Regarding Tab 13 documentation for applications: What if you have multiple tracts/sites from different sellers?

**A:** Complete a section of the multi-site form for each site regardless of Seller. Refer to the top of the form for more information about required documentation.

**Audience Question:**

**Q:** Regarding Tab 14 documentation for applications: Based on new language in the QAP, do we need to re-notify if there is a change in official or only a change in entity boundary? The form still says official.

**A:** The rules at 10 TAC §§11.8(b)(2) and 11.203 were revised for 2020 because Tex. Gov’t Code Sections 2306.6704(b-1) and 2306.6705(9) require evidence that the applicant has notified certain “entities.” The change was made so that applicants would not lose pre-application points

or eligibility for not notifying an individual. Applicants are not required to notify individuals. However, an Applicant must be sure to notify every entity, e.g., each city council district is an individual entity. An applicant does not need to re-notify if there is a change in official; an applicant does need to re-notify if boundaries change.

**Audience Question:**

**Q:** Regarding Tabs 28 and 29 documentation for applications: Can the offsite and site work cost exhibits be completed by the General Contractor or Cost estimator that completed the Development Cost Schedule? Engineers are not typically aware of development costs.

**A:** 10 TAC §11.204(8)(E) states that the Site Work Costs Breakdown must be prepared by a Third Party engineer or cost estimator, and the Off-Site Costs Breakdown must be prepared by a Third Party Engineer. The rule does not prohibit the engineer from collecting the necessary information from other Development Team members.

**Audience Question:**

**Q:** Regarding Tab 34 scoring for 9% HTC applications: Do both lender and Syndicator need to sign the pro forma, or just one?

**A:** 10 TAC §11.9(e)(1) related to Financial Feasibility includes the requirement for the signed pro forma. Per that rule, the pro forma must be signed by an authorized representative of the Third Party construction or permanent lender. A pro forma signed only by the construction lender will only suffice for Supportive Housing Developments that meet the requirements of 10 TAC §11.1(d)(122)(E)(i) since they will have no permanent debt.