



2019 Multifamily Predevelopment Application Procedures Manual

Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701

This manual is a resource made available to help Applicants prepare and submit accurate information for complete and compliant Applications. Applicants should understand that this type of guidance is limited by its nature and that staff will apply the Qualified Allocation Plan (QAP), Multifamily Housing Revenue Bond (MHRB) Rules, the Multifamily Direct Loan (MFDL) Rule, and any other applicable rules to each specific situation as it is presented. The Multifamily Predevelopment Application Procedures Manual is provided as good faith guidance and assistance, but in all respects the statutes and rules governing multifamily programs supersede these guidelines and are controlling. Furthermore, any staff guidance is subject to the Governing Board's right to be the final interpreter of its rules.

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Using this Manual

The purpose of this manual is to provide a brief and general description of each tab in the Application, high level guidance as to the Department's submission requirements and what staff would generally view as acceptable supporting documentation. Guidance is also provided regarding actions that may be necessary in the course of Application review, such as waiver requests or appeals. While this guide cannot and will not contemplate all situations, we hope that the information provides a suitable foundation upon which you may build your Application in accordance with the Rules. This manual provides limited examples of documentation that could be submitted to comply with a particular rule or requirement. In some instances the rule may allow for alternative documentation not specifically contemplated herein, and in such instances staff will review such documentation for compliance with and fulfillment of the substantive requirements articulated in the applicable rule.

Although the Department may compile data from outside sources in order to assist Applicants in the application process, **it remains the sole responsibility of the Applicant to perform independently the necessary due diligence to research, confirm, and verify any data, opinions, interpretations, or other information upon which an Applicant bases an Application or includes in any submittal in connection with an Application.**

Any Application that staff identifies as having insufficient supporting information will be directed to cure the matter via the deficiency process. A deficiency unsusceptible to being resolved because documentation that existed prior to submission of the Application is not available constitutes a Material Deficiency. Matters that are curable during the deficiency process constitute an Administrative Deficiency. (Note that in all matters discussed in this manual, determinations made by staff MAY be subject to rights of appeal to the Governing Board in accordance with applicable rules). The sole purpose of the deficiency process will, in accordance with 10 TAC §11.1(d)(2), be to substantiate, correct, or clarify one or more aspects of the Application to enable an efficient and effective review by staff. Failure to resolve a matter that began as an Administrative Deficiency may be determined to constitute a Material Deficiency. Material Deficiencies or lack of response to any deficiency notice may result in termination of the Application.

The Department staff always stands ready to assist in developing an understanding of the Predevelopment NOFA and other sources of multifamily financing offered by the Department and the means by which an Application is to be presented. The Department will provide reasonable accommodation under 10 TAC §1.1 to any individual that requires this service in the preparation of the multifamily application. However, the Department staff cannot and will not take responsibility for completing an Application package or any portion thereof, including issuing deficiency notices that ultimately serve as instructions to complete a materially incomplete and deficient Application. Applicants should refer to 10 TAC §11.1(b) Due Diligence and Applicant Responsibility regarding guidance received from staff.

The Department looks forward to your continuing interest in the Multifamily Finance programs and in the creation of safe, decent and high quality affordable housing for Texans.

Introduction to the 2019 Multifamily Predevelopment Application

Programs

All multifamily funding programs are subject to the Qualified Allocation Plan (QAP). Specific Applications may be subject to the Multifamily Direct Loan Program (MFDL) or Multifamily Housing Revenue Bond (MHRB) rules. The programs administered by the Multifamily Finance Division currently include:

- 9% Competitive Housing Tax Credits (9% HTC)
- 4% Housing Tax Credits
- Tax Exempt Bonds
- Multifamily Direct Loan Program (MFDL)
 - HOME
 - Tax Credit Assistance Program Repayment Funds (TCAP RF)
 - National Housing Trust Fund (NHTF)
 - Neighborhood Stabilization Program One Program Income (NSP1 PI)

Applicants for Predevelopment Assistance are cautioned to review the applicable rules as described in Addendum A to the 2019-2 NOFA.

General Organization of this Application

The Multifamily Predevelopment Application incorporates multiple tabs from the Multifamily Uniform Application. Tabs one through eleven will be completed by Applicants. Tab twelve is for Department use only. All are briefly described below and fully explained later in this Manual.

- TAB 1 – Certifications
- TAB 2 – Applicant Information
- TAB 3 – Site Information Form A
- TAB 4 – Site Information Form B
- TAB 5 – Multiple Site Information Form
- TAB 6 – Development Narrative
- TAB 7 – Predevelopment Cost Schedule
- TAB 8 – Nonprofit Organization Information
- TAB 9 – Nonprofit Board Structure

- TAB 10 – Evidence of Development Experience
- TAB 11 – Requests for Priority Consideration
- TAB 12 – REVIEW (FOR DEPARTMENT USE ONLY)

TABS 1 and 2 of the Application collects certain high level information about the proposed Development and the Applicant's contact information. The Applicant must provide the completed Applicant Certifications behind Tab 1.

TABS 3, 4, and 5 of the Application require information related to the physical location of the proposed Development Site, such as the development address, census tract number, and flood zone designation.

TAB 6 of the Application requires information about the proposed activity.

TAB 7 requires a limited development cost schedule detailing what predevelopment costs for which the Applicant is requesting funding.

TABS 8, 9, and 10 require certain information about the Development Owner/Nonprofit entities involved with the Application. These tabs include organizational information and evidence of development experience.

TAB 11 is used to indicate which Priority the Applicant is requesting.

TAB 12 is used by Department staff to place application review documents in the posted Application. This section will not be used by the Applicant but must be included in the submitted application PDF.

Instructions for Completing the Electronic Application

What you will learn in this section:

- ✓ How to download the Electronic Application Materials
- ✓ How to complete the Word Application
- ✓ How to convert the Word Application to PDF
- ✓ How to insert documents into the PDF
- ✓ How to set Bookmarks
- ✓ How to submit the Application

Application Download

All Applicants are required to use the 2019 Multifamily Predevelopment Application, along with the applicable supplemental files provided by TDHCA located at the following link: (<http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>).

1. To download any of the electronic Application files, right-click on the link at the website provided above, select “Save Target As” and choose the storage location on your computer. The Word file should be named in the following format - <Development Name>.doc (e.g. Austin_Crossing.doc).
2. Please do not transfer pages from one Word file to another, even if it is for the same Application.
3. Any cell that is highlighted yellow is available to be manipulated by the applicant. All other cells (unless specifically stated) are for Department use only, have been pre-formatted to automatically calculate information provided, and are locked. Applicants may view any formulas within the cells. Applicants may not add additional columns or rows to the application, unless otherwise stated.
4. All questions are intended to elicit a response. Do not leave out any requested information.
5. **Be sure to save the file frequently as you are filling it out to avoid losing work!**

If you have difficulty downloading files from the website, contact Jason Burr at (512) 475-3986, or Jason.burr@tdhca.state.tx.us.

Completing Required Forms and Exhibits

REMEMBER – An Electronic Filing Agreement form should be submitted 3-5 business days prior to the anticipated application submission date.

<https://www.tdhca.state.tx.us/multifamily/docs/19-ElectronicFilingAgreement.xls>

The 2019 Multifamily Predevelopment Application consists of eleven (11) tabs for the Applicant to complete. Complete all applicable tabs. Any portion of the Application that the Applicant considers not applicable must be included in the Application with an indication that the Applicant believes that section to be “not applicable.” Those sections that require entry are highlighted yellow. Where applicable, Applicants should mark boxes with an “x.” The use of a different symbol may result in misinformation in another part of the Application. Please review and ensure all information is accurate.

The Application must include any supporting documentation needed to evidence that the Application meets the specific requirements of the rules. The Application may refer to supportive information that has been published by the Department.

TAB 1 – Predevelopment Certifications

❖ **TAB 1 – Predevelopment Certifications**

- **2019 Multifamily Predevelopment Certification**
 - Enter data in yellow highlighted cells.
 - The certification can be found in the 2019 Multifamily Predevelopment Application Certifications packet posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>. The Application Certification must be signed by the Applicant or person with authority to execute documents on the Applicant’s behalf and must be dated and notarized. ***No hard copy is required, only a LEGIBLE scanned copy within the PDF file. The Applicant must, however, retain the originals and provide them to the Department on request.***
- **2019 Predevelopment Applicant Eligibility Certification**
 - Complete the yellow boxes.
 - The certification identifies the various criteria relating to eligibility requirements associated with multifamily funding from the Department and can be found in the 2019 Multifamily Direct Loan Predevelopment Application Certifications packet posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

The Application Certification must be signed by the Applicant or person with authority to execute documents on the Applicant’s behalf and must be dated and notarized. ***No hard copy is required, only a LEGIBLE scanned copy within the PDF file. The Applicant must, however, retain the originals and provide them to the Department on request.***

TAB 2 – Applicant Information

❖ **TAB 2 – Applicant Information**

Section 1 must include contact information for the person responsible for responding to Administrative Deficiencies. Note that this may not necessarily be the Development Owner or

Applicant. The person listed here will be required to submit requested documentation within a relatively short time period, and should be generally available throughout the review process. The person listed here is also expected to be available primarily via email. Contact may include the persons listed in sections 2 and 3 as well.

TAB 3 – Site Information Form A

This section collects information specific to the physical location of the Development Site.

❖ **TAB 3 – Site Information Form A**

Complete the yellow highlighted cells in each part as applicable. Some portions of this form will make reference to supporting documents which are listed and

- **Development Address:** Enter the information in this section as indicated by the label for each of the boxes present. If there is no mailing address for the site, please do not use phrases such as, “1 mile east of the corner” or “approximately 300 feet from” but only indicate direction from an intersection. Shorten Street to St., Boulevard to Blvd, etc. Use acronyms for directional descriptions, such as “NEC” for “northeast corner”. For example, “the NEQ of Hickory Street and Red River,” where NEQ stands for northeast quadrant. Also, avoid the use of all capital letters. Use the drop-down menu to indicate whether the site is within city boundaries, in the ETJ, etc.
- **Census Tract Information:** Enter the **11-digit** 2010 census tract number with no dashes, commas, decimals, or spaces. Applicants should exercise caution in identifying the correct census tract. Address searches generally yield approximate census tract matches and in some cases such searches are incorrect. It is the Applicant’s responsibility to identify the correct census tract.
- **Poverty Rate:** Enter the Poverty Rate percentage, per the 2019 Site Demographic Characteristics Report: <https://www.tdhca.state.tx.us/multifamily/docs/19-MF-SiteDemo.xlsx>. If the poverty rate is above 40% for individuals (or 55% for Developments in regions 11 and 13), the Neighborhood Risk Factors (“NRF”) Report and required documents must be included as detailed in the Predevelopment Application.
- **Part I Violent Crimes Rate:** Indicate whether the proposed Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on: <https://www.neighborhoodscout.com>.
- **Proximity to Blighted Structures:** Indicate whether the proposed Development Site is located within 1000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.
- **Zoning, Flood Zone, and Farmland Designation:** Enter all information available to the Applicant at the time of Application submission.
- **School Ratings:** Enter all information applicable to the proposed Development Site.
- **Supporting Documentation for Site Information Form A:** Each of the applicable supporting documents listed must be included behind this form and each corresponding box marked.

- **Street Map:** should indicate the location and approximate shape of the Development Site outlined on the map.
- **Census Tract Map:** must bear the full 11-digit number and indicate the location of the Development Site.
- **Zoning:** provide evidence from municipality of current zoning if appropriate for proposed Development, if the site will be re-zoned, provide a description of that process for the applicable municipality along with a projected timeline for the process from application to final rezoning.
- **Flood Zone, and Farmland Designation:** Provide all verification information available to the Applicant at the time of Application submission.
- **Neighborhood Risk Factors Report (NRFR):** Proposed Developments requiring disclosures of neighborhood risk factors (NRF) under 10 TAC §11.101(a)(3) must complete and provide the NRFR available on the Department’s website at:
- <https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/docs/19-Neighborhood-Risk-Factors.pdf> and its required documents.

TAB 4 – Site Information Form B

❖ **TAB 4 – Site Information Form B**

Complete all highlighted portions.

- **Site Acreage:** Identify the acreage listed on the site control document.
- **Site Control:**
 - Complete the yellow highlighted cells identifying the seller, date of last sale and any relationship between the seller and the Applicant and/or any member of the Development Team. Explain any relevant affiliations.
 - Identify all sellers of the property or any interest therein for the 36 months prior to January 4, 2019, and their relationship to the Applicant.
 - Indicate the document being presented as evidence of site control by marking the appropriate box and filling in the expiration date and estimated closing date of the contract for lease, purchase, or other form of conveyance as applicable.

Additional Information on Supporting Documentation for Site Information Form B:

Provide the site control document, title commitment or policy and each MFDL Site Control document as applicable, according to the list given in the Application. **IMPORTANT:** For Applications involving scattered sites, please group all applicable items below, identifying the Site by the line number in the *Multiple Site Information Form* (e.g. if there are five different scattered sites, provide the site control, zoning, etc. for Site #1 in a group, and the same for Site #2, etc.)

- **Evidence of Site Control:** See 2019 QAP Subchapter C, §11.204(10) for details regarding site control.
 - If the evidence is not in the name of the Applicant, then an Affiliate of the Applicant must have site control that does not expressly preclude an ability to assign the Site Control to the Applicant or another party.
 - If in the form of a lease, contract for lease or option, the existing lease must have 45 years remaining, or the contract must be for a minimum 45-year term.

- For identity of interest transactions, Applicants are cautioned that they will be required to provide the documentation described in 10 TAC §11.302(e)(1)(B) with any Application for Development financing.
- For **scattered sites**, if you are submitting multiple contracts, deeds, etc. each one must meet all of the requirements of §11.204(10) of the 2019 QAP. Each must clearly have the address identified and be consistent with the Scattered Site Information Form (e.g. If the Development consists of 3 parcels of Property, 3 contracts/deeds, etc. must be provided or one form of site control must clearly identify and cover all 3 parcels).
- **Title Commitment or Title Policy:** See 2019 QAP Subchapter C, §11.204(12) for detailed instructions of the rules regarding title documents.
 - The title commitment or policy should be in the name of the Development Owner. In addition, the current owner reflected on any title commitment or policy should match the current owner listed on any purchase or lease agreements.
 - If documentation is more than six months old prior to the beginning of the Application Acceptance Period a letter from the title company/Bureau of Indian Affairs indicating that nothing further has transpired on the policy, commitment, or status report must be provided.
 - For **scattered sites**, a title commitment for each separate Site must be submitted. Each must have the Site clearly identified. It must be consistent with the site control document submitted for the same piece of Property as well as the Scattered Site Information Form (e.g. if the Development consists of 3 parcels of Property, 3 separate labeled title commitments must be provided).
 - List any encumbrances on title that will continue to the proposed Development, such as LURAs or easements.

TAB 5 – Multiple Site Information

❖ **TAB 5 – Multiple Site Information Form**

The Application's Multiple Site Information Form was created as an aid to determining how lots and tracts that have separate descriptions fit together to form the Development.

- If a Development proposal requires the submission of more than one purchase contract, lease contract or deed to evidence Site Control, the Applicant must complete one block of the Multiple Site Information Form for each Property that will be aggregated into the Development.
- In general, the Application must sufficiently describe the properties in the contracts and deeds so that each Property can be identified within the survey(s) of the Development Site(s). NOTE: Evidence must show that the Property determined to be the Development Site is entirely under the Applicant's Control and any land that is purchased in excess of the Development Site must be described in a way that makes the excess area apparent in both quantity and location.
- In all cases, the Application must include a detailed description of each lot, alley, roadway and tract as described in the documents evidencing the Applicant's Control. The relative location(s) of the land should be clear and the fit of each part into the whole should be apparent. If a contract includes land that is only described by metes and bounds, a plat or survey showing the boundaries corresponding to these same metes and bounds and labeled with the corresponding bearings and distances should be provided.

- The desired result of these descriptions and drawings is a clear depiction of the land under the Applicant’s Control and the relationship of this land to the Property that will be the Development Site(s). Further explanation is provided in the Multiple Site Information Form in the Application.

TAB 6 – Development Narrative

❖ **TAB 6 – Development Narrative**

Provide all available information regarding the planned construction on the Site. This includes known physical features, such as architectural features, Development amenities, and Target Population. It is understood that the purpose of the Predevelopment NOFA funds is to secure the reports and other information that will allow for a full Development Narrative.

- **Construction Type:** Select one construction type from list of options. Note: Applications proposing adaptive reuse must select both the “New Construction” and “Adaptive Reuse” boxes.
- **Target Population:** Identify the intended Target Population from the drop-down menu. Refer to §11.1(d)(47) of the 2019 QAP for the definition of an Elderly Development.
- **Narrative:** Applicants are required to provide a brief development narrative and should also use this space as an opportunity to explain any unique circumstances surrounding the proposed Development. Be sure to include any unusual aspects of the Development, such as a statement that the Development is a fee simple, garden style apartment complex that is typical for the Target Population. Other unusual aspects, such as those listed below, must be described in the development narrative:
 - unusual or complex Site Control arrangements and/or relationships between buyer and seller or landlord and tenant, e.g., condominium, leasehold, leased fee, Related Parties, etc.;
 - unusual building types, e.g., mid-rise, high-rise, modular construction, historic structure;
 - uses other than residential rental units, e.g., structured parking garage, commercial space (retail, office, etc.), community center, etc.;
 - if adaptive reuse is proposed, provide a description of the existing building, its age, current and past uses, and any development limitations such as parking or historic requirements;
 - intended age or population limitations/preferences;
 - considerations regarding general public use requirements and the Integrated Housing Rule; descriptions of unusual tenant services; e.g., if space will be provided for medical services/exams, state clearly who will provide those services to ensure no violation of 10 TAC 11.101(b)(1)(A)(iii);
 - unit configuration changes on Rehabilitation Developments; and/or
 - any and all issues that would require approval or clearance by staff or the Board.

Please double-check that any specific information about the Development provided elsewhere in the Application is consistent.

- **Predevelopment Funding Request:** Applicants should carefully fill in all relevant portions highlighted in yellow and are encouraged to review this form carefully for errors.

- *There is no verification of funding amounts built into the Application, so Applicants should also be aware of any funding limit requirements before completing this form.*

TAB 7 – Predevelopment Cost Schedule

❖ TAB 7 – Predevelopment Cost Schedule

- All applicable yellow highlighted cells under the Total Development Summary should be completed. A section for notes regarding the costs is provided as well. This should be used to add any information that could be helpful for review, such as line items that may be particularly low or high costs.
- You must describe any “Other” costs reflected in the Cost Schedule.

TAB 8 – Nonprofit Organization Information

The Nonprofit Entity section includes all information regarding the Nonprofit Entity and its affiliates, requesting funding Assistance under the Predevelopment Application and associated NOFA.

Complete all applicable highlighted sections. Yes/No questions have drop-down menus:

❖ TAB 8 – Nonprofit Organization Information

- Provide all requested information.
- **Nonprofit Supporting Documents:** Applications involving 501(c)(3) or (4) nonprofit General Partners must submit the IRS determination letter described below:
 - **IRS Determination Letter** must state that the nonprofit organization is a §501(c)(3) or (4) entity. *This designation must be in place as of the date of Application Submission.*
 - Verification that the IRS Determination remains in good standing must be provided. Include a printout from the IRS Tax Exempt Organization Search showing the Nonprofit’s status <https://apps.irs.gov/app/eos/>.

TAB 9 – Nonprofit Board Structure

❖ Tab 9 – Nonprofit Board Structure

- List the nonprofit organization’s Board Members, Directors, and Officers in the boxes provided. All nonprofit Applicants or Principals must complete this form regardless of the level of ownership. The form lists up to eleven (11) board members. Print additional forms or contact staff if more space is needed.

TAB 10 – Nonprofit Evidence of Development Experience

❖ Tab 10 – Nonprofit Evidence of Development Experience

- **Experience Certificate:** Experience certifications issued by the Department from 2014-2018 are valid for use. If a Principal of the Development Owner, General Partner or Developer for the Application is seeking an Experience Certificate from the Department,

the **2019 Experience Certification Request Form**, along with the required documentation (found in 10 TAC §11.204(6)) to establish experience must be submitted to the Department within the Application behind this placeholder tab.

- **Alternative Experience Documentation:** may be provided in accordance with 10 TAC §13.5(h)(1).
 - Names on the evidence must tie back to the individual seeking the experience certificate.
 - Experience certification may be withheld if the individual has, at any time within the preceding three years, been involved with affordable housing in another state which has been the subject of issued IRS form 8823 citing non-compliance that has not been or is not being corrected with reasonable due diligence.
 - If the Principal is determined by the Department to not have the required experience, an acceptable replacement for that Principal must be identified prior to the date the award is made by the Board.
 - No person may be used to establish the required experience if that person or an affiliate of that person would not be eligible to be an Applicant themselves.
 - The *2019 Experience Certification Request Form* is located in the Multifamily Applications section of the TDHCA website or at:
<http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.
 - Experience documentation **must be submitted with the application**. If the documentation has been submitted but no experience certificate issued, indicate such on the form and include a copy of the request.

TAB 11 – Requests for Priority Consideration

❖ **Tab 11 – Requests for Priority Consideration**

- **Disaster Recovery** – If the Application requests Disaster Recovery Priority Consideration, the Disaster Recovery Priority box must be checked
- **Declared Disaster Area:** If the county in which the Development Site is in a designated county for Individual Assistance as determined by the Federal Emergency Management Agency for Major Disaster Declarations DR-4332 and DR-4377.
 - The 2019 list of eligible counties can be found here:
<https://www.fema.gov/disaster/4332> <https://www.fema.gov/disaster/4377>
- **Community Housing Development Organization (CHDO) Priority** – If the Application requests priority CHDO Consideration, the CHDO box must be checked.
 - **CHDO Certification Packet:** The 2019 CHDO Certification Packet must be submitted with the Application (available at: <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>)

TAB 12 – Review

This Tab will be used by staff for any documentation generated during the review process.

Instructions for Converting the Word file to PDF

Once the Word Application file is complete and you are ready to convert the file to PDF, follow these instructions.

Microsoft Word Users:

Convert your Word Document to **PDF**.

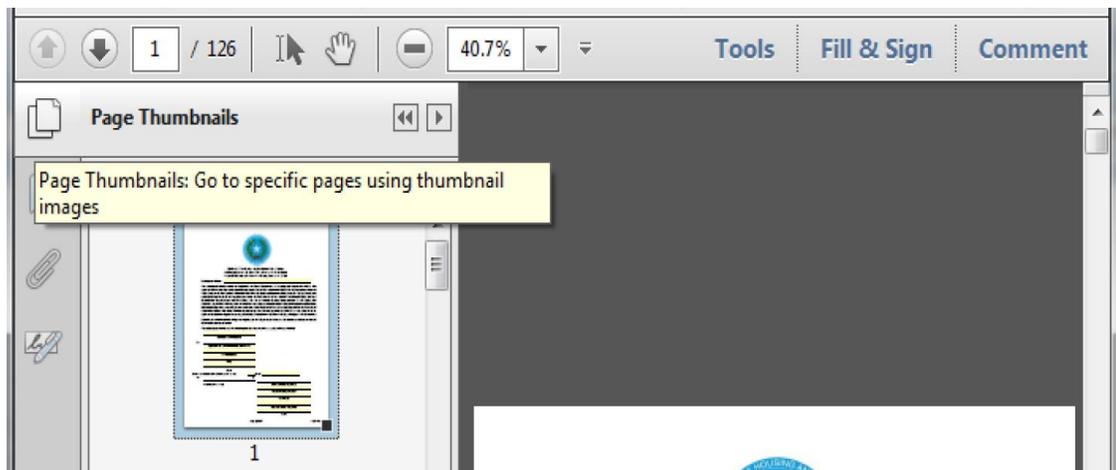
1. Go to **File** and then click **Save As**.
2. Select where you want to save your document.
3. In the **File Name** list, type or select a name for the Application (see instructions above).
4. In the **Save as type** list, click **PDF (*.pdf)**.
5. If you want to open the file immediately after saving it, select the **Open file after publishing** check box. This check box is available only if you have a PDF reader installed on your computer.
6. Next to **Optimize for**, do one of the following, depending on whether file size or print quality is more important to you:
 - If the workbook requires high print quality, click **Standard (publishing online and printing)**.
 - If the print quality is less important than file size, click **Minimum size (publishing online)**.
7. Click **Options**. Under **Publish What** select **Document** and click **OK**.
8. Click **Publish**.

Inserting Documents into the PDF

“No hard copy is required, only a LEGIBLE scanned copy within the final PDF file”

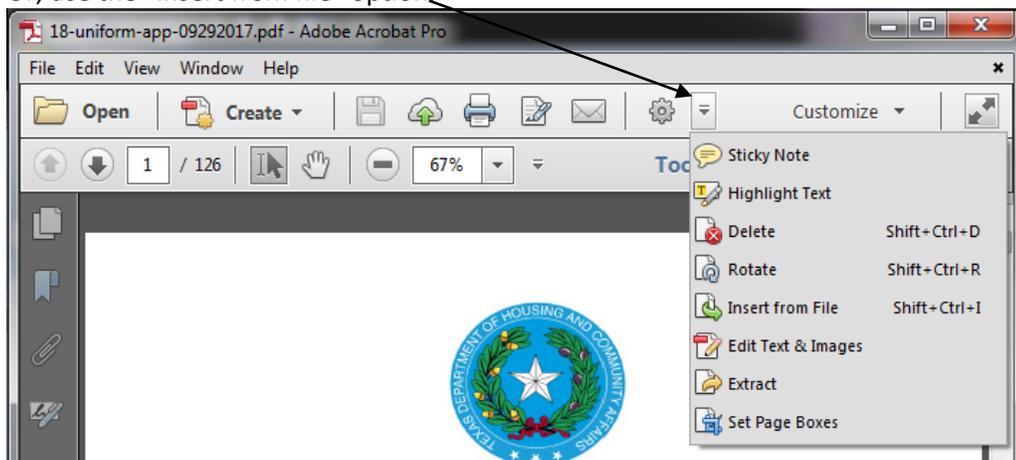
Documents required to be submitted as part of the Application should be inserted in the pdf Application.

1. Convert the Word application to pdf per the instructions above.
2. Once you have collected all required executed documents, scan them as individual files and name them (“app-elig-cert.pdf”, “predev-cert.pdf”, etc.).
3. Insert the scanned forms into the pdf application in the order required. For instance, you will need to insert the signed Applicant Certification form. You can either:
 - Click the “thumbnails” button, then drag and drop the pdf form before or after the existing form (then delete the un-signed form):



Drag document to here. A line will appear showing where the document will be placed. You can also use this feature to put documents in the correct order.

- Or, use the “insert from file” option.



Select “Insert from File”, navigate to document to be inserted and select it. In the dialog box, selected appropriate page number and indicate whether the document is to be inserted before or after that page. Click okay.

**Do not submit a scanned copy of the Word or PDF file.
Scanned copies will be rejected as materially deficient.**

The Application submitted should be the pdf file created from converting the Word file (into which additional application documentation has been inserted). A scanned Application cannot be reviewed, it will be rejected.

Creating Bookmarks

Once the file has been converted to PDF and all executed forms have been inserted into their appropriate location within the file, the Applicant will need to create Bookmarks. Bookmarks may or may not have already been created as part of the conversion process. The locations may need to be designated or rest. To correctly set the Bookmark locations, open the PDF file in Adobe Acrobat. Click on the Bookmark icon located on the left-hand side of the Adobe Acrobat screen, or go to the task bar and select these options in the following order: **View → Navigation Panels → Bookmarks**.

If a Bookmark has already been created for each tab within the Word file, re-set the bookmarks to the correct locations. To re-set the location for the Bookmarks, go to the first page of each separately labeled form/exhibit, right-click on the corresponding Bookmark for the form/exhibit, select **Set Destination** and a pop-up box will appear ask: "Are you sure you want to set the destination of the selected bookmark to the current location?" Select **Yes**.

If Bookmarks were not already created within the Word file, they will need to be created. Go to **Document → Add Bookmark**. Right-click on the first Bookmark and re-name it for the appropriate form or exhibit. Set the location of the Bookmark by going to the first page of each form or exhibit, right click on the corresponding Bookmark and select **Set Destination**. A pop-up box will appear asking: "Are you sure you want to set the destination of the selected bookmark to the current location?" Select **Yes**.

If there are extra blank pages of any exhibit after conversion of the Word file to PDF, they may be deleted in order to limit the size of the Application file. To delete any extra, unnecessary pages identify the page number(s) to be deleted. On the Adobe Acrobat Task Bar click on Document and select Delete Pages from the drop down list. A box will appear prompting a selection of the page(s) to be deleted. Enter the page numbers to be deleted and hit OK. If a page is deleted, the Applicant is responsible for ensuring it was done correctly and did not inadvertently delete pages that should have been retained.

The PDF formatted file must be checked for the following prior to submission:

- ✓ All tabs and/or volumes must be correctly bookmarked
- ✓ Files should average less than 100 kilobytes per page
- ✓ Files must be readable with free PDF file viewers including Adobe Reader and be compatible with Adobe Reader 5.0 and above
- ✓ Files should be saved so that "Fast Web View" (or page at a time downloading) is enabled
- ✓ Text within the PDF file should be searchable using the "Find" command in the PDF viewer

For questions on using or difficulties with the Microsoft Word based Application, contact Multifamily Finance Division staff via email. Contact information may be found at <http://www.tdhca.state.tx.us/multifamily/contacts.htm>. In some instances a file may have small variations in bookmarks, file sizes, or readability that are not explicitly cited as requirements in the rule. Staff will use a reasonableness standard in determining when such deviations rise to the level of necessitating termination or other remedy.

Application Assembly Instructions

For each Application the Applicant must ensure execution of all necessary forms and supporting documentation, and place them in the appropriate order according to this manual. Do not print and scan the Word file. Do not print and scan the PDF file. Convert the Word form to a PDF, and then insert scanned pages only as indicated below. Scanned copies of the Application are difficult to read, are not searchable, raise questions regarding accuracy and will not be accepted.

All Application materials must be submitted via the Department's secure web transfer server.

Application Delivery Instructions

Applications are only accepted through the Serv-U portal. Physical delivery of Applications will not be accepted. For guidance on using Serv-U, refer to the **Electronic Document Upload User Guide (MF Serv-U FTP)** posted on the Department's "Apply for Funds" page.

Multifamily Direct Loan Program Applications

Multifamily Direct Loan Applications may be submitted throughout the submission period described in the applicable Notice of Funding Availability (NOFA):

**2019-2 Multifamily
Special Purpose Notice of Funding Availability (NOFA):
Predevelopment**
<http://www.tdhca.state.tx.us/multifamily/nofas-rules.htm>

Supplemental Information

Requests for Waiver and Staff Determinations

The Department will accept requests for waivers and staff determinations during the Application Acceptance Period. These requests can be submitted with the Application or separately. Requests should be submitted directly to the appropriate staff below electronically, either through the ServeU system (with an email to the appropriate staff member), or by email attachment. Hard copies will not be accepted.

For Multifamily Direct Loan Program Applications, please contact Andrew Sinnott at andrew.sinnott@tdhca.state.tx.us.

Requests for waivers are appropriate when an Applicant violates a rule and/or proposes a development that violates a rule, and as such they must be specific to an actual proposed Development (or Application). Requests should include an explanation of how the circumstances surrounding the request are out of the applicant's control and how, if such waiver is not granted, the Department would not fulfill some specific requirements of law. Applicants should familiarize themselves with 10 TAC §11.207(a) and are encouraged to contact staff to discuss the request before submission. Waivers for Direct Loans are also limited by NOFA.

Where the requirements of the QAP do not readily align with the activities proposed in an Application, an Applicant may request and Department staff may provide a determination to an Applicant explaining how staff will review an Application in relation to the applicable rules. In no instance will staff provide a determination regarding a scoring item. Any such request must be received by the Department prior to submission of the pre-application (if applicable to the program) or Application (if no pre-application was submitted). Staff may, in its sole discretion, provide the request to the Board for it to make the determination. For example, if an applicant proposes a scattered site development that involves different census tracts that would score differently on the Opportunity Index, that applicant may request a staff determination prior to application submission in order to ascertain how staff will apply the rule and ultimately award points. Similarly, an applicant proposing a combination of rehabilitation and adaptive reuse may request a staff determination as to how to classify the activity. Applicants should familiarize themselves with 10 TAC §11.1(k).

Appeals

For Predevelopment Applications, an Applicant or Development Owner may appeal decisions made by the Department pursuant to 10 TAC §1.7. Matters that can be appealed are described in the Rule.

Applicants must file a written Appeal of a staff decision with the Executive Director not later than the seventh calendar day after notice has been provided to the Appealing Party of the staff decision. Posting of materials or logs on the Department's website is considered "notice". The written appeal must specifically identify the grounds for the Appeal.

The Executive Director will respond in writing not later than the fourteenth day after the date of receipt of the Appeal. If the Applicant is not satisfied with the Executive Director's response, they may appeal in writing directly to the Board within seven days after the date of the Executive Director's response. The Appeal must be received by the Department at least fourteen days prior to the next scheduled Board meeting. Appeals received after the fourteenth calendar day prior to the Board meeting will generally be scheduled at the next subsequent Board meeting.

If the Applicant receives additional information after the Executive Director has denied the Appeal, but prior to the posting of the Appeal for Board consideration, the new information must be provided to the Executive Director for further consideration or the Board will not consider it. New information will cause the appeal deadlines to begin again.

The Board will hear public comment on the Appeal under its Public Comment Procedures in 10 TAC §1.10. While public comment will be heard, persons making public comment are not parties to the Appeal and no rights accrue to them as a result of the Appeal process.

Appeals not submitted in accordance with 10 TAC §1.7 will not be considered, unless the Executive Director or Board, in the exercise of its discretion, determines there is good cause to consider the appeal. The decision of the Board is final unless the Board determines within 45 days of a Board decision that it has erred in fact or law in its determination, in which case an Appeal may be reconsidered by the Board on a motion by a party to the Appeal or the Department.

All written appeals should be submitted to the Multifamily Finance Director and the Administrator of the applicable program, at a minimum. Appeals may be uploaded to the ServU file for the Application, in all instances the Applicant must email notification of the Appeal to staff as follows in order for it to be considered received:

For all Applications, Marni Holloway at Marni.holloway@tdhca.state.tx.us, and Andrew Sinnott at andrew.sinnott@tdhca.state.tx.us for Multifamily Direct Loan Program Applications.

Public Viewing of Applications

The Department will allow the public to view any Applications that have been submitted to the Department in an electronic format. These electronic versions will be available on the Department's website at <https://www.tdhca.state.tx.us/multifamily/home/index.htm> for Multifamily Predevelopment Applications. A member of the public may request, via an open records request, a paper copy between the hours of 8:00 a.m. and 5:00 p.m. (Austin local time) Monday through Friday. There may be an associated cost with requesting this information.

Applicable Rules and Reference Materials

2019 SITE DEMOGRAPHIC CHARACTERISTICS REPORT

<https://www.tdhca.state.tx.us/multifamily/docs/19-MF-SiteDemo.xlsx>

MULTIFAMILY PREDEVELOPMENT NOTICE OF FUNDING AVAILABILITY (NOFA)

<https://www.tdhca.state.tx.us/multifamily/docs/19-2-MF-SpPurp-NOFA.pdf>

Unless otherwise specified, the following is a list of relevant provisions of the Texas Administrative Code applicable to Applications proposing Predevelopment under the 2019-2 Special Purpose NOFA, as cited and enforceable upon approval of the TDHCA Governing Board:

Texas Administrative Code:

10 TAC Chapter 1 (Administration)

10 TAC Chapter 2 (Enforcement)

10 TAC Chapter 11 (Housing Tax Credit Program Qualified Allocation Plan)

Subchapter A – Pre-Application, Definitions, Threshold Requirements, and Competitive Scoring

§11.1 (General)

Subchapter B – Site and Development Requirements and Restrictions

§11.101(a) Site and Development Requirements and Restrictions

Subchapter C – Application Submission Requirements, Ineligibility Criteria, Board Decisions and Waiver of Rules

§11.201(1)(General Requirements)

§11.202(1)(Ineligible Applicants)

§11.202(2) (Ineligible Applications)

§11.204(10)(Site Control)

§11.204(14)(Nonprofit Ownership)

§11.206 (Board Decisions)

§11.207 (Waiver of Rules)

Subchapter D – Underwriting and Loan Policy

§11.303 Market Analysis Rules and Guidelines

§11.304 Appraisal Rules and Guidelines

§11.305 Environmental Site Assessment Rules and Guidelines

§11.306 Property Condition Assessment Guidelines

Subchapter E – Fee Schedule, Appeals, and Other Provisions

§11.902 (Appeals Process)

§11.903 (Adherence to Obligations)

§11.904 (Alternative Dispute Resolution Policy)

10 TAC Chapter 13 (Multifamily Direct Loan Rule)

§13.1(Purpose)

§13.2(Definitions)

§13.3(Loan Requirements)

§13.4(Priorities)

§13.5(Award Process)

§13.11(n)(7) (Direct Loan Contract execution)

§13.11(p)(1), (5), (8), (9), and (11) (Disbursement and Draw Requests)