



Memorandum

Date: November 4, 2015
To: Bruce D. Glasscock, City Manager
From: Lori Feild Schwarz, Director of Neighborhood Services
Subject: TDHCA Housing Tax Credit Process

The Low-Income Housing Tax Credit (LIHTC) is a federal program designed to attract equity investment in the development and preservation of affordable rental housing benefiting households with incomes substantially (60% or lower) below the area median income. For Plano, a four person household with an income of \$42,240 or less would qualify to live in an HTC-funded housing unit. The program allows the investor to receive profits and losses, tax credits, depreciation and other financial benefits based on their equity investment in the portion of the development that is restricted to occupancy by income qualified household.

The tax credit benefit is a dollar for dollar offset to federal income tax owed by the investor. The tax credits available under LIHTC fall into two broad categories: 4% non-competitive and 9% competitive. The annual tax credit is calculated based on the award (percentage), cost of the project, number of qualifying units and duration of the qualifying period. Although this is a federal program, it is administered by state finance agencies, with each state receiving an allocation of credits based on population.

The Texas Department of Housing and Community Affairs (TDHCA) administers the Housing Tax Credit (HTC) program in Texas and each state establishes its own rules for project selection. Housing built through this program are rental units that must remain affordable and comply with TDHCA rules and regulations for up to 40 years. Both private and non-profit developers are able to submit applications for the competitive 9% HTC program or the non-competitive 4% HTC program.

Municipalities where HTC funded units are proposed will be required to hold a public hearing for both financing assistance applications. Following the public hearing, the City Council may choose to approve the financing application via a Resolution of Support or a Resolution of No Objection, or disapprove the application. For the Competitive 9% HTC program, applicants are awarded application points based on the type of resolution approved by City Council. A Resolution of Support is worth 17 points and a Resolution of No Objection is worth 14 points in this highly competitive statewide process. HTC applicants are also eligible to receive up to eight points if a letter of support or no objection is provided by the State Representative of the area where the proposed units will be located.

Applications for the 4% HTC may be submitted throughout the calendar year. Applications for the 9% HTC are submitted during a set schedule each calendar year. Below is the TDHCA's timeline for submittal of competitive 9% HTC applications for 2016.

| Deadline | Required Documentation |
|-----------------|--|
| January 2, 2016 | Applications Acceptance Period Begins |
| March 1, 2016 | Local Resolutions and State Representative letters due |
| Mid- May 2016 | Application Scores Released |
| July 2016 | Final Awards |

In an effort to provide an equitable and prescriptive process for City Council to consider HTC applications, the Neighborhood Services Department reviewed federal and state processes and met with multiple stakeholders including city departments as well as non-profit and for-profit housing developers. As provided in Attachment A, the recommended review process begins with an application from the developers to the Community Services Division of the Neighborhood Services Department. Staff will review the application for conformance with the Threshold Evaluation Criteria and recommend to City Council a Resolution of Support or a Resolution of No Objection for the public hearings. If the minimum Threshold Evaluation criteria are not met, Staff will recommend disapproval of the proposed HTC application.

The process will focus on the merits of each specific application related to the potential financing through the TDHCA. There will be no review of the suitability of the site in relation to the city's development regulations. Therefore, each Resolution of Support or No Objection will include the following language:

The Resolution is specifically related to potential financing and makes no finding regarding either the suitability of the proposed site or compliance with the city's development regulations. Approval of this resolution will not be construed as a development permit.

Further, TDHCA does not allow HTC funded units if the site is located within two miles of another HTC application in the same calendar year to ensure that units are not concentrated. Applications are also ineligible for the program if the proposed site is located within one mile or less from units that received HTC funding in the three preceding years. There are five existing housing complexes that have benefited from the HTC program in Plano, which are shown in Attachment B. Four are for the elderly and one was created for the general population. Currently, there is one HTC-funded development for the elderly that is under construction within the city.

XC: Frank F. Turner, Deputy City Manager
Shanette Brown, Community Services Manager

ATTACHMENTS:

"A" – Proposed City of Plano Housing Tax Credit Resolution Process and Application
"B" – Map of existing City of Plano HTC-funded developments

Proposed City of Plano LIHTC Resolution Process

TDHCA offers non-competitive 4% and competitive 9% LIHTC application processes. Non-competitive Low Income Housing Tax Credit (LIHTC) applications may be received year round and are evaluated as received. Competitive 9% LIHTC applications follow a different process which typically begins in January of each year. Below is the proposed timeline and application process for developers seeking resolutions for their Plano LIHTC TDHCA application:

City of Plano 9% LIHTC Application Timeline

- September 2015:** Held meetings with known developers to discuss the new process and answer questions.
- October 2015:** Application and checklist (see attached) published online.
- December 2015:** Applications due and Staff evaluation of applications. This would include a joint review by a group of Neighborhood Services, Planning Department and Accounting (Financial review) staff.
- January 2016:** Council briefing on the TDHCA LIHTC process (see below timeline) and the public hearing on resolutions of support and no objection.

TDHCA 9% LIHTC Timeline (based on the 2016 TDHCA DRAFT timeline)

- January 2016: Applications acceptance period begins.
- February 2016: Full application due.
- March 2016: Resolutions from local government and elected officials due.
- June 2016: Board meeting and application review.
- July 2016: Final Awards

Threshold Evaluation Criteria:

Staff will use the below threshold questions and information submitted by the developer with the application (see attached) to determine whether a Resolution of Support (17 TDHCA application points) or a Resolution of No Objection (14 TDHCA application points) will be recommended to City Council.

Resolutions of Support:

Applications meeting at least 4 of the below 6 threshold questions and are deemed financially stable will receive a staff recommendation for a Resolution of Support, including meeting threshold question #1.

Resolutions of No Objection:

Applications meeting threshold question #1 and that are deemed financially stable as shown in the financial information submitted with the application checklist will receive a staff recommendation for a Resolution of No Objection.

Threshold Questions

- 1) Does the LIHTC project fit a city priority and need as stated in the five year Consolidated Plan?
- 2) Does the developer have an existing relationship with utilizing City of Plano HUD funds to provide or maintain affordable housing or a letter of support from a municipality for which the developer has collaborated with for the purpose of building or rehabilitating housing?
- 3) Location: Is the project located within 0.50 mile walking distance of DART transportation (current or developing public transportation route) or is the project located in a high opportunity area?

High opportunity area is defined as an areas that has the following:

- An Area Median Income greater than 80%; **or** An area poverty rate 10% or less
- 4) Percent of unit mix with priority given to mixed income developments. This evaluation is based on market rate units to low-income unit percentages allowing projects that have at least 25% of market rate units to meet the threshold.
 - 5) Do the units address a housing need or problem identified in the Needs Assessment or Market Analysis sections of the City of Plano's current Consolidated Plan for HUD programs?
 - 6) Does the development include at least four of the below energy efficient or sustainable/green build components?
 - The use of **better than R-3** insulation on exposed hot water pipes;
 - Energy Star qualified windows with Low E glass;
 - Energy Star qualified HVAC;
 - Energy Star qualified Efficiency Water Heaters;
 - Radiant barrier per ASTM standards in attic and/or roof sheathing; and/or exterior wall sheathing (**may not be combined with spray foam insulation**);

ATTACHMENT A

- Spray foam insulation exceeding code requirements; or
- Low or no VOC paint



City of Plano Low Income Housing Tax Credit Application

All applications must be submitted with a completed Application Form and Application Checklist, and all materials listed in the appropriate checklist. Neighborhood Services Department staff is available to advise you on any requirements. Applications are due by 5:00pm, December 15, 2015.

Project Name: _____

Property Information

| |
|---|
| Property Address: |
| Legal Description: |
| Do you intend to request funding for your project through the City of Plano Consolidated Grant Process? |
| <div style="display: flex; justify-content: space-around;"> YES NO </div> |

Applicant Information (property owner or authorized agent) *Applicant will be used as the City's Official Contact*

| | |
|--|-----------------------------|
| Name: | |
| Address: | |
| City/State/Zip: | |
| Work Phone: | Cell Phone: |
| Email: | |
| Do you have site control or owner's consent to apply for LIHTC funding on this site? | |
| YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Property Owner Information

| | |
|-----------------|--------------|
| Owner Name(s): | |
| Address: | |
| City/State/Zip: | DUNS Number: |
| Work Phone: | Cell Phone: |
| Email: | |

| | |
|--|-------|
| Applicants Signature: | |
| Printed Name: | Date: |
| By signing this form, the owner of the property authorizes the City of Plano to begin proceeding in accordance with the process for this request. The owner further acknowledges that submission of an application does not in any way obligate the City of Plano to approve the application and that although City staff may make certain recommendations regarding this application, the decision making authority may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation. | |

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City of Plano Low-Income Housing Tax Credit Resolution of Support Request Checklist

This Checklist is intended to provide the information and data that is necessary to assess the merits of the project proposal.

Incomplete applications cannot be accepted for review. If all the information noted in the "Items Required for Submittal" section of this checklist is not provided the application may not be accepted for processing.

| Items Required for Submittal | |
|---|--------------------------|
| Application Form | <input type="checkbox"/> |
| Checklist | <input type="checkbox"/> |
| Proposed Development name, Developer/Applicable owner(s) and/or Program name to be referenced in the City Resolution | <input type="checkbox"/> |
| Letter of Project Intent, with detailed information listed below: | <input type="checkbox"/> |
| Detailed Information | |
| Location Map of the property. | <input type="checkbox"/> |
| Site Development: | |
| List the number of units. | <input type="checkbox"/> |
| List the breakdown of rental rates by unit and income restrictions. | <input type="checkbox"/> |
| Will rental rates change over time and how are they determined? | <input type="checkbox"/> |
| How many accessible units are included. | <input type="checkbox"/> |
| If the development includes market rate units, do these units differ from the income restricted units in anyway? | <input type="checkbox"/> |
| List the amenities included in individual units as well as those for the entire site. | <input type="checkbox"/> |
| Describe energy efficiency components that will be installed. | <input type="checkbox"/> |
| Background of the development company and management company: | <input type="checkbox"/> |
| Have there been any changes in company names or re-organizations? | <input type="checkbox"/> |
| History of similar projects and complexes managed. | <input type="checkbox"/> |
| How many tax credit and/or HOME projects have you developed and managed? | <input type="checkbox"/> |
| | |
| | |

| | |
|---|--------------------------|
| Financial: | |
| List the funding sources to be used. | <input type="checkbox"/> |
| List any past or current funding programs (state or federal) for which the property is under contract (USDA, Section 8, etc.). | <input type="checkbox"/> |
| Provide the anticipated breakdown of the development costs. | <input type="checkbox"/> |
| Will the site be tax exempt after development? | <input type="checkbox"/> |
| What is the affordability period requirement for this project? | <input type="checkbox"/> |
| Provide a Pro Forma statement for the project. | <input type="checkbox"/> |
| Will this development require extensive capital improvements? | <input type="checkbox"/> |
| Please list any additional information or letters that you will be requesting from the City of Plano for the TDHCA application requirements. | <input type="checkbox"/> |
| | |

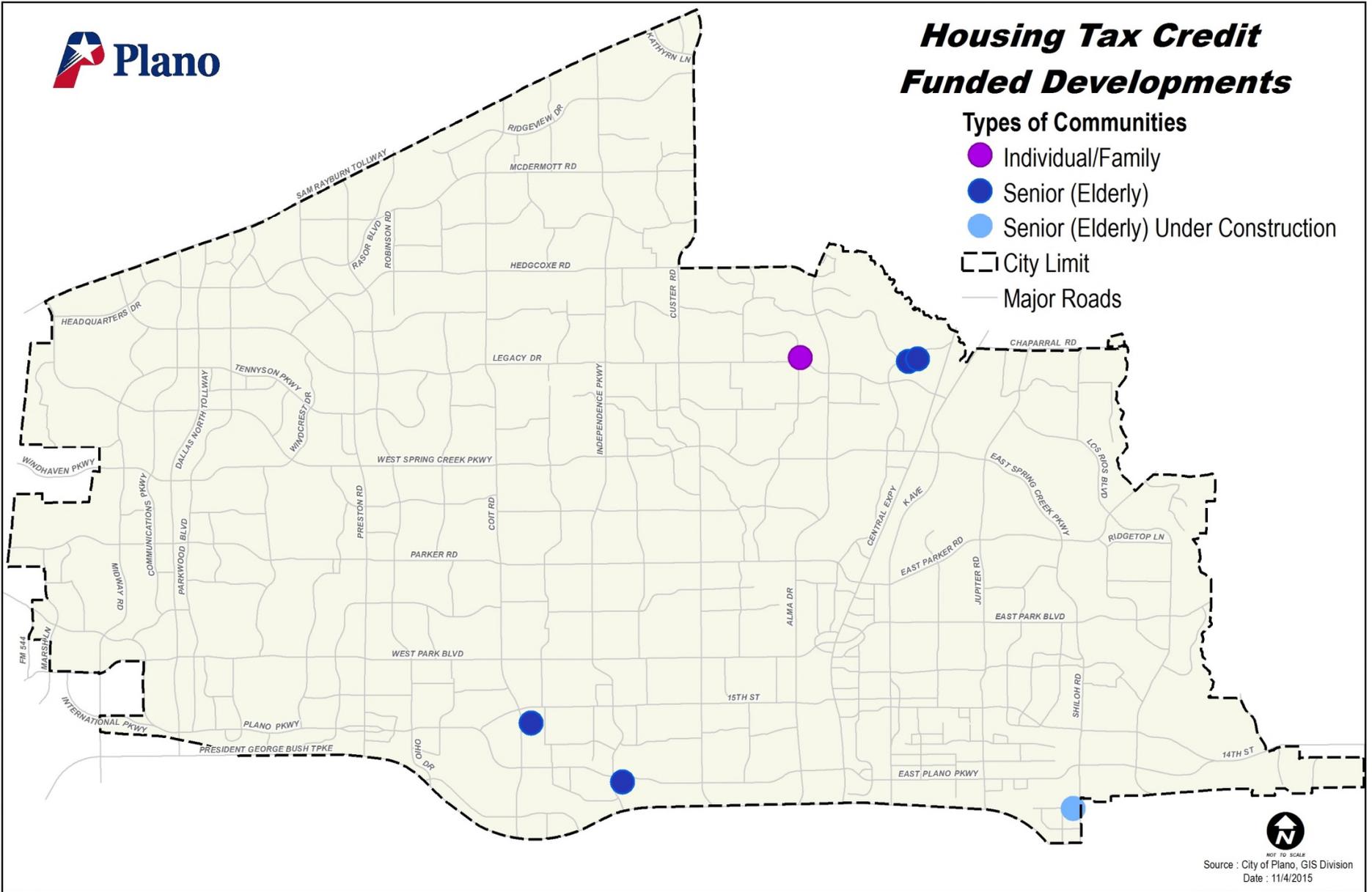
ATTACHMENT B



Housing Tax Credit Funded Developments

Types of Communities

- Individual/Family
- Senior (Elderly)
- Senior (Elderly) Under Construction
- City Limit
- Major Roads



NOT TO SCALE
Source : City of Plano, GIS Division
Date : 11/4/2015

Map 11/02/2015 1:24pm Project:CommunityDevelopment/0615_CommunityDevelopment