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# State of Oregon Qualified Allocation Plan

Version 2025.1

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## 1 Introduction

2 The Tax Reform Act of 1986 created the Low Income Housing Tax Credit (LIHTC) under Section 42 of the  
3 Internal Revenue Code (Code or IRC).

4 The LIHTC Program (or Resource) is jointly administered by the United States Treasury Department of  
5 Internal Revenue Service (IRS) and authorized state tax credit allocation agencies. Under Executive Order  
6 EO-87-06, the Governor of Oregon designated the Oregon Housing and Community Services Department  
7 (OHCS) as the administrator of the LIHTC Program.

8 OHCS administers the LIHTC Program under Oregon Administrative Rule (OAR) Chapter 813, Division 90.  
9 This Qualified Allocation Plan (QAP or Plan) is intended to comply with the requirements of Section  
10 42(m)(1)(B) of the Code, which requires that a [Qualified Allocation Plan/QAP](#) set forth:

- 11 1) The selection criteria OHCS will use to determine its housing priorities,
- 12 2) The preferences of OHCS in allocating housing credit dollar amounts among selected projects  
13 (Projects), including:
  - 14 a. Projects serving the lowest income tenants.
  - 15 b. Projects obligated to serve qualified tenants for the longest periods.
  - 16 c. Projects that are located in qualified census tracts and the development of which  
17 contributes to a concerted community revitalization plan; and
  - 18 d. The procedures that OHCS ~~will~~**must** follow in monitoring for ~~p~~Program noncompliance in  
19 notifying the IRS of such noncompliance and in monitoring for noncompliance with Project  
20 habitability standards through regular site visits.

21 Section 42(m)(1)(C) of the Code provides the selection criteria that must be used. The selection criteria  
22 outlined in a QAP must include:

- 23 1) Project location.
- 24 2) Housing needs characteristics.
- 25 3) Project characteristics, including whether the Project includes the use of existing housing as part of a  
26 community revitalization plan.
- 27 4) Sponsor characteristics.
- 28 5) Tenant populations with special housing needs.
- 29 6) Public housing waiting lists.
- 30 7) Tenant populations of individuals with children.
- 31 8) Projects intended for eventual tenant ownership.
- 32 9) The energy efficiency of the Project.
- 33 10) The historic nature of the Project.

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1 This Plan does not apply to the allocation of a “recycled” volume cap per Section 146(i)(6) of the Code.  
2 Such “recycled” volume cap shall be assigned and allocated in accordance with policies and procedures  
3 established from time to time by OHCS~~the Department~~.

4  
5 If any provision of this Plan (and documents included herein by reference) is inconsistent with the  
6 provisions of amended IRC Section 42, including any future amendments thereto, or any existing or new  
7 Oregon Administrative Rules OAR governing the LIHTC Program, the provisions of IRC Section 42 and/or  
8 the Oregon Administrative Rules OAR take precedence, and the ~~p~~Plan will be amended accordingly.

9  
10 The Plan has been revised for 2025. OHCS reserves the option to issue temporary public notices, rules,  
11 or other guidance through which, procedurally, OHCS will continue to efficiently administer the LIHTC  
12 Program, in a manner consistent with this Plan, and with OHCS’s goals.

13  
14 Additionally, OHCS reserves the right to amend, modify, or withdraw provisions contained in this Plan  
15 that are inconsistent or in conflict with state or federal laws or regulations. In the event of a major  
16 natural disaster, pandemic, ~~epidemic~~, disruption in the financial markets, or reduction in subsidy  
17 resources available, including tax credits, ~~the Agency~~OHCS may disregard any section of the Plan,  
18 including evaluation criteria, that interferes with an appropriate response.

19  
20 ~~The Oregon Housing Stability Council recommended the updated Plan on January 103, 2025.~~ A public  
21 hearing was held concerning the Plan on December 164, 2024, after appropriate notice was provided  
22 following IRS Section 42(m)(1)(A)(ii). Public comments and agency responses can be found in the  
23 appendix Appendix XX-B: Public Comment and Response in ~~of~~ this document.

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## 1 Credit Overview

### 2 4% Low-Income Housing Tax Credits

3 The State of Oregon (State) has access to allocate federal tax credits specifically available to Projects  
4 financed using tax-exempt bond proceeds associated with Oregon's ~~p~~Private ~~a~~Activity ~~B~~bond ~~A~~authority.  
5 The tax-exempt bonds are subject to the volume cap limitations in Section 146 of the Code as further  
6 detailed in Section 42(h)(4)(A) and (B) of the Code.

7 OHCS allocates the Private Activity Bonds (PAB) as resources become available utilizing the Oregon  
8 Centralized Application (ORCA) structure. Specifics of this offering ~~will beare~~ made available in the LIHTC  
9 relevant sections of the ORCA. All set-asides, prioritizations, and performance standards within the  
10 ORCA will remain applicable and required. All definitions in the ORCA Manual are incorporated by  
11 reference.

12

### 13 9% Low-Income Housing Tax Credits

14 OHCS allocates the State's 9% LIHTCs based on selection criteria integrated into the ORCA. All allocations  
15 are made with evaluative considerations required in the QAP, the Code, and the ORCA itself. All  
16 definitions in the ORCA Manual are incorporated by reference.

17 Specific to the 9% tax credits, OHCS holds the following:

18 1) ~~-~~10% of the annual credit ceiling must go to ~~Q~~qualified ~~N~~non-~~P~~profits, those organizations described  
19 in section 501(c)(3) or section 501(c)(4) of the ~~e~~Code and ~~that~~ has as one of its exempt purposes the  
20 "fostering of low-income housing" as required by IRC §42 (h)(5). Non-profits awarded under this set-  
21 aside ~~will beare~~ required to meet the IRC requirements of Material Participation as ~~mandated~~  
22 ~~defined~~ by §469(h).

23 2) 9% tax credits ~~will beare~~ offered annually using the following set-aside targets:

- 24 a. 25% of the annual credit ceiling is reserved for preservation projects, consistent with the  
25 preservation criteria outlined in the ORCA.
- 26 b. 10% of the annual credit ceiling is reserved for developments that serve Native Nations on  
27 tribal trust land.
- 28 c. 65% of the annual credit ceiling should be allocated consistent with the percentages  
29 outlined in the ORCA.

30

### 31 Determination of Credit Amount

32 The owner of a low-income housing property must certify to OHCS that the Project meets the minimum  
33 requirements of:

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- 1) 20 – 50 test under Section 42(g)(1)(A) of the Code,
- 2) 40 – 60 test under Section 42(g)(1)(B) of the Code, or
- 3) Income Averaging test under Section 42(g)(1)(C).

OHCS ~~will~~makes the financial feasibility and viability determination required under Section 42(m)(2)(A) for all 4% and 9% LIHTC allocations. The Code requires OHCS to allocate only what is necessary for financial feasibility throughout the extended use period. OHCS will evaluate each proposed Project considering relevant factors, including but not limited to the following items:

- 1) Project cost, including the reasonableness of cost per unit, developer fees and overhead, consultant fees, builder profit and overhead, and syndication costs;
- 2) Sources and uses of funds and the total financing planned for the Project, including the ability of the Project to service debt;
- 3) The proceeds or receipts expected to be generated because of tax benefits;
- 4) The use of federal funds and other assistance; and
- 5) Other factors that may be relevant to the economic feasibility of the Project, such as the area economy or the housing market.

Based on this evaluation, OHCS will estimate the amount of tax credits to be reserved for the Project. This determination is made at the sole discretion of OHCS and is in no way a representation as to the actual feasibility of the Project. Rather, it will serve as the basis for making reservations of tax credits for Projects competing for credit from the federal housing credit ceiling, or it will serve as an initial determination of credit amount concerning a Project financed by private activity bonds. The amount of tax credits may change during the allocation process due to variations in cost, mortgage amount, tax credit percentage, syndication proceeds, etc. The final tax credit determination is made at the sole discretion of OHCS at the time of close-out application and before the issuance of IRS Form 8609, (Low-Income Housing Credit Allocation and Certification) as detailed in the [LIHTC Requirements and Processes Section of this QAP](#), Placed-In-Service Allocation Requirements [section of this QAP](#).

If there is a material increase in LIHTC pricing after a reservation of tax credits, OHCS reserves the right to adjust the amount of a tax credit award or any other OHCS funding source. OHCS may use the following guidelines for avoiding Project over-subsidization. Subject to the approval of OHCS, the increase may be used:

- 1) To decrease rents.
- 2) To reduce the permanent loan, sponsor loans, tax credit allocation, or other OHCS funding sources as determined by OHCS in consultation with the Project ownership.

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3) For necessary and justifiable cost increases or to reduce deferred developer fees, as allowable under the Code.

Pursuant to Section 42(m)(1)(A)(iii) of the Code, a comprehensive market study of the housing needs of low-income individuals in the area to be served by the Project must be conducted by a disinterested third party approved by OHCS before the credit allocation is made and at the developer's expense.

## Applying for Credits

### Project Charges

When applying for or receiving any ~~p~~Program funds, the applicant must pay applicable charges, as adopted by the Oregon Housing Stability Council, ~~(HSC)~~. These charges include but are not limited to, application charges, recipient charges, reservation fees, issuance charges, and compliance charges. The charges adopted by the ~~Housing Stability Council~~HSC ~~will be~~ included in the General Policy and Guidelines Manual (GPGM), as well as posted on the [Oregon Centralized Application \(ORCA\) webpage](#) of the OHCS website.

### LIHTC Allocation Application Process

All applications for ~~Low-Income Housing Tax Credits~~LIHTC ~~will be~~ evaluated and reviewed through the ~~Oregon Centralized Application~~(ORCA). For selected applicants, all projects must meet ORCA standards and expectations, including, but not limited to, standards, timelines, and documentation. These are in addition to, not in lieu of, requirements and expectations from the ~~Qualified Allocation Plan~~(QAP) and any other programmatic requirements of the LIHTC program.

**Applications for 4% Low-Income Housing Tax Credits and Conduit Bond Financing.** ~~OHCS will offer 4% LIHTC and associated Private Activity Bonds (PAB) on a rolling basis as resources remain available, and retains a waitlist of projects in alignment with the ORCA policies.~~

~~will be rolling and continuous as funding availability allows in alignment with the ORCA process. Projects will be~~ evaluated using the process laid out by OHCS below, and the number of projects selected ~~will be~~ based on available resources ~~made available~~ through the ORCA. ~~OHCS will offer 4% LIHTC and associated Private Activity Bonds (PAB) on a rolling basis as resources remain available, and retain a waitlist of projects in alignment with the ORCA policies.~~

In managing the states' ~~Private Activity Bond~~PAB resource investments to support housing, OHCS will work annually with the Housing Authorities of Oregon to establish a Housing Authority Owned (HAO) PAB ~~Set-Aside~~. This HAO PAB ~~Set-Aside~~ ~~will be~~ eligible for projects that are owned by Housing Authorities and do not require any state loan or grant funding, as defined below. These resources ~~will be~~ held for ~~that the~~ following year; unused resources that are not requested within the timelines,



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1 along with PAB that was not set-aside for HAO Projects, ~~will be~~ offered through the ORCA for eligible  
2 applications and projects.

3 Housing Authority Owned (HAO) definition

4 1) Required:

- 5 a. Site control including Housing Authority or county owned land;
- 6 b. 51% or more ownership interest and control of the General Partner or
- 7 Managing Member entity
- 8 c. For the purposes of PAB: Project does not require state loan or grant funding.

9 2) Must meet one:

- 10 a. A loan or contribution of either cash or value representing the lesser of at least
- 11 10% of total sources or \$2 million, including but not limited to seller financing in
- 12 a rehabilitation/resyndication, a sponsor loan, a land lease loan, ~~and~~ or a land
- 13 lease contribution.
- 14 b. Federal, state, or locally-provided project based rent assistance for at least the
- 15 lower of 15 units or 15% of units.

16  
17 **Applications for 9% Low-Income Housing Tax Credits** will be accepted and reviewed annually as funding  
18 availability allows. 9% LIHTC projects will be notified of their status, and those selected to move forward  
19 into the ORCA process ~~and~~ will be given access to a Procorem Workcenter to begin the ORCA process's  
20 Impact Assessment. Applicants not selected can choose to have the project placed on the ORCA 9%  
21 LIHTC waitlist which will remain active through September of each calendar year. Projects may not be on  
22 more than one waitlist for resources within the ORCA. If projects are on the 9% LIHTC waitlist and  
23 sufficient credits become available (from a return of credit or otherwise) projects will be funded in order  
24 from the waitlist as resources will allow. If 9% LIHTC are not fully allocated after all eligible projects are  
25 selected, or sufficient credits are returned from a failed project OHCS may, at its discretion, either  
26 consider projects on a first-come first-reviewed basis or open a subsequent window or windows for  
27 acceptance of intake forms for 9% LIHTC projects.

28 OHCS reserves the right to waive, change, or alter any timelines, processing, and other QAP  
29 requirements, at its sole discretion, to encourage ~~and~~ or facilitate the financing of tax-exempt, 4% LIHTC  
30 ~~or~~ and 9% LIHTC financed projects including, but not limited to, implementing application pauses and  
31 blackout dates, and increasing allocations of LIHTC and PAB.

32  
33 **Project Performance Guidelines**

34 All applications including those funded, in underwriting, or forthcoming are subject to:

- 35 a. Any stipulations outlined by OHCS in writing via project-specific documents, department
- 36 OHCS programs, or policy manuals.
- 37 b. Limitation of one applicant requested 30-day extension to the financial close date per
- 38 project.
- 39 c. Availability on the OHCS financing calendar.

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- 1 d. Formal notification to ~~the department~~OHCS regarding any material changes to the project  
2 throughout underwriting or post-construction close. Including but not limited to:
- 3 (1) The number of buildings or units,  
4 (2) The project contact person,  
5 (3) The Identity of Interest disclosure,  
6 (4) The development team,  
7 (5) The project's total project costs,  
8 (6) A financing source (whether debt or equity),  
9 (7) Operating revenue or expenses for the project of more than ten percent,  
10 (8) Anything that would result in a change in the standards OHCS uses to evaluate projects,  
11 (9) ~~Expanding~~ Changing the scope of the project, such as adding or subtracting buildings,  
12 square footage, units, and design elements that impact the budget and livability of  
13 tenants,  
14 (10) Changing project type and switching to a different intended tenant population,  
15 (11) Replacing sponsor and project ownership in a way that has a financial impact on the  
16 project,  
17 (12) Showing a gap, after funding approval and prior to closing and construction start, of  
18 more than 10 percent of OHCS investment (exclusive of tax credits).  
19

20 **Housing and Economic Recovery Act of 2008 (HERA) Basis Boost**

21 Under HERA and subject to update should federal regulation permit, OHCS has the authority to increase  
22 the eligible basis for 9% LIHTC Projects from 100 percent eligible basis up to 130 percent of the eligible  
23 basis when OHCS determines that the financial feasibility of the building requires it. OHCS has  
24 determined that the financial feasibility of Project buildings meeting the criteria below may require a  
25 basis boost of up to 130 percent.

- 26 1) Rural Projects as defined using the methodology found in the ORCA,  
27 2) Preservation Projects,  
28 3) Projects ~~having~~ containing a minimum of either 25% or 5 total, whichever is greater, permanent  
29 supportive housing ~~goals~~ units,  
30 4) Projects that meet Enhanced Accessibility standards as defined in Attachment A: Enhanced  
31 Accessibility Standards, ~~Universal Design Standards~~,  
32 5) Projects sited on tribal lands.

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- 1 6) Projects with at least ~~twenty percent (20%)~~ of the units restricted to LIHTC ~~Extremely Low (30%)~~ AMI  
2 rents and income limits.
- 3 7) Projects that are located in Transit Oriented Districts (TODs) as designated by local governments.
- 4 8) Projects that result in the de-concentration of poverty by locating low-income housing in low-  
5 poverty areas, which are Census Tracts where 10 percent or less of the population lives below the  
6 poverty level.
- 7 9) Projects that co-locate Early Care and Education (ECE) facilities with affordable housing. Co-located  
8 as defined by OAR ~~813-125-0011~~.

### 9 **Returned / Unused LIHTC Allocation Authority**

10 Specific to 9% LIHTC - If an application ~~is~~ considered for a LIHTC ~~r~~Reservation/allocation is withdrawn or  
11 canceled, ~~or~~ available credits were not originally allocated during the funding round, ~~or~~ a project ~~can't~~  
12 ~~cannot~~ make its carryover requirements, or ~~the~~ National Pool, as prescribed at IRS section  
13 42(h)(3)(D)(iii), is awarded above current estimates, OHCS, may do any of the following:

- 14 1) Fund the next project ~~from the list of eligible on the active~~ 9% LIHTC ORCA ~~waitlist~~ applications for  
15 ~~that year, if applicable, if established, based on resource fit for available LIHTCs~~. The applicant ~~will~~  
16 ~~be~~ given 30 days to reevaluate the ~~project's~~ financial feasibility and determine whether the  
17 proposed project can move forward or not.
- 18 2) Open a second ~~or later and subsequent~~ funding round through the ORCA process.
- 19 3) Add the returned amount to the total available ~~credits~~ for the following calendar year's application  
20 cycle. Any credits returned after September 30 of any year will be treated as if received in the  
21 following year and will be allocated as part of the next allocation year.

22 OHCS may take such steps as it deems appropriate to maintain the desired funding split between set-  
23 aside categories outlined in the ORCA.

24

### 25 **Re-evaluation of Reservation**

26 The following events will result in a re-evaluation of a previously issued ~~r~~Reservation:

- 27 1) Failure to close within three hundred days of the ~~r~~Reservation ("Reservation Period").
- 28 2) The proposed Project will not have construction completion by the date mutually agreed upon.
- 29 3) The proposed Project will not be placed in service by the date mutually agreed upon.
- 30 4) Other material ~~causes~~ changes at OHCS's reasonable discretion.

31

## 1 Agency authority to use discretion

2 In the event of a re-evaluation of a reservation, OHCS, at its reasonable discretion may do one of the  
3 following:

- 4 1) Revoke the reservation.
  - 5 2) Approve the requested changes to the original ~~r~~Reservation or ~~a~~Application as proposed.
  - 6 3) Leave the reservation in place with no changes.
- 7  
8  
9

## 10 Project Selection Process

11 The following section ~~will~~ describes the criteria and process used to apply for tax credits.  
12

### 13 Private Activity Bonds and 4% Low-Income Housing Tax Credits

14 The following ~~is an~~ overview~~s~~ of the process for requesting 4% LIHTC and PAB through the ~~Oregon~~  
15 ~~Centralized Application (ORCA)~~. All projects, including HAO projects, must meet ORCA standards and  
16 expectations, including, but not limited to, standards, timelines, and documentation. These are in  
17 addition to, not in lieu of, requirements and expectations from the ~~Qualified Allocation Plan (QAP)~~ and  
18 any other programmatic requirements of the LIHTC program.  
19

### 20 Intake Process

21 Projects applying for 4% ~~Low Income Housing Tax Credits (LIHTC)~~ and ~~Private Activity Bond (PAB)~~  
22 resources, with or without state subsidy requests, must apply through the agency's ~~Oregon Centralized~~  
23 ~~Application (ORCA)~~ process and designate their application as a 4% LIHTC and PAB request by selecting  
24 that option in their ORCA Intake Form (~~Intake Form~~). OHCS does not guarantee the award or  
25 recommendation of a PAB allocation based solely on this Intake Form designation, but any Intake Form  
26 that does not request 4% LIHTC and PAB will not be directed towards the PAB application. The Intake  
27 Form submission should also indicate the amount of gap resources the applicant intends to request, ~~or~~  
28 ~~the application will be considered as an HAO PAB Set-Aside project (see HAO Project Selection section).~~  
29 OHCS will determine the appropriate gap resources to assign to the project based on the project design,  
30 location, gap resource availability and other factors.

31 When PAB resources are included in the ORCA resources, project sponsors ~~with who~~ submitted Intake  
32 Forms for 4% LIHTC and PAB ~~that have been reviewed and approved by OHCS will be~~ given access to  
33 a Procorem WorkC~~e~~nter to begin the ORCA Impact Assessment application step ~~after review and~~  
34 ~~approval by OHCS.~~

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## Project Selection

Project ~~applications will apply and be~~that are submitted are evaluated in the ORCA, and the number of projects selected for funding recommendation ~~will be~~are based on available PAB volume cap, and corresponding gap resource availability. Through the ORCA, PAB will be tracked and allocated based upon a first completed, first reviewed process and in alignment with the estimated closing date of the project as provided by the applicant. Where resources are insufficient to fund all projects, a waitlist of projects ~~will be~~is maintained.

OHCS will steward and ~~strive to~~strive to maximize the leverage of the state’s ~~Private Activity Bond~~PAB authority that is made available ~~to for~~affordable housing investments. The project selection process for the 4% LIHTC / PAB projects ~~will rely~~relies on the ORCA process and readiness requirements. However, where there is a risk that OHCS will not ~~be able to~~substantially commit all available PAB to projects in a given year, OHCS reserves the right to reassign resources within the funded pipeline or direct resources to projects on the ORCA waitlists based on ~~the~~development timelines. This PAB Timeline Prioritization ~~will establish~~es criteria that ~~will be~~are applied to identify best-fit projects that have been reviewed in the Impact Assessment and are on an ORCA waitlist. In addition, OHCS reserves the right to allocate PAB to fund pipeline gaps or challenges as it deems necessary.

## HAO Project Selection

In managing the states’ ~~Private Activity Bond~~PAB resource investments to support housing, OHCS will work annually with the Housing Authorities of Oregon to establish a Housing Authority Owned (HAO) PAB Set-Aside. This HAO PAB Set-Aside ~~will be~~is eligible for projects that are owned by Housing Authorities and do not require any state loan or grant funding, as defined ~~below~~above.

These resources will be held for that following year; unused resources that are not requested within the timelines, along with PAB that was not set-aside for HAO ~~P~~projects, ~~will be~~are offered through the ORCA. Housing Authorities may choose to issue the bonds for HAO ~~p~~projects where sufficient capacity is demonstrated and within OHCS suballocation policies. Housing Authority sponsored projects that request gap funding and 4% LIHTC through the traditional ORCA application will not count against the HAO set-aside. Every year by February 28th (year 0), Housing Authorities ~~will~~must provide OHCS with:

- 1) HAO Project list for the subsequent year’s (year 1) PAB resource needs; these projects will be required to submit full applications and ORCA process requirements, ~~and~~
- 2) HAO future pipeline for the following year (year 2) which will be used to support the determination of the needed HAO set-aside, ~~and~~ will be considered by OHCS alongside state resource needs; these projects will be submitted through the ORCA intake within a year.

## PAB Award Calculations and Commitments

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1 To determine PAB award needs, OHCS ~~will utilize~~ utilizes the Total Project Cost dollar amount from the  
2 Impact Assessment proforma to make an estimate of PAB utilization (55% of the total project cost).  
3 Project PAB resource needs must remain within 10% of the requested amount in the Impact Assessment  
4 application or they may be required to forfeit the resource commitment and re-apply for resources as a  
5 new application.

6 Where projects are determined to have ~~substantial-material~~ changes, the resource commitment will be  
7 deemed invalid. OHCS will review project change to determine if it is ~~substantial-material~~. Substantial  
8 Material changes that may result in loss of PAB include, but are not limited to, a change in:

- 9 1) The number of buildings or units,
  - 10 2) The project contact person,
  - 11 3) The Identity of Interest disclosure,
  - 12 4) The development team,
  - 13 5) The project's total project costs,
  - 14 6) A financing source (whether debt or equity),
  - 15 7) Operating revenue or expenses for the project of more than ten percent,
  - 16 8) Anything that would result in a change in the standards OHCS uses to evaluate projects,
  - 17 9) ~~Expanding~~ Changing the scope of the project, such as adding or subtracting buildings, square  
18 footage, units, and design elements that impact the budget and livability of tenants,
  - 19 10) Changing project type and switching to a different intended tenant population,
  - 20 11) Replacing sponsor and project ownership in a way that has a financial impact on the project,
  - 21 12) Showing a gap, after funding approval and prior to closing and construction start, of more than 10  
22 percent of OHCS investment (exclusive of tax credits).
- 23 ~~include: change in resource needs, failure to meet project benchmarks, inability to resolve financial~~  
24 ~~challenges within the timelines prescribed by OHCS and changes to development team and/or~~  
25 ~~ownership parties.~~

26 NOTE: Changes in projects that incorporate value engineering are not considered ~~substantial-material~~  
27 changes. Changes or delays due to actions or inactions taken by local, state or federal jurisdictions are  
28 also not considered ~~substantial-material~~ changes.

29  
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31

32 **Timelines and Closing Dates**

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1 Estimated closing dates are required at Intake and Impact Assessment and form the basis of a project's  
2 readiness estimation and timelines. OHCS recognizes that these dates are estimates and likely to  
3 change, however, all projects must meet the timelines associated with each step of the ORCA process or  
4 their PAB hold may be forfeited. OHCS may require timelines to move based upon a number of factors  
5 including PAB availability.  
6

7 In the event that a project does not move forward within required ORCA timelines or does not meet  
8 required standards within the ORCA process, ~~the PAB hold~~ will be reallocated by OHCS.  
9

### 10 Additional Process Information

11 1) For selected applicants, ~~all the~~ projects must meet ORCA standards and expectations, including, but  
12 not limited to, standards, timelines, and documentation. These are in addition to, not in lieu of,  
13 requirements and expectations from the ~~Qualified Allocation Plan (QAP)~~ and any other  
14 programmatic requirements of the LIHTC program.

15 2) After Impact Assessment application evaluation, projects must receive ~~Housing Stability Council~~  
16 ~~(HSC)~~HSC approval for ~~initial gap state~~ resource ~~commitments~~ if such resources are needed for the  
17 project and included in the initial proforma. A Letter of Intent (LOI) will be issued ~~by OHCS~~ based on  
18 an up-to amount for both the gap resources and PAB.

19 3) At the Financial Eligibility step, project sponsors provide a ~~solid~~comprehensive, detailed proforma,  
20 with cost estimates supported by bids. The LOI ~~will be is~~ updated with a more precise amount at this  
21 time.

22 4) The proforma provided at Financial Eligibility should have:

23 a. ~~Costs~~ within 10% of the Impact Assessment proforma and ~~further refine~~ the allowable PAB  
24 ~~further refined, and~~

25 b. Complete due diligence submitted by the readiness timeline requirements.

26 ~~4)5)~~ Projects may be held at ~~the Financial Eligibility stage~~ ~~the final step in the ORCA process, the~~  
27 ~~Commitment step~~, until closing dates are available. If a project is held by OHCS for ~~an agency~~  
28 ~~purpose~~ reasons outlined in this Plan or at OHCS's discretion, the readiness timeline requirements  
29 are suspended during that period. Once projects ~~have finished the Commitment step, they~~ are  
30 moved forward into the closing stage, ~~projects and~~ have no more than 6 months to close. Projects  
31 that do not close in the 6-month ~~time~~ period will be removed from the queue and must restart the  
32 ORCA process.

33 ~~5)6)~~ Projects ~~will need to go back~~ must return to ~~Housing Stability Council~~HSC ~~during the~~ completion of  
34 ~~the~~ Commitment ~~step period~~ to lock in the PAB rate. Once the PAB allocation is locked, any surplus  
35 can be released.  
36

### 37 9% Low-Income Housing Tax Credits

1 **Intake and Request Form**

2 Projects applying for 9% LIHTC resources must complete a 9% LIHTC Request Form identifying their  
3 interest. The 9% Request Form will be available for a minimum of six weeks, and the open period will be  
4 announced by OHCS through a Technical Advisory at least two weeks in advance of opening.

5 The 9% Request Form will be used to evaluate, screen, and, if necessary, rank 9% project applications by  
6 the adopted tie-breaker criteria. While it will not include all documentation required for finalizing  
7 resource commitments, it will require more information and detail than the general ORCA Project Intake  
8 form.

9 Projects recommended for 9% LIHTC will be required to meet all applicable evaluation standards in the  
10 ORCA to retain resource ~~commitment~~reservation. Information provided in the 9% Request Form and  
11 following through the application process constitute application commitments for the project. Such  
12 commitments made regarding the character, quality, and financing of a project in the 9% selection  
13 process will be enforced during the underwriting process and beyond. Departure from those  
14 commitments will trigger reconsideration of the award.

15

16 **Application Process**

17 Projects ~~will be~~ evaluated using the process laid out by OHCS below, and the number of projects  
18 selected ~~will be~~ based on available resources identified as available for that funding round.  
19 Applications for 9% ~~Low Income Housing Tax Credits~~LIHTC ~~will be~~ accepted and reviewed annually as  
20 funding availability allows. 9% LIHTC projects will be notified of their status, and those selected to move  
21 forward into the ORCA process ~~and~~ will be given access to a Procurement Workcenter to begin the ORCA  
22 process's Impact Assessment.

23 Applicants not selected can choose to have the project ~~placed on the~~remain~~placed on a reserve list for~~  
24 ~~consideration of any potential~~the ORCAORCA 9% LIHTC ~~credits~~waitlist that may come available. This  
25 ~~option which will remain~~remains waitlist which will remain active through September of each calendar  
26 year. ~~The reserve list is cleared each year on October 1. Projects may not be on more than one waitlist~~  
27 ~~for resources within the ORCA. If projects are on the~~have opted in as projects are on the 9% LIHTC  
28 ~~waitlist~~reserve projects waitlist and sufficient credits become available (from a return of credit or  
29 otherwise) projects ~~will be~~will be funded in order from the ~~waitlist~~original tiebreaker list as  
30 resources will allow. If 9% LIHTC are not fully allocated after all eligible projects are selected, or  
31 sufficient credits are returned from a failed project OHCS may, at its discretion, either consider projects  
32 on a first-come first-reviewed basis or open a subsequent window or windows for acceptance of intake  
33 forms for 9% LIHTC projects.

34 For selected applicants, all projects must meet ORCA standards and expectations, including, but not  
35 limited to, standards, timelines, and documentation. These are in addition to, not in lieu of,  
36 requirements and expectations from the ~~Qualified Allocation Plan (QAP)~~ and any other programmatic  
37 requirements of the LIHTC program.

38

39 **Project Criteria**



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1 In order to select new construction projects to access 9% LIHTC through the ORCA process, OHCS will  
2 use the following criteria to create the list of projects that are eligible to be moved forward to Impact  
3 Assessment. Projects must meet mandatory threshold criteria and 3 or more supplemental criteria ~~or~~  
4 ~~more~~ to meet the eligibility standard.

5  
6 If the total resources requested by projects that meet minimum threshold for this evaluation is greater  
7 than the total resources available, projects will then be evaluated against tie-breaker criteria. The  
8 number of projects selected to move forward with the comprehensive ORCA application using 9% LIHTC  
9 will depend upon total resources available.

### 11 **Mandatory Criteria**

12 Projects must meet all of the following mandatory criteria.

#### 13 **Responsive to Tenant/Community Needs**

- 14 1. Project includes features in the design, services, site location, or other project  
15 considerations that are tailored to the population being served (e.g. appropriate levels  
16 of supportive services for chronically homeless households, co-located ~~Early Care and~~  
17 ~~Education (ECE)~~ facility for families with young children, universal design features for  
18 older adults and people with disabilities, transportation opportunities or unique design  
19 features for veterans, unique features or access to locations of cultural significance for  
20 communities of color, etc.).
- 21 2. Project demonstrates alignment with the Oregon Housing Needs Analysis (OHNA) and  
22 local jurisdiction housing production strategies, in that there is shown to be a need for  
23 the AMI level the project is proposing. Small cities under 10,000 population without an  
24 OHNA requirement are exempt from this ~~requirement~~.

#### 25 **Community Needs**

- 26 3. Project has supporting documentation from a local Housing Authority demonstrating  
27 that a commitment is in place to market available units to their wait list, or will rely on  
28 coordinated entry for tenant referrals.

### 30 **Supplemental Criteria**

31 Projects must meet at least three of the following supplemental criteria. While encouraged, projects will  
32 not be prioritized over other projects for including more than three of these criteria.

#### 33 **Responsive to Tenant/Community Needs**

- 34 1. Project incorporates an average unit Area Median Income (AMI) of less than 50% or are  
35 including Project-Based Rental Assistance (PBRA) with at least ~~25~~0% of their units.
- 36 2. Project contains facilities or space designed to supports a Co-located ECE facility  
37 families with young children as defined by OAR 813-125-0011.
- 38 ~~2. Project incorporates a co-located ECE facility.~~

- 1 3. Project includes a Accessible units beyond minimum code requirements.

2 **Economic/Workforce Impact**

- 3 4. Project includes features in the design, services, site location or other project  
4 considerations that provide opportunities for employment to residents and benefit to  
5 the community (e.g. co-located ECE facility for families with young children, access to  
6 community college or workforce training site, walkable access or access to transit to  
7 high job density locations).

8  
9 **Section 42 considerations**

- 10 5. Projects demonstrate evidence of historic value for the community, including Projects  
11 using the federal Historic Tax Credit (HTC) as part of the Project financing, and are:  
12 Listed, or have been determined eligible for listing, in the National Register of Historic  
13 Places administered by the U.S. Department of the Interior in accordance with the  
14 National Historic Preservation Act of 1996; or Located in a registered historic district and  
15 certified by the Secretary of the U.S. Department of the Interior as being of historic  
16 significance to that district.
- 17 6. Projects that have formally committed to meeting the Department’s Sustainability  
18 Standards which include energy efficiency expectations that exceed current State of  
19 Oregon Energy Code requirements.
- 20 7. Projects intended for eventual tenant ownership.

21 **Organization Type**

- 22 8. Lead developer is a Culturally Specific Organization and/or a ~~rural~~ nonprofit organization  
23 developing in a rural area.

24  
25 **Tiebreakers**

26 Projects that meet the threshold for evaluation ~~from-under~~ the above criteria will be further prioritized,  
27 if necessary, using the following criteria, in the order listed below, with ~~criteria~~ a. being the first  
28 considered and ~~criteria~~ d. being the last, ~~if all else is equal~~:

29 a. Policy enriched:

30 Project contains at least one of the following characteristics:

- 31 • Permanent Supportive Housing (meeting all PSH standards described in the ORCA,  
32 and with a minimum of 25% or 5 total units, whichever is greater, dedicated to this  
33 model),
- 34 • Contains facilities or space designed to support ~~se-located ECE facility for~~ families  
35 with young children defined by OAR 813-125-0011.
- 36 a. use of Universal Design Enhanced accessibility as defined in Attachment A:  
37 Enhanced Accessibility Standards.

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1 b. Participating Jurisdiction Federal Subsidy Leverage:

2 Project has committed leverage of at least \$100,000 of HOME, or Community Development  
3 Block Grant Funds (CDBG), Tax Increment Finance, or another OHCS-approved place-based  
4 economic development fund that is awarded for gap funding by Participating Jurisdictions in  
5 lieu of HOME for gap funding sources.

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6 ~~b. significant federal HOME fund leverage.~~

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7 c. Efficient Unit Production:

8 ~~e. Projects will be ranked based on the total number of credits~~  
9 ~~requested per units they will be provided for their community, with the lowest ratio~~  
10 ~~first and the highest ratio last.~~

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11 d. Average AMI:

12 ~~e. Projects will be ranked based on the lowest average household AMI served, with the~~  
13 ~~lowest average AMI being first and the highest last.~~

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14  
15 **Preservation Projects**

16 Preservation projects are defined by the Preservation Funding Frameworks adopted by OHCS to include:  
17 projects at risk of loss due to physical or financial challenges, properties with federal project-based rent  
18 assistance at imminent risk of loss, and expiring properties at risk of conversion to market-rate. To apply  
19 for 9% LIHTC, preservation projects will also submit a 9% Request Form which will have the applicant  
20 provide project-specific details for the resource investment request. These 9% Request Forms for  
21 Preservation will be evaluated in alignment with criteria established within the OHCS Preservation  
22 Funding Framework. This framework establishes criteria to assess risk within each of the following  
23 applicable preservation project types: Risk of Loss Physical or Financial Challenges; Risk of Loss Federal  
24 Project-Based Rent Assistance; Risk of Loss Expiration and Conversion to Market-Rate.

25 OHCS will evaluate applications against criteria in their respective preservation-type to identify projects  
26 that meet Critical Priority thresholds. Once all Critical properties are identified, if there are more  
27 projects than are able to be funded, OHCS will utilize tiebreakers to determine which projects will be  
28 selected to move forward into the ORCA process. If no Critical properties are identified, OHCS will follow  
29 the same process but evaluate properties in the High Priority category. If no High Priority properties are  
30 identified, OHCS will follow the same process but evaluate properties in the Medium Priority category.

31 For the purposes of preservation priorities, vulnerable tenants are defined as households that meet  
32 both of the following criteria are considered vulnerable:

- 33 • Households that are Very Low Income (earning 50% or less of the Area Median Income), and  
34
- 35 • One or more of the following is true of the household:
  - 36 ○ One or more resident identifies as a person with disabilities (including behavior health  
37 challenges, substance use disorder, etc.)
  - 38 ○ One or more resident represents a historically underserved population  
39 ~~○ One or more resident identifies as an immigrant or refugee~~

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- Includes one or more children under 18
- At least one member of the household is 62 years old or older

**Project Criteria: Risk of Loss Physical or Financial Challenges**

For properties at risk of loss due to physical or financial challenges being experienced, those deemed to be **critical** priority will be those in which all of the below following are true:

- 1) Applicant is a Culturally Specific Organization;
- 2) Project is currently at-risk; and,
- 3) Two thirds or greater of ~~tenants~~ households in the property are considered vulnerable by OHCS's definition.

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Those deemed to be a high priority will be those in which all of the following are true:

- 1) Applicant is either a Culturally Specific Organization or a Culturally Responsive Organization;
- 2) Project is at-risk within the next five years; and,
- 3) One third or greater of households in the property are considered vulnerable by OHCS's definition.

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Those deemed to be a medium priority will be those in which all of the following are true:

- 1) Project is at-risk within the next seven years; and,
- 3) One third or greater of households in the property are considered vulnerable by OHCS's definition.

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**Project Criteria: Risk of Loss Federal Project-Based Rent Assistance**

For properties at risk of loss of existing Federal Project-Based Rent Assistance (PBRA), those deemed to be **critical** priority will be those in which both of the below following are true:

- 1) PBRA is at risk within two years of the date of application; and,
- 2) At least 50% of the units in the property have PBRA.

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Those deemed to be high priority will be those in which both of the following are true:

- 1) PBRA is at risk within five years of the date of application; and,
- 2) At least 50% of the units in the property have PBRA.

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Those deemed to be medium priority will be those in which the following is true:

1) PBRA is at risk within seven years of the date of application.

2)

**Project Criteria: Risk of Loss Expiration and Conversion to Market-Rate**

For properties at risk of loss due to expiration of affordability covenants and potential conversion to market-rate, those deemed to be **critical** priority will be those in which either:

1) The property is in a census tract defined as rural by OHCS; or

Both of the below are true:

1) Either:

- a. Fifty percent or more of units in the property either are rent-restricted to 50% AMI or lower, or have PBRA attached; or,
- b. Twenty five percent or more of units in the property either are rent-restricted to 30% AMI or lower, or have PBRA attached;

And,

2) One third or greater of tenant households are considered vulnerable by OHCS's definition.

Those deemed to be high priority will be those in which the both of the following are true:

1) Either:

- a. Twenty five percent or more of units either are rent-restricted to 50% AMI or lower, or have PBRA attached; or,
- b. The project includes any units rent-restricted at 30% AMI or lower;

And,

2) One third or greater of tenant households are considered vulnerable by OHCS's definition.

There is no **medium** priority categorization for this preservation type.

2)

**Preservation Tiebreakers**

Projects that meet threshold meeting the Critical priority definitions above will be further prioritized as necessary, using the following criteria, in the order listed below (with criteria 1. being the first considered and criteria 4. being the last) if all else is equal:

1) Projects in the Federal Project-Based Rent Assistance category.

2) Projects in the At Risk of Loss: Expiring Affordable Properties category (ranked in order of date of expiration of latest expiring restrictions, from soonest to latest).

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~~3) Projects in Census Tracts with the highest market rate rents, as published by HUD,~~

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~~4) Projects that would preserve the greatest number of rent-restricted units,~~

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~~Projects that meet threshold for evaluation from the above criteria will be further prioritized using the following criteria, in the order listed below, with criteria a. being the first considered and criteria d. being the last, if all else is equal:~~

~~1) Projects meeting Critical Priority criteria in the Federal Project-Based Rent Assistance category;~~

~~2) Projects with greater rent burden in the census tract in which they are located;~~

~~3) Projects requesting lower subsidy per unit;~~

~~4) Projects with the lowest average AMI rent restrictions.~~

## Programmatic Requirements

### Minimum Requirements for LIHTC Projects

OHCS has the following minimum requirements for any LIHTC-funded project. Developers must demonstrate through their application, during underwriting, in the lease-up process, and throughout the extended use period their compliance with all applicable requirements. Failure to meet any of the criteria may disqualify a project from receiving any funding presently or in the future.

#### Long-Term Affordability

All Projects awarded 9% LIHTC must remain affordable for 60 years.

All 4% LIHTC Projects must remain affordable for 60 years except for Projects where LIHTC resources are paired with other OHCS resources offered for 4% LIHTC pairing for at least 30 years. When this pairing happens, the LIHTC Project's affordability will be at least 30 years and will match the affordability of the paired source if it is over 30 years.

#### Resyndication Restrictions

Projects funded with LIHTC in 2025 and ~~there~~after are not eligible to apply for an additional 4% or 9% LIHTC within 20 years of the Project's Placed-In-Service date. Exceptions may be granted at the sole discretion of OHCS in cases where it determines there is a risk of physical, affordability, or other loss.

#### ~~Minimum Tax Equity Pay In Schedule~~

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~~Given the scarcity of state and local resources leverageable for the development of affordable rental housing and the extremely tight margins in project development, OHCS is requiring minimum Tax Credit Equity contributions benchmarks for all LIHTC transactions.~~

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Benchmarks for Equity Installments	Minimum Equity Installment		1
On or before project finance close	5%	Of total project equity	2
At or before 65% project completion	20%	Of total project equity	3
At or before 100% project completion	65%	Of total project equity	3
On or before 8609 Issuance	100%	Of total project equity	4

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5 OHCS reserves the right to approve alterations to these benchmark percentages with documentation  
6 and proof the project and team have sufficient access to resources to reach project completion in  
7 alignment with the established development timeline.

8

9 **Limited Partnership Agreement (LPA)**

10 All project applicants and owners are responsible for understanding the specifics of their Limited  
11 Partnership Agreement. OHCS expects all parties to execute the LPA document in good faith and  
12 maintain the goal of producing and maintaining affordable housing throughout Oregon.

13

14 **Violence Against Women Act**

15 In conformity with the Violence Against Women Act (VAWA) of 2013, an ~~a~~Applicant for or tenant of  
16 housing assisted under the LIHTC Program may not be denied admission to, denied assistance under,  
17 terminated from participation in or evicted from the housing on the basis that the ~~a~~Applicant or tenant  
18 is or has been a victim of domestic violence, dating violence, sexual assault or stalking if the ~~a~~Applicant  
19 or tenant otherwise qualifies for admission, assistance, participation, or occupancy. An incident of  
20 domestic violence, dating violence, sexual assault, or stalking shall not be considered a lease violation by  
21 the victim, nor shall it be considered a good cause for an eviction. If a tenant who is a victim requests an  
22 early lease termination, lease bifurcation from the abuser, or transfer to another unit because ~~she/he is~~  
23 ~~they are~~ in danger, a LIHTC owner, manager, or agent thereof shall make every effort to comply with the  
24 request and shall not penalize the tenant.

25

26 **Waiver of Qualified Contract**

27 By submitting an application for LIHTC funding, all LIHTC Applicants waive the right to request a qualified  
28 contract under Section 42(h)(6)(E)(i) of the Code. Thus, any OHCS-required extended use commitment  
29 shall not terminate at the end of the compliance period but will have a minimum duration of 60 years  
30 for both 9% LIHTC and either 60 years or, if paired with a source that has a shorter affordability period,  
31 either 30 years or the length of affordability for the paired resource, whichever is greater, for 4% LIHTC  
32 transactions.

33

34 **Asset Management Compliance and Project Monitoring**

35 As the authorized allocating agency for the state of Oregon, OHCS is responsible for monitoring Projects  
36 for compliance with Section 42 of the Code, corresponding Treasury regulations, and any other  
37 applicable IRS guidance (rulings, procedures, decisions, notices, and any other applicable IRS guidance),  
38 the Fair Housing Act, ~~S~~state ~~L~~aws, ~~L~~ocal ~~C~~odes, OHCS loan or regulatory documentation, and any other  
39 legal requirements in administering the LIHTC Program. Project owners (Owners) must comply with all

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1 such requirements if implemented after this QAP is approved. OHCS is also responsible for establishing  
2 monitoring procedures to verify compliance and is required by law to report noncompliance to the IRS.  
3 Monitoring each Project is an ongoing activity that extends throughout the affordability period (a  
4 minimum of 30 years).

5 Projects with funding sources obtained from OHCS in addition to the tax credits, will be monitored for  
6 the most restrictive requirements of all combined OHCS programs. Owners must be aware of the  
7 differences in Program regulations, including PSH projects which must adhere to OHCS' PSH Standards  
8 and policies for tenant selection and low-barrier screening.

9 The OHCS' LIHTC Compliance Manual is incorporated [here](#) by reference and may be found at  
10 <https://www.oregon.gov/ohcs/compliance-monitoring/pages/compliance-lihtc-program.aspx>. OHCS  
11 may perform an on-site review of any building in the Project, interview residents, review resident  
12 applications and financial information, and review the Owner's books and records relating to the Project  
13 as consistent with the law and as OHCS determines it to be appropriate. Ownership must provide OHCS  
14 reasonable access to the Project and its books and records, and ~~to~~ reasonably cooperate in all such  
15 compliance monitoring. In connection with these obligations, an Owner must take all reasonably  
16 necessary actions to allow OHCS to inspect housing units occupied by residents.

17

### 18 **Program compliance**

19 All OHCS Projects must satisfy the Program Requirements for each applicable OHCS funding source  
20 reserved. Each OHCS funding source has separate requirements, which can be found in the  
21 supplemental Program manuals.

22

### 23 **Relocation Plan**

24 If any relocation or displacement of existing tenants might occur because of an ~~Allocation~~allocation, the  
25 development team must provide a satisfactory relocation plan to OHCS including a complete survey of  
26 existing tenants. The tenant survey must be in the OHCS-provided format and can be augmented to  
27 include copies of the third-party verifications before construction closing for the project.

28

### 29 **Ownership Integrity**

30 OHCS may reject any application or solicitation of funding where any member, officer, principal, or  
31 entity within the Project ownership, management, or development team:

32 ~~Are Is deemed not do business with because is~~ under investigation by a public body, ~~or~~ has a pending  
33 claim, indictment, suit, action, or other proceeding against them. ~~Has filed for or has a foreclosure~~  
34 ~~judgement~~judgment against them. ~~Has been removed as owner, managing partner, or developer by~~  
35 ~~other project lenders and funders within the previous five years.~~

36 Has been convicted of or been determined by an administrative or judicial (whether criminal or civil)  
37 order or judgment to have committed fraud, misrepresentation, theft, embezzlement, or any other act  
38 of moral turpitude (including, but not limited to any felony or malicious behavior) within the previous  
39 ten years.

40



## Single-Asset Ownership

OHCS requires that each Project be owned by a single-asset entity duly organized under the laws of the State of Oregon, or if allowed by OHCS, duly authorized to conduct business in the State of Oregon.

## Reservation and Extended Use Agreement

Projects that receive an OHCS allocation must enter into a Reservation and Extended Use Agreement (REUA), satisfactory to OHCS, which includes executing and recording, at the Applicant's expense, a follow-on declaration of restrictive covenants and executing and recording other documents about the Project satisfactory to OHCS. The provisions of the REUA, including the declaration of restrictive covenants, will apply throughout the applicable "Affordability Period," which includes the initial fifteen (15) year compliance period, and an additional "extended low-income use period" as referenced in the Project's restrictive use agreements.

## Right of First Refusal (ROFR)

Applicable to Projects with Non-Profit General Partners. OHCS hereby reserves the right to require any and/or all of the following concerning LIHTC applications and funded projects:

- 1) Provisions to be included in the Applicant's organizational documents limiting transfers of partnership or member interest or other actions detrimental to the continued provision of affordable housing.
- 2) A letter of intent from a tax credit investor that grants to a qualified not-for-profit organization a right of first refusal (the "ROFR") to purchase the project for a below-market purchase price (the "ROFR Purchase Price"), following the expiration of the tax credit compliance period, in accordance with Section 42(i)(7) of the Code (the "ROFR").
- 3) Terms in the extended use agreement requiring notice and approval by OHCS of transfer of partnership or member interests.
- 4) Debarment from the program of Project sponsors, investors, syndicators, or lenders having demonstrated a history of conduct detrimental to long-term compliance with any extended use agreements, whether in Oregon or another state and the provision of affordable tax credit units and
- 5) Provisions to implement any amendment to the IRC or any future federal or state legislation, regulation, or administrative guidance.

The decision whether to institute and the terms of, any such requirements shall be made by OHCS as reasonably determined to be necessary or appropriate to achieve the goals stated in this paragraph-section and to be in the best interest of the Plan.

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## LIHTC Reservation Requirements

All LIHTC Applicants must comply with the requirements of the ORCA, in addition to these requirements, the following will also be applicable.

1 **Requirements for Reservation**

2 Those projects selected by OHCS as recipients of LIHTCs will be issued a LIHTC reservation (REUA),  
3 Carryover Allocation (if applicable), and Form 8609 (Outlined in the Place-In-Service Allocation  
4 Requirements section). OHCS may disqualify the Project/Applicant and cancel the LIHTC ~~R~~reservation  
5 and/or Carryover Allocation if requirements are not met by the deadlines set by OHCS.  
6

7 **Reservation Period**

8 If the Applicant does not satisfactorily complete the conditions of the LIHTC REUA and/or Carryover  
9 Allocation Agreement, OHCS may rescind the LIHTC Reservation for the project. OHCS may reallocate  
10 any 9% LIHTCs returned or rescinded. OHCS will require each Applicant who has received a LIHTC  
11 ~~R~~reservation to demonstrate the project is making satisfactory progress toward completion through  
12 regular progress reports.  
13

14 **No Representation or Warranty**

15 Issuance of an OHCS funding resource ~~R~~reservation shall not constitute or be construed as a  
16 representation or warranty as to the feasibility or viability of the Project, or the Project's ongoing  
17 capacity for success, or any conclusions with respect to any matter of federal or ~~s~~State law. All OHCS  
18 resources are subject to various ~~s~~State and federal regulations governing the specific Program from  
19 which they are obtained, and Applicants are responsible for the determination of their Project's  
20 eligibility and compliance consistent with all Project requirements.  
21

22 **Determination of the LIHTC Allocation Authority Year (9% Specific)**

23 When making a ~~r~~Reservation of LIHTC, OHCS reserves the right to make an allocation of a future year's  
24 credit ceiling (Forward Allocation). Such ~~F~~Forward Allocation(s) may be full or partial for the Project(s).  
25 The applicable QAP will be the plan in place for the earliest funding cycle in which an award of funds is  
26 received.  
27

28 **Carryover Allocation Requirements (9% LIHTC Specific)**

29 Once a project is successfully selected for an allocation of 9% LIHTCs. The following requirements must  
30 be met in addition to any of those requirements by the department or other resources allocated to the  
31 project.  
32

33 **9% LIHTC Carryover Allocation Agreement**

34 9% LIHTC Applicants, on or before November 1st of the LIHTC Allocation Authority Year, must submit  
35 either an ~~a~~Application for LIHTC Carryover Allocation (if the Project is still in the construction phase), or  
36 a ~~F~~final ~~A~~application indicating the Project has been placed-in-service. All LIHTC Carryover Allocations  
37 will be made on a per Project basis. The LIHTC amount that qualifies for a ~~r~~Reservation to any Project is  
38 the lump sum amount of available to each qualified building in the Project. The actual amount of LIHTCs  
39 available for any specific building will be apportioned from the lump sum Carryover Allocation of Credit

1 and determined when that building satisfies the placed-in-service allocation requirements.

### 3 **10% Carryover Test for 9% LIHTC Projects**

4 Within twelve (12) months of the date of the Carryover Allocation Agreement, the 9% LIHTC Applicant  
5 must demonstrate to the satisfaction of OHCS that it has incurred more than ten percent (10%) of the  
6 reasonably expected basis of the Project by certifying to OHCS that it has fulfilled this requirement and  
7 by submitting a CPA's certification.

8 The required CPA's certification should itemize all the costs incurred to satisfy the ten percent (10%)  
9 requirement. If the Applicant is itemizing any portion of the developer fee or consultant fees for  
10 purposes of satisfying the ten percent (10%) requirement, the certification must contain a detailed  
11 breakdown of the services performed by the developer and each consultant and the amount of the fees  
12 apportioned to each service. The Applicant must also submit a copy of all developer and consultant  
13 contracts as well as an itemized statement apportioning the fees earned to each service provided.

14 OHCS may require the Applicant to submit additional documentation of the costs reflected in the  
15 certification and OHCS may limit or exclude certain costs if it cannot determine that they are reasonable  
16 and appropriate.

### 18 **Exchange of 9% Credit Award for Subsequent Years Credit Allocation**

19 Once an Applicant has received a ~~Reservation~~reservation of LIHTCs, the Applicant has the responsibility  
20 to complete the Project by the timelines identified in IRC Section 42 and outlined by OHCS. ~~The~~  
21 ~~Department~~OHCS reserves the authority to exchange an allocation of credits from one year to credits in  
22 the subsequent year with the amount unchanged. Applicants must demonstrate good cause to return  
23 their ~~R~~reservation to OHCS, and ~~is limited to one return per application as such the Applicant has this~~  
24 ~~option one time~~. This practice is also called a "credit swap" or a "credit refresh."

25 No later than March 31~~st~~ of the year following the ~~R~~reservation of LIHTC, an Applicant may request to  
26 return its allocation and exchange it for an award of the same amount of credits from the next year.

27 For example, a 2025 awarded Project that receives a forward reservation of 2026 tax credits ~~can may~~  
28 ~~upon good cause swap~~exchange those ~~2026~~ credits, if requested by March 31, 2026, ~~to receive for~~ an  
29 allocation of 2027 credits. This is necessary if the Project will not be placed in service by December 31,  
30 2028, but instead will be placed in service by December 31, 2029.

31 After LIHTCs have been returned, an Applicant may apply for additional LIHTCs. Projects must comply  
32 with the requirements applicable in the initial year of award and all representations made in the initial  
33 ~~a~~Application (unless specifically and explicitly waived by OHCS). ~~OHCS must have a Project to which it~~  
34 ~~can award current year LIHTCs.~~

### 36 **Placed-In-Service Allocation Requirements**

37 All LIHTC Applicants are required to complete a ~~F~~final ~~A~~application containing required documentation.  
38 Any changes from the Equity Closing are subject to OHCS review and approval before the issuance of IRS

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1 Form 8609. Projects with excess funds must return those funds to one or more of the public funders  
2 upon Project completion. OHCS funding resources will have a priority for return upon the determination  
3 of excess funds for the Project.

4 OHCS will accept and process ~~F~~final ~~A~~application documents and issue IRS Form 8609(s) throughout the  
5 year. OHCS reserves the right to set a schedule for review and approval of 8609(s). Commercial costs  
6 should be separated from the cost certification in an individual column or deducted from the total  
7 residential costs. In either circumstance, the budget ~~use~~s pages should identify both components of cost  
8 separately. However, a Project Owner must submit a complete application with all Placed-In-Service  
9 documentation, including the independent Certified Public Accountant's Report (Cost Certification) and  
10 the certificates of occupancy for each building in the Project at least sixty (60) days prior to when the  
11 Owner expects to receive the IRS Form 8609.

12 Upon completion of the Project, for 4% LIHTC Projects, the Borrower will provide to OHCS an analysis of  
13 the breakdown of the bond-funded costs for the Project, to meet the federal tax requirements  
14 described in the Project's Tax Certificate and Agreement (or other similar document) in a form certified  
15 by an authorized representative of the Borrower (commonly referred to as a "Good Costs  
16 Certificate"), together with more detailed backup information as requested by OHCS ~~and/or~~ Bond  
17 Counsel for the State.  
18

## 19 Project Changes

20 An Applicant must notify OHCS in writing of, and obtain its written consent to, any material changes in a  
21 Project. An Applicant must notify OHCS when a material change is first identified. OHCS will endeavor to  
22 respond within thirty (30) days after receiving the notice of a material change and request for consent.  
23 OHCS may give or withhold its consent, or condition its consent, subject to its reasonable discretion. A  
24 "material change" includes, but is not limited to, a change in:

- 25 1) The number of buildings or units,
- 26 2) The project contact person,
- 27 3) The Identity of Interest disclosure,
- 28 4) The development team,
- 29 5) The project's total project costs,
- 30 6) A financing source (whether debt or equity),
- 31 7) Operating revenue or expenses for the project of more than ten percent,
- 32 8) Anything that would result in a change in the standards OHCS uses to evaluate projects,
- 33 9) ~~Expanding~~Changing the scope of the project, such as adding or subtracting buildings, square  
34 footage, units, and design elements that impact the budget and livability of tenants,
- 35 10) Changing project type and switching to a different intended tenant population,
- 36 11) Replacing sponsor and project ownership in a way that has a financial impact on the project,

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1 12) Showing a gap, after funding approval and prior to closing and construction start, of more than 10  
2 percent of OHCS investment (exclusive of tax credits).

3 ~~1) The number of buildings or units.~~

4 ~~2) The Project contact person.~~

5 ~~3) The Identity of Interest disclosure.~~

6 ~~4) The Development Team.~~

7 ~~5) The Total Project Costs.~~

8 ~~6) A financing source (whether debt or equity).~~

9 ~~7) Operating revenue or expenses for the Project of more than ten percent (10%).~~

10 ~~8) Anything that would result in a change in the standards OHCS used to competitively rank Projects.~~

11 OHCS will determine whether a change in a project is substantial and triggers~~ing~~ the requirement to  
12 return the project to a previous step in the ORCA process. The written request for approval of a material  
13 change in a Project must include a narrative description and other supporting documentation, plus the  
14 applicable revised pages of the ~~A~~pplication. If OHCS grants the request, including as modified or  
15 conditioned by OHCS, it may adjust the amount of the funding allocation to ensure the pro forma  
16 “sources and uses” of the Project remain in balance.

## 17 Cost Savings Clause

18 Construction contracts that include any provision for cost savings that are to be retained by the general  
19 contractor or split with the Project Applicant ~~or Developer~~ are not permitted. All ORCA-specific policie~~s~~  
20 related to cost savings apply to LIHTC.

21

## 22 Project Transfer or Assignment Requiring OHCS Consent

23 A Project transfer or assignment requiring OHCS consent includes any direct or indirect sale,  
24 contribution, assignment, lease, exchange, transfer, or other change in:

- 25 1) An interest in the land, the Project, or any building~~;~~
- 26 2) An ownership interest in the entity that is the Applicant or Project Owner~~;~~
- 27 3) The rights, title, or interest of the Applicant or Project Owner in any agreement to which OHCS and  
28 the Applicant or Project Owner are parties.

29 The following transfers or assignments do not require the prior written consent of OHCS:

- 30 1) The grant of a security interest or lien junior to the interest of OHCS~~;~~ or
- 31 2) The issuance, redemption, or transfer of stock or shares of a corporation that is not a closely held  
32 corporation.

33

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## 1 Process and Requirement for Obtaining OHCS Consent

2 The first step in obtaining OHCS's written consent to a Project transfer or assignment is to advise OHCS  
3 in writing of the proposed transfer or assignment. At a minimum, the Applicant should describe:

- 4 1) The name of the Project~~z~~
- 5 2) The names of the Applicant and/or the Owner, the proposed transferor and transferee, and all other  
6 relevant parties~~z~~
- 7 3) A complete description of the proposed transfer or assignment, including the proposed effective  
8 date~~z~~ and
- 9 4) Any special circumstances related to the proposed transfer or assignment.

10 After OHCS's receipt of the written request, OHCS will advise the Applicant of OHCS's requirements and  
11 conditions that must be satisfied to obtain the consent, including payment of document preparation  
12 charges and applicable legal fees. If the Applicant committed to participate under the set-aside category  
13 for Qualified Non-Profit, any transfer or assignment must ~~be such~~ ensure that the Project continues to  
14 qualify for such set-aside category.

## 16 Construction Closing

17 For 9% LIHTC transactions, the Applicant must give OHCS at least thirty (30) days' written notice of the  
18 scheduled Construction Closing. At least ten (10) days before the Construction Closing, but after the  
19 general contractor bids have been received, the Applicant must submit to OHCS the Project's final  
20 development budget, final sources of funds, and documentation to substantiate the final budget.

21 For 4% LIHTC transactions, the Applicant must give OHCS the Project's final development budget pro  
22 forma, final sources of funds, and documentation to substantiate the final budget items at least ten (10)  
23 days before submission to the OHCS Finance Committee for approval.

## 25 Market Study

26 Applicants must submit a complete market analysis before receiving a 9% LIHTC or 4% LIHTC allocation.  
27 The deadline for submission will be established within the Financial Eligibility step of the ORCA process  
28 for projects selected for funding. Applicants should read and refer to the LIHTC Market Analysis  
29 Guidelines for a full description of OHCS policies and guidelines. Selected projects must use approved  
30 OHCS Market Analysts as required in code at IRC §42(m)(1)(A)(iii).

31 The Market Analysis Guidelines can be found at:

32 <https://www.oregon.gov/ohcs/development/Documents/admin/market-analysis-guidelines.pdf>

33 The Approved Market Analyst List can be found at:

34 [https://www.oregon.gov/ohcs/development/Documents/LIHTC/Approved-Market-Analysts-List-12-01-  
35 21.pdf](https://www.oregon.gov/ohcs/development/Documents/LIHTC/Approved-Market-Analysts-List-12-01-21.pdf)

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## Considerations

### Reservation of Rights

Project/Request Denial. OHCS, in its sole discretion, may reject an application where the Applicant, Owner, ~~Principal~~principal, consultant, or other ~~Participant~~participant concerning the proposed Project, previously has done any of the following:

- 1) ~~Failed-Participated in a Project that failed~~ to complete a Project in accordance with requests or certified plans presented to OHCS or other public or private allocating agencies.
- 2) Failed to complete a Project within the time schedule required or budget indicated in the request.
- 3) Failed to effectively utilize previously allocated Program funds and was notified of such failure to meet appropriate utilization in advance of request or NOFA closing date.
- 4) ~~Been-Participated in a Project that was~~ found to be in non-compliance with Program rules as evidenced by OHCS or other public or private Allocating Agency Project monitoring and missed the cure time deadline given in writing.
- 5) Been debarred or otherwise sanctioned by OHCS or other state, federal or local governmental agency.
- 6) Been convicted within the last ten (10) years of criminal fraud, misrepresentation, misuse of funds, or moral turpitude or currently is under indictment for such an offense.
- 7) Been subject to a bankruptcy proceeding within the last five (5) years.
- 8) Otherwise displayed an unwillingness or inability to comply with OHCS requirements.

OHCS reserves the right to disapprove any Application if, in OHCS’s judgment, the proposed Project is not consistent with the goals of providing decent, safe and sanitary housing for low-income persons. OHCS may impose additional conditions on Project Applicants for any Project as part of the ~~A~~application, ~~R~~reservation or ~~A~~allocation processes.

### Documentation of Discretion

OHCS may, at its sole discretion, award credits in a manner not in accordance with the requirements of the QAP. If any provision of this QAP (or documents incorporated herein by reference) is inconsistent with any provisions (current or as amended) of IRC Section 42, corresponding Treasury Regulations, and applicable IRS guidance, or any existing State Laws or State Administrative Rules governing the LIHTC Program, the provisions of IRC Section 42, corresponding Treasury Regulations, and applicable IRS guidance, ~~S~~state ~~L~~aws or ~~S~~state ~~A~~administrative ~~R~~ules take precedence over the QAP.

1 **Policy on Exceptions/Waiver Requests**

2 All OHCS policies, other than those mandated by Section 42 of the Code, are considered as guidelines  
3 and may be waived by OHCS at its sole discretion. A written request for a waiver or exception,  
4 accompanied by justification, may be submitted to OHCS. QAP waivers will be documented for all  
5 Projects and regular periodic publications of waivers will identify the Applicant, the QAP provision  
6 waived, and the reason for waiver. In addition, the summary for Projects recommended for funding may  
7 identify and explain waivers granted for any Projects listed.

8 Applicants, lenders, or syndicators must submit any request for a waiver or exception to a policy in  
9 writing with a full justification at least 30 days prior to the construction/equity closing date for  
10 Applications. Furthermore, OHCS reserves the right to waive any provision or requirement of the QAP  
11 that is not stipulated in Section 42 of the Code in order to affirmatively further fair housing.

12 If OHCS acts contrary to or fails to act in accordance with this Plan, the ORCA, or any other Program  
13 Requirement, such act or omission does not constitute a waiver by OHCS of any obligation on the part of  
14 a Project, person or entity to comply with the provisions of this Plan, the ORCA, or other Program  
15 Requirements, or establish a precedent for any other Project, person or entity. In any event, no waiver,  
16 modification, or change of a requirement set forth in an OHCS Program Manual, or of any other Program  
17 Requirement will be binding upon OHCS unless set forth in writing, signed by an authorized agent of  
18 OHCS, and consistent with law.

19

20 **Partial Invalidity**

21 If any provision of this QAP, or the application of this Plan to any person or Project, is found by a court  
22 to be invalid or unenforceable, the remainder of this Plan, or the application of that provision to persons  
23 or circumstances other than those with respect to which the provision was held invalid or unenforceable,  
24 shall not be affected. Each provision of the Plan shall be valid and enforceable to the fullest extent  
25 permitted under State or federal law.

26

27 **OHCS Sole Discretion**

28 OHCS reserves the right to determine at application, reservation and/or at any point during the  
29 underwriting process and at its sole discretion, whether the Third-Party Letters of Interest or Intent,  
30 Award Letters, or Commitment Letters are satisfactory, and whether a lender or investor possesses the  
31 financial or other capacity to make a specific loan or investment. A change in the Project's financing  
32 structure or financing terms after Reservation of OHCS funds must be brought to the attention of OHCS.  
33 OHCS may in its sole discretion re-underwrite the Project, which may result in all or a part of OHCS  
34 resources being recaptured or reduced by, or returned to, OHCS.

35

36 **Project/Request Denial**



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1 OHCS may reject an Application where the Applicant, ~~Owner, Principal~~owner, principal, consultant, or  
2 other participant with respect to the proposed Project, previously has:

- 3
- 4 1) ~~Failed-Participated in a Project that failed~~ to complete Projects in accordance with requests or  
5 certified plans presented to OHCS or other public or private allocating agencies.~~;~~
- 6 2) ~~Failed-Participated in a Project that failed~~ to complete a Project within the time schedule required or  
7 budget indicated in the request.~~;~~
- 8 3) ~~Failed-Participated in a Project that failed~~ to effectively utilize previously allocated Program funds  
9 and was notified of such failure to meet appropriate utilization in advance of the request or ORCA  
10 cycle closing date.~~;~~
- 11 4) ~~Been-Participated in a Project that has been~~ found to be in non-compliance with Program rules as  
12 evidenced by OHCS or other public or private Allocating Agency Project monitoring and missed the  
13 cure time deadline given in writing.~~;~~
- 14 5) Been debarred or otherwise sanctioned by OHCS or other state, federal or local governmental  
15 agency.~~;~~
- 16 6) Been convicted within the last ten (10) years of criminal fraud, misrepresentation, misuse of funds,  
17 or moral turpitude or currently is indicted for such an offense.~~;~~
- 18 7) Been subject to a bankruptcy proceeding within the last five (5) years.~~;~~
- 19 8) Otherwise displayed an unwillingness or inability to comply with OHCS requirements.

20 OHCS reserves the right to disapprove any Application if, in OHCS's judgment, the proposed Project is  
21 not consistent with the goals of providing decent, safe, and sanitary housing for low-income persons.  
22 OHCS may impose additional conditions on Applicants for any Project as part of the Application,  
23 Reservation, or Allocation processes.

### 25 Financial Solvency

26 As part of the Application and at such other times as required by OHCS, the Applicant must provide a  
27 certification concerning the financial solvency of the Applicant, the Project, and certain Project  
28 participants in the form required by OHCS.

29 If the certification discloses any financial difficulties, risks, or similar matters that OHCS believes in its  
30 sole discretion might materially impair or harm the successful development and operation of the Project  
31 as intended, OHCS may:

- 32 1) Refuse to allow the Applicant or other participant to participate in the Tax Credit Program or other  
33 OHCS Programs.~~;~~
- 34 2) Reject or disqualify an Application and cancel any LIHTC Reservation or allocation.~~;~~

- 1 3) Demand additional assurances that the development, ownership, operation, or management of the  
2 Project will not be impaired or harmed (such as performance bonds, pledging unencumbered assets  
3 as security, or such other assurances as determined by OHCS).

## 5 Take such other action as appropriate

6  
7 The Applicant must also immediately disclose if there is a material change in the matters addressed in  
8 the certification throughout the aApplication process and throughout the development and operation of  
9 the Project. Failure to do so may result in a loss of Rreservation.

## 11 Disclaimer

12 Issuance of a LIHTC reservation pursuant to a Reservation and Extended Use Agreement, a LIHTC  
13 Carryover Allocation (Carryover) or a placed in service allocation as indicated by OHCS or the IRS Form  
14 8609, shall not constitute or be construed as a representation or warranty as to the feasibility or viability  
15 of the Project, or the Project's ongoing capacity for success, or any conclusion with respect to any  
16 matter of federal or state income tax law. All LIHTC allocations are subject to the Code and  
17 corresponding Treasury Regulations governing the LIHTC Program, and Applicants are responsible for  
18 the determination of a Project's eligibility and compliance. If statements in this QAP are in conflict with  
19 Section 42 of the Code and corresponding Treasury Regulations, the Code and such regulations shall  
20 take precedence. While this QAP and the applicable ORCA processes govern OHCS's process of allocating  
21 LIHTC, Applicants may not rely upon this QAP as an interpretation of IRS Code requirements.

22  
23 No executive, employee or agent of OHCS, or of any other agency of the State, or any official of the  
24 State, including the Governor, shall be personally liable concerning any matters arising out of, or in  
25 relation to, the allocation of the State's LIHTC allocation, or the approval or administration of this QAP.

26 Lenders and investors should consult with their own tax or investment counsel to determine whether a  
27 Project qualifies for LIHTCs, or whether an investor may use the LIHTCs, or whether any Project is  
28 commercially feasible.

## 30 Violations

31 OHCS may exercise any of the Remedies described below if:

- 32 1) The Applicant fails to comply with any Program Requirement including, but not limited to, the timely  
33 payment of charges and fees and the execution and recording of documents satisfactory to OHCS<sub>7z</sub>  
34 2) OHCS determines the Applicant or other Program participant made a material misrepresentation,  
35 affirmatively or by omission<sub>7z</sub>  
36  
37 3) OHCS determines the Applicant or other Program participant is debarred from accessing Program  
38 resources or otherwise is not a qualifying Applicant<sub>7z</sub> or

1 4) The Applicant, Owner, or other Program participant defaults with respect to any Program  
2 Requirement or obligation to OHCS.  
3 OHCS will have no duty, obligation, or liability to the Applicant, the lender, the tax credit investor, or  
4 other related Program participant for exercising such remedies. Applicant and related Program  
5 participants, including lenders and tax credit equity investors, expressly waive any claims, causes of  
6 action or other remedies against OHCS with respect to a disqualification, cancellation, or modification as  
7 described above as a condition of Applicant's filing of its ~~A~~a application or their participation in the  
8 Program.  
9

## 10 Remedies

11 In the event of any failure to adhere to the terms of this Plan or any Program Requirements, including as  
12 described above in the Violations section, OHCS may elect to pursue any and all remedies available to it  
13 under the Program Requirements, including executed documents, or otherwise available to it at law.  
14 These remedies include, but are not limited to:

- 15 1) Cancellation of an ~~A~~a application.
- 16 2) Revocation or modification of an Allocation Credit or other award of OHCS resources.
- 17 3) Debarment of person or entity from accessing OHCS Programs.
- 18 4) Recoupment of allocated or disbursed resources.
- 19 5) Specific enforcement.
- 20 6) Actions for direct, indirect, consequential, or punitive damages.
- 21 7) Appointment of a Project receiver.
- 22 8) Foreclosure of secured interests ~~or otherwise~~.

23 Furthermore, OHCS may, and specifically reserves the right to, modify, waive, or postpone any restrictive  
24 covenants or equitable servitudes with respect to the Project or any part thereof.

25 No Third-Party Liability: Nothing in the Program Requirements is intended, or shall be construed, to  
26 create a duty or obligation of OHCS to enforce any term or provision of the Program Requirements or  
27 exercise any remedy on behalf of, at the request of, or for the benefit of, any former, present, or  
28 prospective resident. OHCS assumes no direct or indirect obligation or liability to any former, present, or  
29 prospective resident for violations by the Applicant, Owner or any other Program participant.

30

## 31 Effective Date

32 This Qualified Allocation Plan shall be effective upon its approval and execution by the Governor and  
33 shall remain in effect indefinitely or until modified or terminated.

## Attachment Appendix A: Enhanced Accessibility Standards

### Enhanced Accessibility Standards Checklist for use with the QAP

Projects seeking the LIHTC incentives connected with this checklist must comply with Enhanced Accessibility principles listed in the tables below based on the type of project (New Construction or Rehabilitation).

Use of the terms "Accessibility" and "Accessible" in this document acknowledges that accessibility is a fundamental element of Universal Design. The required elements in this checklist benefit all users regardless of their needs.

#### New Construction

New Construction projects must complete the Mandatory items listed in table NC1. Place checkmark after each item being committed to for the subject project.

Table NC1		
Mandatory Items for New Construction		
No	✓	Mandatory Items
01	<input type="checkbox"/>	<p>Design team will conduct at least one accessible design strategy workshop at the beginning of Schematic Design. This workshop must be designed to orient the design team to accessible/universal/inclusive design possibilities for the project. The workshop must be facilitated by accessibility/universal/inclusive design expert or trained professional. The workshop may be integrated with other development team collaborative work sessions.</p> <p>The following brief report on the Accessibility Workshop must be submitted during the Financial Eligibility Phase of the ORCA which includes the following information:</p> <ul style="list-style-type: none"><li>a) The date the workshop was held.</li><li>b) A basic description of how the workshop was conducted</li><li>c) The name of the primary facilitator of the workshop and the name of their organization.</li><li>d) Key members of the development team that were in attendance, their roles on the project, and the names of their organizations.</li></ul> <p>A brief summary of the Universal Design (UD) / Inclusive Design (ID) strategies and goals for the project. UD/ID strategies and goals that are standard practice for the project team should be included in this summary. Because Accessibility is being prescribed by this requirement, this UD/ID Summary is intended to focus more on UD/ID thinking that may be integrated into the project, however the summary may include Accessibility related enhancements that may not be prescribed under item 02 of Table NC-1.</p>
02	<input type="checkbox"/>	<p>Project must achieve equivalency with ADA Title II Accessibility Requirements. OHCS funding program participants should refer to Section 233 of the 2010 ADA Standards for Accessible Design   ADA.gov which defines the scoping and technical requirements under this standard.</p> <p>In addition to the forgoing paragraph, the scoping requirements given in Section 233, XXX of the above referenced standard are doubled for the purposes of achieving eligibility for the funding incentives connected with the requirements listed in this Table. This means that projects must make 10% of the dwelling units fully accessible for mobility impaired persons and 4% of the dwelling units must include "communication" design elements as prescribed in Section 233 of the ADA Standard for Accessible Design.</p>

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		<u>If more than 10% of dwelling units are designed to achieve ADA Title II Accessibility Requirements, the additional Accessible units will count towards achieving compliance with item 03 of this Table.</u>
03		<u>In addition to the units satisfying item 02, a minimum of 20% (rounded up to the next whole unit; for example, a project with 11 total units would require 2 Type A units, a project with 41 total units would require 8 Type A units, etc.) of the dwelling units must comply with ICC A177.1 Type A unit requirements. All projects must have at least one Type A unit.</u> <del>total total</del>
04		<u>All units meet or exceed CDM v 3.1 Unit Size minimum requirements per Chapter 6.1, Item N15.01. Project is not eligible for Variance Requests to reduce this requirement.</u> <del>OHCS Core Development Manual</del>
05		<u>All dwelling units meet CDM v3.1 Clothes Washer and Dryer requirements per Chapter 6.1, Item N18.01. Project is not eligible for Variance Requests to reduce this requirement.</u> <del>OHCS Core Development Manual</del>

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**Attachment Appendix B: Public Comments and Responses**