

2020 Tax Credit Program

Bulletin #5

March 25, 2020

Questions and Answers

1. **Question:** How and when would one go about obtaining permission to utilize income averaging from the Authority? Is it on a deal-by-deal basis, or are certain areas of the State already approved for income averaging?

Answer: Income Averaging is not an option being offered by SC Housing under the 2020 QAP.

2. **Question:** Other than the general terms outlined in the HOME M-8A and M-8 forms, are there any specific Authority requirements for related GC's to self-perform on HOME awarded applications? Does the Authority require financial statements showing certain capacity and operational success, show the ability to post LOCs, or provide P&P bonding? What about current capacity and WIP on other LIHTC deals outside of SC?

Answer: The Authority does not require any additional information other than what is requested on the M-8 and M-8A forms to disclose the identity of interest and request an exception to the procurement requirements for a related entity to perform as the general contractor. The general contractor must be able to demonstrate they meet the bonding and insurance requirements in order to receive approval from SC Housing to execute the construction contract. Applicants that plan to use a third party general contractor must provide a copy of their procurement policy with the application.

3. **Question:** What procurement policies will the Authority require if utilizing a competitive sealed bid process for selecting a 3rd party GC? Is the applicant supposed to select the lowest bid, or whichever bid the applicant chooses, so long as applicant provides some level of reasoning and rationale behind the ultimate selection?

Answer: The procurement policy must be in compliance with 2 CFR Part 200.319 -321 and all other applicable federal, state, and local regulations. Applicants are required to select the lowest, most responsive, and responsible bidder. Applicants that do not intend to award the lowest bidder, must explain to SC Housing the rationale used to determine that the lowest bidder was not the most responsive and/or responsible bidder. Acceptable bids must be no more than 10% higher or lower than the costs estimated in the construction cost addendum. Applicants awarded HOME funds will be provided a 2020 HOME/LIHTC Implementation Manual and will participate in an implementation training, which will cover these and other requirements in more detail.

4. **Question:** Should an application's 30% units follow the published 2019 National HTF Rent & Income Limits on SC Housing's website? Or will SC Housing be publishing some other rent/income table for the 30% units in a 9% tax credit development?

Answer: The published 2019 NHTF rents and incomes available on the Authority's website are the appropriate limits to be used for an application's proposed 30% units.

5. **Question:** Please confirm that applicant entities and their General Partners/Managing Members submitting applications in the 2020 competitive round may be formed in states other than South Carolina as long as they are duly authorized by the South Carolina Secretary of State to do business in the state. Assuming that to be the case, please note that the South Carolina Secretary of State does not provide "Certificates of Existence" to such non-South Carolina entities. Instead, the Secretary of State provides "Certificates of Authority" as equivalent documentation that an entity is in good standing and authorized to do business in the state. Since Certificates of Existence are not available to non-South Carolina entities, please confirm that submission of the equivalent Certificate of Authority from the South Carolina Secretary of State will satisfy the Certificate of Existence requirement of Tab 6 for any non-South Carolina entities applying as applicant or General Partner/Managing Member.

Answer: Certificates of Existence from the SC Secretary of State must be obtained for any entities incorporated in SC or doing business in SC. Similar certificates should be obtained from the applicable state authority for entities incorporated in other states and not doing business in SC.

6. **Question:** The project we are designing used to have a balcony with the exterior closet door off of the balcony, making it an actual exterior storage closet. Then the decision was made to have sunrooms instead of balconies, but the storage closets stayed where they are, which has the storage closet door come off the conditioned interior sunroom rather than an unconditioned exterior balcony. We just wanted to make sure we were still in compliance to qualify as an exterior storage closet, or do the storage closets actually have to open to exterior unconditioned air to qualify?

Answer: As this would be an interior closet this closet would not qualify as an exterior closet. Therefore the closets described above would not meet the requirement.

7. **Question:** Does South Carolina require any additional environmental requirements if the LIHTC will also include HOME funds? The QAP only states LBP and ACM, which is not applicable since this site is undeveloped. Some states require the Part 58 Partner Worksheets, so I just wanted to ensure those will not need to be completed.

Answer: The environmental review process does require compliance with Part 58 as explained in the HOME appendix. There are no environmental forms we require them to provide with the application. Applicant's awarded HOME funds are required to use an Authority approved environmental consultant and will be provided instructions on how to complete the environmental review process with the conditional HOME commitment.

8. **Question:** Typically when we have HOME funds on an award we are not allowed to do ANY work (including geotechnical studies/borings) on a site until we have NEPA clearance. I want to confirm we are allowed to do the geotechnical study now required at application WITHOUT having NEPA clearance.

Answer: Geotechnical studies are allowed on site prior to award as they are considered an exempt activity.

9. **Question:** It is our understanding that the Qualified Accessibility Consultant is only required to prepare and submit Exhibits AA, BB, and CC for inclusion in the tax credit application. Please confirm that the Qualified Accessibility Consultant is not required to submit the Plans and Specification Review Report (referenced in Exhibit CC and Appendix B Section II(A)1) as part of the LIHTC Application Checklist or the required Application Plan Requirements from Appendix B Section I(B).

Answer: No Plans and Specification Review Report is due from the Accessibility Consultant until Final Plans and Specifications are submitted as will be required by the Awarded Project Timeline which will be provided to awardees at the conclusion of the 2020 LIHTC competition.

10. **Question: Relating to** Laundry Facility requirements as described in the 2020 QAP Appendix B item 4,C indicates 8 washer and dryers are required for the 61-100 unit project.

Does that mean 8 washers and 8 dryers or 4 washers and 4 dryers?

Answer: The mandatory Development Design Criteria requires 8 washers and 8 dryers for projects that consist of 61-100 units.

11. **Question:** Can the 30% units be included in the HOME 20% at or below 50%?

Answer: 30% units may be also designated as HOME 50% units as they are at or below 50% of the Area Median Income.

12. **Question:** The S2 Primary Market Analysis Summary Table that we complete as part of our reports is updated every year to account for the new projection period ...with data entered in the demographic data section. Hitherto, the earliest year cited has always been 2010...using the last decennial census as a benchmark. This year's S2 Table has 2012 instead of 2010. Can I assume that the intention would be for us to use the 2010/benchmark numbers?

Answer: This is an error on the S-2 form. Please use the most current census data (2010) as the benchmark.

13. **Question:** In the past, our engineer has used county/city GIS mapping software and their topo overlays for our site plans and the architect has provided front, rear and side elevations of all buildings. However, after consulting with a few developers, there is conflicting opinion on whether this new language means a full survey. That would be upwards of \$20k cost for pre-application. Please clarify what you expect to see for 3h.

Answer: A full survey is required to meet the stated requirement of the QAP.

14. **Question:** The updated tax credit schedule has a revised 9% application deadline of June 12th at 5 pm. However, no deadline is mentioned for the local notification. Is the deadline for local notification still March 31st or has it been pushed back as well?

Answer: There are no plans to extend any dates cited in the QAP with the exception of those that have been previously addressed.

15. **Question:** Referencing 2020 QAP, Section I:

Item A: Codes have been updated to reflect the 2018 “I” codes along with updated NEC etc. Our Mechanical Engineer has asked if ASHRAE 90.1 is also a compliance document that could be used in lieu of the 2018 IMC?

Answer: ASHARE can be used in conjunction with the “I” codes but never replacing them.

16. **Question:** Referencing 2020 QAP, Section I:

Item B; Number 9 & 10...”moisture resistant” vs. “water-resistant”. Are these the same products or is it intended to be different? I think one iteration of the QAP had “paper-less” as a call out. Just want to make sure I understand the differences. Would a product like GP DensArmor Plus be considered “water-resistant”? Would a product like GP ToughRock Mold-Guard be considered “moisture resistant”?

Answer: Water resistant gypsum board will be paperless and meet ASTM D3273 or ASTM D6329; a cement board would also meet the requirement. Dens Armor Plus also meets the water resistant requirement. ToughRock also meets the requirements it is a paper faced product that is considered a moisture resistant gypsum board.

17. **Question:** Referencing 2020 QAP, Section I:

Item P; Number 1...is that requirement saying that the plumbing laterals off of the main line need to be individual for each unit or can stacks of units be tied to the same lateral? Instead of 24 laterals going to the main, can they be grouped so that only 6 units are carried by the lateral or 3 units per lateral?

Answer: This requirement is to keep the main line from running under the slab of the structure from left to right and to keep any issues with a lateral from shutting down more than one module or stack as you stated. The main line has to be place outside of the building footprint as stated. They can be grouped by unit modules. Example a 24 unit building three stories tall divided by two breeze ways two units deep. Commonly there would be six units to the left of the breeze way; twelve units in the center or between the breeze ways; and six units to the right of the breeze way. The modules would be by six units. This layout of laterals would require 4 laterals servicing 6 units each.

18. **Question:** Referencing 2020 QAP, Section I:

Item P; Number 2: Is this individual water meters or do sub-meters count as meeting the requirement?

Answer: This section is referring to individual water meters with individual water supply to each unit.

19. **Question:** Referencing 2020 QAP, Section I:

Item P; Number 14...what is considered a “high-rise development”? Is this over 2 stories, 3 stories, etc.?

Answer: Any development over one story that is not a single family, Townhouse or Duplex.

20. **Question:** It appears that there are very specific energy requirements for the Units regarding light fixtures, water heating, appliances, etc. There doesn’t seem to be any outlines specific to the Amenity structures (i.e. Community Building, Laundry Building, etc.). Are there any specific energy requirements for the light fixtures, water heating, appliances, etc. for the Amenity structures?

Answer: The Development Design Criteria covers all buildings and or structures.

21. **Question:** Would it be acceptable if a site was under serious consideration at the time of notification but not yet under contract?

Answer: The site information supplied to the local official must match the site information as submitted with the appropriate site control documentation with the application in order for an Application to meet the requirement.

22. **Question:** With regard to the notification requirements, the first item is, "The proposed Owner's name, phone number, and mailing address." Does this refer to the property owner or the developer?

Answer: The "proposed owner" refers to the owner contemplated by the Application if the proposal is successful in attaining an award of tax credits. In the case of a ground lease, then the contact should be the individual representing the entity that will ultimately lease, construct, and operate the property.

23. **Question:** We are in the process of preparing our notification letters & in the letters we have to identify the number of units. Since we are also still working on the site plans, can we do an "up to" number of units in case the number changes?

Answer: The number of units specified in the notification letter shall not be less than what the application to SC Housing states.