



REQUEST FOR DETERMINATION NOTICE REINSTATEMENT

Overview:

This document is provided to give direction to Tax-Exempt Bond Development applicants as defined in 10 TAC §11.1(d)(125) and further described in §11.201(2) of the Qualified Allocation Plan (QAP). Specifically, this document describes the process Tax-Exempt Bond Development applicants must follow if they have received a Determination Notice associated with a specific Certificate of Reservation docket number (“docket number”) issued by the Bond Review Board (BRB) and subsequently withdraw that docket number and are issued a new docket number.

Applicants under the 4% HTC program that receive Board approval as evidenced by a Determination Notice, but do not close on the bonds prior to the Certificate of Reservation expiration date (*i.e.* the 180-day deadline), and subsequently have that docket number withdrawn from the BRB, may have their Determination Notice reinstated if the Application remains unchanged with regard to the items below. The Applicant will need to receive a new docket number from the BRB and meet the requirements of §11.201(3)(A) - (C) of the QAP as excerpted below. In addition, the attached certification (“Determination Notice Reinstatement Request Form”) must be executed and notarized and a Determination Notice Reinstatement Fee of \$1,000 must be submitted to the Department.

The Application must remain unchanged with regard to the following:

- site control;
- total number of Units;
- unit mix (Bedroom sizes and income restrictions);
- design/site plan documents;
- financial structure including bond and HTC amounts;
- development costs;
- rent schedule;
- operating expenses;
- sources and uses;
- ad valorem tax exemption status;
- target population;
- scoring criteria (at Pre-application if TDHCA is Issuer); and
- TBRB priority status including the effect on the inclusive capture rate.

The entities involved in the Applicant entity and Developer cannot change; however, the new docket certification can be submitted even if the lender, syndicator or issuer changes, as long as the financing structure and terms remain unchanged. Should any of the aforementioned items have changed, but in staff’s determination and review such change is determined not to be material or determined to not have an effect on the original underwriting conclusions or program review then the Applicant may be allowed to submit the certification and subsequently have the Determination Notice re-issued.

The public notifications under §11.203 of the QAP are not required to be reissued. A revised Determination Notice will be issued once notice of the assignment of a new docket number has been provided to the

Department and the Department has confirmed that the capture rate and market demand remain acceptable. It is important to note that reissuance of a Determination Notice will be subject to capture rate provisions pursuant to §11.201(6)(A) of the QAP as well as de-concentration factors pursuant to §11.3 of the QAP. The priority of Tax-Exempt Bond Developments are established based on the earlier date associated with the Certificate of Reservation.

The new docket number must be from the same program year as the original docket number or, for Applications that receive a new docket number from the program year that is immediately succeeding the program year of the original docket number, the following requirements must be met:

- The Applicant must certify that the Development will meet all rules and requirements in effect at the time the new docket number is issued; and
- The Department must determine that the changes in the rules applicable to the program(s) under which the Application was originally awarded are not of a material nature that would necessitate a new Application and that any new forms and clarifications to the Application are of a nature that can be resolved through the Administrative Deficiency process.

If there are changes to the Application as those referenced above or if changes in the rules are of a material nature, the Applicant will be required to submit a new Application in full, along with the applicable fees to be reviewed and evaluated in its entirety for a new Determination Notice to be issued. If there is public opposition, but the Application remains the same, a new application and application fee will not be required to be submitted; however the application must be presented before the Board for consideration of a re-issuance of the Determination Notice.



DETERMINATION NOTICE REINSTATEMENT REQUEST FORM

Development Name:	New BRB Docket Number:
Application # :	Date New Docket Issued:
Applicant Legal Name:	Expiration Date of New Docket:
Applicant Contact:	
Site Street Address:	
Site City, State, and Zip:	

State the reason the closing on the bonds did not occur before the Certificate of Reservation expiration date below:

On behalf of the Applicant and all affiliates of the Applicant (hereinafter “Applicant”), I hereby certify that the information contained in our original application to the Texas Department of Housing and Community Affairs (the “Department”) for Housing Tax Credits has not changed. I certify that, as it regards the Application named above, the following have not changed: site control, total number of Units, unit mix (Bedroom sizes and income restrictions), design/site plan documents, financial structure including bond and housing tax credit amounts, development costs, rent schedule, operating expenses, sources and uses, ad valorem tax exemption status, target population, scoring criteria (if TDHCA is bond issuer) and TBRB priority status including the effect on the inclusive capture rate. I certify that the entities involved in the Applicant entity and developer have not changed and further certify that if the lender, syndicator or issuer have changed, the financing structure and terms remain unchanged.

Applicant acknowledges that all representations, undertakings, and commitments made by Applicant in the original application process for a Tax-Exempt Bond Development, whether with respect to the 2021 Qualified Allocation Plan, or otherwise, shall still be deemed to be a condition to any Determination Notice for such Development, the violation of which shall be cause for cancellation of such Determination Notice by the Department and if concerning the ongoing features or operation of the Development, shall be enforceable even if not reflected in the LURA. All such representations in the original application are enforceable by the Department and the tenants of the Development, including enforcement by administrative penalties for failure to perform, in accordance with the LURA. The Applicant hereby certifies that the information contained in the original application as required or deemed necessary by the materials governing the Housing Tax Credit Program are true and correct.

If the new docket number identified above is issued from the succeeding year in which the Determination Notice was originally issued, Applicant herein certifies that the Development meets all of the rules and requirements in effect at the time the new docket number is issued.

The Determination Notice Reinstatement Fee has been submitted to the Department pursuant to 10 TAC §11.901(19) of the QAP and a copy of the Payment Receipt and check are attached.

By: _____ Its: _____
Signature of Applicant/Owner *Date*

Printed Name

STATE OF: _____
COUNTY OF: _____

I, the undersigned, a notary public in and for said County, in said State, do hereby certify that _____, whose name is signed to the foregoing statement, and who is known to be one in the same, has acknowledged before me on this date, that being informed of the contents of this statement, executed the same voluntarily on the date same foregoing statement bears.

Given under my hand and official seal this ____ day of _____, _____. (seal)

Notary Public Signature *Commission Expires*