TENNESSEE HOUSING DEVELOPMENT AGENCY

NATIONAL HOUSING TRUST FUND 2024 PROGRAM DESCRIPTION

The Tennessee Housing Development Agency ("THDA") administers the federally funded National Housing Trust Fund ("NHTF"), which is designed for the production and preservation of affordable rental housing through the acquisition, new construction, or rehabilitation of affordable housing for households with extremely low incomes. The purpose of this Program Description is to explain the program requirements and application process.

The 2024 NHTF funds will be awarded consistent with this Program Description and in conjunction with THDA's Low-Income Housing Tax Credit 2024 Qualified Allocation Plan ("QAP"), through the competitive application process outlined therein for competitive housing credits, to projects that are in Rural Counties, as outlined in Exhibit A, or are proposing permanent Supportive Housing, as defined within the QAP. THDA anticipates notifying successful applicants on or about July 1, 2024.

Applicants meeting the above criteria that want to apply for NHTF resources must indicate the need for NHTF as a part of their Initial Application for competitive low-income housing tax credits ("LIHTC") through THDA's Tennessee Housing Online Management and Application System ("THOMAS").

NHTF is governed by Title 24 Code of Federal Regulations, Parts 91 and 93. While all references in this Program Description and other related documentation refer to this funding as the National Housing Trust Fund or NHTF, all federal requirements will identify this resource as the "Housing Trust Fund" or "HTF."

1) ALLOCATION OF FUNDS

NHTF funds committed to the State of Tennessee, through THDA, will be allocated as provided in the State of Tennessee's Consolidated Plan, as amended. The amount of the 2024 NHTF allocation is unknown until earnings are reported by designated Government Sponsored Enterprises ("GSE") and a formula allocation is determined by HUD. However, THDA anticipates receipt of an amount equivalent to the amount received in FY 2023, approximately $5.2 Million Dollars. Additionally, THDA may make available any returned or leftover funds from the 2023 or earlier funding rounds as determined at the time of award in July 2024.

a. THDA will award ninety percent (90%) of the allocated amount in NHTF funds to successful applicants. Each award will be a minimum of one hundred thousand dollars ($100,000) and a maximum of one million, five hundred thousand dollars ($1,500,000).

b. THDA will use ten percent (10%) of the NHTF allocation for its own administrative expenses.

2) ELIGIBLE RECIPIENTS

In order to receive an award of NHTF, a project must receive an allocation of 2024 competitive LIHTC and either be a project located in a Rural County or a project proposing permanent Supportive Housing.

a. **Rural County**. A county which, according to 2020 Census Data, has a population of 50,000 or less, as defined as rural by the US Census Bureau, AND/OR a minimum of 65% of its population living in a rural area. Rural County designations can be found in Exhibit A attached hereto.

b. **Permanent Supportive Housing.** Permanent Housing with a lease term of at least one year, renewable, and terminable only for cause, targeted to households in need of and provided with Supportive Services, as required by the QAP, which under this Program Description includes Housing for Homeless and housing for Resident Populations with Special Housing Needs.

i) **Housing for the Homeless**. Housing created to provide permanent supportive housing for individuals or families defined and documented as homeless under the "Criteria and Recordkeeping Requirements for Definition of Homelessness" published as HUD Guidance in January 2012, as found on the HUD Exchange website at https://www.hudexchange.info/resource/1974/criteria-and-recordkeeping-requirements-fordefinition-of-homeless/.

ii) **Housing for Special Housing Needs.** Housing that has been constructed or rehabilitated with special features (e.g. location, design, layout, or on–site services) to help people live at the highest level of independence in the community. For example, the unit may be adapted to accommodate special physical or medical needs; or provide on–site services such as staff support for older persons, individuals with mental health issues, developmental, or other social needs.

(1) **Supportive Services.** Furnished through a contract with supportive service providers to provide Supportive Services, appropriate for a particular special needs population, under a planned program of services. In the case of persons with disabilities or housing for older persons, such services may be designed to enable residents of a Housing Credit Development to remain independent and avoid placement in a hospital, nursing home, or intermediate-care facility.

(2) **Housing for Older Persons.** In order for Housing for Older Persons to not violate

fair housing, the housing must be housing (i) intended for, and solely occupied by, persons age 62 or older; or (ii) where at least 80 percent of the units have at least one occupant that is intended and operated for occupancy by at least one person age 55 years or older per unit, the project publishes and adheres to policies and procedures that demonstrate the intent to operate as "55 or older" housing, and the project complies with HUD's regulatory requirements for age verification of residents; or (iii) provided for under any state or federal program that HUD has determined is specifically designed and operated to assist older persons (as defined in the state or federal program).

3) FORM OF ASSISTANCE

NHTF funds will be awarded as a low-interest loan based on the Applicable Federal Rate ("AFR"), due at maturity and secured by a note, deed of trust, and restrictive covenants. Recipients shall execute a note and record a fully and accurately executed deed of trust and restrictive covenants during the construction phase and provide copies of such to THDA prior to requesting any draws.

4) LEVEL OF SUBSIDY

The investment of NHTF funds must conform to the following minimum and maximum standards per unit:

a. Minimum NHTF Funds: $1,000 per unit

b. Maximum NHTF Funds Per Unit: The maximum amount of NHTF funds that may be invested per NHTF unit, per size, is based on THDA's subsidy limits at the time the closing documents are executed. The current approved subsidy limits are:

$129,758	0-Bedroom (Efficiency) Limit
$148,748	1-Bedroom Limit
$180,882	2-Bedroom Limit
$234,004	3-Bedroom Limit
$256,862	4-Bedroom Limit

5) DEVELOPER FEE

The Developer Fee is the sum of the Developer's overhead and the Developer's profit. Consulting fees and guarantor fees are also considered part of the total Developer Fee calculation. A Developer Fee of up to fifteen percent (15%) of the NHTF development costs, net of the development fee, prorated acquisition costs and any prorated permanent financing costs, may be charged as a project soft cost. No portion of the Developer Fee may be drawn until all monitoring fees have been paid.

6) ELIGIBLE ACTIVITIES

NHTF funds must be used to produce or preserve affordable, permanent rental housing that addresses the needs of extremely low-income households. The housing may be stick built or Modular Housing as defined in Tennessee Code Annotated Title 68 -126-202 & 303, provided that the housing meets all the applicable state and local codes. NHTF funds may only be charged to NHTF units or proportionately to residential buildings where NHTF fixed or floating units are located, per the allocation formula in HUD's final rule for NHTF.

a. Eligible housing activities include:

   i) New construction of qualified Rural County or Supportive Housing rental housing units.

   ii) Acquisition and/or rehabilitation of existing qualified Rural County or Supportive Housing rental housing units.

b. **Extremely Low-Income Household.** An individual or household whose annual income does not exceed thirty percent (30%) of the area median family income of a geographic area, as determined by HUD with adjustments for smaller or larger families or households with incomes at or below the poverty line (whichever is greater).

7) UNIT DESIGNATION

In a project containing NHTF and other units, the Recipient may designate the NHTF units to be fixed or floating. This designation will be required in the application and designation of specific units must be included in the contracts between THDA and the Recipient.

8) PROHIBITED ACTIVITIES

a. Providing tenant-based rental assistance for the special purposes of the existing Section 8 program, in accordance with Section 212(d) of the Act.

b. Assisting or developing emergency shelters (including shelters for disaster victims) or facilities such as nursing homes, convalescent homes, hospitals, residential treatment facilities, correctional facilities, dormitories, including those for farm workers or housing for students.

c. Providing any form of housing that is considered short term or transitional.

d. Providing NHTF assistance to rental units that require reconstruction.

e. Providing NHTF assistance to rental units that are Manufactured Housing and/or Manufactured Housing lots.

f. Using NHTF funds to refinance existing debt.

g. Using NHTF funds for the acquisition and rehabilitation or new construction of housing for sale to home buyers.

h. Providing non-federal matching contributions required under any other Federal program.

i. Providing assistance authorized under Section 9 of the 1937 Act (annual contributions for operation of public housing).

j. Carrying out activities authorized under 24 CFR Part 968 (Public Housing Modernization).

k. Providing assistance to eligible low-income housing under 24 CFR Part 248 (Prepayment of Low Income Housing Mortgages).

l. Providing assistance to a project previously assisted with NHTF funds during the period of affordability established by HUD and THDA in the written agreement with the Recipient as stated in § 93.205(a) except as permitted for renewal of funds committed to operating cost assistance. Additional NHTF funds may be committed to a project up to one year after project completion, but the amount of NHTF funds in the project may not exceed the maximum per-unit subsidy amount as determined by HUD. HUD has prescribed the use of the Section 234 – Condominium Housing Limits from the Annual Indexing of Basic Statutory Mortgage: Limits for Multi-Family Housing Programs as described in the Interim Rule; (See Paragraph 4 above)

m. Using NHTF funds for political activities; advocacy; lobbying, whether directly or through other parties; counseling services; travel expenses; and preparing or providing advice on tax returns.

n. Using NHTF funds for administrative, outreach, or other costs of the Recipient, or any other Recipient of such grant amounts, subject to the exception in Section 1338(c)(10)(D)(iii) of the Act,

o. Paying for any cost that is not eligible under 24 CFR 92.730 through 93.200.

9) LAYERING

Layering is the combination of government resources on a NHTF-assisted project.

a. The applicant must disclose all government resources that have been utilized and/or that the applicant intends to utilize in the NHTF project, especially THDA resources. Failure to disclose said information may result in cancellation of an award and ad result in money due to THDA.

b. The NHTF closing documents will require approval from the attorneys for all parties to the LIHTC transaction and, if applicable, HUD. Further, any Rental Assistance Demonstration ("RAD") Program project will require HUD approval. This may delay closing transactions.

c. THDA will review each project to ensure that only the minimum amount of NHTF assistance needed is allocated to the project.

d. Total NHTF resources allocated to any project cannot exceed the current maximum per unit subsidy limit.

10) LEASE-UP AND INITIAL OCCUPANCY

a. Projects must be fully occupied by income eligible tenants within six (6) months of issuance of a certificate of occupancy for the completed units. If all units are not fully occupied by income eligible tenants within six (6) months of completion of construction or acquisition and rehabilitation, the Recipient must report to THDA on current marketing efforts in a form and with substance as required by THDA.

b. If a rental project has not achieved initial occupancy within eighteen (18) months of completion, all NHTF funds invested in the rental project must be repaid to THDA.

11) MARKET

Applicants must document that neighborhood market conditions demonstrate a need for the project.

12) MIXED INCOME TENANCY

For the purpose of the NHTF Program, a "mixed income" project contains at least one residential unit that is set aside for an extremely low income household and one or more other residential units available to tenants in other higher income designations, as defined by HUD, including very low-income, low income, moderate income and/or above. NHTF funds may only be used for NHTF qualifying residential units.

13) MIXED USE PROJECTS

For purposes of the NHTF Program, a "mixed-use" project contains, in addition to at least one residential unit, other non-residential space which is available to the public. If laundry and/or community facilities are for use exclusively by the project tenants and their guests, then the project is not considered mixed-use. Neither a leasing office nor a maintenance area will trigger the mixed-use requirements. No NHTF funds can be used to fund the commercial or non-residential portion of a mixed-use project. Therefore, if a NHTF-assisted project contains such commercial or non-residential space, other sources of funding must be used to finance that space. In order to be eligible for NHTF funding, a mixed-use project must meet the following conditions:

a. NHTF funds can only be used to fund the residential portion of the mixed-use project which meets the NHTF rent limits and income requirements. If the rental project will contain a model apartment that will be shown to potential renters, the model apartment will be considered a non-residential area subject to the mixed-use requirements, unless the model apartment will be rented in the event of high occupancy.

b. Residential living space in the project must constitute at least fifty one percent (51%) of the total project space.

c. Each building in the project must contain residential living space.

14) RENT LEVELS AND UTILITY ALLOWANCES

Every NHTF assisted unit is subject to rent limits designed to make sure that rents are affordable to extremely low-income households. These maximum rents may be referred to as NHTF rents, and are available at https://www.hudexchange.info/programs/htf/htf-rent-limits/.

Rents are limited for the length of the Period of Affordability. These rents are determined on an annual basis by HUD. The Recipient/Owner will be provided with these rents, which include all utilities.

a. The cost of utilities paid by tenants must be subtracted (using applicable utility allowances) from the published NHTF rents to determine the maximum allowable rents.

b. THDA must annually review and approve the rents for each NHTF-assisted rental project. In addition, THDA must determine individual utility allowances for each rental project either by using the HUD Utility Schedule Model or determining the utility allowance based on the specific utilities used at the project. Utility allowances are reviewed and updated annually. Use of utility allowances provided by public housing authorities is not permitted.

c. NHTF rents are not necessarily representative of market conditions and NHTF rents may increase or decrease from year to year. Regardless of changes in fair market rents and in median income over time, the NHTF rents for a project are not required to be lower than the NHTF rents for the project in effect at the time of Commitment as defined at 24 CFR 93.2

d. Each Recipient must be aware of the market conditions of the area in which the project is located. Rents shall not exceed the published NHTF rents, adjusted for utility arrangements and bedroom size.

e. If the NHTF-assisted unit receives project-based rental subsidy, and the tenant pays a contribution toward rent of not more than 30% of the tenant's adjusted income, then the maximum rent for the NHTF-assisted unit (only and specifically for the unit in which the project based rental subsidy is designated) is the rent allowable under the project-based rental subsidy program, also known as the payment standard.

f. For the duration of the Period of Affordability, the property must accept a Housing Choice Voucher if one is presented by a NHTF eligible tenant for a non-PBRA/PBV covered

NHTF unit.

15) PERIOD OF AFFORDABILITY

"Affordability Period," is the thirty (30) year timeframe beginning at time of Project Completion as defined at 24 CFR §93.2 during which projects receiving NHTF assistance will be required to maintain affordability to households at or below 30% AMI and must maintain compliance with NHTF regulations.

16) LONG TERM OCCUPANCY REQUIREMENTS

Tenants whose annual incomes increase to over 30% of median may remain in occupancy, but must pay no less than thirty percent (30%) of their adjusted monthly income for rent and utilities.

17) INCOME LIMITS

NHTF funds must be used to benefit only Extremely Low-Income households.

a. The income limits apply to the incomes of the tenants, not to the owners of the property. 100% of the tenant households in NHTF-assisted units must meet the NHTF Income Limit established by HUD and effective at the time of application for occupancy of a NHTF-assisted unit.

b. Income Determination: To ensure that the income targeting requirements are met, a Recipient must verify that each household occupying an NHTF-assisted unit is income-eligible by determining the household's annual income. When determining eligibility, the Recipient must calculate annual income as defined at 24 CFR 5.6091. The method for determining and calculating annual income for tenants are also addressed in the full text of the interim rule.

c. The income of the household to be reported for purposes of eligibility is the sum of the annual gross income of the beneficiary, the beneficiary's spouse, and any other household member residing in the rental unit. Annual gross income is "anticipated" for the next twelve (12) months, based upon current circumstances or known upcoming changes, minus certain income exclusions.

d. Current limits are available at https://www.hudexchange.info/programs/htf/htf-rent-limits/.

    i) Median incomes change when HUD makes revised estimates.

18) HOUSING SET-ASIDES FOR INDIVIDUALS WITH DISABILITIES

Applications that propose housing in which more than twenty percent (20%) of the assisted units will be set-aside for individuals with disabilities must meet the qualities of settings that are eligible for reimbursement under the Medicaid home and community-based services that were established by the Centers for Medicare and Medicaid Services (CMS) in the final rule dated January 16, 2014:

https://www.federalregister.gov/articles/2014/01/16/2014-00487/medicaid-program-state-plan- home-and-community-based-services-5-year-period-for-waivers-provider.

a. The final rule requires that all home and community-based settings meet certain qualifications, including:

   i) Is integrated and supports full access to the greater community.
   ii) Is selected by the individual from among setting options.
   iii) Ensures individual rights of privacy, dignity, and respect, and freedom from coercion and restraint.
   iv) Optimizes autonomy and independence in making life choices.
   v) Facilitates choice regarding services and who provides them.

b. For provider owned or controlled residential settings, the following additional requirements apply:

   i) The individual has a lease or other legally enforceable agreement providing similar protections.
   ii) The individual has privacy in their unit including lockable doors, choice of roommates, and freedom to furnish or decorate the unit.
   iii) The individual controls his/her own schedule, including access to food at any time.
   iv) The individual can have visitors at any time.
   v) The setting is physically accessible.

19) PROPERTY AND DESIGN STANDARDS

Property standards must be met when NHTF funds are used for a project. All rental housing constructed or rehabilitated with NHTF funds must meet all applicable THDA Design and Rehabilitation Standards, applicable local, county and state codes, rehabilitation standards, National Standards for the Physical Inspection of Real Estate ("NSPIRE"), and zoning ordinances at the time of project completion.

For new construction of Multifamily Housing (five or more units), a minimum of 5% of the units in the project (but not less than one unit) must be accessible to individuals with mobility impairments, and at a minimum, an additional two percent (2%) of the units (but not less than one unit) must be accessible to individuals with sensory impairments. The total number of units in a NHTF-assisted project, regardless of whether all units are NHTF-assisted, is used as the basis for determining the minimum number of accessible units. Also, in a project where not all the units are NHTF-assisted, the accessible units may be either NHTF-assisted or non-NHTF-assisted.

20) BUILD AMERICA, BUY AMERICA

The Build America, Buy America Act ("BABA") (Pub. L. No. 117-58, §§ 70901-52), enacted as part of the Infrastructure Investment and Jobs Act on November 15, 2021, requires that "none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States."

Therefore, consistent with federal intent, THDA will require projects to comply with the requirements of BABA as HUD directs.

21) ENVIRONMENTAL REVIEW

In implementing the NHTF program, regulations establish specific property standards for units assisted with NHTF funds. These standards include Environmental Provisions for projects involving new construction and rehabilitation. The NHTF Environmental Provisions for new construction and rehabilitation under the Property Standards at 24 CFR § 93.301(f)(1) and (2) are similar to HUD's Environmental Regulations at 24 CFR Parts 50 and 58. NHTF projects are subject to the same environmental concerns to which HUD-assisted projects are subject. The main difference is that the NHTF Environmental Provisions are outcome based, and exclude consultation procedures that would be applicable if NHTF project selection was a Federal action. Parts 50 and 58 are process based, and include consultation procedures for several laws and authorities where there may be environmental impacts.

a. THDA and the Recipient will be responsible for carrying out environmental reviews in accordance with HUD Notice CPD-16-14. Each Recipient will be responsible for gathering the information required for the environmental reviews. NHTF funds cannot be committed until the environmental review process has been completed. The Environmental Review covers the entire project, not just the portion funded by NHTF.

b. No funds may be drawn on any project until a complete and compliant Environmental Review has been submitted and the Recipient has received a "Notice of Authority to Use Grant Funds".

22) LEAD-BASED PAINT

Units assisted with NHTF funds are subject to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821 et seq.) and 24 CFR Part 35, Subparts C through M. Lead-based paint requirements apply to all units and common areas in the project. The lead-based paint provisions of 982.401(j) also apply, irrespective of the applicable property standard under 24 CFR 92.251. The Lead-Based Paint regulations are available at:
https://www.hud.gov/program_offices/healthy_homes/enforcement/regulations.

23) FLOOD PLAINS

NHTF funds may not be used to construct housing in an area identified by the Federal Emergency Management Agency as having special flood hazards. In addition, THDA strongly discourages the rehabilitation of units located in special flood hazard areas, but in a few limited instances and with written permission from THDA, units located in a floodplain may be assisted if the flood plain is mitigated by construction design. In cases where construction in the flood plain are slowed the project must be participating in the National Flood Insurance Program and flood insurance must be obtained on the units.

24) PROCUREMENT

It is important to keep the solicitation of bids for goods and services as well as professional services and construction contracts open and competitive.

a. At a minimum all Recipients must comply with 24 CFR 200.318 - 326.

b. All Recipients must have adopted procurement policies and procedures that meet state and federal requirements.

c. Recipients must seek to obtain three (3) to five (5) quotes or bids using formal advertising or requests for proposals for the procurement of professional or construction services.

   i) There must be an established selection procedure and a written rationale for selecting the successful bid or proposal.

25) CONFLICT OF INTEREST

In the procurement of property and services by THDA and Recipients, the conflict of interest provisions in 2 CFR 200.318 apply. In all cases not governed by 2 CFR 200.318, the provisions described in this Section 24 apply.

The NHTF conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, elected official or appointed official of THDA or the Recipient. No person listed above who exercise or have exercised any functions or responsibilities with respect to activities assisted with NHTF funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or financial benefit from a NHTF-assisted activity, or have a financial interest in any contract, subcontract or agreement with respect to the NHTF-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.

a. No owner of a project assisted with NHTF funds (or officer, employee, agent, elected or appointed official, board member, consultant, of the owner or immediate family member or immediate family member of an officer, employee, agent, elected or appointed official, board member, consultant, of the owner) whether private, for profit or non-profit may occupy a NHTF-assisted affordable housing unit in a project during the required period of affordability. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person. This provision does not apply to an employee or agent of the owner of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

b. Recipients shall avoid conflicts of interest associated with their NHTF funded project. THDA will not request exceptions to the conflict of interest provisions from HUD. In the event a conflict of interest is discovered, Recipients shall repay that portion of the NHTF grant related to the conflict of interest or may have all or some portion of the NHTF grant rescinded, all as determined by THDA in its sole discretion.

26) DEBARMENT AND SUSPENSION

On all NHTF funded projects, Recipients shall certify that no vendor, its principals or managers are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from the covered transaction or listed on the "Excluded Parties List System" found at www.SAM.gov.

27) PROFORMA

a. Proforma is a cash flow projection for a specific period of time that takes into account expected income and expenses of a rental property and projects financial viability and affordability over the period.

b. All Applicants must complete a Thirty (30) Year Affordability Proforma with the application. The applicant must demonstrate a need for the NHTF funds. If the project development costs require additional financing, including other grant source funding, prior to making any NHTF draws documentation must be provided by Recipient that all other financing or grant funding has been identified and secured.

c. A project may not incur more debt in the development than the operating budget and 30 year proforma indicate that the development can support. Documentation that final debt does not exceed the supportable debt as indicated on the operating budget will be a threshold requirement.

d. An updated final Development Budget, Operating Budget and 30 years proforma package will be required before any draw requests may be processed.

28) PROJECT SOFT COSTS

In planning their programs, Applicants may include, as a project soft cost, the reasonable and customary costs for work write-up and inspections. In addition, the costs for inspections and work write-ups, the costs for lead-based paint inspections, environmental reviews, risk assessments and clearance testing, and architectural and engineering fees are also paid as project soft costs. All project soft costs charged to the NHTF grant will be calculated on a prorated basis of committed NHTF units to all buildings and units in the project and count toward the maximum per unit subsidy limit.

29) REPLACEMENT RESERVE ACCOUNTS

All projects shall maintain a replacement reserve account beginning at the time of completion for the term of the NHTF Period of Affordability. If a project falls into multiple categories as set forth below, the higher minimum initial replacement reserve shall apply.

a. The replacement reserve requirement for all National Housing Trust Fund properties shall, initially, be a minimum of three hundred dollars ($300) per unit per year, inflated at three percent (3%) annually.
b. .
c. This account shall be used only for capital improvements and the replacement of long-lived capital assets, and not for routine maintenance and upkeep expenses.
d. The replacement reserve shall be, and shall remain, an asset of the project, and shall not be distributed to the Owner or any entity or person affiliated with the Owner at any time during or after the Period of Affordability.
e. Owners shall provide THDA with a record of all activity associated with the replacement reserve account during the prior fiscal year in conjunction with submission of the project's annual compliance monitoring materials.
f. The replacement reserve account must be maintained in a separate account in a federally insured financial institution.
g. Reserve accounts must also be separate from the project's ordinary operating account.

30) OPERATING RESERVE ACCOUNT

All projects shall establish and maintain, until the project has achieved a minimum of five (5) years of Stabilized Occupancy, an operating reserve equal to a minimum of six (6) months of projected operating expenses plus must-pay debt service payments and annual replacement reserve payments.

a. Stabilized Occupancy is occupancy of at least ninety percent (90%) of the units in the property for a continuous period of at least ninety (90) calendar days.
b. This requirement can be met with an up-front cash reserve; a guarantee from the owner with a surety bond to stand behind the guarantee; or partnership documents specifying satisfactory establishment of an operating reserve.
c. The operating reserve account must be maintained in a separate account in a federally

insured financial institution.

d. If operating cost assistance is provided as part of a project's NHTF award, the Owner must submit annual audited financial statements, specific to the project.

e. Based on an analysis of the financial statements, THDA will determine the amount of operating cost assistance that is eligible to be disbursed from the operating reserve account for the previous fiscal year.

f. The analysis will determine the deficit remaining after the annual rent revenue of the NHTF-assisted units is applied to the NHTF-assisted units' share of eligible operating costs.

g. For purposes of this paragraph, eligible operating costs are limited to insurance, utilities, real property taxes, maintenance, and replacement reserve payments.

31) REPAYMENT

All NHTF awards will be structured as a low-interest loan, based on the Applicable Federal Rate ("AFR"), due at maturity with a Period of Affordability of thirty (30) years. Repayment of NHTF funds may be required in the event that the final total development costs were such that NHTF assistance provided by THDA exceeds established program limits, or exceeded that which was necessary to make the project financially feasible. Total Development Costs is the all-in costs of developing the project including acquisition, predevelopment costs, hard and soft construction or rehab costs, financing costs, developer fees, and reserve account capitalization.

a. Compliance with income requirements, rent restrictions, design standards and NSPIRE requirements is required for the entire Period of Affordability for each project. Failure to comply with any of these requirements may trigger repayment of the NHTF award, plus any interest accrued.

b. A NHTF assisted project that is terminated before completion, either voluntarily or otherwise, constitutes an ineligible activity and the Recipient must repay any NHTF funds invested in the project to THDA.

c. In the event of a foreclosure or transfer in lieu of foreclosure, the Recipient must repay the full NHTF investment in the project.

32) COMPLIANCE

NHTF assisted rental units are rent and income limited for the thirty (30) year Period of Affordability.

a. Recipients/Owners of rental property shall maintain occupancy of NHTF assisted units by Extremely Low-Income Persons for the Period of Affordability.

b. During the Period of Affordability, the Recipient shall:

   i) Certify annually the income of tenants.

   ii) Adhere to the NHTF rent and income guidelines.

   iii) Comply with all applicable adopted housing codes and the NSPIRE.

   iv) Report to THDA in a form and with substance as required by THDA.

c. Prior to drawing down NHTF funds, Owners of projects with NHTF assisted units shall sign a note, deed of trust, and restrictive covenants to enforce the NHTF Period of Affordability.

d. Once NHTF funds are awarded to a Recipient, THDA will monitor compliance by reviewing certain records related to the NHTF-assisted project. THDA will monitor compliance by conducting desk and/or on-site reviews of the project.

e. THDA will conduct an on-site inspection at project completion in order to confirm that the project meets the Rehabilitation Standards listed THDA's Minimum Design Standards for New Construction or THDA's Minimum Design Standards for Rehabilitation, as applicable.

f. At a minimum THDA will conduct desk compliance reviews annually.

g. THDA will conduct on-site property inspections during the Period of Affordability in order to determine compliance with income and rent requirements, tenant selection, affirmative marketing requirements, and property and design standards and to verify any information submitted by the Recipient to THDA.

   i) THDA will perform onsite inspection of all NHTF assisted projects no less than every three (3) years during the Period of Affordability.

   ii) For NHTF assisted projects of four (4) NHTF assisted residential units or less, THDA will perform an on-site inspection of one hundred percent (100%) of the units no less than every three (3) years during the Period of Affordability.

   iii) For NHTF assisted projects consisting of five (5) or more units, THDA will inspect a minimum of twenty (20%) of the NHTF assisted units no less than every three (3) years during the Period of Affordability.

   iv) The on-site inspection may include a review of records for all or a sample of the income and rent restricted units including, but not limited to, tenant files, rent rolls, approved and declined tenant applications, documentation supporting tenant income and employment verification, marketing materials and advertisements, and documentation of requests for reasonable accommodations.

v) The on-site review may also include a review of any local health, safety, or building code violation reports or notices and an inspection of the property to determine if the buildings are suitable for occupancy, taking into account local health, safety, and building codes, applicable THDA Design Standards, and NSPIRE standards as prescribed by HUD.

vi) Any reports made by state or local government units of violations, with documentation of correction, will be reviewed.

h. Each year during the Period of Affordability, the Recipient shall submit to THDA, within one hundred twenty (120) days after the end of the project's fiscal year, each of the following:

i) Audited financial statements for the Owner.

ii) Audited financial statements for the project.

iii) Bank statements for operating reserve and replacement reserve accounts as of the end of the project fiscal year.

iv) Proof of sufficient property and liability insurance coverage with THDA listed as mortgagee.

v) Documentation to show the current utility allowance is being used (i.e. a copy of the utility allowance table).

vi) For projects that received points at initial NHTF application for pledging to provide permanent supportive services to special needs populations, an affidavit attesting to the supportive services provided to the project's population during the fiscal year must be provided by the provider(s) of such services.

vii) Compliance monitoring fees from previous years re-inspections if applicable.

viii) Such other information as may be requested in writing by THDA in its sole discretion.

33) MONITORING FEES

THDA charges a monitoring fee for all NHTF assisted units. NHTF Recipients shall pay the entire fee covering the thirty (30) year Period of Affordability as indicated in the current NHTF Operating Manual - Schedule of Monitoring Fees; but no less than $600 per NHTF assisted unit.

a. The monitoring fee must be paid prior to the Recipient making the request for Developer Fees to be drawn from the NHTF grant.

b. Additional fees may be charged when follow-up is required due to non-compliance findings. Failure to pay these fees will be considered an administrative noncompliance issue.

   i) The fee will be the current approved fee as published in the NHTF manual and the most current program description at the time the fee is incurred but no less than:

      (1) Reinspection of a file or reinspection of a 1-4 unit property: Two Hundred Dollars ($200) per unit inspected
      (2) Reinspection of a NHTF project with five (5) or more units:
         (a) Two hundred dollars ($200) per unit inspected;
         (b) Standard mileage rate in effect under the current State of Tennessee travel regulations at the time of the reinspection from Nashville to the property and back to Nashville;
         (c) Applicable state allowed per-diem for one staff person;
         (d) Lodging expenses as allowed under then current State of Tennessee travel regulations;
         (e) Any other expenses incurred by THDA relating to the project reinspection.

c. Fees for reinspections will be due to THDA prior to issuance of reinspection results or release of any additional NHTF-funded operating subsidy.

34) RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Recipients shall replace all occupied and vacant habitable low income housing demolished or converted to a use other than as lower income housing in connection with a project assisted with NHTF funds.

a. All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a working agreement committing THDA to provide funds for a project that will directly result in the demolition or conversion, THDA will make public by and submit to the HUD/Knoxville NHTF coordinator certain information. Each applicant proposing demolition or any reduction in lower income housing units shall submit the following information to THDA in connection with their application:

   i) A description of the proposed assisted project;

(1) The address, number of bedrooms, and location on a map of lower income housing that will be demolished or converted to a use other than as lower income housing as a result of an assisted project.
(2) A time schedule for the commencement and completion of the demolition or conversion.
(3) To the extent known, the address, number of bedrooms and location on a map of the replacement housing that has been or will be provided.
(4) The source of funding and a time schedule for the provision of the replacement housing.
(5) The basis for concluding that the replacement housing will remain lower income housing for at least ten (10) years from the date of initial occupancy.
Information demonstrating that any proposed replacement of housing units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the approved Consolidated Plan.

35) NHTF RELOCATION REQUIREMENTS

THDA DISCOURAGES PROJECTS INVOLVING DISPLACEMENT OR RELOCATION of households. Prior to application, contact THDA if you are planning any project that may involve displacement or relocation.

a. A Displaced person is any person (household, individual, business, farm, or non-profit organization) that moves from the real property, permanently, as a direct result of rehabilitation, demolition, or acquisition for a project assisted with NHTF funds. Relocation requirements apply to all occupants of a project/site for which NHTF assistance is sought even if less than one hundred percent (100%) of the units are NHTF assisted.

b. Before Application displacement is triggered when a tenant moves permanently from the project before the owner submits an application for NHTF assistance if THDA or HUD determines that the displacement was a direct result of the rehabilitation, demolition, or acquisition for the NHTF project. (e.g., THDA determines that the owner displaced tenants in order to propose a vacant building for NHTF assistance.)

i) After Application displacement is triggered when a tenant moves permanently from the project after submission of the application, or, if the applicant does not have site control, the date THDA or the Recipient approves the site because:

(1) The owner requires the tenant to move permanently; or
(2) The owner fails to provide timely required notices to the tenant; or
(3) The tenant is required to move temporarily and the owner does not pay all actual, reasonable out-of-pocket expenses or because the conditions of the move are unreasonable.

(4) After Execution of Agreement displacement is triggered when tenant moves permanently from the project after execution of the agreement covering the acquisition, rehabilitation or demolition because the tenant is not provided the opportunity to lease a suitable, affordable unit in the project.

c. A Displaced person is not:
   i) A tenant evicted for cause, assuming the eviction was not undertaken to evade URA obligations.
   ii) A person with no legal right to occupy the project under State or local law (e.g., squatter).
   iii) A tenant who moved in after the application was submitted but before signing a lease and commencing occupancy, was provided written notice of the planned project, its possible impact on the person (e.g., the person may be displaced, temporarily relocated, or experience a rent increase), and the fact that the person would not qualify as a "displaced person" (or for any assistance under URA) as a result of the project.
   iv) A person, after being fully informed of their rights, waives them by signing a Waiver Form.

d. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), and its implementing regulations at 49 CFR Part 24, requires relocation assistance where acquisition has occurred under the Uniform Act. In addition, the Uniform Act coverage was expanded in 1987 amendments to cover displacement of individuals resulting from rehabilitation, demolition or private acquisition carried out under a federally assisted project or program.

e. Section 104(d) of the Housing and Community Development Act ("The Barney Frank Amendments") and HUD's Residential Anti-Displacement and Relocation Assistance Plan include additional relocation requirements. This extra level of relocation protection may be triggered for low-income households when units are converted or demolished with CDBG, UDAG, HOME, or NHTF funds. In addition, when Section 104(d) is triggered, jurisdictions may need to replace any low/moderate income dwelling units that are lost due to the conversion or demolition. This section refers only to residential relocation. If non-residential (commercial/industrial) relocation is involved, contact THDA.

f. Understanding how relocation requirements are triggered, alternate ways of meeting them, and the costs of the alternatives is essential in making NHTF program decisions. Concerns about relocation may cause a Recipient to consider establishing a preference for vacant buildings. However, Recipients should also consider that vacant buildings are often in various states of deterioration. Rehabilitating an occupied building, even with the cost of assisting tenants to remain or relocate, may be less costly than rehabilitating a vacant building. In occupied buildings, Recipients must consider whether occupants will be able to return after rehabilitation and whether Section 8 assistance is available to help meet relocation costs. Selecting vacant projects does not relieve all relocation concerns. Vacant buildings in good condition may have been recently occupied. If so, the Recipient must consider whether the owner removed the tenants in order to apply for NHTF assistance for a vacant building. If so, these tenants are displaced persons.

g. Skilled staff can save the local program money and build goodwill with owners and tenants. Failure to understand and follow relocation requirements can result in unnecessary costs for the local program. It is possible for uninformed owners and staff to take steps that would obligate the local program to provide significant relocation benefits and services. Early briefings for owners and program staff on relocation rules are essential. Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition consolidates relocation requirements for NHTF and other HUD programs in one document. It is available from HUD Field Offices or by contacting THDA. HUD informational booklets for persons who are displaced or whose property is to be acquired are also available from HUD Field Offices or from THDA.

h. URA requirements are triggered at the time the application is being prepared, and additional requirements are triggered at the time the working agreement is signed between THDA and the Recipient and when rehabilitation is completed. Treatment of displaced persons depends upon whether the displaced person is (1) a tenant or owner; (2) a business or household; (3) has income above or below the Section 8 Lower Income Limit.

36) SITE AND NEIGHBORHOOD STANDARDS

Housing provided through the NHTF program must be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Executive Order 11063, and HUD regulations issued pursuant thereto; and must promote greater choice of housing opportunities.

a. New construction rental housing. In carrying out the site and neighborhood requirements for new construction, the Recipient shall provide documentation as THDA may require, in THDA's sole discretion, to determine that proposed sites for new construction meet the requirements in 24 CFR 93.150 with cross reference to 983.6(b) which places limiting conditions on building in areas of "minority concentration" and "racially mixed" areas.

b. Rehabilitation of rental housing. Site and neighborhood standards do not general apply to rehabilitation projects funded under NHTF unless project-based vouchers are used in an NHTF rehabilitation unit. In such case, the site and neighborhood standards for project-based vouchers will apply as determined by the issuing authority for the project-based vouchers.

37) EQUAL OPPORTUNITY AND FAIR HOUSING

No person in the United States shall on the grounds of race, color, religion, sex, familial status, national origin, or disability be excluded from participation, denied benefits or subjected to discrimination under any program funded in whole or in part by NHTF funds.

a. The following Federal requirements as set forth in 24 CFR 5.105(a), Nondiscrimination and equal opportunity, are applicable to NHTF projects:

i) Fair Housing Act (24 CFR Part 100)

ii) Executive Order 11063, as amended (24 CFR Part 107 - Equal Opportunity in Housing)

iii) Title VI of the Civil Rights Act of 1964 (24 CFR Part 1 - Nondiscrimination in Federal programs)

iv) Age Discrimination Act of 1975 (24 CFR Part 146)

v) Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8)

vi) Section 109 of Title I of the Housing and Community Development Act of 1974 (24 CFR Part 6)

vii) Title II of the Americans with Disabilities Act 42 U.S.C. §12101 et seq.

viii) Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or

Gender Identity 24 CRF Parts 5, 200, 203, 236, 400, 570, 574, 882, 891 and 982

ix) Section 3 of the Housing & Urban Development Act of 1968 24 CFR 135 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135

(1) Section 3 requires that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low-income persons, particularly those who are recipients of government assistance for housing.

x) Executive Order 11246, as amended 41 CFR 60 (Equal Employment Opportunity Programs)

xi) Executive Order 11625, as amended (Minority Business Enterprises)

xii) Executive Order 12432, as amended (Minority Business Enterprise Development)

xiii) Executive Order 12138, as amended (Women's Business Enterprise)

xiv) Executive Orders 11625, 12432, and 12138 (Minority/Women's Business Enterprise) require that Recipients prescribe procedures acceptable to HUD for a minority outreach program to ensure the inclusion, to the maximum extent possible, of minorities and women and entities owned by minorities and women in all contracts. Recipients must also develop acceptable policies and procedures if their application is approved by THDA.

b. The HUD Office of Fair Housing also includes the following fair housing laws and

Presidential Executive Orders which are not included in 24 CFR 5.105(a) but which are applicable to federally-assisted programs:

i) Architectural Barriers Act of 1968 42 U.S.C. §4151 et seq.

ii) Executive Order 12892, as amended (Affirmatively Furthering Fair Housing)

iii) Executive Order 12898

iv) Executive Order 13166 (Limited English Proficiency)

v) Executive Order 13217 (Community-based living arrangements for persons with disabilities)

c. In addition to the above requirements, the Recipient must assure that its Equal Opportunity and Fair Housing policies in the NHTF Program are consistent with the State's current Consolidated Plan.

38) AFFIRMATIVE MARKETING

Prior to beginning a NHTF project, Recipients must adopt affirmative marketing procedures and requirements for all NHTF rental projects with five (5) or more units. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status, or disability. The Recipient must also identify and take steps to attract populations that are least likely to apply for the housing to be created. Requirements and procedures must include:

a. Methods for informing the public, owners and potential tenants about fair housing laws and the Recipient's policies;

b. A description of what the Recipient will do to affirmatively market housing assisted with NHTF funds;

c. A description of what the Recipient will do to inform persons not likely to apply for housing without special outreach;

d. Maintenance of records to document actions taken to affirmatively market NHTF-assisted units and to assess marketing effectiveness; and

e. Description of how efforts will be assessed and what corrective actions will be taken where requirements are not met.

f. All projects that receive NHTF grants must advertise all vacant units on the www.TNhousingsearch.org website.

39) APPLICATION AND EVALUATION PROCEDURE

THDA will evaluate each application to determine if the proposal meets threshold criteria. Threshold criteria includes submission by an eligible applicant of a complete application, including any documentation required to be submitted through THDA's THOMAS system and:

a. Proposal of an eligible activity; proposal of a project that in the opinion of THDA is physically, financially and administratively feasible; proposal of a project that meets the requirements of 24 CFR Parts 91 and 93, as amended.

b. Submission of a 30-Year Proforma demonstrating a need for the NHTF funds.

c. Proposals that will set-aside more than 20% of the units for individuals with disabilities must demonstrate that the project will meet the qualities of settings that are eligible for reimbursement under the Medicaid home and community-based services that were established by the Centers for Medicare and Medicaid Services ("CMS") in the final rule: https://www.federalregister.gov/articles/2014/01/16/201400487/medicaid- program-state-plan-home-and-community-based-services-5-year-period-for- waivers-provider.

d. Applications meeting the threshold requirements will be scored, ranked, and awarded according to the application criteria established in QAP.

e. When the amount of funds available is less than the request for funding identified in the application, THDA reserves the right to offer partial funding pending the applicant's ability to secure additional financing within a timeframe established by THDA or to not select a proposed project if sufficient funding is not available to award all funds requested by the applicant.

    i) When the applicant is not able to secure additional financing within THDA's identified timeline, THDA, subsequently and at its sole discretion, may move to the next lower scoring application(s) in order to meet its commitment obligations under the NHTF program.

    ii) When THDA opts to not select a proposed project if sufficient funding is not available to award all funds requested by the applicant, THDA may move to the next lower scoring project(s) in order to meet its commitment obligations under the NHTF program.

EXHIBIT A
Urban/Rural County Designations

County	2020 Population	Population Percentage Living in Rural Area	Designation
Anderson	77,123	36.52%	URBAN
Bedford	50,237	55.11%	URBAN
Benton	15,864	100.00%	RURAL
Bledsoe	14,913	100.00%	RURAL
Blount	135,280	37.20%	URBAN
Bradley	108,620	31.95%	URBAN
Campbell	39,272	48.78%	RURAL
Cannon	14,506	100.00%	RURAL
Carroll	28,440	82.10%	RURAL
Carter	56,356	40.74%	URBAN
Cheatham	41,072	100.00%	RURAL
Chester	17,341	65.94%	RURAL
Claiborne	32,043	71.33%	RURAL
Clay	7,581	100.00%	RURAL
Cocke	35,999	67.89%	RURAL
Coffee	57,889	46.08%	URBAN
Crockett	13,911	100.00%	RURAL
Cumberland	61,145	53.94%	URBAN
Davidson	715,884	3.14%	URBAN
Decatur	11,435	100.00%	RURAL
DeKalb	20,080	75.97%	RURAL
Dickson	54,315	69.54%	RURAL
Dyer	36,801	54.38%	RURAL
Fayette	41,990	74.69%	RURAL
Fentress	18,489	100.00%	RURAL
Franklin	42,774	67.90%	RURAL
Gibson	50,429	70.77%	RURAL
Giles	30,346	73.12%	RURAL
Grainger	23,527	84.43%	RURAL
Greene	70,152	67.33%	RURAL
Grundy	13,529	100.00%	RURAL
Hamblen	64,499	22.66%	URBAN
Hamilton	366,207	12.51%	URBAN
Hancock	6,662	100.00%	RURAL
Hardeman	25,462	79.26%	RURAL
Hardin	26,831	67.10%	RURAL

Hawkins	56,721	62.08%	URBAN
Haywood	17,864	46.14%	RURAL
Henderson	27,842	77.17%	RURAL
Henry	32,199	67.77%	RURAL
Hickman	24,925	100.00%	RURAL
Houston	8,283	100.00%	RURAL
Humphreys	18,990	100.00%	RURAL
Jackson	11,617	100.00%	RURAL
Jefferson	54,683	75.82%	RURAL
Johnson	17,948	100.00%	RURAL
Knox	478,971	9.19%	URBAN
Lake	7,005	100.00%	RURAL
Lauderdale	25,143	72.47%	RURAL
Lawrence	44,159	73.55%	RURAL
Lewis	12,582	100.00%	RURAL
Lincoln	35,319	71.35%	RURAL
Loudon	54,886	35.66%	URBAN
Macon	25,216	75.52%	RURAL
Madison	98,823	26.32%	URBAN
Marion	28,837	91.34%	RURAL
Marshall	34,318	65.23%	RURAL
Maury	100,974	37.48%	URBAN
McMinn	53,276	61.66%	URBAN
McNairy	25,866	100.00%	RURAL
Meigs	12,758	100.00%	RURAL
Monroe	46,250	73.30%	RURAL
Montgomery	220,069	17.73%	URBAN
Moore	6,461	99.89%	RURAL
Morgan	21,035	100.00%	RURAL
Obion	30,787	59.31%	RURAL
Overton	22,511	100.00%	RURAL
Perry	8,366	100.00%	RURAL
Pickett	5,001	100.00%	RURAL
Polk	17,544	100.00%	RURAL
Putnam	79,854	38.53%	URBAN
Rhea	32,870	70.53%	RURAL
Roane	53,404	52.11%	URBAN
Robertson	72,803	53.00%	URBAN
Rutherford	341,486	15.96%	URBAN
Scott	21,850	100.00%	RURAL
Sequatchie	15,826	100.00%	RURAL
Sevier	98,380	53.37%	URBAN
Shelby	929,744	3.40%	URBAN

Smith	19,904	100.00%	RURAL
Stewart	13,657	100.00%	RURAL
Sullivan	158,163	26.54%	URBAN
Sumner	196,281	25.26%	URBAN
Tipton	60,970	66.66%	RURAL
Trousdale	11,615	100.00%	RURAL
Unicoi	17,928	51.44%	RURAL
Union	19,802	100.00%	RURAL
Van Buren	6,168	100.00%	RURAL
Warren	40,953	61.64%	RURAL
Washington	133,001	25.76%	URBAN
Wayne	16,232	100.00%	RURAL
Weakley	32,902	67.44%	RURAL
White	27,351	79.19%	RURAL
Williamson	247,726	18.64%	URBAN
Wilson	147,737	35.24%	URBAN