

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE**

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February 7, 2013

MEMORANDUM FOR: Interested Parties

FROM: Laura Whittall-Scherfee, Deputy Director
Division of Financial Assistance

SUBJECT: *Notice of Funding Availability*
Multifamily Housing Program

The State Department of Housing and Community Development (HCD) is pleased to announce it is accepting application for funds from the Multifamily Housing Program (MHP). **The amount available at the time of issue of this NOFA is \$46 million.** This NOFA will be in effect until the application due date of April 11, 2013.

Eligible Sponsors -- Any individual, joint venture, partnership, limited partnership, trust, corporation, limited liability corporation, local public entity, duly constituted governing body of an Indian reservation or Rancheria, or other legal entity, or any combination thereof. A Sponsor shall be organized on a for-profit, including limited profit, or nonprofit basis.

**Notice of Funding Availability (NOFA)
MULTIFAMILY HOUSING PROGRAM (MHP)
GENERAL COMPONENT
2013 FUNDING ROUND 1C-7**

February 7, 2013

TIMETABLE FOR MHP APPLICATIONS	
NOFA Issued:	February 7, 2013
Workshops:	Section E
Application Forms Available (on or about):	February 7, 2013
Applications Due:	April 11, 2013
Loan and Grant Committee Meeting:	June 2013

State of California
Department of Housing and
Community Development

**2013 FUNDING ROUND 1C-7
NOTICE OF FUNDING AVAILABILITY
MULTIFAMILY HOUSING PROGRAM
GENERAL COMPONENT
February 7, 2013**

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ATTACHMENTS

Attachment 1: Application Workshop Registration Form

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**2013 FUNDING ROUND 1C-7
NOTICE OF FUNDING AVAILABILITY (NOFA)
MULTIFAMILY HOUSING PROGRAM (MHP)
GENERAL COMPONENT**

Multifamily Housing Program Funding: \$46 million

PROGRAM DESCRIPTION

A. Introduction

The State Department of Housing and Community Development (HCD) is announcing the availability of approximately \$46 million in funding for the Multifamily Housing Program (MHP) General Component. Funding for this Notice of Funding Availability (NOFA) is provided under the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C). A portion of the funds available in this NOFA are the result of the passage of Assembly Bill 1951, which allocated \$30 million from other HCD programs. The funds awarded under this NOFA will be allocated as permanent financing for affordable multifamily rental and transitional new construction, acquisition/rehabilitation and conversion housing developments. Bonus points will be awarded to projects that target the special needs populations of persons with developmental disabilities (including, but not limited to persons with autism) or homeless veterans. For more information, please see Sections R and V.

APPLICATION PROCEDURES AND DEADLINE

B. Application Packaging and Submittal

Applications must be submitted on HCD provided or approved forms. Application forms must not be modified. A complete original application, plus one copy, must be received by HCD no later than **5:00 p.m. on Thursday, April 11, 2013**. No facsimiles, late, incomplete, or revised applications will be accepted. Applications must meet all eligibility requirements upon submission. Applications having material internal inconsistencies will not be rated and ranked. HCD expects to issue awards in June 2013.

The Universal Application will be utilized by MHP under this NOFA. The application includes an addendum specific to the requirements of the MHP General Program. Application forms will be available on or about February 7, 2013. To receive an application package, either visit HCD's website at www.hcd.ca.gov/fa/mhp/ or contact MHP staff at (916) 324-3727. Applications must be delivered to one of the following addresses:

U.S. Mail

Multifamily Housing Program
Department of Housing and
Community Development
Division of Financial Assistance
P.O. Box 952054
Sacramento, CA 94252-2054

Private Carrier

Multifamily Housing Program
Department of Housing and
Community Development
Division of Financial Assistance
1800 Third Street, Room 390
Sacramento, CA 95811

It is the applicant's responsibility to ensure the application is clear, complete and accurate. After the application deadline, MHP staff may request clarifying information, provided that such information does not affect the competitive rating of the application. No information will be solicited or accepted if this information would result in a competitive advantage to an applicant. No applicant may appeal HCD's evaluation of another applicant's application.

C. Program Changes

In an effort to provide funding to the maximum number of projects, HCD is limiting the maximum loan amount per project to \$7,000,000.

To encourage greater occupancy levels by developmentally disabled, including those with autism, or homeless veteran households, projects reserving at least 35 percent of the total project units for one of these populations will receive five bonus points in the application scoring. Projects reserving at least 75 percent of the total project units for one of these populations will benefit from additional leverage points in Scoring Category D5.

Significant changes applicable to this NOFA carried over from the prior 1C-6 NOFA include:

- Commitments from redevelopment agencies (RDA) will be carefully scrutinized to ensure that the successor agency has obtained clearance through either an Enforceable Obligation Payment Schedule or a Recognized Obligation Payment Schedule approved by the Department of Finance. Readiness points will be deducted from projects that have RDA commitments that do not pass this scrutiny.
- Projects that have received a Gold or Silver designation from the HCD Division of Housing Policy Development via the Catalyst Projects for California Sustainable Strategies Pilot Program will receive five bonus points in the application scoring process. More information is available on the HCD website at <http://www.hcd.ca.gov/hpd/cpcsspp.html>.

- To encourage the development of new housing units and preservation of rental housing which is most in need of rehabilitation, HCD will closely scrutinize the scope of work proposed on a project involving rehabilitation to ensure that all major building systems are included in the rehabilitation work and that the post-rehabilitation project will have an expected remaining useful life for the term of the MHP loan. HCD reserves the right to reject applications for projects with a development budget and scope of work which do not qualify as substantial rehabilitation in favor of a project with substantial rehabilitation needs.
- For purposes of obtaining readiness points for loan commitments with respect to United States Department of Agriculture Rural Development (USDA RD) loans, the Sponsor must submit at a minimum documentation from the USDA RD that a loan application for the project has been received and that the local USDA RD has reviewed the application's eligibility and feasibility and will make an approval recommendation to the national USDA RD office.
- The following italicized clarifying information has been added to the application addenda Item D3: The Sponsor must also receive the majority of the developer fee for the Project, *unless all other partners (except for the investor limited partner) have developed and completed a minimum of three affordable housing developments in the past five years. This same principle will be applied to limited liability companies as well.*
- Clarifying information on funding sources that may not be counted for increasing developer fees, and uses of funds that will be counted toward developer fee limits, is located in Section O. The threshold for "Substantial Rehabilitation" work is \$34,001 per unit. Meeting the threshold dollar amount alone for substantial rehabilitation may not be sufficient. Rehabilitation projects must fully address the physical needs of the project for the term of the MHP loan.
- The required minimum replacement reserve deposit amounts for rehabilitation projects are shown in the chart below.

Type of Project	Minimum Required Initial Annual Deposit to Replacement Reserve
New Construction or Conversion	0.6 percent of the structure construction cost, up to \$600 per unit. "Structure construction cost" does not include construction contingency, general contractor profit, overhead, or general requirements.
Rehabilitation	The deposit amount required will be determined by HCD based on a third-party Physical Needs Assessment (PNA). At time of application, prior to completion of the PNA, HCD will base its underwriting on a preliminary estimate. This preliminary estimate is \$544 per unit.

D. Timetable for NOFA, Applications, Workshops and Award Notification

TIMETABLE FOR MHP APPLICATIONS	
NOFA Issued:	February 7, 2013
Workshops:	Section E
Application Forms Available (on or about):	February 7, 2013
Applications Due:	April 11, 2013
Loan and Grant Committee Meeting:	June 2013

E. Application Workshops

To assist applicants in preparing their applications, HCD will conduct application workshops (see table, below). During the workshops, HCD will review the “Universal Application” which is common to MHP, other HCD programs, California Housing Finance Agency (CalHFA), and California Tax Credit Allocation Committee (TCAC). The application includes an addendum that is specific to the requirements of the MHP General Program. **There will be a review of changes to the MHP addendum which affect the application scoring requirements.** There will also be time for answering individual applicant questions. If you are unable to attend the workshop and have questions about the application process, please contact MHP staff.

Date	Workshop Location	Time
February 26, 2013	Elihu Harris State Building 1515 Clay Street, Room 10 Oakland, CA 94612	10 a.m. to 2 p.m.
March 5, 2013	Department of Housing & Community Development 1800 Third Street, Room 183 Sacramento, CA 95811	10 a.m. to 2 p.m.
March 7, 2013	California Tower 3737 Main Street, Magnolia Room 204 Riverside, CA 92501	10 a.m. to 2 p.m.

ADVANCE REGISTRATION FOR THE WORKSHOPS IS REQUESTED. Please complete the attached registration form and return at least 24 hours before the workshop via email to tmadrid@hcd.ca.gov or fax to (916) 445-0117, attention Tanya Madrid. ***Printed materials will not be provided at the workshop. Materials will be made available at HCD's website or by request via e-mail.***

F. Program Summary

MHP provides low-interest loans to developers of affordable housing. MHP General funds, available under this NOFA may be used for multifamily rental and transitional housing projects involving new construction, rehabilitation, acquisition and rehabilitation, or conversion of nonresidential structures.

HCD expects MHP funds to be leveraged with other resources, including local government funds, the federal Continuum of Care programs, four percent low-income housing tax credits, tax-exempt bond financing and private debt financing.

MHP-General projects using nine percent tax credits are ineligible (see Section J).

G. Program Regulations and Legal Authority

MHP was established by Chapter 637, Statutes of 1999 (SB 1121, Alarcón), which created Chapter 6.7 of Part 2 of Division 31 commencing with Section 50675, of the Health and Safety (H & S) Code. Applications submitted under this NOFA shall be subject to two sets of regulations: 1) MHP specific regulations, and 2) Title 25, California Code of Regulations (CCR) 7300, *et seq.*, and the Uniform Multifamily Regulations (UMR), 25 CCR 8300, *et seq.* Applications submitted under this NOFA are also subject to the applicable statutory requirements, including those of Proposition 1C and Chapter 27, Statutes of 2006 (SB 1689, Perata) and requirements specified in this NOFA.

All section references in this NOFA refer to MHP regulations unless otherwise noted. The regulations and NOFA are available on the HCD website at <http://www.hcd.ca.gov/fa/mhp/>.

H. Eligible Project Sponsors

Sponsors and borrowing entities may be organized on a for- or non-profit basis. Any individual, public agency or private entity capable of entering into a contract is eligible to apply, provided that they, or their staff, have successfully developed at least one affordable housing project. HCD will evaluate all Sponsor entities, including the roles of any general partner(s) in a limited partnership, to determine if the Sponsor's roles, responsibilities, and benefits in the project development and operations are commensurate with activities normally undertaken or controlled by project developers and owners.

The Sponsor organization will be reviewed to determine if adequate staffing levels exist to undertake and complete the project. The same criteria will be applied to evaluate Sponsor experience for the purpose of awarding points. **The entity that**

submits information for the award of the experience points must be the named Sponsor on the application. A parent entity cannot submit an application in the name of a single-asset entity and count the experience of the parent entity. If an applicant wishes to use the parent entity's development experience, the parent entity must be the named as the Sponsor/applicant.

HCD will permit loan commitments to be transferred to single-asset entities provided the Sponsor entities maintain sufficient control of the borrowing entity to ensure that the ultimate borrower has the resources and experience to develop, own and manage the project. Sponsors will be required to demonstrate how the Sponsor identified in the application has full control of the ultimate borrower entity and development of the project. Documentation supporting the Sponsor's control of the borrowing entity must be submitted at the time the ultimate borrower is formed and in all cases, prior to the construction loan close. Where the requisite control cannot be shown, the Sponsor will have to change its organizational structure to achieve the requisite control in compliance with the applicable regulations and loan commitment.

If the Borrower is an entity other than the Sponsor identified in the application, HCD may require the Sponsor to enter into a Sponsor Operating Guaranty as a condition of closing the MHP loan.

Sponsors must have site control in the name of the Sponsor or an entity controlled by the Sponsor as defined in UMR Section 8303.

The Sponsor entity may not have more than one other entity between the Sponsor and the Borrower as defined in UMR Section 8301.

Sponsors of projects where at least 70 percent of the units consist of Special Needs Population units may be exempt from the requirement for previous development experience under limited conditions per Section 7303(d).

I. Eligible Uses of Funds

MHP funds will be provided as permanent financing only, and may be used to take out construction loans used to cover normal project development (capital) costs, as detailed in Section 7304. MHP funds may be used to capitalize a project operating reserve account up to the limit required under UMR Section 8308. MHP funds may not be used for the cost of supportive services, although HCD-approved costs of on-site supportive services coordination may be treated as a project operating expense, payable from operating income.

MHP funds must be attributable to the costs of "restricted" units (MHP-assisted units and units subject to a long-term regulatory agreement with occupancy and rent restrictions similar to those of MHP) or to the costs of facilities used for childcare, after-school care and social service facilities that are integrally linked to the tenants of the restricted units.

Applications will be reviewed to ensure that development costs do not include payments for appreciated equity through transfers or syndication between related parties. The term "related parties" as used in this paragraph has the same meaning as

TCAC Regulation 10302(gg). MHP funds must be used to fill financing gaps resulting from deep income targeting and affordability. Equity cash-out does not meet the goals of the program and thus is not an eligible use of MHP funds. Costs representing the cash-out of existing equity will not be recognized as an eligible use of funds (see Section 7304).

J. Eligible Projects

Projects must qualify as rental housing developments, as defined in UMR Section 8301, and meet the requirements of Section 7302. For example, projects must contain five or more dwelling units. MHP funded units may be operated as permanent or transitional housing.

Projects are ineligible if construction has commenced as of the application due date per Section 7302, or if the project is already fully funded. Demolition is considered part of the project if the expense is included in the Development Budget, therefore projects will be deemed ineligible if demolition has occurred and such expenses are included in the Development Budget as submitted in the application unless it is required to eliminate hazards or threats to health and safety. Projects must meet the underwriting standards described in UMR Section 8310.

MHP-General projects receiving nine percent tax credits are ineligible and HCD will not hold MHP funds pending the outcome of a nine percent tax credit application. Therefore, projects that have a nine percent tax credit application pending at the time the MHP application is submitted will be required to withdraw the nine percent tax credit application. Furthermore, projects that receive a funding commitment and subsequently apply for nine percent tax credits will be deemed ineligible and the funding commitment will be immediately rescinded. Exceptions may be granted, at HCD's discretion, after the Award of MHP funds pursuant to Management Memo 09-01. For more information, contact MHP staff.

K. Projects with Extraordinarily High Development Costs

HCD is concerned about the extremely high cost of a small but significant number of projects funded in the recent past, and the extraordinary level of public subsidy required by these projects. Of particular concern are projects with total development costs in excess of \$350,000 per unit. HCD will require thorough justification for costs above that level. In this period of declining real estate values and development costs, it is important to encourage MHP funding of otherwise qualified projects that are able to minimize costs, without sacrificing design elements that are cost effective in the long run or meet vital needs of project residents.

In light of this concern, and consistent with UMR Section 8311, HCD reserves the right to reject an application if total development cost exceeds an amount that cannot be reasonably justified, in comparison to the costs for other similar developments of modest design in the general area. Projects may be required to justify the total development cost if the cost substantially exceeds HCD's historical project costs for similar projects.

In evaluating projects with high per unit costs, HCD will closely scrutinize the justification that costly design features were necessary to obtain local approvals or neighborhood acceptance. Similarly, HCD will be giving close scrutiny to projects with extraordinary site development costs (where they are not fully compensated for by a sharply discounted purchase price), or where the constraints of the site necessitate an especially expensive design. Although HCD appreciates that individual developers may experience great difficulty locating more appropriate sites, it has concluded that the interests of the Program are best served by avoiding excessive site and design-related costs.

Prior to closing construction financing, the Sponsor may be required to submit an appraisal acceptable to HCD, from a qualified appraiser, which supports the acquisition cost identified in the Development Budget.

L. Maximum Loan Amounts

The maximum loan per project is \$7,000,000. The maximum loan amount per "restricted" unit is a function of unit size, location, and affordability level per Section 7307. Maximum loan limits are available on HCD's website at <http://www.hcd.ca.gov/fa/mhp/IncomeRentsLoanLimits.pdf>.

M. Loan Terms and Security

Loans will have a 55-year term, and bear simple interest at the rate of three percent per year. For the first 30 years, annual interest payments will be required in the amount of 0.42 percent of the outstanding principal loan balance. The annual payment amount for the next 25 years will be set by HCD in year 30, and will be the minimum amount necessary to cover HCD's monitoring costs. Unpaid principal and accrued/deferred interest will be due at the end of the loan term.

Cash flow remaining after payment of all debt service, approved operating expenses, required reserves and allowable deferred Developer Fee and Distributions per UMR Sections 8312 and 8314 shall be applied toward repayment of the MHP loan. If the terms of other public agencies' financing also require payments from remaining cash flow, HCD may agree to share the remaining cash flow with the public agencies in proportion to the respective loan amounts. Hard debt service on funding from local public agencies will not be permitted.

MHP loan documents will include a promissory note, deed of trust and regulatory agreement. The deed of trust and regulatory agreement may be subordinated to bond debt, and amortizing loans from institutional lenders and the federal government provided no balloon payments are due prior to the end of the MHP loan term. MHP loans may not be subordinated to local public agency loans or restrictions attached to these loans, unless the amount of the local agency loan is at least twice the amount of HCD's total assistance to the project, including both loans and grants per Section 7306(e) and UMR Section 8315. If a regulatory agreement is in favor of a community redevelopment agency, then it may remain senior to HCD's regulatory agreement in some cases.

The MHP loan must be secured by the fee or a leasehold interest in the property acceptable to HCD. The term of a leasehold interest must be at least 90 years (65 years where the lessor is a public entity) from the date the MHP loan closes, excluding any unexercised lease extensions. If the MHP loan is secured by leasehold, the owner of the fee and borrower must sign HCD's standard form lease rider, unless the lessor will sign the MHP deed of trust secured by the fee. If the borrower and owner of the fee are related or affiliated parties, the MHP loan documents must be recorded against both the Sponsor's interest in the project and the fee interest in the land (see UMR Section 8316 for other leasehold requirements).

N. Rent and Occupancy Limits and Related Reserve Requirements

MHP assisted unit rent and tenant incomes will be restricted in accordance with the rent and income limits proposed by the project Sponsor in their MHP application, with rents not exceeding 30 percent of the applicable income limit. The income limits are posted at the Department's website at <http://www.hcd.ca.gov/hpd/hrc/rep/state/incNote.html>.

Projects will be underwritten at the rent limits for the income levels proposed in the application. The Program's maximum 1.20:1 debt coverage ratio limit will be applied using the maximum rents allowable.

Assisted unit rent increases will be limited in accordance with the rules governing tax credit units and Sections 7311 and 7312. Where the project receives Section 8 or other rental assistance subsidies, "rent" is defined as the tenant's contribution, rather than the contract rent level. Sponsors of this type of project will be required to continue the rental assistance as long as it is available. Projects with rental subsidies must also be feasible with 50 percent of AMI rents for units at rent levels which garner income-targeting points in the event the rental assistance is terminated. Projects receiving project-based rental assistance shall be required to fund a transition reserve in accordance with Section 7312(f)(2).

O. Developer Fees and Distribution Limitations

Developer fee means the same as the definition of that term in the CCR, Title 4, Section 10302 and includes Financial Consulting Costs. Developer fees are further limited in accordance with UMR Sections 8312 and 8314, and Distributions to the Sponsor out of operating income are also limited in accordance with UMR Sections 8312 and 8314.

The value of land donations received from city and/or county jurisdictions, master developers or other entities which are not the Sponsor or an affiliate of the Sponsor will not be counted as a capital contribution to increase Developer Fee limits as described in UMR Section 8312(d).

Furthermore, cash contributions or grants received by the Sponsor or an affiliate of the Sponsor from master developers or other entities that are not controlled by the project Sponsor or Co-Sponsor, or where such cash contributions are contingent upon the development of the affordable housing project, may not be counted as a capital contribution to increase Developer Fee limits.

Developer Fees are all funds paid at any time as compensation for developing the proposed projects to include all development consulting fees, processing agent fees, developer overhead and profit, construction management oversight fees if provided by the developer, personal guarantee fees, syndicator consulting fees, and reserves in excess of those customarily required by multifamily housing lenders. HCD has interpreted this definition to include any lease-up fees, incentive fees, or other property management fees, in excess of those customarily charged by property management firms for lease-up activities, which are paid to the Sponsor or Co-Sponsor, or a management company affiliated with the Sponsor or Co-Sponsor.

P. Projects for Populations with Special Needs

Sponsors of Special Needs Populations' projects must submit a specific, feasible plan for delivery and funding of tenant services for HCD approval and will be required to meet minimum threshold criteria for experience and the provision of services. MHP funds may not be used to fund tenant services. Sponsors must not violate laws barring housing discrimination. HCD will review proposed tenant selection criteria for potential violations of these laws. HCD may condition funding on the elimination of restrictions that it believes to be impermissible, or reject an application where it determines that compliance with applicable law is not feasible.

Fair housing is a very complex area of law. Sponsors are encouraged to seek professional advice if there is any doubt that their proposal may run afoul of non-discrimination and fair housing laws. A useful resource is the 2010 Edition of "Between the Lines: A Question and Answer Guide on Legal Issues in Supportive Housing" (California Edition) published by the Corporation for Supportive Housing. This document is available online at www.csh.org or by calling the publisher at (510) 251-1910.

In evaluating tenant selection criteria for Special Needs Populations applications, HCD will first examine whether the criteria resulted from federal or State funding, as an indicator of legislative authorization. It will then review other aspects of the selection criteria, the services and facilities proposed to meet the needs of the targeted group and proposed sources of other funding. If an applicant disagrees with HCD's determination, it may seek an alternate opinion from the California Department of Fair Employment and Housing (DFEH). HCD will defer to DFEH's opinion. Please be advised that a proposal may have substantial discrimination problems even though it targets a group specifically listed in the definition of Special Needs Populations in Section 7301.

Q. Funding Compatibility

Sponsors typically anticipate using an array of funding sources for the construction and permanent financing of their projects. The Sponsor should determine, prior to applying for MHP funds, that the requirements of the non-MHP funding sources are compatible with the requirements of MHP. For example, compatibility issues have arisen with local and federal funding sources related to:

- The required terms of the MHP security when the security for the MHP loan is in a leasehold interest (UMR Section 8316).
- The MHP prohibition of senior debt that has a provision for a “balloon” payment. Often bond financing provisions include interest rate resets with potential calls prior to the full amortization term of the loan. Any interest rate resets or similar provisions governing senior debt shall contain a specified interest rate cap, subject to HCD’s approval and shall not jeopardize the feasibility of the project. Details of this issue and HCD’s policy may be found on the website at <http://www.hcd.ca.gov/fa/mhp/MHP-LoanClosing/ManagementMemo07-01.doc>.
- Under MHP, senior debt with a variable interest rate is underwritten at the ceiling interest rate.
- The mandatory payment to HCD of the 0.42 percent debt service.
- The MHP requirement to target some of the project rents to extremely low-income households that are below the federal income eligibility standard.
- The State statutory requirement that projects financed with MHP pay no less than the State prevailing wage rate.
- Terms of other public agencies’ financing requiring hard debt service.

R. Developmentally Disabled, Including those with Autism, and Homeless Veteran Populations

Projects with target populations that are comprised of homeless veterans or developmentally disabled persons (including, but not limited to autism) will receive five bonus points in the application scoring process. More information is available at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1951 (please see Section 53545.9(d)(2)).

For a definition of Homeless, please see Section 7341(b). For a definition of developmental disability, please access http://www.md-council.org/resources/dd_definition.html.

S. Geographic Distribution

The MHP’s enabling statute requires it to “ensure a reasonable geographic distribution of funds.” To prevent an extreme imbalance in funding, no less than approximately 45 percent of the total funds awarded under this NOFA will be awarded to projects in Southern California, 30 percent will be awarded to projects in Northern California and 10 percent will be awarded to projects in rural areas. In its sole discretion, HCD may determine the geographic distribution targets have been met based either on individual program funding components, or on the amount of total funds made available under this NOFA.

For the purpose of geographic distribution, Southern California includes the counties of Kern, San Bernardino, San Luis Obispo and all counties to the south. Northern California includes all other counties of the State. “Rural” is defined to be consistent with the definition used by TCAC for the tax credit program. A list of rural areas as well as the methodology to determine Rural or Non-Rural status, can be found at the TCAC’s website at www.treasurer.ca.gov/ctcac/.

T. Prevailing Wage Requirements

Pursuant to H & S Code Section 50675.4(c)(2), projects receiving assistance under this NOFA are subject to State prevailing wage law, as set forth in Labor Code Section 1720 et seq.

U. Important Legal Matters

HCD reserves the right, at its sole discretion, to suspend or amend the provisions of this NOFA. If such an action occurs, HCD will notify all interested parties.

Article XXXIV of the California Constitution requires advance voter approval of certain publicly funded and regulated low-income housing projects. Projects funded by MHP must either have Article XXXIV approval or be exempt from the need for this approval.

All applications are subject to the considerations discussed in Section P regarding compliance with laws barring housing discrimination.

This NOFA provides a partial summary of the MHP statute and in the interest of brevity, it does not cover many aspects of those governing documents, some of which may be of critical importance to individual projects. For this reason, applicants are urged to carefully review the regulations and information contained in this NOFA before submitting applications.

V. Application Point Scoring

The criteria that will be used to competitively score projects is summarized below and for MHP General projects as described in Section 7320. In assessing whether a project is "At-Risk," MHP will use the same standards as TCAC. TCAC regulations first mandate that to be considered "at-risk" housing, the project must meet the requirements of the California Revenue and Taxation Code, Subsection 10758(C)(4) except as further defined in TCAC regulations at Section 10325(g)(5)(B)(i), as well as meet additional TCAC requirements.

Criterion	Max. Points	Notes
Extent Project Serves the Lowest Income Levels	35	The income levels referenced in the regulations are posted on HCD website.
Extent the Project Addresses the Most Serious Local Housing Needs	15	If a market study is submitted, it must be performed by a qualified third party in accordance with HCD's application of TCAC Market Study Guidelines, as specified in the MHP Application form.
Development and Ownership Experience of the Sponsor	20	Sponsors using alternative scoring methods in this category are advised to communicate with HCD in order to receive technical assistance.
Percentage of Units for Families or Special Needs Populations and "At-Risk" Rental Housing Developments	35	"At-Risk" projects receive full points in this category. A Legal opinion from a third party is required to confirm the "at-risk" status.
Leverage of Other Funds	20	Sponsors of projects containing commercial space are advised to communicate with HCD in order to receive technical assistance. Projects reserving at least 75 percent of the total project units for either homeless veteran or developmentally disabled households, including those with autism, will benefit from additional leverage points.
Project Readiness	15	Projects must have all construction financing and all soft financing committed (exceptions are noted in Section 7320(b)(6)(A)1-6 in order to receive full points in this category).
Adaptive Reuse/Infill/Proximity to Amenities/Sustainable Building	10	Projects demonstrating compliance with the conditions of any subcategory will receive full points in this category.
Catalyst Program Award	5	Projects receiving the Gold or Silver designation from the Catalyst Program will receive five bonus points.
Homeless Veteran or Developmentally Disabled Populations (Including those with Autism)	5	Projects with at least 35 percent of units serving either of these populations will receive five bonus points
Total Maximum Points	160	

Tiebreaker: In the event of tied point scores, HCD shall rank tied applications primarily based on whether the projects have set aside at least 75 percent of the total project units for homeless veteran or developmentally disabled households (including those with autism). Secondly, projects will be ranked based on the lowest weighted average affordability of restricted units per Section 7320.

Projects must receive a minimum point score of 125, as determined by HCD, in order to be considered for a funding award. Furthermore, projects must receive a minimum of four points in the Development and Ownership Experience of the Sponsor category, and a minimum of five points in the Project Readiness category.

W. Disclosure of Application

Information provided in the application will become a public record available for review by the public pursuant to the Public Records Act. As such, any materials provided may be disclosed to any person making a public records request. As such, applicants are cautioned to use discretion in providing HCD with information that is not specifically requested, including but not limited to, bank account numbers, personal phone numbers and home addresses. By providing this information to HCD, the Sponsor is waiving any claim of confidentiality and consents to the disclosure of all submitted material upon request.

If you should have any questions regarding the NOFA, the application, the application process or necessary documents at any time during the application preparation period, please contact MHP staff at (916) 323-3178. Thank you for your interest in the Multifamily Housing Program.

Attachment 1

Multifamily Housing Program Workshop Round 1C-7, 2013 Registration Form

The Multifamily Housing Program (MHP) Workshop is designed to provide training on the MHP application and technical assistance for applicants. **It is strongly recommended that you attend.** If you plan to attend, please complete and submit this single page (no cover sheet needed) to MHP staff.

- ***Printed materials will not be provided at the workshop. Materials will be made available from HCD's website or via e-mail by request.***
- Please RSVP at least 24 hours before the workshop date by submitting this completed form to tmadrid@hcd.ca.gov or FAX (916) 445-0117.
- For questions regarding registration and forms, please contact HCD staff at (916) 324-3727.

Name of Attendee(s):	
Organization's Name:	
Address:	
City, Zip Code:	
E-mail:	
Phone Number:	
Fax:	

Please check the location of the workshop you plan to attend:

_____ Oakland, Tuesday, February 26

_____ Sacramento, Tuesday, March 5

_____ Riverside, Thursday, March 7

HCD may announce additional workshops at a later date.