

South Carolina State Housing Finance and Development Authority

Low-Income Housing Tax Credit Program

~~2017 and 2018~~ 2019-2020 Qualified Allocation Plan

The mission of the South Carolina State Housing Finance and Development Authority (the “Authority”) is to create quality affordable housing opportunities for the citizens of South Carolina. We expect to create and maintain a positive work culture that reinforces our mission, encourages innovation, and is based on a spirit of cooperation and teamwork. We will work to improve customer service and enhance employee performance by constantly reviewing processes and using technology. The Authority will strive to develop mutually supportive relationships that expand our ability to provide affordable housing while enhancing the value of investments. We will actively seek new and innovative ideas to improve affordable housing opportunities throughout the State.

The ~~2017 and 2018~~ 2019 and 2020 Qualified Allocation Plan is intended to govern the ~~2017 and 2018~~ 2019 and 2020 tax credit funding cycles. The Authority will make technical amendments to this document for the ~~2018~~ 2020 tax credit funding cycle in the fall of ~~2017-2019~~ including, but not limited to, dates used in this document intended to apply to the ~~2017~~ 2019 competition that will be updated for the ~~2018~~ 2020 competition.

I. INTRODUCTION and PURPOSE

The Low-Income Housing Tax Credit (the “LIHTC”) Program was created by Congress in 1986 to promote the development of affordable housing for low-income individuals and families. The Internal Revenue Service (the “IRS”) regulations for the LIHTC Program are found under Section 42 of the Internal Revenue Code (the “Code”). The Qualified Allocation Plan (the “QAP”) has been prepared to comply with Section 42(m)(1)(B) of the Code of 1986, as amended; however the requirements and provisions are not limited to those contained in the Code. Additional procedures and policies used in the administration of the LIHTC Program are described in the LIHTC Manual. The administration and allocation of the LIHTC Program will be in accordance with the QAP criteria described herein as well as the guidelines, procedures, and requirements described within the LIHTC Manual. The LIHTC Manual criteria are incorporated by reference as additional provisions of the QAP.

The Authority, as the designated housing credit agency for the state, is responsible for allocating the LIHTC. As such the Authority is responsible for developing the guidelines and priorities that best address the need for affordable housing throughout the state by adopting a comprehensive QAP. The Authority’s goal is to utilize the allotment of LIHTC to the maximum extent possible for creating or rehabilitating existing properties into viable affordable housing developments. The intent of the QAP is to set forth the criteria that the Authority will consider in evaluating developments applying for an allocation of LIHTC. Approval of the QAP by the Governor of the state is required after the public has had an opportunity to comment by written comment or at a public hearing.

The LIHTC provides a financial incentive that offsets initial capital development costs to qualified developments. It is the Authority’s goal to ensure that proposed developments satisfy the necessity of providing affordable housing to the targeted populations in the locality and generate the annual revenue necessary to adequately support the annual operations and long-term maintenance to sustain financial health. The fact that an application is accepted for processing or that a development receives a reservation or allocation of tax credit dollars shall not be construed to be a representation or warranty by the Authority as to the feasibility, viability, or lack thereof, of any development.

Housing created through the LIHTC Program must be affordable for low-income individuals and families with a maximum annual income at or below sixty percent (60%) of the Area Median Income (the “AMI”). Section 42(h)(6) of the Code requires that a LIHTC development be subject to “an extended low-income housing commitment”. The Authority complies with this requirement by requiring all LIHTC developments to execute and record “Restrictive Covenants” that stipulate the development will comply with income and rent requirements in the Code for a minimum of thirty (30) years as well as any other criteria in the QAP or LIHTC Manual.

Section 42(m) of the Code requires the Authority to allocate tax credits giving preference to proposals that:

- Serve the lowest income tenants
- Serve qualified tenants for the longest periods

- Are located in a Qualified Census Tract (QCT) and contribute to a concerted community revitalization plan
- Adhere to compliance and monitoring procedures
- Are intended for eventual tenant ownership
- Are intended to serve individuals with children
- Give preference to those on public housing waiting lists
- Are energy efficient
- Have a historic nature

The following criteria will also be considered in the selection process:

- Site Criteria
- Location Characteristics
- Financial Characteristics
- Development Characteristics
- Targeting Characteristics
- Applicant/Development Team Characteristics

The Authority's website contains general and historical information concerning the LIHTC Program under the Housing Partners, Tax Credit section. The Authority's web address is: www.schousing.com. From time to time, the Authority may post bulletins or public notices to the tax credit web page in response to questions and requested clarifications submitted regarding the LIHTC Program. It is the applicant's responsibility to check the web page for updates. The web page provides a list of past LIHTC allocations and existing developments. LIHTC Program information may also be obtained by calling Laura Nicholson at (803) 896-9190, emailing laura.nicholson@schousing.com, faxing (803) 551-4925, or writing SCSHFDA, LIHTC Program, 300-C Outlet Pointe Blvd., Columbia, SC 29210.

II. THRESHOLD PARTICIPATION CRITERIA

1. Development Experience:

In order to participate in the LIHTC program either the developer(s), general partner(s) in a limited partnership or the managing member(s) of a limited liability company must have experience between January 1, ~~2011~~ ~~2009~~ and February 1, ~~2019~~ ~~2017~~ in one LIHTC development or other successful multifamily rental development of at least seventy-two (72) units or two (2) developments of at least thirty-six units each. Experience in one LIHTC development or other successful multifamily rental development of at least seventy-two (72) units means coordinating the development team in planning, financing and constructing a development through the receipt of Certificates of Occupancy and reaching stabilized occupancy. All developers, general partners or managing members must complete a Previous Participation Certificate (see **Exhibit K**). For developments awarded LIHTCs in which the general partner(s) in a limited partnership or the managing member(s) of a limited liability company do not have previous LIHTC experience, the Authority will require that a management company with previous successful LIHTC management experience be hired for a minimum of two (2) years.

Any application submitted by developers, general partners, or managing members who from January 1, ~~2011~~ ~~2009~~ through February 1, ~~2019~~ ~~2017~~, have been removed, debarred, or asked to voluntarily withdraw from a LIHTC partnership and/or have ever returned an entire allocation of LIHTC in South Carolina, other than for reasons beyond their control acceptable to the Authority, is ineligible to participate in South Carolina's LIHTC program.

Any application submitted by developers, general partners, or managing members who have been disqualified from participating in any other state or other allocating agency's LIHTC Program within the past eight (8) years, other than for reasons beyond their control acceptable to the Authority, is ineligible to participate in South Carolina's LIHTC program.

Any application submitted by developers, general partners, or managing members who have been reported to the IRS (Form 8823) for uncorrected non-compliance issues by the Authority or other allocating agency's LIHTC administrator, at the Authority's sole discretion, may be ineligible to participate in South Carolina's

LIHTC program. The Authority's determination of noncompliance violations is not subject to interpretation, appeal, or final IRS resolution of non-compliance violation.

2. Previous Year's Development Completion Status:

All developers awarded South Carolina tax credit development(s) in the immediately preceding funding cycle must have closed the construction loan and purchased the land in order to submit an application in the current tax credit funding cycle. Evidence of the construction loan closing and the recorded warranty or fee simple deed must be provided to the Authority not later than ~~February 24, 2017~~ **June 3, 2019**. Developers must include with their tax credit application package an executed Exhibit B form.

3. Financial Criteria:

The Authority will assess the financial capacity of the applicant or applicant group (to include all entities and/or persons taking an ownership interest in the development and all guarantors) based on their financial statements. Entities and/or persons serving as guarantors must verify their guarantor capacity in writing. The Authority will **only** accept financial statements audited, reviewed, or compiled by an independent certified public accountant (CPA). Only a balance sheet dated on or after December 31, **2017** – is required. All financial statements must include notes to the financial statements. Financial statements prepared in accordance with accounting principles generally accepted in the United State (U.S. GAAP) are preferred. Statements prepared on the income tax basis or cash basis must disclose that basis in the report. An applicant or applicant group **participating in the General, RHS, Rehabilitation or Large Population Urban Set-Asides** must have a minimum net worth of \$5 million dollars and minimum unrestricted liquid assets of \$500,000 dollars. **Applicants participating in the Nonprofit Set-Aside must have a minimum net worth of \$5 million dollars and minimum unrestricted liquid assets of \$500,000 dollars with Nonprofit organizations participating in the Nonprofit Set-Aside must provide financial statements indicating that the nonprofit managing member organization has having a minimum net worth in excess of \$2.55 million dollars and minimum unrestricted liquid assets in excess of \$255,000 dollars.** The Authority defines liquid assets as cash, cash equivalents, and investments held in the name of the entity(s) and/or person(s) including cash in bank accounts, money market funds, U.S. Treasury bills, and equities traded on the New York Stock Exchange or NASDAQ. Certain cash and investments will not be considered liquid assets, including, but not limited to: 1) stock held in the applicant's own company or any closely held entity, 2) investments in retirement accounts, 3) cash or investments pledged as collateral for any liability, and 4) cash in property accounts including reserves. All liquid assets must be identified in the submitted financial statement. If no individual member of an applicant group meets the minimum financial requirements, then members may combine assets to meet the requirements by including a combining schedule in addition to their individual statements. The Authority reserves the right to verify information in the financial statements and all financial capacity statements made by applicants, lenders, accountants, and others, through phone calls and correspondence. If false or misleading statements are found to have been made at any point in time as to the financial criteria, all entities and/or person(s) associated with the application may be debarred from all Authority programs for three (3) years.

4. City/County/Legislative Notification:

Applicants are required to send a letter, not later than February 28, ~~2017~~ **2019** to the highest elected official of the locality (i.e. Mayor or County Administrator) and the State Representative and State Senator of where the development is to be located. A copy of the letter sent to the highest elected official of the locality must also be provided to each City/County Council member. Although not required, it is recommended that all letters be sent via certified mail with a return receipt requested. While the applicant is encouraged to provide additional information, the notification letter must include the following:

- a) Contact information for the Applicant, including, a contact name with phone number and mailing address;
- b) Development information to include the following:
 1. Type of construction- rehabilitation, new construction, adaptive reuse;
 2. Total number of units;
 3. Total Acreage of proposed site;
 4. Tenant targeting- family, elderly, etc.;
 5. Address of proposed site; and
- c) A statement offering to meet and discuss the proposed development.

III. CRITERIA for APPLICATION REVIEW

The Authority, at its sole discretion, may reject a site based on information submitted in the application package, the site review findings, or other information obtained that the Authority determines renders the site undesirable for a LIHTC development.

Positive Site Characteristics:

- a) Points will be awarded as listed below for services located within ~~½ mile~~, 1 mile, 1½ miles, 2 miles, 2½ miles, or 3 miles of the proposed site as indicated by public paved road existing at the time the application is submitted accessible to the public for motor vehicular use. Distances should be measured using a computer based mapping system such as Google Maps or other similar distance calculating systems. Distances to positive characteristics will be measured using lawful driving practices from the site entrance(s) to the positive site service (i.e. no turning through double yellow lines, no crossing grass medians, no driving the wrong way on one-way street, etc.) Longitude and latitude coordinates are required for the site entrance(s) as well as for all corners of the site. All coordinates should be marked with survey tape, survey flags, etc. While the development may have multiple site entrances, the Authority limits the number of site entrances to two (2) for the purpose of measuring positive site characteristics. Submitted area site plan must have ¼ mile, ½ mile and 1 mile radius circles shown from the center of the proposed site. Color photographs of all services must be included with the application. Duplicate copies of the tax credit application must also contain color photographs. The name of the service must be visible in the photograph. ~~Applicants may include two (2) positive site services for the following: full service grocery store, pharmacy or drug store and convenience store and gas station; however, points will only be awarded for one of each service type.~~ Only one (1) positive site service of ~~each remaining~~ **for each** service type can be submitted for scoring purposes. All positive site services must be listed on Form 2. All directions must be printed from a mapping system and included in the application for points to be awarded. A site address for the proposed development site must be listed however if none is available then the site address of the nearest contiguous property must be listed. **Directions that do not lead to the service, as stated in the directions provided with the Application, will not be awarded points.** Google Maps or other similar distance mapping system printouts are used as a guide only for location addresses and approximate distances to the services.

Distances are subject to Authority verification and are GPS measured and odometer confirmed by a third party site analyst from center of the proposed roadway entrance into the subject site to center of roadway entrance into the positive service location. When a positive service is located on a parcel shared by multiple businesses, the distance is measured and odometer confirmed from the center of the proposed roadway entrance into the subject site to the center of the roadway entrance into the parcel nearest the positive service.

- (i) **Odometer Calculations:** the distances to positive services are driven and the odometer mileages and electronic tracking data systems used to determine mileage calculations. Distances are measured to one decimal point and are not rounded up or down. ~~Distances less than a ½ mile are measured using electronic tracking data systems.~~ The distances are only measured to one decimal point and there will be no rounding (either up or down), meaning anything beyond one decimal point will be not considered in determining the measurement. ~~Once the distance reaches 0.5 mile, the distance would be considered as being under 1 mile but not within ½ mile.~~ Once the odometer rolls to 1.0 mile, the distance would be measured as being under 1.5 miles but not within 1 mile. **Once the odometer rolls to 1.5 miles, the distance would be measured as being under 2 miles but not within 1.5 miles,** etc.

Only one (1) of each service type will be counted for points. All positive site services must be available and accessible to the general public, be open and operational for the designated purpose of the service (meaning the general public has immediate access to and use of the service), and be expected to continue to be open and operational, at the time the Authority’s site visit is made or points will not be awarded.

SERVICES	½ MILE	1 MILE	1½ MILES	2 MILES	2½ MILES	3 MILES
Full Service Grocery Store: Full Service Grocery Store (the store must operate with regular business)						

hours offering a full range and variety of foods, cleaning products and paper products. To qualify as offering a full range and variety of foods, the store must offer sufficient quantities of items from each of the following four categories of staple foods on a continuous basis: 1) meats, poultry and fish; 2) breads and cereals; 3) vegetables and fruits; and 4) dairy products.)	4	3.5	3	2.5	2	1.5
Pharmacy or Drug Store: does not include specialty pharmacies or drug stores; or pharmacies or drug stores only available for patients of a designated medical practice or facility.	4	3.5	3	2.5	2	1.5
Convenience Store and Gas Station: walk-up “window only service” stores and free standing kiosks do not count as convenience stores.	4	3.5	3	2.5	2	1.5
Restaurant: must possess a current restaurant license issued by SC DHEC and must contain tables and chairs where food can be consumed on site.	3	2.5	2	1.5	1	.5
Entertainment Venues: ONLY the following count for points: museums, cinemas, public libraries (operated by a local government, open at least five days a week, school libraries are not eligible), bowling alleys, skating (roller, ice) rinks, miniature golf , college or professional sporting event venues that have at least one full sport season occurring per year, water parks, zoos, and bingo halls .	3	2.5	2	1.5	1	.5
Retail Shopping Areas: malls or strip malls that have a minimum of four retail stores	3	2.5	2	1.5	1	.5
Doctor’s Office/Medical Office staffed full time with General Practitioner or Nurse Practitioner : Emergency Clinics, Urgent Care Facilities, or Hospital ; Walk-in Clinics (e.g., “Minute Clinics” or equivalent) that are staffed full time with a Nurse Practitioner or Physician’s Assistant. All facilities must be available to the general public, non-exclusive and may not be specialized practices.	3	2.5	2	1.5	1	.5
Public Schools- elementary, middle or high school, and Public alternative schools, vocational schools or charter schools	3	2.5	2	1.5	1	.5
Fire Station (Volunteer Fire Stations are included)				1.5	1	.5
Full Service Banks or Credit Unions (free standing ATMs alone do not qualify)	3	2.5	2	1.5	1	.5
Public Park or Playground: (all to be owned and maintained by a local government or non-profit entity and containing at a minimum, commercial playground equipment and/or walking/bike trails. Playgrounds at churches, schools or in other neighborhoods do not count) or Recreation Center or Senior Activity Center (with scheduled activities offered at least 5 days a week and operated by a local government or nonprofit entity; private gyms will not count).	3	2.5	2	1.5	1	.5

- b) Site is compatible with the surrounding land. Surrounding area is defined as within one-quarter (1/4) mile of the subject property. This means the site and multifamily development are compatible with the existing land use pattern. The surrounding area should be residential or an appropriate mix of commercial uses, appropriate to the targeted tenants, and residential uses, single and/or multifamily housing. Criteria will be determined by a third party site reviewer. **2 pts**

- c) Water and Sewer utility tie-ins are accessible and within 350 feet of the proposed site. Evidence of such availability must be verified by a letter from the City/County official or utility provider. **2 pts**
OR
Water and Sewer utility tie-ins are accessible and within 351 to 500 feet of the proposed site. Evidence of such availability must be verified by a letter from the City/County official or utility provider. **1 pt**

Detrimental Site Characteristics:

For the detrimental characteristics below, the Authority defines its determination of distance as the shortest distance, in a straight line, from the closest site boundary line of the proposed site to the closest site boundary line of the detrimental site characteristic to determine whether negative points will be assessed. When a detrimental site characteristic is located on a parcel shared by multiple businesses, the distance between the detrimental site characteristic and the proposed site is measured, in a straight line, from the closest site boundary line of the proposed site to the closest boundary line of the parcel on which the detrimental site characteristic is located. Detrimental site characteristics are determined as of the time of the site visit.

1. The following Detrimental Development Characteristics are **not allowed**. This list is not all inclusive and may be expanded:
 - a) Applications proposing an existing development to be subdivided into two (2) or more developments.
 - b) Applications proposing more than one new construction phase of the same project in the same funding cycle regardless of the tenant targeting. This includes, but is not limited to, subdividing a single parcel in the same funding cycle; proposals from the same or related applicant located adjacent to, in proximity to, or directly across the street from another proposed site, etc.
 - c) Applications for new construction developments located within one (1) mile of a development funded in the ~~2015 or 2016~~ **2017 and 2018** tax credit funding cycles that have not placed in service and achieved 90% **physical** occupancy at the time of application submission. The distance will be measured using the shortest distance, in a straight line, from the closest site boundary line of the proposed site to the closest site boundary line of the ~~2015 or 2016~~ **2017 and 2018 development**.
 - d) Applications proposing developments for the same tenant populations within the same defined market area of existing Authority funded developments (**including but not limited to** tax credit, tax exempt bonds, **small rental development** etc.) that have a history of vacancy rates greater than ten percent (10%). Vacancy rates will be determined by using the second and fourth quarter vacancy rates reported by the property management for an existing development's previous year's operations. The Authority may make exceptions to the above requirement if the Authority determines, in its sole discretion, that the reason for the existing development having a history of vacancy rates greater than ten percent (10%) is not an issue of an "existing market" for the tenant population, but other characteristics that may or may not be resolvable (e.g. location, physical appearance, etc.)
 - ~~e) Applications proposing scattered site developments that are not, in the Authority's determination, within the same primary market area and/or county boundaries. See definition of Scattered Sites included in the LIHTC Manual.~~
 - f) Application for any site listed on or adjacent to a site listed on the National Priority List under CERCLA.
 - g) Applications for new construction developments within ~~three~~ **five** hundred (~~300~~ **500** feet) of an active railroad track **or active railroad spur**.
2. These **detrimental characteristics** will be assessed for each site with no limit to the negative points a site may accumulate.

Three (3) points per item will be deducted for the following:

- a) Sites within five hundred (500) feet of an easement containing an electric substation, whether it is active or inactive.
- b) New construction sites where any portion contains or permits any easements for overhead electric power lines, regardless of voltage, and/or such electric power lines encumber the proposed site with the exception of electric power lines used for the distribution of electric service for other unrelated properties and located within 25 feet of the perimeter of the site as long as no portion of any building or proposed building is beneath such power lines. A development proposing to bury all power lines will be exempt from this detrimental determination if documentation is provided from the utility provider stating that all power lines will be underground.

- c) Sites where a portion of any building as proposed is located within the fall distance of any pole, tower or support structure of a high voltage transmission power line, communications transmission tower, microwave relay dish or tower, or commercial satellite dish (radio, TV cable, etc.). For field analysis, the Authority will use tower height as the fall distance. For the purpose of the QAP, a high voltage electric transmission line is a power line that carries a nominal voltage level greater than 60KV (sixty kilovolts). All fall distances for any tower, support structure or poles as listed above must be shown on the development site plan and submitted with the application. If the fall distance shows there are no buildings located within it, no points will be deducted.
- d) Sites where a nearby active railroad causes excessive noise and vibration. A map should be included with the application submission showing the distance from the site boundaries to the railroad tracks. At application submission, an Applicant submitting a proposed development **over five hundred (500) feet but** within three thousand (3,000) feet of an active, in use railroad(s) **or railroad spur and requesting HOME funds** is required to submit, from a qualified third party independent professional, an objective third party noise study that addresses the impact of the nearby railroad, specifically the frequency, noise levels, and shock vibrations levels, on the proposed development. The study must not be older than ~~two (2)~~ **one year (1)** prior to the application submission date and must adhere to the U. S. Department of Housing and Urban Development (the "HUD") environmental criteria and standard for noise abatement regulation, which states the maximum acceptable day/night average decibel level of sixty-five (65) dBA for exterior noise, along with any other analysis deemed pertinent to the noise study and its conclusion. The study must state the average decibel level on the site is less than sixty-five (65) dBA and must support the placement of the development on the proposed site. Those sites where exterior noise is sixty-five (65) dBA and above but not exceeding seventy-five (75) dBA may be submitted; however, a noise mitigation plan must also be submitted. Sites with an exterior noise level at or above 75 dBA may not be submitted for funding consideration. The mitigation plan must specifically state what measures will be used to reduce the noise levels at the site and the noise study must indicate that the measures to be used will bring the unacceptable noise level at the site down to the acceptable noise level of less than sixty-five (65) dBA. Those sites where the noise levels as outlined in the Noise Study Report can achieve levels of 65 dBA or less will not be assessed negative points. However, the Authority, in its sole discretion, may approve or reject the site regardless of the conclusions reported in the study. If a railroad **or railroad spur** is listed as inactive then documentation from the owner of the railroad must be submitted indicating such.
- e) Sites where the Authority and/or its third-party consultant determines the slope/terrain is not acceptable for development. All existing and proposed grades must be shown on the development plan.
- f) Sites where existing wetlands, natural, or man-made attributes could have a substantially negative effect on the development (e.g. 100-year flood plain, streams, ravines, drainage, waterways, etc.). At a minimum, the site should be 80% buildable with the listed conditions found primarily on the perimeter or fringes of the development site. If wetland areas are found on the interior of the site they should be successfully incorporated into the development's landscaping plan and complement existing green space areas.
- g) Sites within one-half (1/2) mile of an operating commercial beef/hog/chicken/turkey farm or processing plant. As part of the application submission, Applicants should identify and provide the name(s) and location of any such facility within one-half (1/2) mile of where the development is proposed.
- h) Sites within one-half (1/2) mile of a treatment, storage, or disposal facility for hazardous wastes, an active or inactive solid waste disposal facility and/or solid waste transfer facility.
- i) Sites within one-quarter (1/4) mile of a sewage treatment plant.
- j) Sites within one-quarter (1/4) mile of any jail, prison, detention center or correctional facility. This does not include a temporary holding facility at a location where the primary purpose is not a jail, prison, detention center or correctional facility.

Two (2) points per item will be deducted for the following:

- a) Sites within five hundred (500) feet of any commercial junkyard or salvage yard; trash heap, dump pile, or other eyesore as determined by the Authority.
- b) Sites within five hundred (500) feet of a pipeline(s) (excluding low pressure natural gas distribution lines, water and sewer lines).
- c) Sites within five hundred (500) feet of above ground commercial bulk storage (to mean any one tank over 1500 gallons or multiple tanks exceeding 1500 gallons total) or distribution facilities for propane/butane gas, hazardous chemical or petroleum/gasoline.

- d) ~~Sites within 300 feet of bars and night clubs. Any establishment that, on a continuous basis, sells alcohol by drink and/or permits the consumption of alcohol on its premises after 9 p.m. will be considered a bar or night club with the exception of the following: (1) a private residence; (2) an establishment engaged primarily in the furnishing of lodging; (3) a bona fide non profit organization or club with membership not open to the general public to which the sale or consumption of alcoholic beverages is incidental to the main purpose of the organization; (4) a meeting or banquet hall; (5) a full service restaurant principally engaged in the preparation and service of a full menu of meal items that are available to customers upon demand during normal meal hours (breakfast, lunch, or dinner) at least once each day the business is open to the public.~~
- e) Sites within one-quarter (1/4) mile of adult video/entertainment clubs and stores.
- f) Sites within one-quarter (1/4) mile of an operating industrial facility including but not limited to: steel manufacturers, oil refineries, ports, chemical plants, plastic manufacturers, airports, automotive and engine parts manufacturers and food processing plants.
- g) Sites that require the execution of voluntary or involuntary cleanup agreements with Department of Health and Environmental Control or any other third party organizations as noted in a Phase II environmental assessment report. A site that has already **fully** completed any cleanup agreements will not incur negative points. Documentation referencing such must be submitted with the Phase II environmental assessment report.

Market Study Criteria:

Proposed developments must be economically viable proposals justified by the market study findings. The capture rate, market advantage, absorption/lease-up period and overall vacancy rate are critical components in the assessment. A market study, completed by an analyst on the Authority's approved market analyst list, must be submitted with the tax credit application and meet the following requirements:

- a) **Capture Rate:** All developments must have a capture rate at or below 30%. Developments with a capture rate above 30% will be eliminated.
- b) **Market Advantage:** All developments must have an overall minimum market advantage of ~~35~~ 25% to be considered for funding. Developments not meeting the minimum ~~35~~ 25% market advantage will be eliminated. Developments representing a ~~35~~ 25% market advantage at initial application submission and being awarded tax credits will be required to maintain a minimum ~~35~~ 25% market advantage at placed in service. If rents do not comply at placed in service then the rents **MUST** be adjusted to meet the minimum ~~35~~ 25% market advantage percentage. Prior to a development beginning initial lease-up, the proposed rents by bedroom size must be submitted to the Authority. The Authority will provide its third party market analyst with the proposed placed in service rents and a determination will be made by the market analyst as to whether the proposed rents still meet the applicable market advantage percentage. Beginning the second year, and through the end of the third year of initial compliance, the development must maintain a minimum 25% market advantage percentage. The Authority will provide its third party market analyst with the proposed rents and a determination will be made by the market analyst as to whether the proposed rents still meet the minimum market advantage percentage. If rents do not comply then the rents must be adjusted to meet the minimum market advantage percentage. After the third year of the initial compliance period, developments must maintain a 10% market advantage. In the event of a softening or declining market the Authority will allow a rent floor at the level of the rents submitted at the initial application submission. **Developments not in compliance will not receive 8609s.**
- c) **Overall Vacancy Rate:** Points will be awarded to proposed developments in market areas where the overall existing and stabilized LIHTC vacancy rates are the lowest based on the following scale:
 - i. Overall vacancy rate of less than ~~6~~ 5%:
 - ii. Overall vacancy rate of ~~6~~ 5% but less than 10% or more:
 - iii. Developments proposed in markets where the overall LIHTC development vacancy rate is 10% or greater will be eliminated.
- d) **Absorption/Lease-Up Periods:** Developments must have absorption/lease-up periods of 12 months or less. Proposed developments with absorption/lease-up periods of more than 12 months will be eliminated.

1 pt
½ pt

Tax Credit Development Experience:

- a) Owners (which include individual(s), corporation(s), or in the case of a limited partnership, the general partners(s)) will receive points for previous development of successful LIHTC properties that

have been completed over the past eight (8) years, January 1, 2011 2009 to February 1, 2019 2017. The owner may include experience gained as an owner in another firm, but not as an employee of another firm. Experience in LIHTC development (to include 4% and 9% Tax Credits, TCAP and Exchange funded developments) means, coordinating the development team from the planning, financing and construction of a development through the receipt of Certificates of Occupancy and issuance of 8609s. Solely purchasing tax credit properties after they have been placed in service will not count for points. Applicants **must have a current ownership interest** in the development(s) listed for points on **Exhibit K**. Experience will be awarded as follows:

1 point	1 LIHTC project or 72-199 units
2 points	2 LIHTC projects or 200-299 units
3 points	3 LIHTC projects or 300-399 units
4 points	4 LIHTC projects or 400-499 units
5 points	5 LIHTC projects or 500-599 units
6 points	6 LIHTC projects or 600-699 units
7 points	7+ LIHTC projects or 700 plus units

Max 7 pts

For every development listed above, the general partner(s) must be in compliance with and in good standing with both the Authority and the syndicator/equity provider or current equity asset management company. **Exhibit K-1** must be completed by the syndicator/equity provider or current equity asset management company and submitted with **Exhibit K** as part of the application submission. If **Exhibit K-1** is not provided then experience points will not be awarded.

~~b) Owners (which include individual(s), corporation(s), or in the case of a limited partnership, the general partners(s)) who have previously developed LIHTC developments in South Carolina between January 1, 2009 and February 1, 2017. LIHTC development (to include 4% and 9% Tax Credits, TCAP and Exchange funded developments) means, coordinating the development team from the planning, financing and construction of a development through the receipt of Certificates of Occupancy and issuance of 8609s. Applicants **must** have a current ownership interest in the development.~~

~~_____ 1 point _____ 1 South Carolina LIHTC development _____ **1 pt**~~

~~For every development listed above, the general partner(s) must be in compliance with and in good standing with both the Authority and the syndicator/equity provider or current equity asset management company. **Exhibit K-1** must be completed by the syndicator/equity provider and submitted with **Exhibit K** as part of the application submission. If **Exhibit K-1** is not provided then experience points will not be awarded.~~

c) Applications that have no missing or incomplete documents as required for submission on the Authority's Exhibit A, Application Checklist. **1 pt**

Targeting Characteristics:

a) Developments that elect to serve individuals on waiting lists for public housing. To receive points, the Applicant must include in their marketing plan a description of outreach, marketing and advertising methods used to attract individuals on public housing waiting lists as well as evidence that the public housing agencies have been contacted (i.e. copy of the letter sent to the PHA along with a signed return receipt). Applicants must not use minimum income criteria to reject Section 8 Housing Choice Voucher Participants when their income reflects that they can pay their portion of the rent. The site's minimum income needed for a household to pay the rent on the unit will be based on the actual amount that the Section 8 Housing Choice Voucher Participants would have to pay after the subsidy rather than the entire rent on the unit. **2 pts**

b) Points will be given to developments that voluntarily extend the "extended use period" until twenty years after the close of the initial fifteen-year "compliance period" (as described in Section 42 of the Internal Revenue Code) and that voluntarily waive the right of the owner to petition the Authority to have its "extended use period" terminated prior to the completion of the nineteenth year of the "extended use period." Any development selecting this criterion is therefore agreeing to a thirty-five year combined compliance and "extended use period" and is committing to a minimum of 20 years of affordability. **5 pts**

- c) Points will be given to developments designating rental housing for specific tenant populations as outlined in this section. In order to be considered for these points, the development/units must be designed and equipped to serve the needs of the designated tenant population. Such design and equipment must be in addition to the minimum design requirements necessary to comply with state and federally mandated accessibility requirements and must be fully described in the application. A Marketing Plan which outlines the outreach efforts to be utilized for targeting tenants must be submitted with the application to receive these points. **The Plan must include how the owner will inform and solicit applications from prospective tenants in the market area who are least likely to apply for housing without special outreach and a description of the types of outreach to be undertaken and marketing materials to be used.**

Choose only one (1) of the following:

5 pts

- (i) One hundred percent (100%) of the development is designed for individuals or families with children. To receive these points at least twenty-five percent (25%) of the low-income units must contain three (3) or more bedrooms.
- (ii) At least eighty percent (80%) of the units are designed, equipped and occupied by older person(s) fifty-five years of age or older. The remaining units must be designed, equipped, and occupied by special needs populations. All new construction developments are limited to one (1) or two (2) bedroom units. All new construction developments, greater than a one (1) story structure must be accessible to all additional stories by elevators. Acquisition with rehabilitation developments more than one (1) story must provide evidence that existing elevators have received regular maintenance and are in good working condition as of the application submittal date to service all upper level rental units. Those developments without existing elevators will be required to install elevators. Developments designating 100% of the units for persons 55 or older are eligible for these points.
- (iii) At a minimum, (10%) of the total units are set-aside for disabled and special needs tenants. Developments seeking points under this criterion should include a letter from the appropriate disability agency regarding the need for these units.
- d) Points will be given to the preservation of an existing development previously assisted with tax credits in which the initial 15 year compliance period has expired. The existing development must have been continuously operated throughout the initial 15 year compliance period without further financial assistance following the issuance of 8609s from the Authority to include additional tax credits, HOME or HTF funds or any debt restructuring. The development can have no outstanding compliance monitoring issues at the time of the application submission.
- e) Sites considered as having Historic Character. Historic Character generally means any development consisting of one or more structures (1) (a) individually listed in the National Register of Historic Places; or (b) located in and contributing to a National Register Historic District and (2) the rehabilitation of which will be completed in such a manner as to be eligible for federal and state historic rehabilitation tax credits. The historic character of a site may be established by documentation from the South Carolina Department of Archives and History with the application submission. There must be an existing structure on the site that will contain at least 10% of the total rental units in order for points to be awarded.
- f) ~~Letters of positive support from the City Manager, Mayor or County Administrator for the development of affordable housing within their communities.~~
- g) Developments that elect to both rent and income restrict up to twenty percent (20%) of the total units to 50% AMI tenants, for the entire term of the LIHTC compliance period. Points will be awarded on a Sliding scale rounded to two decimal places.
- h) ~~FEMA Disaster Counties: All sites located in counties now or hereafter designated under FEMA's Major Disaster Declaration for both Individual Assistance and Public Assistance on October 5, 2015; South Carolina Severe Storms and Flooding (DR 4241). In addition, all sites located in counties now or hereafter designated under FEMA's Major Disaster Declaration for both Individual Assistance and Public Assistance on October 6, 2016 South Carolina Severe Storms and Flooding (DR 4286).~~

54 pts

1 pt

1 pt

0-20 pts

1 pt

Development Size:

Applications for new construction developments consisting of fewer than ~~32~~ **40** affordable units or a rehabilitation development consisting of fewer than 24 affordable units will not be considered in any funding set-aside for the competitive tax credit funding cycle. New construction developments, including adaptive reuse developments, consisting of 73 total units or more may not participate in the competitive 9% tax credit program.

Rehabilitation developments will be awarded points based on the total development size as follows:

- a) Developments at or below 88 total units. 2 pts
- b) Development having 89 to 104 total units. 1 pt

Rehabilitation developments consisting of 130 total units or more may not participate in the competitive 9% tax credit program.

Development Characteristics:

Optional Development Design Criteria Points:

This section allows developers to choose various optional design criteria to be included as part of the development. All developments **must** obtain a minimum of one hundred ten (110) points from this section to avoid disqualification. Although developments may choose to do more, the maximum number of points to be awarded from this section (items 1-30) is one hundred ten (110). Developments awarded credits must incorporate into the development all of the items chosen for points. As part of the placed in service application submission, the Authority will require manufacturer’s data sheets as confirmation that items chosen meet the standards as outlined.

- 1. Roof shingles must be architectural style anti-fungal and warranted for a minimum of thirty (30) years. 8 pts
- 2. Attic insulation rated R-38 or higher. 3 pts
- 3. Energy Star rated HVAC systems (15 SEER or greater) in all units. 5 pts
- 4. All units must have a balcony, sunroom, or patio. A sunroom must contain a minimum of three (3) window panels and have distinct architectural separation from the living room. Patios must be at least 64 sq. ft. Front porches are not considered patios. 10 pts
- 5. Curbing for paved areas throughout the development site including the parking areas. 5 pts
- 6. **A screened porch (either at the community building or attached to a single building development) or a free standing gazebo or a covered picnic area. These amenities must be ADA compliant and accessible. The screened porch must be adequately furnished with seating for tenants, contain a minimum of 200 square feet and have an overhead light with ceiling fan. The gazebo must be covered, have bench seating, be permanently affixed and constructed in place, be ADA compliant, accessible and contain a minimum of 100 square feet. The covered picnic area shelter (must have a table and bench seating and must be ADA compliant and accessible) and be put in an appropriate location. (Gazebos may not be selected for points if using this option as a recreation area for older persons under Mandatory Design Criteria, All Development Types, item 7.b).** 3 pts
- 7. Irrigation/sprinkler system serving all landscaped areas. 10 pts
- 8. Underground utilities (gas/electric, cable and phone) throughout the development site. 5 pts
- 9. Provide in the community room a minimum of two (2) current updated computer systems, manufactured within the last 12 months, to include new computers, new printers, and a new scanner. The computers must be equipped with high speed Internet service (e.g. broadband or cable). It is expected that printer cartridges, computer supplies and ongoing maintenance of the computers and systems will be furnished as part of receiving these points. **Hours of operation for computer center must be posted.** 3 pts
- 10. Each unit must have an Energy Star ceiling fan with light fixture in the living room and all bedrooms. All ceiling fans and overhead lights must connect to wall switches. **(May not be selected for points if also selecting Optional Development Design Criteria Points for rehabilitation developments #24)** 5 pts
- 11. Full size Energy Star refrigerator, with ice maker, having a minimum size of eighteen (18) cubic feet. (May not be selected for points if also selecting #30) 5 pts
- 12. All units pre-wired for high speed (broadband) Internet hook-up with at least one (1) centrally located connection port and connection ports in all bedrooms or wireless computer network. 3 pts
- 13. Over the range mounted microwave oven, with re-circulating fan, in all units. 4 pts
- 14. All units must have a Range Queen, Fire Stop, Auto Stop or comparable extinguishing system over the stove. 3 pts
- 15. A minimum square footage per unit based on the number of bedrooms per unit specified as follows. To qualify, all of the units must meet the minimum square footage per unit. The Authority considers the square footage of an individual unit to be the usable living space measured from the interior wall to interior wall. 20 pts

<u>Bedrooms per Unit</u>	<u>Minimum Sq. Ft. per Unit</u>
One	750
Two	950
Three	1,100
Four	1,250

The maximum allowed per unit square footage for new construction units is as follows:

<u>Bedrooms per Unit</u>	<u>Maximum Sq. Ft. per Unit</u>
One	950
Two	1,200
Three	1,350
Four	1,500

Note: Developments exceeding the maximum allowable square footages will not receive points.

16. Providing bathrooms per unit based on the number of bedrooms according to the following. To qualify, all the units must provide the minimum number of bathrooms as specified. **20 pts**

<u>Bedrooms per Unit</u>	<u>Bathrooms per Unit</u>
One	One Full
Two	One Full and One ¾ bath
Three	Two Full
Four	Two Full and One-Half

Bathrooms are defined as follows: ½ bathroom contains a toilet and vanity with sink; ¾ bathroom contains a toilet, vanity with sink, and a shower; and a full bathroom contains a toilet, vanity with sink, and a tub/shower combination. ADA units ONLY may have a roll in shower. Older Persons and Elderly developments, for one (1) bedroom - one (1) bathroom units ONLY, may have a shower without a tub and it will count as a full bathroom.

17. A minimum eight (8) camera video security system with at least one (1) camera monitoring all of the following areas: front of buildings, back of buildings, all levels of breezeways, community room, computer room, rental office, all site entrance/exit roadways, and parking area(s). **7 pts**
18. One (1) rental unit reserved for a security officer, on-site manager or maintenance person. The unit(s) will be treated either as community space and non-revenue generating or as an income eligible unit(s) which will be subject to compliance monitoring. Each unit(s) must be designated in the tax credit application. **5 pts**
19. Walking trails, minimum 4 feet wide, paved and continuous. Trail should be a minimum 1250 linear feet. At a minimum, install one (1) permanently anchored weather resistant bench with a back at the mid-point of the trail. Sidewalks are not considered walking trails. **10 pts**
20. Perimeter fencing extending around all sides of the development site, except at development entrance(s). Chain link fencing is not allowed. **5 pts**
21. The development will be built to meet, at a minimum, the Version 3.0 Energy Star Certification. **15 pts**
22. Provide an easily-accessible area that serves the entire development and is dedicated to the collection and Storage of non-hazardous material for recycling, to include paper, corrugated cardboard, glass, plastics, and metals. Property management is responsible for ensuring of proper disposal and removal of the recyclables. **5 pts**

The following items are for rehabilitation developments only:

23. Install Energy Star rated dishwasher in all units. (May not be selected for points if also selecting #30) **3 pts**
24. Install overhead light fixture connected to a wall switch in the living room and all bedrooms. All light fixtures to be fitted with Energy Star light bulbs. **3 pts**
25. Provide one and one-half (1.5) bathrooms in all units with two (2) or more bedrooms. (May not be selected for points if also selecting #16). **10 pts**
26. Minimum bedroom size for all bedrooms in each unit is 120 square feet. The minimum bedroom Square footage excludes the closet space. **5 pts**
27. Provide a minimum 1200 square foot community building. The square footage counted towards this total may include a leasing office, an equipped exercise room, and an equipped computer center. Laundry room, **screened porch** and storage/maintenance rooms will not be counted as part of the 1200 square foot minimum. **10 pts**
28. Hookups for standard size washers/dryers in all units. (Hookups for stackable washer/dryers do not count) **5 pts**
29. Energy Star rated windows in all units. **8 pts**
30. In all units, existing appliances replaced with a full size Energy Star refrigerator, with ice maker, having a minimum size of eighteen (18) cubic feet; and an Energy Star rated dishwasher; and an energy efficient hot water heater with an energy factor greater than 0.61 for gas or **0.92 UEF** for electric. **10 pts**

Durable Construction:

Durable construction with respect to each building, **choose only one** of the following:

1. Brick/stone veneer or stucco minimum 60% and remaining exterior fiber cement and/or hardiplank. **4 pts**

2. Brick/stone veneer or stucco minimum 50% and remaining exterior fiber cement and/or hardiplank. **3 pts**
3. Brick/stone veneer or stucco minimum 30% and remaining exterior fiber cement and/or hardiplank **2 pts**
4. Brick/stone veneer or stucco minimum 50% and remaining exterior siding to be vinyl siding with a thickness of at least .044 mils; or full fiber cement. **1 pt**

The exterior of the building is defined as the exterior façade from finished grade elevation to eave line. All exterior wall faces must have an excess of brick/stone veneer based on the percentages selected above. This is applicable to all sides of all the buildings. On all exterior walls the brick/stone must extend above all areas of grass, landscaping and other areas of soil or mulch.

Financial Characteristics:

The Authority strives to ensure aesthetics and livable standards in its affordable housing developments in order to ensure that the developments funded are durable and marketable to tenants for the entire compliance period. However, it is also the Authority's objective to allocate its annual allocation of tax credits in a manner that creates as many affordable housing units as possible. Because tax credits are limited, cost per type of unit and construction costs per square foot are important factors in analyzing applications. The Authority will apply cost standards for Eligible Basis per Heated Square Foot (EBHSF) based on the group average for each type of development submitted in the funding cycle. The Authority will use discretion in determining the groups for comparison, i.e. garden style, single family, townhouse type developments will be compared to each other to determine similar development costs. Developments with costs that appear to be higher than typically warranted will be reviewed by the Authority's construction cost consultant. The costs reviewed will include both hard and soft costs. The construction cost consultant will analyze building types, site conditions, local requirements, and costs for similar developments in similar areas of the state. If, based on the consultant's review, the development costs are found to be reasonable and can be substantiated then the development will remain in the competition. If however, after the consultant's review the costs cannot be substantiated or if substantiated are still found to be unreasonable for affordable housing, then the development will be eliminated from the tax credit competition.

Under no circumstances, regardless of construction type, set-aside, or tenant targeting will the Authority fund developments that exceed the following Total Development costs per unit:

- Rehabilitation- ~~\$132,500~~ ~~125,000~~ per unit
- New Construction Garden Style Multi-Story Developments **and Townhouse:** ~~\$185,500~~ ~~180,000~~ per unit
- New Construction- Duplex, ~~Townhouse,~~ **and** Single Family Developments: ~~\$190,000~~ ~~190,000~~ per unit
- Historic and Adaptive Reuse- ~~\$196,100~~ ~~190,000~~ per unit

Developments that exceed the Total Development costs per unit caps will be disqualified from funding consideration.

Set-Aside Points:

RHS Set-Aside:

1. Points will be given to the preservation of an existing development previously assisted with tax credits in which the initial 15 year compliance period has expired. The existing development must have been continuously operated throughout the initial 15 year compliance period without further financial assistance following the issuance of 8609s from the Authority to include additional tax credits, HOME or HTF funds or any debt restructuring. The development can have no outstanding compliance monitoring issues at the time of the application submission. **1 point**
2. The development must have been selected for RHS 514, 515, or 516 funding as evidenced by a letter from the RHS State Multifamily Housing Director. **1 point**

Rehabilitation Set-Aside:

1. Points will be given to the preservation of an existing development previously assisted with tax credits in which the initial 15 year compliance period has expired. The existing development must have been continuously operated throughout the initial 15 year compliance period without further financial assistance following the issuance of 8609s from the Authority to include additional tax credits, HOME or HTF funds or any debt restructuring. The development can have no outstanding compliance monitoring issues at the time of the application submission. **3 points**
2. Points will be given to the preservation of an existing Authority administered HUD Project Based

development.

2 points

3. Current occupancy rate at development:
 - a) 95% - 100% occupied **1½ points**
 - b) 90% - 94.999% occupied **1 point**
 - c) 85% - 89.999% occupied **½ point**

Nonprofit Set-Aside:

1. Ownership Percentage:

a) If the ownership entity of the development is a limited partnership, the nonprofit organization or the wholly owned single-asset entity subsidiary must own (directly or through the partnership) at least **51%-55%** interest in the general partner of the partnership entity in accordance with current laws and IRS regulations throughout the development's compliance period. If the ownership entity of the development is a limited liability company, the nonprofit organization or the wholly owned single-asset entity subsidiary must be the managing member (having similar powers to a GP in a limited partnership) throughout the development's compliance period. **1 point**

OR

b) If the ownership entity of the development is a limited partnership, the nonprofit organization or the wholly owned single-asset entity subsidiary must own (directly or through the partnership) at least **56%-60%** interest in the general partner of the partnership entity in accordance with current laws and IRS regulations throughout the development's compliance period. If the ownership entity of the development is a limited liability company, the nonprofit organization or the wholly owned single-asset entity subsidiary must be the managing member (having similar powers to a GP in a limited partnership) throughout the development's compliance period. **2 points**

2. Offers a minimum of two (2) free services at the development site. A letter signed by the service provider must be provided indicating the frequency of service (i.e. weekly, monthly, quarterly, etc.) and the **initial duration** must be for a minimum of 3 years **with new providers added as needed for the entire compliance period.** **1 point**

Underserved Set-Aside Only Points:

- ~~1. Points for developing in the following counties which have not had a new construction development in the past 4-6 years as follows:
 - a) No new construction within the past 6 years: Abbeville, Allendale, Barnwell, Calhoun, Chester, Chesterfield, Colleton, Edgefield, Fairfield, Jasper, Lee, Marlboro, and McCormick **1½ points**
 - b) No new construction within the past 5 years: Georgetown and Lancaster **1 point**
 - c) No new construction within the past 4 years: Laurens, Newberry and Saluda **½ point**~~
2. Offers a minimum of two (2) free services at the development site. A letter signed by the service provider must be provided indicating the frequency of service (i.e. weekly, monthly, quarterly, etc.) and the duration must be for a minimum of 3 years. **1 point**

Large Population Urban Set-Aside Only Points:

1. Points for a public transit stop within 500 feet of the site. **1 point**

OR

Points for a public transit stop within 150 feet of the site entrance. **2 points**
2. Offers a minimum of two (2) free services at the development site. A letter signed by the service provider must be provided indicating the frequency of service (i.e. weekly, monthly, quarterly, etc.) and the **initial duration** must be for a minimum of 3 years **with new providers added as needed for the entire compliance period.** **1 point**
3. Points will be awarded for having 25% of the total units assisted with project based rental assistance. A signed conditional commitment from the local housing authority is required to obtain points **1 point**
4. **Points will be awarded to Cities not funded in the 2018 tax credit funding cycle.** **5 points**
5. Points for City/County contribution to the development. Contributions can include, but are not limited to, donated land; waiver of tap and impact fees (the waiver must be over and above any other waivers already provided for affordable housing developments); or a cash contribution in the form of a grant or forgivable loan. Proof of value for non-cash contributions must be included with application submission. The Authority reserves the right to determine cash equivalency values, in its sole discretion. The Authority will determine the percentage of total sources based on the Authority's interpretation of the information submitted. Points will be awarded as follows:
 - a) 5% - 10% of Total Sources **2 points**
 - b) 11% - 20% of Total Sources **5 points**

IV. TIE BREAKER CRITERIA

The following factors will be used in the order they are listed to break a tie. If a tie is broken using the first factor then the other factors will not be applied and so on.

- ~~1. Developments with the highest site scores.~~
- ~~2. As required in each Set Aside, the Authority will apply cost standards for Eligible Basis per Heated Square Foot (EBHSF) to all developments reaching this tiebreaker. Standard deviations will be calculated from the group average for each type of development submitted within the Set Aside. The Authority will use discretion in determining the group types for comparison, which may include but are not limited to new construction, rehabilitation, garden style, and single family developments. Developments with an EBHSF that deviates above or below the group average will be assigned the following values: EBHSF less than or equal to 1.0 Standard Deviation = .5000, EBHSF greater than 1.0 and less than or equal to 2.0 Standard Deviations = .3000, EBHSF greater than 2.0 and less than or equal to 3.0 Standard Deviations = .2000, EBHSF greater than 3.0 Standard Deviations = .1000.~~
- ~~3. The groups established in Tie Breaker #3 will also be used for this Tie Breaker. If required in each Set-Aside, the Authority will rank each development based on the difference between its EBHSF and the group average EBHSF for each type of development submitted in that Set-Aside.~~
4.
 1. Developments that for the full duration of the compliance period (30 years- 15 years for the initial compliance period and 15 years for the extended use period or 35 years- 15 years for the initial compliance period, the 5 year optional extended use period and 15 years for the extended use period) waive the right to submit a Year 15 Qualified Application to come out of the tax credit program.
 2. As required in each Set-Aside, the Authority will apply cost standards to all developments reaching this tiebreaker based on Total Development Cost less Land Cost per Heated Square Foot (TDCLL/HSF). Standard deviations will be calculated from the group average for each type of development submitted. The Authority will use discretion in determining the group types for comparison, which may include but are not limited to new construction, rehabilitation, garden style, and single family developments. Developments with a TDCLL/HSF cost that deviates above or below the group average will be assigned the following values: TDCLL/HSF less than or equal to 1.0 Standard Deviation = .5000; TDCLL/HSF greater than 1.0 and less than or equal to 2.0 Standard Deviations = .3000; TDCLL/HSF greater than 2.0 and less than or equal to 3.0 Standard Deviations = .1000; TDCLL/HSF greater than 3.0 Standard Deviations = 0.
 3. The groups established in Tie Breaker #2 will also be used for this Tie Breaker. If required in each Set-Aside, the Authority will rank each development based on the difference between its TDCLL/HSF and the group average TDCLL/HSF for each type of development submitted in that Set-Aside.
5.
 4. Developments located in a Qualified Census Tract (QCT) that contribute to a concerted community revitalization plan (CRP). The CRP plan must be included with the application submission. The plan must include multiple aspects for revitalizing a community which must include, but are not limited to, the following:
 - a) A description of and documentation of how community outreach/input from the citizens living in the targeted revitalization area was accepted; i.e. town hall meetings, public hearings, etc.
 - b) Formal adoption date of the revitalization plan by the entity charged with and responsible for implementing the goals set for revitalizing the targeted area;
 - c) A description of the geographic area of the community including names of individual neighborhoods targeted;
 - d) Identified vacant land in the targeted area;
 - e) An assessment of the current condition of the targeted community, the need for revitalization and the plans for overcoming the targeted area's problems. The assessment must include:
 - i. Within the past 12 months a list of non-housing, infrastructure, amenities and economic development projects completed in the targeted area and a narrative of how a more vibrant, livable, sustainable and equitable community has been created to date from these completed projects;

- ii. A list of infrastructure and economic development projects to be completed over the next 12 months in the targeted area which must include a date specific construction start date. A description of how these future projects are addressing a potential underinvestment in the area and how they will stop a decline in the targeted area;
- f) A description of the resources the City/County or other investors have already devoted and will be devoting to the targeted revitalization area.

A document will not be considered a Community Revitalization Plan if:

- a) It was initially approved after August 1, 2018;
 - b) It's a "single property" narrowly focused document or a document approved solely for meeting this tie break criteria;
 - c) It's a Comprehensive Plan created by the local entity which is required to be produced as part of obtaining federal funds;
 - d) If it's a city/county zoning or land use plan.
- ~~6.~~ **5. Eventual Homeownership:** The Authority will allow only single family homes, townhouses or duplexes to be built for eventual homeownership. Provide a detailed narrative of how homeownership will be achieved. Submit an acceptable Conversion Agreement, and other documentation as required, that provides for tenant ownership at the end of the initial fifteen (15) year compliance period. The Applicant must submit a conversion plan as well as other required documentation that includes but is not limited to a detailed timeline outlining how the tenants will become homeowners. The conversion plan must include all homebuyer counseling programs to be provided along with the financial procedure that will be used to transfer the rental units into homeownership. The Applicant must execute a Conversion Agreement providing that the units will be converted to tenant ownership at the end of the 15year tax credit compliance period or the 20 year compliance period if receiving state HOME funds. The Authority does not allow older persons or elderly persons to be targeted for homeownership. Land acquisition may not involve long term lease holds rather land must be purchased and owned by the partnership. **If points are taken for a 5 year extended use period then the conversion to homeownership cannot occur until year 20.**
- ~~7.~~ **6.** If applications are still tied after all above tie breakers have been applied, the Authority will utilize a lottery system. All Application identification numbers, ONLY for those Applications still tied for funding, will be placed in a drum and an impartial Authority employee will draw developments at random until all funds are exhausted. The drawing will be open to the public, supervised by Internal Audit staff, with results posted on the Authority's tax credit webpage.

V. MANDATORY DESIGN CRITERIA

The following mandatory design criteria **must be** included in the development design:

For ALL Development Types:

1. Window coverings for each window, including glass doors, must be installed. Metal blinds are not permitted.
2. All kitchen and bathroom interior cabinets must be solid wood or wood/plastic veneer products with dual slide tracks on drawers. New cabinets must have solid wood dual sidetrack drawers and no laminate or particleboard fronts for doors or drawer fronts. Cabinets shall meet the ANSI/KCMA A1 61.1 performance and construction standard for kitchen and vanity cabinets. Cabinets shall bear the certification seal of KCMA (Kitchen Cabinet Manufacturers Association).
3. All entry doors must be metal-clad wood, steel or fiberglass doors that are insulated, paneled, and have a peephole. Deadbolt locks are required in entry doors. Dead bolt locks on entry doors should have "thumb latch" on interior side. Double keyed dead bolt locks are prohibited. The minimum clear width of all exterior doors shall be 34 inches.
4. Bi-fold and sliding interior doors are prohibited. All doors must be side hinged.
5. A landscaping plan must be submitted indicating areas to be sodded and landscaped. Landscaping plan(s) must follow any applicable landscape municipal ordinance. At a minimum, sod shall be installed on the front and side areas to a point twenty (20'-0") feet from the building(s). Landscaping may incorporate sod and drought resistant plants and shrubs. All disturbed areas not sodded must be seeded. The Authority reserves the right to approve the final landscaping installation and require modifications.

6. All retention and/or detention ponds must be fenced in unless a letter is provided from the Department of Health and Environmental Control (DHEC) that a fence is not required. The storm water retention/detention basin design, maintenance and management shall be the sole responsibility of the owner/developer and shall be in strict accordance with all applicable federal, state, local and environmental regulations governing storm water retention/detention basins.
7. A recreation area suitable for proposed tenant targeting:
 - a) For family developments – (i) Playground for children located away from automobile traffic patterns with commercial quality play equipment (the playground area must have a minimum of four (4) separate pieces of equipment or a structure that encompasses a minimum of four (4) pieces of equipment) accessible to handicapped traffic and at least one permanently anchored, weather resistant bench, with a back, playground equipment may not be wooden, or (ii) an exercise room with a minimum of three nautilus-type work-out machines (this room’s square footage may be included in the minimum 1,200 sq. ft. community building);
 - b) For older persons developments – (i) An exercise room with a minimum of three (3) nautilus type work-out machines (this room’s square footage may be included in the minimum 1,200 sq. ft. community building), or (ii) a minimum of one gazebo, with seating, equipped with an Energy Star ceiling fan with light fixture.
8. A new development sign at the entrance(s) to the complex affixed with a Fair Housing logo.
9. Exterior lighting fixtures at all entry doors including individual apartment units, community buildings and common areas within the building(s). The fixtures at the individual apartment units are to be controlled from the interior of the unit.
10. Enclosed trash dumpsters and/or compactors. The dumpster must be enclosed by solid fencing on at least three sides. May use solid wood fencing, masonry or chain link fencing. Chain link fencing must include slats inserted to obstruct dumpster view. The pad and approach pad to the dumpster must be concrete and not asphalt. The trash dumpster/compactor must be ADA accessible and located on an ADA accessible route.
11. Roofing materials shall be anti-fungal shingles with a minimum 25-year warranty.
12. The following Energy Star appliances must be provided in each unit: Full sized refrigerator-freezer, with ice maker, having a minimum size of fourteen (14) cubic feet.
13. At least fourteen **point five** (14.5) SEER HVAC units must be installed. If the Physical Needs Assessment, completed for a rehabilitation development, does not recommend replacement of existing HVAC units in the development, this mandatory criterion is waived. However, any replacement HVAC units installed in the development must be at least fourteen **point five** (14.5) SEER. All refrigeration lines must be insulated. All developments must have central heat and air. Window units are not allowed for any development type.
14. A laundry facility containing: (a) at least one (1) commercial washer and one (1) commercial dryer per twenty-four (24) units; and (b) adequate seating and at least one (1) table for folding clothes. For developments containing more than one hundred (100) rental units that also provide washer and dryer hookups in all units, a minimum of one (1) commercial washer and one (1) commercial dryer per thirty-two (32) units is required. Single family detached unit, townhouse, or duplex developments must provide a washer and dryer hookup in every unit. Developments providing washers and dryers in all rental units are not required to provide a laundry facility.
15. Each unit must be equipped with a 5 lb. ABC rated dry chemical fire extinguisher readily accessible in the kitchen and mounted to accommodate handicapped accessible height in accessible units. **Fire extinguisher must be either clearly visible to the tenant or if contained in the cabinet/pantry area must have proper signage identifying the location.**
16. Wall switch controlled Energy Star rated overhead lighting is required in all rooms.
17. Sites located in a Radon Zone-1 (highest level) will require Radon Resistant New Construction Practices. Rehabilitation projects must meet the Radon Mitigation Standards as required by the Environmental Protection Agency.
18. All new construction developments must submit a complete site specific soils report and boring site plan, not more than one year old at the time of submission of final plans and specifications, bound within the project specifications. Rehabilitation projects adding any new building foundations must submit a foundation specific soils report. The soils report and boring site plan must reflect the results of laboratory tests conducted on a minimum of one (1) soil boring per planned building location and a minimum total of two (2) soil borings at the planned paved areas of the development. A registered professional engineer or a certified testing agency with a current license to practice in the State of South Carolina must prepare the report. Rehabilitation projects adding any new building foundations must also submit a foundation specific soils report and boring site plan as stated above.

19. Metal flashing or 20 mil polyethylene when used in conjunction with a self- adhering polyethylene laminate flashing, must be installed above all exterior door and window units.
20. Mailboxes, playground and all exterior project amenities must be ADA accessible.
21. Exterior wall insulation must have an overall R-~~13~~ **44** minimum for the entire wall assembly and roof or attic insulation must have an R-30 rating minimum.
22. Tub/shower units must have minimum dimensions of 30-inch width by 60-inch length and be equipped with anti-scald valves. All shower units without a tub must have minimum dimensions of ~~30~~ **36**-inch width by 48-inch length (ADA approved shower). All tubs in designated handicap accessible units must come complete with “factory- installed grab bars”.
23. Mirror length must extend to top of vanity backsplash with top of mirror a minimum of 6’-0” above finish floor. Framed decorative mirrors or medicine cabinets with mirrors are allowed with a minimum size of 14” x 24” and must be hung with the top of mirror a minimum of 6’-0” above finish floor. Vanity cabinets or a medicine cabinet shall be provided in all units. All cabinets in designated handicap accessible units must be installed at ADA mounting heights.
24. Water heaters must be placed in drain pans with drain piping plumbed to disposal point as per the latest approved addition of the International Plumbing Code.
25. Pipe all Water Heater Temperature & Pressure (T&P) relief valve discharges to disposal point as per the latest approved edition of the International Plumbing Code.
26. Exterior shutters (new not recycled) are required on all 100% vinyl siding buildings. Only existing rehabilitation developments may have 100% vinyl building exteriors.
27. Roof gable vents must be made of aluminum or vinyl materials.
28. All attics must be vented.
29. Carpet and Resilient flooring materials must meet minimum FHA standards.
30. Each bedroom and hallway, etc. must have, as required by Code (local, state or Federal) a hard-wired battery back-up smoke detector.
31. All materials for construction must meet all local, state, federal and environmental regulations and specifications.
32. A carbon monoxide detector must be installed in each unit with gas mechanical systems or gas appliances. Units with an attached garage must also have a carbon monoxide detector installed. A combination unit smoke detector and carbon monoxide detector can be used to meet this requirement.
33. Pre-finished fascia and soffits must be vinyl covered aluminum and/or perforated cementitious panels with vents.
34. Gutter and downspout systems complete with splash blocks will be supplied surrounding all residential buildings.
35. **Screened Porches**, Gazebos, Picnic Shelters, Mail Kiosks, etc.: Exposed components used as part of the structure must be constructed so that no wood is exposed. Concealment shall be with materials such as aluminum or vinyl siding or cementitious materials. Decorative rails and/or guard rail systems used shall be code compliant systems of vinyl, fiberglass or metal. Wood railings are not allowed. **Screened Porches**, **Gazebos** and **Picnic Shelters** shall have table and bench seating.
36. At a minimum, all developments must meet the 2006 International Energy Conservation Code.
37. Developments that have units, by bedroom size, smaller than the following square footages are considered to be obsolete developments and are not eligible for funding:

<u>Bedrooms per Unit</u>	<u>Minimum Heated Sq. Ft. per Unit</u>
Efficiency	400
One	500
Two	700
Three	850
Four	1,000

38. All residential units must have one full bathroom.

For ALL New Construction Developments:

1. All units must be equipped with an Energy Star rated dishwasher and an energy efficient rated hot water heater with energy factor of 0.61 for gas or **0.92** ~~93~~ **UEF** for electric and will have manufacturer’s data sheet submitted with plans.
2. All units must have Energy Star rated windows and will have manufacturer’s data sheet submitted with plans.
3. All units must have an Energy Star rated HVAC system and will have manufacturer’s data sheet submitted with plans.

4. Lighting must be in all common area corridors, stairwells, and the community room. Interior light fixtures to be fitted with Energy Star light bulbs.
5. Low flow water saving features must be used- low flow showerheads, low flow kitchen and bathroom faucets, and low flow toilets and will have manufacturer's data sheet submitted with plans.
6. Washer/dryer hookups in all units.
7. A minimum 1200 square foot community building to include a kitchen/break room area equipped with, at a minimum, a sink and refrigerator and either a stove/microwave. Entire facility must be ADA compliant. The square footage counted towards this total may include a leasing office, an equipped exercise room, and an equipped computer center. Laundry rooms, **screened porch(s)** and storage/maintenance rooms will not be counted as part of the 1200 square foot minimum. For developments proposing the second phase of a previously completed contiguous tax credit development, the requirement for an additional 1200 square foot community building is waived. However, it is required that laundry facilities be provided to the new phase and must be constructed on the site of the proposed phase. The mandatory laundry facility requirements under Section V. Mandatory Design Criteria, item 14 must be met.
8. All units pre-wired for cable television hook-ups in the living room and one (1) per bedroom.
9. Units with three (3) or more bedrooms must have a minimum of two (2) full bathrooms.
10. The minimum bedroom size for the primary bedroom in each unit must be at least 168 square feet. All other bedrooms must be a minimum 120 square feet. The minimum bedroom square footage excludes the closet space.
11. All older persons (55+ years) and elderly developments will be one-story structures, or if greater than one story, all stories will be accessible by elevators.
12. All sidewalks and walkways shall be a minimum of 36" in width and made of concrete and shall provide access to all parking spaces, front entryway doors, common amenities and driveways and shall be ADA compliant. Where ADA accessible routes, walkways, etc. are required within the development, clearly marked ramps, crosswalks, signage, etc. shall be furnished in accordance with ADA regulations.
13. Sliding glass doors are prohibited.
14. Water closets must be centered, at a minimum, 18 inches from sidewalls, vanity/lavatories and bath tubs.
15. Public use stairway components, such as stringers, treads, and risers must be constructed from steel or concrete, wooden stair systems are not allowed. Handrails and pickets must be constructed from steel or aluminum.
16. Patio and porch/balcony components used as part of the building shall have concrete slabs or decks and must be constructed so that no wood is exposed. Concealment shall be with materials such as aluminum or vinyl siding or cementitious materials. Structural wood columns shall be at a minimum 6" x 6" pressure treated columns concealed as noted above with properly sized fiberglass, high density urethane or aluminum columns. Columns must be installed on metal brackets/clips to prevent water seepage into the columns. Decorative rails and/or guard rail systems used at porches and patios shall be code compliant systems of vinyl, fiberglass or metal. Wood railings are not allowed.
17. Wall Framing: Sound proofing or sound batt insulation is required between the stud framing in party walls. A sound rating of STC 54 is required.
18. Fluorescent lighting **or LED lighting** is required in the kitchen.

For ALL Single Family, Townhouse, and Duplex Developments:

1. All detached single family homes must contain a minimum of three (3) bedrooms and two (2) full bathrooms.
2. All townhouses must contain a minimum of two (2) bedrooms and one and one-half bathroom. At a minimum, a half bathroom must be located on the first floor.
3. All duplexes must contain a minimum of two (2) bedrooms and one and one-half bathroom.
4. Developments must have concrete driveways, curbing at street and front entry walkways.
5. All new construction developments must have a washer and dryer hookup in each unit.
6. All HVAC and hot water heaters must be contained within the unit/building. These may not be located in the attic or crawl space.

For ALL Rehabilitation Developments:

Any of the following mandatory items (not to include repainting of the entire unit) replaced on or after January 1, 2012 ~~±~~ are not required to be replaced as part of the rehabilitation.

1. Replace and install new flooring in each unit. At a minimum, tile must be VCT or better.
2. Entire unit (all rooms and ceilings) must be repainted.
3. New bathroom fixtures must be installed to include the following:
 - a) New tub and new shower, re-glazing not allowed. Three piece surround insert is acceptable. All caulking must be replaced.

- b) Replace sink, vanity and plumbing fixtures with new. Vanity to include, at a minimum, a pull out drawer and/or storage area.
 - c) New toilet.
 - d) Install new re-circulating exhaust fan.
 - e) Install new water supply valves.
4. New kitchen fixtures must be installed to include the following:
 - a) Dual track sliding drawers.
 - b) New double sink and plumbing fixtures.
 - c) New stove with re-circulating exhaust fan.
 - d) New Energy Star rated refrigerator, with ice maker that is a minimum of 14 cubic feet.
 - e) Install new water supply valves.
 5. All entry doors must be steel or fiberglass doors that are insulated, paneled, and have a peephole.
 6. New Energy Star hot water heaters with an energy factor greater than 0.61/gas or ~~0.93~~ 0.92 UEF/electric.
 7. Replace all windows with insulated, double pane glass in either vinyl or aluminum framing.
 8. All units wired for high speed (broadband) Internet hook-up with at least one (1) centrally located connection port or wireless computer network. All wires to be hidden.
 9. Units with existing washer/dryer connections must replace and install new water supply fixtures and valves.
 10. All older persons (55+ years) and elderly acquisition/rehabilitation developments may have more than one-story, provided that existing elevators, receiving regular maintenance, are in good working condition as of the Application submittal date and service all upper level rental units. Those developments without existing elevators will be required to install elevators.
 11. Window blinds and exterior window screens to be replaced.
 12. Replace all damaged and worn interior doors, jams, frames, and hardware.
 13. Reseal all asphalt parking and roadway services throughout the development.
 14. Existing exterior wooden stair systems may not be repaired. Instead they must be replaced in their entirety with new steel or concrete stair systems.

For ALL Adaptive Reuse Developments:

The definition of “adaptive reuse” is the conversion of an existing non-residential building(s) into a residential building(s). The architect must certify on **Exhibit G** that the development will meet the following requirements:

1. A minimum of fifty percent (50%) of the square footage of each existing building(s) must be converted to residential use; and
2. If additional buildings/units are constructed to provide additional space, the total square footage of the previously existing building(s) must constitute a minimum of fifty percent (50%) of the total square footage of the entire development.
3. Reseal all asphalt parking and roadway surfaces throughout the development.

VI. ADMINISTRATION OF THE QUALIFIED ALLOCATION PLAN

The Authority reserves the right to resolve all conflicts, inconsistencies, or ambiguities, if any, in the QAP or that arise in administering, operating, or managing the reservation and/or allocation of the LIHTC Program. The Authority, at its sole discretion, reserves the right to allocate housing tax credits in a manner not in accordance with this QAP. At such time, or either a reasonable time thereafter, the Authority shall, as required by Section 42(m)(1)(A)(iv) of the Code, provide a written explanation to the general public of its reasons for making such allocation. The Authority further reserves the right, at its sole discretion, to modify or waive, on a case-by-case basis, any provision of this QAP or the LIHTC Manual that is not required by the Code. In any case where compliance with the QAP or LIHTC Manual produces unusual hardship or difficulty and the Code or regulations do not require the provision, the application of such provision may be waived in the Authority’s sole discretion upon a showing of substantial need and any other evidence as requested by the Authority.

The Authority reserves the right to withhold the issuance of a Form 8609 for any development or building that is determined at the Authority’s sole discretion **not to have been constructed in accordance with the representations** contained in the development descriptions and certified to in **Exhibit G** by the architect.

The QAP and LIHTC Manual are intended to provide sufficient information to prospective LIHTC applicants. However, due to the complexity of the program and the housing development process in general, not every

potential circumstance is covered in the QAP or LIHTC Manual. The Authority will interpret the policies and guidelines contained in the QAP and LIHTC Manual upon review of an application for tax credits, and may accept or reject an application based on its interpretation. Applicants are strongly encouraged to seek guidance from Authority staff regarding any situation not explicitly addressed in the QAP or LIHTC Manual prior to submitting an application. However, the Authority reserves all rights in processing the applications. The Applicants are solely responsible for the contents of their applications and cannot rely on any representation by Authority staff.

By submitting an application to the Authority, the Applicant waives, holds harmless, and releases any claim or cause of action against the Authority or its staff related to or arising under the processing or scoring of any application or for the award of any tax credits under this program, and further the applicant covenants not to sue the Authority or its staff related to or arising under the processing or scoring of any applications or for the award of any tax credits under this program. The Applicant further agrees to indemnify the Authority for any claim or cause of action brought against the Authority related to or arising under the Applicant's application.

Freedom of Information Act Requests (FOIAs) seeking any documents submitted with and/or related to applications submitted as part of the tax credit funding competition will be honored after reservation documents are executed and returned. The Authority reserves the right to upload the applications, or any portion thereof, to a webpage for public review pursuant to FOIA. Applicant will not be notified by the Authority prior to complying with a FOIA request or prior to uploading the applications, or any portion thereof, to a webpage.

VII. RECONSIDERATION PROCESS

The processes described in this Section VII are the exclusive means by which an Applicant may request reconsideration of a decision of the Authority regarding the scoring or evaluation of any application or the award of tax credits. Information submitted to the Authority outside of these processes, whether in writing or otherwise, will not be considered.

Initial Point Scoring:

Any Applicant wishing to request a reconsideration of an initial point scoring decision of the Authority may do so in writing to be delivered to the attention of the Executive Director. Applicants may **ONLY** request reconsideration for applications in which they have an ownership interest.

The Applicant or their legal counsel may then provide a written response specifically identifying the reasons that the application should receive points not awarded in the initial point scoring or should not receive a deduction of points in the initial point scoring.

Written responses must be delivered via **hand delivery or overnight courier** to the attention of the Executive Director. An e-mail courtesy copy is appreciated, but does not constitute a timely response.

Reconsideration requests, along with a cashier's check for the **\$1,200.00 filing fee** per request, must be **received by the Authority by 5:00 p.m. (EST) within three (3) business days of the date of the posting of the point scores** for the applications on the Authority's website. Determination letter(s) regarding point scores will be mailed the same day as posting of the point scores.

Reconsideration requests must specifically identify the grounds for the reconsideration request. Only the application and documents then existing in the Authority's file will be considered. No additional documentation will be accepted unless it explains previously submitted documentation. The burden is on the Applicant to demonstrate any errors in the review and/or point scoring process.

The Authority will forward the reconsideration request, along with the Authority's staff's response to the reconsideration request and documents from the application or documents then existing in the Authority's file that the Authority deems to be relevant to the request, to a Hearing Officer to review and make a recommended determination on the reconsideration request. The Authority will also forward a copy of the Authority's staff's response to the Applicant. The Hearing Officer must be an attorney admitted to practice law in the State of South Carolina. The Hearing Officer shall review the reconsideration request and the Authority's staff's

response and issue a report and recommendation to the Review Committee in a timely manner. In the Hearing Officer's sole discretion, he may request additional information or conduct a meeting or conference with the Applicant and Authority. Neither the Applicant nor Authority staff shall demand or request the Hearing Officer to request additional information or conduct a meeting or conference regarding the reconsideration request.

The Authority's Chairman of the Board of Commissioners shall select members of a Review Committee from members of the Board of Commissioners, Executive Staff or a combination thereof. The Review Committee shall consist of at least three members, but may be more so long as the number of members of the Review Committee remains an odd number. Upon receipt of the Hearing Officer's recommended determination, the Authority shall request the Review Committee convene to make a final determination on the reconsideration request. The Review Committee may review any or all documents submitted to the Hearing Officer, the Hearing Officer's report and recommendation, documents from the application or the Authority's file, or may make independent inquiry into the matters concerning the reconsideration request. Following the Review Committee's final determination, the Authority will provide a final determination letter and a copy of the Hearing Officer's report and recommendation to the Applicant.

The Authority retains final decision-making authority on any reconsideration request, and the Review Committee's determination is the final decision of the Authority.

Underwriting/Disqualification Decision:

If the Authority identifies a deficiency in an application during its review that results in the disqualification of an application, ~~or a reduction of the amount of requested tax credits~~, the Authority will issue a preliminary decision letter to the Applicant identifying the grounds for the potential disqualification. ~~or reduction of requested tax credits.~~

Any Applicant wishing to request a reconsideration of a ~~underwriting or~~ disqualification decision of the Authority may do so in writing to be delivered to the attention of the Executive Director. Applicants may ONLY request reconsideration for applications in which they have an ownership interest.

The Applicant or their legal counsel may then provide a written response specifically identifying the reasons that the application should not be disqualified. ~~or the amount of requested tax credits should not be reduced.~~

Written responses must be delivered via **hand delivery or overnight courier** to the attention of the Executive Director. An e-mail courtesy copy is appreciated, but does not constitute a timely response.

Responses, along with a cashier's check for the \$1,200 filing fee per request, must be **received by the Authority by 5:00 p.m. (EST) within three (3) business days of the date of the preliminary decision letter.**

Reconsideration requests must specifically identify the grounds for the reconsideration request. Only the application and documents then existing in the Authority's file will be considered. No additional documentation will be accepted unless it explains previously submitted documentation. The burden is on the Applicant to demonstrate why the application should not be disqualified or the amount of tax credits should not be reduced.

The Authority will forward the reconsideration request, along with the Authority's staff's response to the reconsideration request and documents from the application or documents then existing in the Authority's file that the Authority deems to be relevant to the request, to a Hearing Officer to review and make a recommended determination on the reconsideration request. The Authority will also forward a copy of the Authority's staff's response to the Applicant. The Hearing Officer must be an attorney admitted to practice law in the State of South Carolina. The Hearing Officer shall review the reconsideration request and the Authority's staff's response and issue a report and recommendation to the Review Committee in a timely manner. In the Hearing Officer's sole discretion, s/he may request additional information or conduct a meeting or conference with the Applicant and Authority staff. Neither the Applicant nor Authority staff shall demand or request the Hearing Officer to request additional information or conduct a meeting or conference regarding the reconsideration request.

The Authority's Chairman of the Board of Commissioners shall select members of a Review Committee from members of the Board of Commissioners, Executive Staff or a combination thereof. The Review Committee shall consist of at least three members, but may be more so long as the number of members of the Review Committee remains an odd number. Upon receipt of the Hearing Officer's recommended determination, the

Authority shall request the Review Committee convene to make a final determination on the reconsideration request. The Review Committee may review any or all documents submitted to the Hearing Officer, the Hearing Officer's report and recommendation, documents from the application or the Authority's file, or may make independent inquiry into the matters concerning the reconsideration request. Following the Review Committee's final determination, the Authority will provide a final determination letter and a copy of the Hearing Officer's report and recommendation to the Applicant.

The Authority retains final decision-making authority for any decision to disqualify an application or reduce the amount of requested tax credits, and the Review Committee's determination is the final decision of the Authority.

Communications with Hearing Officer:

Applicants, members of Applicants' development teams, or persons on behalf of the Applicant or development team members are expressly prohibited from having *ex parte* communications with the Hearing Officer regarding the reconsideration request or preliminary decision letter or any related topic from the filing of the reconsideration request or issuance of the preliminary decision letter until the Authority renders its final determination. The Authority considers *ex parte* communications to be any improper communication with the Hearing Officer, which includes, but may not be limited to, unsolicited communication with the Hearing Officer or communications in response to a request by the Hearing Officer that fail to also copy the Authority. Any violation of this prohibition may result in disqualification of the pending application and suspension from participation in the next competitive funding cycle for the Applicant and all of its development team members, regardless of which team member initiated the prohibited contact.

VIII. AMENDMENTS TO THE QUALIFIED ALLOCATION PLAN

The Authority reserves the right to amend the QAP or LIHTC Manual as needed for the purpose of clarification, ensuring compliance with the Code or regulations, or any change necessary to affect the spirit and intent of the LIHTC Program as determined in the sole discretion of the Authority. All amendments shall be fully effective and incorporated herein immediately. Amendments may reflect changes, additions, deletions, interpretations, or other matters necessary to comply with the Code or regulations. Amendments are not limited to, but may perform such acts as cure ambiguities, supply information on omissions, correct inconsistencies, or facilitate the allocation of LIHTC that would not otherwise be allocated.

IX. APPROVAL BY THE GOVERNOR

I, ~~Nikki R. Haley~~, **Henry McMaster** Governor of the State of South Carolina, do hereby signify my approval of this QAP for the distribution of federal LIHTC in the state in conformance with the Code, as amended.

The Authority is expressly granted authorization, to the extent it deems necessary, to amend or waive any requirements of this QAP or LIHTC Manual as described herein without the necessity of further approval.

Signature: _____
~~Nikki R. Haley~~ **Henry McMaster**, Governor of South Carolina

Date: _____