MONTANA BOARD OF HOUSING
MACo Conference Room - 2715 Skyway Drive - Helena, Montana
December 9, 2013

ROLL CALL OF BOARD

MEMBERS: J.P. Crowley, Chairman (Present)
Bob Gauthier (Present via Webinar)
Doug Kaercher (Present)
Ingrid Firemoon (Present via Webinar)
Jeanette McKee (Present via Webinar)
Pat Melby (Present)
Sheila Rice (Present)

STAFF: Bruce Brensdal, Executive Director
Mary Bair, Multifamily Program
Vicki Bauer, Homeownership Program
Penny Cope, Public Relations
Paula Loving, Executive Assistant
Kellie Guariglia, Multifamily Program
Todd Jackson, Multifamily Program
Charlie Brown, Homeownership Program
Jeannene Maas, Homeownership Program
Angela Heffern, Accounting Program
Rena Oliphant, Multifamily Program
Bob Vanek, Multifamily Program

COUNSEL: Greg Gould, Luxan and Murfitt
John Wagner, Kutak Rock

UNDERWRITERS: Mina Choo, RBC Capital Markets

OTHERS: Chris Craig, ACG
Dan Billmark, ASI
Jack Jenks, Summit Housing Group
Sam Long, Summit Housing Group
Rusty Snow, Summit Housing Group
Kelly Gill, BlueLine Development
Nate Richmond, BlueLine Development
CALL MEETING TO ORDER

Chairman J.P. Crowley called the Montana Board of Housing (MBOH) Board meeting to Order at 10:04 a.m. Introductions were made. Bruce Brensdal reviewed the process for Webinar.

APPROVAL OF MINUTES

Sheila Rice moved to approve the November 4, 2013 MBOH Board minutes. Doug Karecher seconded the motion. Chairman Crowley asked for comments. Ingrid Firemoon pointed out on page 6; it notes the next Board meeting would be December 8, 2013, which is actually December 9. The amended November 4, 2013 MBOH Board minutes were approved unanimously.

FINANCE PROGRAM

In the absence of Accounting Program Manager, Chuck Nemec, no Finance update was presented to the Board.

HOMEOWNERSHIP PROGRAM

Vicki Bauer provided the Homeownership Program update. The Board has reserved 56 loans since the last Board meeting. The Board has approximately $5.3 million loans reserved in the bridge for the 2014A Bond issuance which will be issued in spring 2014. As of December 2, 2013, MBOH Servicing took over the US Bank portfolio of 383 loans. As of Board meeting time, MBOH now services 3,436 loans.

Vicki Bauer provided the Board with the status reports on Delinquency and Foreclosure. The increase of the delinquency rate within the MBOH portfolio is due to a few circumstances, including the continued refinancing of borrowers who have good credit, leaving those borrowers whose credit does not qualify for
refinancing. In addition, many changes have happened over the last year in the servicing regulations regarding loss mitigation. The Board’s servicers had to implement these regulations, allowing first home buyer more options to maintain their homes. Finally, with the implementation of the Servicing program, MBOH worked to develop, implement, and maintain delinquent loan processes while servicing these loans.

MULTIFAMILY PROGRAM

Mary Bair provided the Board with the Multifamily Program update.

Mary Bair brought to the Board the Multifamily Resolution 13-1209-MF1. See ATTACHMENT I. This Bond application would allow Autumn Run Apartments to complete substantial rehabilitation of the existing 121 units, along with new construction of two new buildings and 24 new units. Doug Kaercher moved to approve Resolution 13-1209-MF1. Sheila Rice seconded the motion. Chairman Crowley asked for comments. Resolution 13-1209-MF1 was approved unanimously.

Mary Bair brought to the Board the Multifamily Resolution 13-1209-MF2. See ATTACHMENT II. This bond application would allow for the acquisition, refinance, and rehabilitation of seven properties: Big Sky, Sunridge Point, Westgate Apartments, Courtyard Apartments, Columbia Villa, Teakettle I, and Green Meadow Apartments. Sheila Rice moved to approve Resolution 13-1209-MF2. Doug Kaercher seconded the motion. Chairman Crowley asked for comments. The Resolution 13-1209-MF2 was approved unanimously.

Mary Bair brought to the Board the 2015 Qualified Allocation Plan (QAP). Bruce Brensdal stated Staff’s recommendation is to place the 2015 Qualified Allocation Plan for public comment. The public will have until January 9, 2014, close of business to provide comment on the QAP. On January 8, 2014 at 9:00 a.m., a Public Comment Hearing will be conducted at 301 S. Park Avenue, Room 228 – Helena. Mary reviewed changes made to the QAP based on comments from the Board at the November 4, 2013 working session. Pat Melby moved to approve the placement of the 2015 Qualified Allocation Plan for public comment. Sheila Rice seconded the motion. Chairman Crowley asked for public comment. The 2015 Qualified Allocation Plan was approved unanimously for public comment.

Mary Bair presented the 10 Housing Tax Credit (HTC) applications. Mary and Kellie Guariglia traveled across to the state to view the application locations and Kellie provided an overview of these locations. Each applicant provided a very brief overview of the project.

Cedar View Apartments in Malta – Heather McMilin, Homeward Inc. in partnership with GMD Development, stated the project is a rehabilitation project.

Apsaalooke Warrior Apartments at Crow Agency – Nate Richmond, BlueLine Development, stated a Standdown was conducted a few weeks ago, resulting in overwhelming support and generated a waitlist of 30 people.
Pearson Place in Glendive – Alex Burkhalter, Housing Solutions, introduced Jerry Jimison, Mayor of Glendive. Mayor Jimison provided the public hearing resulted in only positive support for the project. The City of Glendive voted to give land to this project. The need for everyday jobs is great but due to the lack of affordable housing, these jobs remain unfilled.

Freedoms Path II at Fort Harrison – Adam Gratzer, Communities for Veterans, spoke in objection of the scoring of the insulation. The Freedoms Path Architect letter stated the project would exceed the insulation standard. The misinterpretation of the Architect letter and the flooring insulation value resulted in the failure to meet all of the Level 1 points, and ultimately, no eligibility for any Level 2 points.

In addition to the insulation incorrect scoring, Mr. Gratzer stated the project was not awarded points for the preservation of affordable housing. Freedoms Path requested within the application the point available due to the Veteran’s Building Utilization Repurpose and Review (BURR). BURR is a national community revitalization plan to provide affordable housing to disabled and senior veterans. MBOH Staff stated failure to be awarded the point in this area was due to this being a national and not locally driven. The Qualified Allocation Plan does not specifically mention a local revitalization requirement. Mr. Gratzer stated with the correction in scoring in both the Green and Preservation criteria, Freedoms Path would receive an additional five points, resulting in a tie for first place in scoring.

Mary Bair stated the Freedoms Path Architect letter stated the floor insulation would exceed the 2009 standards, however, the Qualified Allocation Plan requires the letter to explain how the project would exceed the 2009 standards. The Architect letter did not explain how the project would exceed the standards. Mary stated the reason Freedoms Path did not receive the point for the revitalization is due to the Qualified Allocation Plan’s requirement of being an existing (rehabilitation) housing project. Freedoms Path is a new construction project.

Greg Gould, Luxan & Murfitt and MBOH Board Counsel, verified through the 2009 IEEC standards the floor insulation only meets the standard. Mr. Gratzer clarified the 2009 IEEC standards on flooring are for wood flooring. Freedoms Path’s flooring will be concrete and thus measured differently. Through converting into the 2009 IEEC standards, Freedoms Paths flooring exceeds the standard. Greg Gould asked Mr. Gratzer to point to this explanation in the Architect’s letter submitted with the application. Mr. Gratzer stated the letter states “floor” and not specifically what type of floor.

Pat Melby stated due to the project meeting the threshold and the confusion raised by Freedoms Path, he moved to amend the Freedoms Path application scoring to include the four points within the Energy Conservation category. Sheila Rice seconded the motion. Chairman Crowley asked for comments. Doug Kaercher questioned if all applicant’s scoring will be affected due to this issue.
Pat Melby stated Freedoms Path is the only application at this time asking for the points to be reviewed. Bob Gauthier stated he does not favor the questioning of the points when points are only used to meet threshold. Jeanette McKee stated while there is confusion of the insulation scoring, changing scoring for one project without reviewing the rest of the projects doesn’t seem fair, especially since the points are designed to meet threshold. Ingrid Firemoon stated the confusion created by altering one application and not reviewing all other applications does not make sense when the Board has the other things to considering when awarding Tax Credits.

A roll call vote was taken:
- Bob Gauthier  Yes
- Doug Kaercher  No
- Ingrid Firemoon  Yes
- Jeanette McKee  No
- Pat Melby  Yes
- Sheila Rice  Yes
- JP Crowley  No

The Freedoms Path application will be awarded four points for Energy and total points will be adjusted to 91. No motion was made on Freedoms Path’s motion on the revitalization points.

Sunset Village in Sidney – Don Sterhan, Mountain Plains Equity Group (MPEG), spoke in regards to the missed opportunity on behalf of this project of obtaining five points within Section 7 – Participation of a local entity. MPEG teamed up with Richland Housing Authority as co-developers. The Qualified Allocation Plan requires local participation to be a separate entity. This is an oversight on MPEG and would like for the Board to look at the intent of Qualified Allocation Plan of local participation of Richland Housing Authority’s involvement and the services it will provide to this project.

River Ridge Apartments in Missoula – Harlen Wells, Missoula Housing Authority, stated he appreciates Mountain Plains Equity Group’s acceptance of the scoring of their application. The River Ridge Apartments missed points in the Energy criteria due to their Architect letter’s failure to address the foundation, not the floor, in regards to the 2009 IEEC standards. In discussion with the Architect, the slab already takes into consideration the value and it meets, does not exceed the standards. Mr. Wells stated MBOH Staff scored the application correctly. Mr. Wells hopes the Board will look at the intent of the project.

Stoneridge Apartments in Bozeman – Rusty Snow, Summit Housing Group stated there has been no substantial project award to Bozeman since 2004. Vacancy rate in Bozemen is zero percent. This project is the lowest development costs for new construction.

Chippewa Cree Homes I in Box Elder – Jason Belcourt, Chippewa Cree Housing, expressed thanks for the submission of the application. Emily Siedlik, Travois, stated this 40 unit project will support the housing needs for Native Americans.
Red Fox Apartments in Billings – Lucy Brown, Billings Housing Authority, stated the 30 unit project will allow for 2% service of the housing needs in Billings. The project has reviewed the project and has reduced the costs of the project.

Mary reviewed the Cost Comparison Schedule and the Selection Criteria. Chairman Crowley provided a brief overview of the total Tax Credits available ($2,689,352). The District Court ordered corrective set-aside for Freedoms Path litigation is $629,352, resulting in the 2014 Housing Tax Credits total of $2,060,000. Greg Gould, Luxan & Murfitt, stated the Board could award Tax Credits to a project but it would be contingent on final ruling of the Court, however, no reservation agreement can be entered until final ruling is decided. Finally, Chairman Crowley asked for Board members to provide follow up on the motions in supporting a project.

Bob Gauthier moved to approve Voyageur Apartments in Great Falls, based on population it serves and geographical distribution. Sheila Rice seconded the motion. Pat Melby stated he supports this project for the same reasons as Bob. Sheila Rice stated she would support this project due to the amount of non-tax credit funds, including City of Great Falls HOME funds. Sheila stated she really supports the fragile seniors it will serve. Sheila stated of the number of veterans who are in Great Falls due to Malstrom Air Force Base is overwhelming. JP Crowley stated he supports this project due to the amount of extra HOME funds by the City of Great Falls and this is a non-profit project.

Roll Call vote was taken:

Bob Gauthier: Yes
Doug Kaercher: Yes
Ingrid Firemoon: Yes
Jeanette McKee: Yes
Pat Melby: Yes
Sheila Rice: Yes
J.P. Crowley: Yes

The Voyageur Apartments in Great Falls was approved for 2014 Housing Tax Credits unanimously in the amount of $647,500.

Doug Kaercher moved Pearson Place in Glendive to receive 2014 Housing Tax Credits based on the impact of the need of housing due to the oil boom. Jeanette McKee seconded the motion. Chairman Crowley asked for comments. Ingrid Firemoon supports this motion as she sees the impact the oil industry is having on the communities in the East.

Roll Call vote was taken:

Bob Gauthier: Yes
Doug Kaercher: Yes
Ingrid Firemoon: Yes
Jeanette McKee: Yes
Pat Melby: Yes
Pearson Place in Glendive was approved for 2014 Housing Tax Credits unanimously in the amount of $500,000.

Jeanette McKee moved to approve Red Fox in Billings based on it being the largest in population and not a lot of tax credits awarded. Jeanette commended Lucy Brown on perseverance on resubmission and reworking the application based on the Board’s feedback. Doug Kaercher seconded the motion. Chairman Crowley asked for comments. Bob Gauthier stated he likes the application, however, due to the number of the previous years of tax allocations to Billings. Yellowstone County represents 15% population and has received 10% of tax credits and other areas are in desperate need of funding. JP Crowley stated he appreciates the repeated application submission from Red Fox, however, with the limited funding he would prefer to fund the smaller communities.

Roll Call vote was taken:

Bob Gauthier: No
Doug Kaercher: Yes
Ingrid Firemoon: No
Jeanette McKee: Yes
Pat Melby: No
Sheila Rice: No
J.P. Crowley: Yes

Red Fox in Billings was not approved for 2014 Housing Tax Credits.

Sheila Rice moved to approve Apsaalooke Warrior Apartments at the Crow Agency. Pat Melby seconded the motion. Chairman Crowley asked for comments. Sheila stated this type of project will really make a difference in a small community and in particular for the veterans of this community. Pat stated that he is supporting the project based upon Qualification Allocation Plan criteria regarding geographical distribution and rural area, and because the Crow Agency has never received Tax Credits. Ingrid Firemoon stated she supports this project due to the rural location and the waitlist for housing on the reservations. Bob Gauthier stated that tribes struggle with building housing capacity and are unable to receive HOME Funds. Bob stated he appreciates MBOH for supporting the tribal housing.

Roll Call vote was taken:

Bob Gauthier: Yes
Doug Kaercher: Yes
Ingrid Firemoon: Yes
Jeanette McKee: Yes
Pat Melby: Yes
Sheila Rice: Yes
J.P. Crowley: Yes
The Apsaalooke Warrior Apartments at the Crow Agency was approved unanimously for 2014 Housing Tax Credits in the amount of $259,000.

Sheila Rice moved to approve the Sunset Village in Sidney. Jeanette McKee seconded the motion. Chairman Crowley asked for comments. Sheila stated the oil boom has created a housing crisis and the rents in the area are incredible. In addition, Sheila stated this is a preservation application. Pat Melby stated he supports this project and while he noted that MBOH funded Tax Credits in 2012 in Sidney and again in Glendive this year, the need in this area is so dramatic. Doug Kaercher stated he struggles with this project because he supports all the housing needs in the Baaken area, however, the number of funds in the last couple of years does not support geographical distribution. Ingrid Firemoon stated she will not be supporting this project due to geographical distribution. JP Crowley stated he was undecided, but giving the applicant credit for their intent to include local participation would give this project a perfect score. Jeanette McKee stated the Baaken oil boom is Montana’s tsunami and sometimes geographical needs to be disregarded. Bob Gauthier stated while the need is extreme, the oil boom is generating enormous amount of dollars and there is a responsibility to support the housing needs from this growth. This area is the focus on a national level and other areas in Montana only have the Tax Credits funding for affordable housing.

Roll Call vote was taken:

Bob Gauthier: No
Doug Kaercher: No
Ingrid Firemoon: No
Jeanette McKee: Yes
Pat Melby: Yes
Sheila Rice: Yes
J.P. Crowley: Yes

The Sunset Village in Sidney was approved for 2014 Housing Tax Credits in the amount of $540,471.

Pat Melby moved to award Freedoms Path II with a contingent Award as follows:

I move that the Board approve the following Resolution and Award:

The Board finds:

The Montana First Judicial District Court, Lewis and Clark County Cause No. DDV-2012-356, *Ft. Harrison Veterans Residence v. Montana Board of Housing, et al.*, has issued an Order enjoining the Board from awarding the entire available 2014 credit amount and requiring the Board to hold back enough 2014 credits to fund the amount of credits requested by Ft. Harrison Veterans Residence in its 2012 application, pending further determination by the Court.

The Court’s Order permits the Board to conditionally award the held back credits, subject to further determination of the Court but does not allow the Board to enter into a Reservation Agreement with any conditional awardee.
Therefore, the Board conditionally awards tax credits from the 2014 general tax credit pool to __________ in the amount of $________________.

This award is subject to the following conditions. No reservation agreement will be entered into by the Board with respect to these conditionally awarded credits until and unless permitted by further Court order.

If the Court issues a further Order releasing these credits from the hold back condition, the Board hereby authorizes staff to enter into a Reservation Agreement with the conditional awardee and to proceed with all other steps customarily taken with respect to tax credit awards.

If the Court issues an order qualifying Ft. Harrison Veterans Residences for an award from the held back credits under the Corrective Award set aside, the Board, subject to any decision to appeal such order, authorizes staff to take all steps to comply with such Court order, unless such action requires formal Board action. In such event, such matter shall be brought before the Board at its next meeting for further action.

Sheila Rice seconded the motion. Chairman Crowley asked for comments. Pat stated he really likes this project and he looks at the need of “community” for the veteran’s community. Sheila stated she will vote against this motion citing the comments made in the surveys, which did not seem compelling for tenants to move in immediately. Additionally, in discussion with developers across the State, the Tax Credits properties do house veterans; it just is not specifically designed solely for veterans. Jeanette stated she agrees with the comments made by Sheila.

Roll Call vote was taken:

Bob Gauthier: No
Doug Kaercher: No
Ingrid Firemoon: Yes
Jeanette McKee: No
Pat Melby: Yes
Sheila Rice: No
J.P. Crowley: Yes

Freedoms Path II was not approved for 2014 Housing Tax Credits.

Sheila Rice moved to approve Cedarview Apartments in Malta for the remaining $113,000 of available 2014 Housing Tax Credits and the remainder of the requested tax credits as a contingent award subject to the Court’s injunction, as follows:

I move that the Board approve the following Resolution and Award:

The Board finds:

The Montana First Judicial District Court, Lewis and Clark County Cause No. DDV-2012-356, Ft. Harrison Veterans Residence v. Montana Board of Housing, et al., has issued an Order enjoining the Board from awarding the entire available 2014 credit amount and requiring the Board to hold back enough 2014 credits to fund the amount of credits requested by Ft. Harrison Veterans Residence in its 2012 application, pending further determination by the Court.
The Court’s Order permits the Board to conditionally award the held back credits, subject to further determination of the Court but does not allow the Board to enter into a Reservation Agreement with any conditional awardee with respect to such held back credits.

Unrestricted 2014 tax credits (i.e., tax credits not subject to the Court-ordered holdback) are available for award in the amount of $113,029, and the Board awards these unrestricted tax credits from the 2014 general tax credit pool to Cedarview Apartments in the amount of $113,029. In addition, the Board conditionally awards tax credits from the 2014 general tax credit pool to Cedarview Apartments in the amount of $140,386.

The conditional portion of this award is subject to the following conditions. No reservation agreement will be entered into by the Board with respect to these conditionally awarded tax credits until and unless permitted by further Court order.

If the Court issues a further Order releasing these conditionally awarded tax credits from the hold back condition, the Board hereby authorizes staff to enter into a Reservation Agreement with the conditional awardee with respect to the conditionally awarded credits and to proceed with all other steps customarily taken with respect to tax credit awards.

If the Court issues an order qualifying Ft. Harrison Veterans Residences for an award from the held back credits under the Corrective Award set aside, the Board, subject to any decision to appeal such order, authorizes staff to take all steps to comply with such Court order, unless such action requires formal Board action. In such event, such matter shall be brought before the Board at its next meeting for further action.

Pat Melby seconded the motion. Chairman Crowley asked for comments. Sheila stated this is a small rural community and preservation project which will help this community with affordable housing for many years. Doug Kaercher stated the Board needs to maintain what we already have with housing and this preservation and while this does not fit the geographical distribution, it does fit the need for preservation and the needs in the area. JP Crowley stated he agrees with Doug’s comments. Both Pat Melby and Ingrid Firemoon stated support in favor of the project due to the rural distribution.

Roll Call vote was taken:

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<td>Bob Gauthier</td>
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<td>Doug Kaercher</td>
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<td>Ingrid Firemoon</td>
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<td>Jeanette McKee</td>
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<td>Pat Melby</td>
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<td>Sheila Rice</td>
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<td>J.P. Crowley</td>
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The Cedarview Apartments was approved unanimously for the remaining $113,029 of unrestricted 2014 Housing Tax Credits and a contingent Award of $140,386, as provided in the foregoing motion.

Bob Gauthier moved to make a contingent award of the remaining restricted credits in the amount of $488,966 to Chippewa Cree Homes in Box Elder, as follows:

I move that the Board approve the following Resolution and Award:
The Board finds:

The Montana First Judicial District Court, Lewis and Clark County Cause No. DDV-2012-356, *Ft. Harrison Veterans Residence v. Montana Board of Housing, et al.*, has issued an Order enjoining the Board from awarding the entire available 2014 credit amount and requiring the Board to hold back enough 2014 credits to fund the amount of credits requested by Ft. Harrison Veterans Residence in its 2012 application, pending further determination by the Court.

The Court’s Order permits the Board to conditionally award the held back credits, subject to further determination of the Court but does not allow the Board to enter into a Reservation Agreement with any conditional awardee.

Therefore, the Board conditionally awards tax credits from the 2014 general tax credit pool to Chippewa Cree Homes in the amount of $488,966.

This award is subject to the following conditions. No reservation agreement will be entered into by the Board with respect to these conditionally awarded credits until and unless permitted by further Court order.

If the Court issues a further Order releasing these credits from the hold back condition, the Board hereby authorizes staff to enter into a Reservation Agreement with the conditional awardee and to proceed with all other steps customarily taken with respect to tax credit awards.

If the Court issues an order qualifying Ft. Harrison Veterans Residences for an award from the held back credits under the Corrective Award set aside, the Board, subject to any decision to appeal such order, authorizes staff to take all steps to comply with such Court order, unless such action requires formal Board action. In such event, such matter shall be brought before the Board at its next meeting for further action.

Jeanette McKee seconded the motion. Chairman Crowley asked for comments. Bob stated that while the remaining balance does not meet the application’s requested amount of funds, hopefully the project will be able to start the rehabilitation of these homes and resubmit an application in the following years for the remainder of the homes. Sheila Rice stated this is a good preservation and supports the housing needs on the reservation. JP Crowley stated he supports this project and while it is not the entire project amount, these are single homes and some of the homes can be rehabilitated if the contingent award is validated by the Court’s decision. Doug Kaercher stated he supports this because he has seen the need for this rehabilitation. Ingrid Firemoon agreed with previous comments.

Roll Call vote was taken:

Bob Gauthier:  Yes
Doug Kaercher: Yes
Ingrid Firemoon: Yes
Jeanette McKee: Yes
Pat Melby:   Yes
Sheila Rice:  Yes
J.P. Crowley: Yes

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The Chippewa Cree Homes in Box Elder was approved unanimously to receive a contingent award in the amount of $488,966, as provided in the foregoing motion.

**EXECUTIVE DIRECTOR**

Sheila Rice made comments regarding the State of Montana's budget for housing. The State of Montana has zero funds within the State’s budget. Through this process of LIHTC allocation, it is quite clear of the need for rental housing.

Bruce Brensdal reminded the Board of the 2015 Qualified Allocation Plan Public Comment Hearing set for public of the January 8, 2014. The deadline for submitting public comment on the 2015 Qualified Allocation Plan is January 9, 2015. January’s Board meeting will be on January 20, 2014 and will be a webinar. Staff will provide a few training sessions for the Board in 2014, including bond issuances.

Penny Cope informed the Board of the 2014 Montana Housing Conference in Miles City, May 20-22. Sheila Rice noted the Request for Presentation will be sent out in January for the Summit.

Meeting adjourned at 1:15 p.m.