ROLL CALL OF BOARD

MEMBERS:
Patrick Melby, Chairman (Present)      Sheila Rice (Present)
Bob Gauthier (Present)              Eric Schindler (Present)
Johnnie McClusky (Excused)          Amber Parish (Present)
Jeanette McKee (Present)

STAFF:
Joe DeFilippis, Operations Manager      Mary Bair, Multifamily Program
Vicki Bauer, Homeownership Program      Ginger Pfankuch, Finance Program
Paula Loving, Executive Assistant      Nicole Whyte, Multifamily Program
Bruce Brensdal, Multifamily Program    Kellie Guariglia, Multifamily Program
Jeannene Maas, Multifamily Program     Brian Lundin, Multifamily Program

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

ADVISORS:
David Jones, CSG Advisors

UNDERWRITERS:
Mina Choo, RBC Capital                  Patrick Zhang, RBC Capital

OTHERS:
Tyler Currence, Housing Solutions, LLC  Heather McMilin, Homeword, Inc.
Alex Burkhalter, Housing Solutions, LLC  Heather Grenier, HRDC Bozeman
Larry Phillips, Neighborworks MT        Steve Dymoke, GMD Development
Beki Brandborg, Echo Enterprises        Julie Stiteler, Homeword, Inc.
Jennifer Wheeler, Glacier Bank          Geoffrey Anderson, Good House Keeping
Gene Leuwer, GL Development             Jackie Girard
Alejandro Lara, Good House Keeping

These written minutes, together with the audio recordings of this meeting and the Board Packet, constitute the official minutes of the referenced meeting of the Montana Board of Housing (MBOH). References in these written minutes to tapes (e.g., FILE 1 – 4:34) refer to the location in the
audio recordings of the meeting where the discussion occurred, and the page numbers refer to the page in the Board Packet. The audio recordings and Board Packet of the MBOH meeting of this date are hereby incorporated by reference and made a part of these minutes. The referenced audio recordings and Board Packet are available on the MBOH website at Meetings and Minutes.

CALL MEETING TO ORDER
0:25 Chairman Pat Melby called the Montana Board of Housing (MBOH) meeting to order at 8:32 a.m. Joe DeFilippis make housekeeping announcements.

1:35 Introductions of Board members and attendees were made.

4:20 Chairman Melby asked for public comment on items not listed on the agenda.

APPROVAL OF MINUTES
October 19, 2020 MBOH Board Meeting Minutes – page 4 of packet
4:30 Motion: Eric Schindler
Second: Amber Parish
The October 19, 2020 MBOH Board meeting minutes were approved unanimously.

FINANCE PROGRAM
Finance Update
5:25 Presenters: Ginger Pfankuch

HOMEOWNERSHIP PROGRAM
Homeownership Update – page 12 of packet
7:00 Presenters: Vicki Bauer, Mina Choo

MULTIFAMILY PROGRAM
Bond Resolution No. 20-1102-MF09 – Darlinton Manor, the Miles Building, and Sherwood Inn Apartments – page 15 of packet
15:00 Presenters: Mary Bair, Alejandro Lara, Geoffrey Anderson

Motion: Sheila Rice
Second: Jeanette McKee

Roll Call:

- Bob Gauthier	Yes
- Jeanette McKee	Yes
- Amber Parish	Yes
- Eric Schindler	Yes
- Sheila Rice	Yes
- Pat Melby	Yes

The Bond Resolution No 20-1102-MF09 for Darlinton Manor, the Miles Building and Sherwood Inn Apartments was approved unanimously.
Bond Resolution No. 20-1102-MF10 – Boulevard Apartments – page 21 of packet

21:30 Presenters: Mary Bair

Motion: Bob Gauthier

Second: Eric Schindler

Roll Call:

Bob Gauthier  Yes
Jeanette McKee  Yes
Amber Parish  Yes
Eric Schindler  Yes
Sheila Rice  Yes
Pat Melby  Yes

The Bond Resolution No 20-1102-MF10 for Boulevard Apartments was approved unanimously.

Bond Resolution No. 20-1102-MF11 – Bitterroot Valley Apartments – page 27 of packet

26:25 Presenters: Mary Bair

Motion: Jeanette McKee

Second: Sheila Rice

Roll Call:

Bob Gauthier  Yes
Jeanette McKee  Yes
Amber Parish  Yes
Eric Schindler  Yes
Sheila Rice  Yes
Pat Melby  Yes

The Bond Resolution No 20-1102-MF11 for Bitterroot Valley Apartments was approved unanimously.

2022 Qualified Allocation Plan (QAP) – page 33 of packet

28:55 Presenters: Bruce Brensdal

Motion: Eric Schindler

Second: Sheila Rice

A motion and second was made to approve the 2022 Qualified Allocation Plan as presented in the Board packet.

32:25 Motion: Jeanette McKee

Second: Eric Schindler
The motion to amend the cover page to update the dates was approved unanimously.

43:55  Motion: Sheila Rice
Second: Bob Gauthier

Roll Call:

Bob Gauthier  Yes
Jeanette McKee  Yes
Amber Parish  Yes
Eric Schindler  Yes
Sheila Rice  Yes
Pat Melby  Yes

The motion to amend Section 3.A.1 – Applicant Cannot exceed Cumulative Credit Maximum – to increase the Cumulative Credit Maximum to $25 million, from $20 million was approved unanimously.

51:30  Motion: Sheila Rice
Second: Eric Schindler

The motion to amend Section 3.C – Projects Seeking Property Tax Exemptions – to add “and Acquisition/Rehab” after “This requirement does not apply to 4% New Construction” was approved unanimously.

1:04:10  Motion: Sheila Rice
Second: Eric Schindler

The motion to amend Section 3.F.2.d – Developer Fees – to “9%, including 9% Projects that are part of a Twinned Project” to read “For 9% Projects (including 9% Projects that are part of a Twinned Project) other than New Construction, Developer Fees will be limited to the lesser of 15% or $1,250,000.” approved unanimously.

1:27:10  Motion: Sheila Rice
Second: Amber Parish

Roll Call:

Bob Gauthier  No
Jeanette McKee  No
Amber Parish  No
Eric Schindler  No
Sheila Rice  Yes
Pat Melby  No

The motion to amend Section 4.E – Board Consideration and Determination Process – to increase the number of projects from the Letter of Intent from eight to nine projects to submit an Application was not approved.
1:39:50 Roll Call:

Bob Gauthier        Yes
Jeanette McKee      Yes
Amber Parish        Yes
Eric Schindler      Yes
Sheila Rice         Yes
Pat Melby           Yes

The 2022 Qualified Allocation Plan as amended was approved unanimously.

Multifamily Update
1:41:15 Presenters: Mary Bair

OPERATIONS & EXECUTIVE DIRECTOR
Operations Update – page 111 of packet
1:43:05 Presenters: Joe DeFilippis

MEETING ADJOURNMENT
1:45:50 Meeting was adjourned at 10:17 a.m.

Adam Hertz, Secretary

3/29/2021 Date
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Electronic Record and Signature Disclosure
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Required hardware and software

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MISSION STATEMENT:
Montana Housing works with community partners across the state, and together we ensure Montana Families have access to safe and affordable homes.

AGENDA ITEMS

- Meeting Announcements
- Introductions
- Public Comments - Public comment is welcome on any public matter that is not on the agenda and that is within the jurisdiction of the agency.

Minutes

- Approve Prior Board Meeting Minutes

Finance Program (Manager: Ginger Pfankuch)

- Financial Update

Homeownership Program (Manager: Vicki Bauer)

- Participating Lender Approvals (if needed)
- Homeownership Update

Mortgage Servicing (Manager: Mary Palkovich)

- Servicing Update

Meeting Location: Zoom only

Date: Monday, November 2, 2020

Time: 8:30 a.m.

Chairperson: Pat Melby

Remote Attendance: Join our meetings remotely via Zoom and phone.
To register for Zoom, Click: https://housing.mt.gov/Meetings-Events-and-Training
To participate by phone:
Dial 888-556-4567, Meeting ID: 955 6389 2006, Passcode 075398

Board Offices: Montana Housing
301 S Park Ave., Room 240,
Helena MT  59601
Phone: 406.841.2840
MISSION STATEMENT:
Montana Housing works with community partners across the state, and together we ensure Montana Families have access to safe and affordable homes.

Multifamily Program (Manager: Mary Bair)
- 2022 QAP
- Darlington, Miles, Sherwood resolution
- Boulevard resolution
- Bitterroot resolution
- RAM Exceptions (if needed)
- Multifamily Update

Operations (Joe DeFilippis)
- Operations Update

Executive Director (Cheryl Cohen)
- Executive Director Update

Miscellaneous

Meeting Adjourns
*All agenda items are subject to Board action after public comment requirements are fulfilled.
*We make every effort to hold our meetings at fully accessible facilities. Any person needing reasonable accommodation must notify the Housing Division at 406.841.2840 or TDD 406.841.2702 before the scheduled meeting to allow for arrangements.
### 2021 Calendar

#### January 2021
- No meeting
- 28 – Rotunda Day - Capitol

#### February 2021
- 8 – Board Meeting - Webinar

#### March 2021
- No meeting
- 22-24 – NCSHA Legislative Conference

#### April 2021
- 5 – Finance Training – TBD
- 6 - Board meeting - TBD

#### May 2021
- TBD – Mountain Plains Housing Summit
- 17 – Board Meeting - Helena
- 18 – Board Meeting – Helena
- 17-19 – Annual Housing Conference – Helena

#### June 2021
- 14 – Board Meeting – Helena

#### July 2021
- No Meeting

#### August 2021
- 4 – Board Meeting - Webinar

#### September 2021
- 20 – Strategic Planning - Missoula
- 21 – Board Meeting - Missoula

#### October 2021
- 18 – Board meeting – Helena
- TBD – NCSHA Annual Conference

#### November 2021
- No Board Meeting

#### December 2021
- No Board Meeting

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*** All meeting dates are subject to change.***
ROLL CALL OF BOARD
October 19, 2020

MEMBERS:
Patrick Melby, Chairman (Present)
Bob Gauthier (Present)
Johnnie McClusky (Present)
Jeanette McKee (Present)
Sheila Rice (Present)
Eric Schindler (Present)
Amber Parish (Present)

STAFF:
Joe DeFilippis, Operations Manager
Vicki Bauer, Homeownership Program
Ginger Pfankuch, Finance Program
Kellie Guariglia, Multifamily Program
Steven White, Multifamily Program
Brian Lundin, Multifamily Program
Nicole Whyte, Multifamily Program
Mary Bair, Multifamily Program
Mary Palkovich, Mortgage Servicing Program
Paula Loving, Executive Assistant
Bruce Brensdal, Multifamily Program
Jeannene Maas, Multifamily Program
Todd Jackson, Marketing

COUNSEL:
Greg Gould, Luxan and Murfitt
Drew Page, Kutak Rock

UNDERWRITERS:
Mina Choo, RBC Capital
Patrick Zhang, RBC Capital

OTHERS:
Tyler Currence, Housing Solutions
Beki Brandborg, Echo Enterprises
Steve Dymoke, GMD Development
Leslie Dallapiazza, First Interstate Bank
Madison Youlden, YWCA Billings
Lorna Fogg, RTHawkHousing
Traci Clark
Webb Brown
Logan Anderson
Steve Simonson
Ashley Grant, Homeword
Jennifer Wheeler, Glacier Bank
Julie Stiteler, Homeword, Inc.
Carolyn White, Montana Rescue Mission
Alex Burkhalter, Housing Solutions
Miriam Smith
Andrew Chanania, North Fork Development
Larry Phillips, NeighborWorks Montana
Catherine Card
William Haynes
Dianne Lehm
Julie Flynn, Community Development Division
Matt Lungren, Montana Rescue Mission
Cat Vielma
Heather McMilin, Homeword, Inc.
Seana Rau
Erin Lambert, YWCA Billings
Gene Leuwer, GL Development
Doug Kaercher, City of Havre          Carilla French, District 4 HRDC
Allen Rapacz                          Shane Walk, Mountain Plains Equity Group
Andrea Davis, Homeword, Inc.         Katie Batterbee, NeighborWorks Great Falls
Sherry Arey, NeighborWorks Great Falls Billy Lummus, RT Hawk Housing
Cami Nelson                           Kathleen Gilluly
Paul Tuss                             Monna Rae Adickes
Gene Slater, CSG Advisors            David Jones, CSG Advisors
Lanny RealBird, MD.                  Calvin Leider
Lesley Kabotie                       Thomas LaForge
Joanie Rowland                       Frank WhiteClay
LuAnn Brabson                        Don Sterhan, Mountain Plains Equity Group
Bill Cole, City of Billings          Tim Sullivan, City of Havre
Jeffrey Shulund                      Lisa Sheppard
Karissa Trujillo                    Beki Brandborg, Echo Enterprises
Tarie Beck                           Patti Webster, Housing Authority of Billings
David Mark                          Jennifer Carpenter
Jim Tevlin                           Georgette Boggio

Tracy Menuez, HRDC IX

These written minutes, together with the audio recordings of this meeting and the Board Packet, constitute the official minutes of the referenced meeting of the Montana Board of Housing (MBOH). References in these written minutes to tapes (e.g., FILE 1 – 4:34) refer to the location in the audio recordings of the meeting where the discussion occurred, and the page numbers refer to the page in the Board Packet. The audio recordings and Board Packet of the MBOH meeting of this date are hereby incorporated by reference and made a part of these minutes. The referenced audio recordings and Board Packet are available on the MBOH website at Meetings and Minutes.

CALL MEETING TO ORDER
0:00  Chairman Pat Melby called the Montana Board of Housing (MBOH) meeting to order at 8:30 a.m.

0:00  Introductions of Board members and attendees were made.

5:40  Chairman Melby asked for public comment on items not listed on the agenda.

APPROVAL OF MINUTES
September 15, 2020 MBOH Board Meeting Minutes – page 4 of packet
6:05  Motion: Jeanette McKee

Second: Bob Gauthier

The September 15, 2020 MBOH Board meeting minutes were approved unanimously.

FINANCE PROGRAM
Investment Policy – page 8 of packet
6:55  Presenters:  Ginger Pfankuch
  Motion:  Eric Schindler
  Second:  Amber Parish
  The Montana Board of Housing Investment policy was approved unanimously.

**Finance Update – page 16 of packet**
13:05  Presenters:  Ginger Pfankuch

**HOMEOWNERSHIP PROGRAM**
  Homeownership Update – page 20 of packet
15:05  Presenters:  Vicki Bauer

**MORTGAGE SERVICING PROGRAM**
  Servicing Update – page 23 of packet
19:05  Presenters:  Mary Palkovich

**MULTIFAMILY PROGRAM**
  Multifamily Update
25:20  Presenters:  Mary Bair

**Inducement Resolution Amendment – page 24 of packet**
26:30  Presenters:  Mary Bair
  Motion:  Bob Gauthier
  Second:  Eric Schindler
  The Inducement Resolution Amendment was passed unanimously

**2021 Housing Credit Approvals – page 27 of packet**
  Review of Process  
29:45  Presenters:  Bruce Brensdal

  Review of Packet Materials  
33:00  Presenters:  Mary Bair

  **Project Site Overview**  
42:05  Presenters:  Kellie Guariglia

  **Project Updates**  
46:05  Presenters:  Mary Bair

  **Crowley Flats – page 62 of packet**  
46:10  Developer:  Homeword Inc.
  Location:  Lewistown
  Project Type:  Family
  Construction Type:  New Construction
  Total Units:  16
Housing Credits requested: $3,100,000
Presenter: Heather McMilin
Public Comment: No Public Comments

Laurel Depot Apartments – page 64 of packet
49:40 Developer: GL Development/North Fork Development
Location: Laurel
Project Type: Family
Construction Type: New Construction
Total Units: 24
Housing Credits requested: $5,850,000
Presenter: Gene Leuwer
Public Comment: Georgette Boggio

Jackson Court – page 68 of packet
52:25 Developer: GL Development/Anderson Consulting Services
Location: Billings
Project Type: Family
Construction Type: New Construction
Total Units: 38
Housing Credits requested: $6,435,000
Presenter: Gene Leuwer, Logan Andersen
Public Comment: Catherine Card, Dianne Lehm, Bill Cole, Steve Simonson

Highland Manor – page 33 of packet
1:17:25 Developer: Echo Enterprises
Location: Havre
Project Type: Family
Construction Type: Acquisition Rehabilitation
Total Units: 32
4% Housing Credits associated with Jackson Court
Presenter: Beki Brandborg
Public Comment: Paul Tuss, Doug Kaercher, Tim Sullivan, Carilla French, Marc Peterson

Creekside Commons – page 70 of packet
1:31:20 Developer: Housing Solutions
Location: Kalispell
Project Type: Senior
Construction Type: New Construction
Total Units: 36
Housing Credits requested: $6,435,000
Presenter: Alex Burkhalter
Public Comment: Lisa Sheppard
**MRM Unified Campus – page 73 of packet**
1:37:15  Developer: MRM/CR Builders LLC  
Location: Billings  
Project Type: Family  
Construction Type: Acquisition/Rehabilitation  
Total Units: 29  
Housing Credits requested: $6,435,000  
Presenter: Matt Lundgren  
Public Comment: Allen Rapacz, Catherine Card, Shane Walk  

**ANHA LIHTC #1 – page 76 of packet**
2:01:05  Developer: Apsaalooke Nation Housing Authority  
Location: Crow Agency  
Project Type: Family  
Construction Type: Acquisition/Rehabilitation  
Total Units: 36  
Housing Credits requested: $6,435,000  
Presenter: Lorna Fogg  
Public Comment: Miriam Smith, Lanny RealBird, MD, Calvin Leider, Lesley Kabotie, Thomas LaForge, Joanie Rowland, Frank WhiteClay  

**Opportunity for Public Comment on any Project.**
2:29:55  Comment: Georgette Boggio  

**2021 Housing Credits Executive Session – page 253 of packet**
2:35:50  Board member ranking and discussion of projects  

**2021 Housing Credits Awards**
3:21:30  Motion: Sheila Rice  
Second: Johnnie McClusky  
Roll Call:  
- Bob Gauthier  Yes  
- Johnnie McClusky  Yes  
- Jeanette McKee  Yes  
- Amber Parish  Yes  
- Eric Schindler  Yes  
- Sheila Rice  Yes  
- Pat Melby  Yes  

Stated Motion:  
Move to award 2021 Housing Credits to the following Non-Profit Project(s) from the Non-Profit Set Aside, subject to the conditions specified below. For purposes of the specified conditions, the Projects are awarded Housing Credits in the following order:  
1. Crowley Flats in the amount of $3,100,000 originally requested
2. MRM Unified Campus in the amount of $6,435,000 originally requested

Proposed Motion 1 Award Conditions:

1. Projects awarded will be subject to the nonprofit set-aside under Code Section 42(h)(5) and shall so designate such allocation on the project’s IRS Form 8609. If only one such project is awarded credits in the current award round, allocation of credits to such project will be subject to the nonprofit set-aside under Code Section 42(h)(5) and MBOH shall so designate such allocation on the project’s IRS Form 8609.

3:26:00 Motion: Bob Gauthier
Second: Eric Schindler

Roll Call:

Bob Gauthier Yes
Johnnie McClusky Yes
Jeanette McKee Yes
Amber Parish Yes
Eric Schindler Yes
Sheila Rice Yes
Pat Melby Yes

Stated Motion:
Move to award 2021 Housing Credits to the following slate of Projects, subject to the conditions specified below. For purposes of the specified conditions, the Projects are awarded Housing Credits in the following order:

1. Jackson Court in the amount of $6,435,000, originally requested, contingent upon the applicant also completing the associated 4% application submitted.
2. Creekside Commons in the amount of $6,435,000, originally requested.
3. AHNA #1 in the amount of $6,435,000, originally requested.

Proposed Motion 2 Award Conditions:

1. In the event that the amount of 2021 Housing Credits available to MBOH is reduced by the IRS after this award determination, the amount of Credits awarded to the lowest-numbered Project(s) (in reverse order of numbering) shall be reduced as necessary to reflect the reduction in available 2021 Credits. For example, if, after this award determination, the IRS reduces the amount of 2021 Housing Credits available for award by MBOH by $500,000, and the last numbered Project (e.g. Project No. 5), was awarded $600,000, the award to such Project is reduced to $100,000. If the last numbered Project (e.g. Project No. 5) was awarded $300,000, and the second to last numbered Project (e.g. Project No. 4) was awarded $600,000, the last priority Project (Project No. 5) award is reduced to $0 and the second to last priority Project (Project No. 5) award is reduced to $400,000.

3:28:10 Motion: Johnnie McClusky
Second: Amber Parish

Roll Call:

Bob Gauthier   Yes
Johnnie McClusky Yes
Jeanette McKee Yes
Amber Parish Yes
Eric Schindler Yes
Sheila Rice Yes
Pat Melby Yes

Stated Motion:
Move to approve the following slate ranking the remaining applicant projects in the following order of priority for purposes of an Award of the remaining available Credits in the amount of $3,530,760, according to the following procedure:

The first priority Project for such an Award will be allowed 30 days to re-submit its Application resized to the above-specified amount of Credits remaining available. After staff underwriting and evaluation of the resized Application, if MBOH staff determines based upon the resized Application that the development is financially feasible and viable as a qualified low income housing Project throughout the Compliance Period, MBOH staff will enter into a Reservation Agreement for the Project for the above-specified amount of Credits.

If the first priority Project fails to submit a resized Application within 30 days or MBOH staff determines that the Project is not financially feasible or viable as proposed in the resized Application, the next priority Project will be invited to submit a resized Application, and so on, until remaining Credits are reserved for one of the prioritized Projects. A project that fails to submit a resized Application within 30 days or which MBOH staff determines is not financially feasible or viable as proposed in the resized Application may nonetheless be considered for an award according to the provisions of another resolution of the Board, if any, prioritizing such project for an award in the event additional credits become available.

1. Laurel Depot Apartments

Motion: Johnnie McClusky
Second: Amber Parish

Roll Call:

Bob Gauthier   Yes
Johnnie McClusky Yes
Jeanette McKee Yes
Amber Parish Yes
Eric Schindler Yes
Sheila Rice Yes
Pat Melby Yes

The motion to rescind the above Laurel Depot Apartment approval and replace with:
Stated Motion:
Move to approved the following slate ranking the remaining applicant projects in the following order of priority for purposes of an Award of the remaining available Credits in the amount of $3,530,760 and any additional credits that become available up to the amount of original full request, according to the following procedure:

The first priority Project for such an Award will be allowed 30 days to re-submit its Application resized to the above-specified amount of Credits remaining available. After staff underwriting and evaluation of the resized Application, if MBOH staff determines based upon the resized Application that the development is financially feasible and viable as a qualified low income housing Project throughout the Compliance Period, MBOH staff will enter into a Reservation Agreement for the Project for the above-specified amount of Credits.

If the first priority Project fails to submit a resized Application within 30 days or MBOH staff determines that the Project is not financially feasible or viable as proposed in the resized Application, the next priority Project will be invited to submit a resized Application, and so on, until remaining Credits are reserved for one of the prioritized Projects. A project that fails to submit a resized Application within 30 days or which MBOH staff determines is not financially feasible or viable as proposed in the resized Application may nonetheless be considered for an award according to the provisions of another resolution of the Board, if any, prioritizing such project for an award in the event additional credits become available.

1. Laurel Depot Apartments

OPERATIONS and EXECUTIVE DIRECTOR
Update – page 206 of packet
3:38:55 Presenters: Joe DeFilippis

MEETING ADJOURNMENT
3:49:50 Meeting was adjourned at 12:19 p.m.

Sheila Rice, Secretary

Date
### Homeownership Program Dashboard

**October 29, 2020**

#### RATES

<table>
<thead>
<tr>
<th></th>
<th>CURRENT</th>
<th>LAST MONTH</th>
<th>LAST YEAR</th>
</tr>
</thead>
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<tr>
<td>MBOH*</td>
<td>2.75</td>
<td>3.00</td>
<td>3.50</td>
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<tr>
<td>Market</td>
<td>2.70</td>
<td>2.63</td>
<td>3.58</td>
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<tr>
<td>10 yr treasury</td>
<td>0.85</td>
<td>0.66</td>
<td>1.84</td>
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<tr>
<td>30 yr Fannie Mae</td>
<td>1.93</td>
<td>1.98</td>
<td>3.37</td>
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*Current Setaside 2.50, DPA 3.00

#### LOAN PROGRAMS

**REGULAR PROGRAM**

<table>
<thead>
<tr>
<th>Sept</th>
<th>TOTAL</th>
<th>AMOUNT</th>
<th>AMOUNT</th>
<th>ORIGINAL</th>
<th>AMOUNT</th>
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<tr>
<td>RESERVATIONS</td>
<td>NUMBER</td>
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<td>4,109,855</td>
<td>79</td>
<td>16,144,470</td>
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<tr>
<td>Series 2020C DPA (07.16.20)</td>
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<td>102,338</td>
<td>56</td>
<td>485,496</td>
<td>1,000,000</td>
<td>514,504</td>
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</table>

80% Combined (20+)

**SET-ASIDE PROGRAMS**

<table>
<thead>
<tr>
<th>SET-ASIDE PROGRAMS</th>
<th>Sept</th>
<th>TOTAL</th>
<th>AMOUNT</th>
<th>AMOUNT</th>
<th>ORIGINAL</th>
<th>AMOUNT</th>
<th>BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>MBOH Plus</td>
<td>2</td>
<td>11,670</td>
<td>11</td>
<td>55,170</td>
<td>Since July 2020</td>
<td>reg bond funds</td>
<td></td>
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<tr>
<td>Set-aside Pool (7.1.19)</td>
<td>5</td>
<td>752,887</td>
<td>13</td>
<td>1,376,879</td>
<td>Since July 2020</td>
<td>reg bond funds</td>
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**OTHER PROGRAMS**

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<thead>
<tr>
<th>OTHER PROGRAMS</th>
<th>Sept</th>
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<th>AMOUNT</th>
<th>ORIGINAL</th>
<th>AMOUNT</th>
<th>BALANCE</th>
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<tbody>
<tr>
<td>Veterans (Orig)</td>
<td>1</td>
<td>279,870</td>
<td>380</td>
<td>72,925,293</td>
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<td>732,368</td>
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<td>911 Mort Cr Cert (MCC)</td>
<td>15</td>
<td>3,689,640</td>
<td>84</td>
<td>21,164,130</td>
<td>75,000,000</td>
<td>53,835,870</td>
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#### AUGUST CHANGES

<table>
<thead>
<tr>
<th>AUGUST CHANGES</th>
<th># loans</th>
<th>Princ Bal</th>
<th># loans</th>
<th>Princ Bal</th>
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<tbody>
<tr>
<td>July Balance</td>
<td>5,696</td>
<td>518,053,626.66</td>
<td>5,687</td>
<td>515,922,014.04</td>
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<tr>
<td>Aug Purchases (1st)</td>
<td>30</td>
<td>5,800,663.57</td>
<td>270</td>
<td>Dec-19</td>
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<tr>
<td>Aug Purchases (2nd)</td>
<td>16</td>
<td>116,563.46</td>
<td>127</td>
<td>10,854,207.84</td>
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<tr>
<td>Aug Amortization</td>
<td>(1,395,230.38)</td>
<td>(10,854,207.84)</td>
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<tr>
<td>Aug Payoffs</td>
<td>(55)</td>
<td>(5,030,943.80)</td>
<td>(389)</td>
<td>(36,965,368.77)</td>
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<td>Aug Foreclosures</td>
<td>(1)</td>
<td>(62,701.52)</td>
<td>(9)</td>
<td>(768,080.72)</td>
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<td>Aug Balance</td>
<td>5,686</td>
<td>517,481,977.99</td>
<td>5,686</td>
<td>517,481,977.99</td>
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#### DELINQUENCY AND FORECLOSURE RATES

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<th>MONTANA BOARD OF HOUSING</th>
<th>MORTGAGE BANKERS ASSOC. 06/2020 (most recent available)</th>
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<tr>
<td>30 Days</td>
<td>Aug-20</td>
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<tr>
<td>1.67</td>
<td>1.44</td>
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<tr>
<td>60 Days</td>
<td>1.09</td>
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<tr>
<td>90 Days</td>
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<tr>
<td>Total Delinquencies</td>
<td>5.40</td>
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<td>In Foreclosure</td>
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### Loan Purchases by Lender

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<tr>
<th>Lender</th>
<th>1st</th>
<th>DPA</th>
<th>2020 YTD</th>
<th>1st</th>
<th>DPA</th>
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<tbody>
<tr>
<td>FIRST SECURITY BOZEMAN 061</td>
<td>4</td>
<td>3</td>
<td>10</td>
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<tr>
<td>1ST COMMUNITY BK GLASGOW 095</td>
<td>5</td>
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<td>4</td>
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<tr>
<td>1ST SECURITY BK MISSOULA 133</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
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<tr>
<td>VALLEY BANK RONAN 159</td>
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<td>2</td>
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<td>YELLOWSTONE BANK BILLINGS 161</td>
<td>2</td>
<td>2</td>
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<td>BIG SKY WESTERN BANK 165</td>
<td>1</td>
<td>1</td>
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<tr>
<td>FIRST MONTANA BANK, BUTTE 172</td>
<td></td>
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<tr>
<td>AMERICAN BANK CENTER 186</td>
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<tr>
<td>STOCKMAN BANK OF MT MILES 524</td>
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<td>FIRST INTERSTATE BANK-WY 601</td>
<td>1</td>
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<td>12</td>
<td>4</td>
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<tr>
<td>U.S. BANK N.A. 617</td>
<td>8</td>
<td>3</td>
<td>67</td>
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<td>OPPORTUNITY BANK 700</td>
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<tr>
<td>FIRST FEDERAL BANK &amp; TRUST 731</td>
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<td>GLACIER BANK KALISPELL 735</td>
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<tr>
<td>WESTERN SECURITY BANK 785</td>
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<td>7</td>
<td></td>
<td>1</td>
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<tr>
<td>MANN MORTGAGE 835</td>
<td>3</td>
<td>2</td>
<td>38</td>
<td>24</td>
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<td>GUILD MORTGAGE COMPANY 842</td>
<td>7</td>
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<td>UNIVERSAL 843</td>
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<td>BAY EQUITY LLC 853</td>
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<td>LENDUS LLC 854</td>
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<td>CHERRY CREEK MORTGAGE 856</td>
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<td>MAJOR MORTGAGE AMCAP 858</td>
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<tr>
<td>PACIFIC RESIDENTIAL 859</td>
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<td>1</td>
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</tr>
<tr>
<td>MISSOULA FEDERAL C U 901</td>
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<tr>
<td><strong>Grand Count</strong></td>
<td>30</td>
<td>16</td>
<td>270</td>
<td>127</td>
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</tr>
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### MBOH August Portfolio

<table>
<thead>
<tr>
<th># of loans</th>
<th>$ of loans</th>
<th>% of #</th>
<th>% of $</th>
</tr>
</thead>
<tbody>
<tr>
<td>FHA</td>
<td>2,937</td>
<td>302,704,062</td>
<td>52%</td>
</tr>
<tr>
<td>RD</td>
<td>1,203</td>
<td>129,014,197</td>
<td>21%</td>
</tr>
<tr>
<td>VA</td>
<td>387</td>
<td>50,792,907</td>
<td>7%</td>
</tr>
<tr>
<td>HUD184</td>
<td>52</td>
<td>4,095,899</td>
<td>1%</td>
</tr>
<tr>
<td>PMI</td>
<td>56</td>
<td>4,750,508</td>
<td>1%</td>
</tr>
<tr>
<td>Uninsured 1st</td>
<td>223</td>
<td>21,149,817</td>
<td>4%</td>
</tr>
<tr>
<td>Uninsured 2nd</td>
<td>828</td>
<td>4,974,588</td>
<td>15%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,686</td>
<td>517,481,978</td>
<td>1.26%</td>
</tr>
</tbody>
</table>

**August 2019 Balance**

<table>
<thead>
<tr>
<th># of loans</th>
<th>$ of loans</th>
<th>% of #</th>
<th>% of $</th>
<th>percent of increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>FHA</td>
<td>5,615</td>
<td>508,737,981</td>
<td>1.26%</td>
<td>1.72%</td>
</tr>
<tr>
<td>RD</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>VA</td>
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<tr>
<td>HUD184</td>
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<tr>
<td>PMI</td>
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</tr>
<tr>
<td>Uninsured 1st</td>
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<tr>
<td>Uninsured 2nd</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,615</td>
<td>508,737,981</td>
<td>1.26%</td>
<td>1.72%</td>
</tr>
</tbody>
</table>

**Serviced by MBOH**

<table>
<thead>
<tr>
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<th>$ of loans</th>
<th>% of #</th>
<th>% of $</th>
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</thead>
<tbody>
<tr>
<td>FHA</td>
<td>4,918</td>
<td>446,133,983</td>
<td>86%</td>
</tr>
<tr>
<td>RD</td>
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<td>VA</td>
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<td></td>
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<tr>
<td>PMI</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uninsured 1st</td>
<td></td>
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</tr>
<tr>
<td>Uninsured 2nd</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4,918</td>
<td>446,133,983</td>
<td>86%</td>
</tr>
</tbody>
</table>

**Weighted Average Interest Rate 4.038%**

<table>
<thead>
<tr>
<th># of loans</th>
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</tr>
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<tbody>
<tr>
<td>0 - 2.99%</td>
<td>580</td>
</tr>
<tr>
<td>3 - 3.99%</td>
<td>1901</td>
</tr>
<tr>
<td>4 - 4.99%</td>
<td>1344</td>
</tr>
<tr>
<td>5 - 5.99%</td>
<td>1260</td>
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<tr>
<td>6 - 6.99%</td>
<td>527</td>
</tr>
<tr>
<td>7 - 7.99%</td>
<td>72</td>
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<tr>
<td>8 - 8.99%</td>
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<tr>
<td>Date</td>
<td>Event</td>
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<tr>
<td>--------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>12-Aug Julie</td>
<td>Webinar Training - Open Mortgage</td>
</tr>
<tr>
<td>31-Aug Vicki</td>
<td>NWMT Partner Call</td>
</tr>
<tr>
<td>2-Sep Vicki</td>
<td>Call with Western States NCSHA</td>
</tr>
<tr>
<td>8-Sep various staff</td>
<td>Monthly call with Freddie Mac</td>
</tr>
<tr>
<td>15-Sep Julie</td>
<td>Statewide Homebuyer Ed presentation</td>
</tr>
<tr>
<td>16-Sep Vicki</td>
<td>Call with Western States NCSHA</td>
</tr>
<tr>
<td>17-Sep Julie</td>
<td>Webinar Training - Cornerstone</td>
</tr>
</tbody>
</table>
Board Meeting: November 2, 2020

PROGRAM
Multifamily Program

AGENDA ITEM
Approval of Bond Resolution for Darlinton Manor, Miles Building, and Sherwood Inn all would be acquisition rehabilitation.
  - Good Housing Developers/HRDC 9 Bozeman
    - Darlinton Manor/Bozeman
    - Miles Building/Livingston
    - Sherwood Inn/Livingston

BACKGROUND
The Darlinton Manor is 100 senior homes in Bozeman and would be a resyndication. Miles Building is 40 elderly/disabled homes in Livingston and would also be a resyndication. Sherwood Inn is 49 elder/disabled homes in Livingston and is a PBS8 on all 49 homes. HUD has requested a single ownership entity on these 3 communities.

Good Housing Developers is the organization that has partnered with Butte Housing Authority for the RAD (Rental Assistance Demonstration) on all the public housing homes in the BHA portfolio. HRDC9 has been a partner on the affordable housing arena for many years.

PROPOSAL
The Board approval of the Resolution
RESOLUTION NO. 20-1102-MF09

A RESOLUTION OF THE MONTANA BOARD OF HOUSING MAKING FINDINGS WITH RESPECT TO HOUSING NEEDS WITHIN MONTANA; APPROVING THE ISSUANCE OF ITS MULTIFAMILY HOUSING REVENUE BONDS (DMS PORTFOLIO PROJECT) SERIES 2020 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $35,000,000; APPROVING THE SALE OF SAID BONDS PURSUANT TO A BOND PURCHASE AGREEMENT; APPROVING THE TRUST INDENTURE, LOAN AGREEMENT AND OTHER RELATED DOCUMENTS; AUTHORIZING THE EXECUTION OF SUCH DOCUMENTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Montana Board of Housing (the “Board”) is authorized pursuant to the Montana Housing Act of 1975, Montana Code Annotated, Sections 90-6-101 through 90-6-127, as amended (the “Act”), to issue its bonds and to purchase and make mortgage loans in order to finance housing which will provide decent, safe and sanitary housing for persons and families of lower income in the State of Montana; and

WHEREAS, the Board intends to issue its Multifamily Housing Revenue Bonds (DMS Portfolio Project) Series 2020 in an aggregate principal amount not to exceed $35,000,000 (the “Bonds”), the proceeds of which will be used to finance a loan to the Borrower (hereinafter defined) for the acquisition, rehabilitation and equipping of (i) Darlinton Manor, (ii) the Miles Building and (iii) Sherwood Inn Apartments, affordable housing developments consisting of one hundred eighty-nine (189) units located in multiple buildings and scattered sites located in Bozeman, Montana, with respect to Darlinton Manor and Livingston, Montana with respect to the Miles Building and Sherwood Inn Apartments (collectively, the “Project”); and

WHEREAS, the Bonds will be issued pursuant to a Trust Indenture (the “Indenture”), between the Board and Wilmington Trust, National Association, or such other bond trustee agreed to by the Board and the hereinafter defined Borrower, as trustee, (the “Trustee”), which Indenture will be in substantially the form approved by the Board with respect to its Multifamily Revenue Bonds (Butte Affordable Owner I Project) Series 2020 (the “Butte Affordable I Project Bonds”) whereby the Board would be authorized to issue the Bonds subject to the terms, conditions and limitations established in the Indenture; and

WHEREAS, the proceeds of the Bonds will be used to finance a loan (the “Mortgage Loan”) to HRDC DMS Owner, LLC, a Montana limited liability company, HRDC IX Affordable Housing Solutions, LP, a Montana limited partnership, or a similar affiliate of Good Housing Partnership, LLC or Human Resource Development Council of District IX, Inc. (the “Borrower”), pursuant to a Loan Agreement between the Board and the Borrower (the “Loan Agreement”) which will be in substantially the form approved by the Board with respect to the Butte Affordable I Project Bonds; and
WHEREAS, the interest on the Bonds is intended to qualify for a federal tax exemption under Section 142 of the Internal Revenue Code of 1986 (the “Code”), and to ensure that the Bonds maintain their tax exempt status, the Borrower will enter into a Regulatory Agreement and Declarations of Restrictive Covenants (the “Regulatory Agreement”) which will be in substantially the form approved by the Board in connection with the Butte Affordable I Project Bonds; and

WHEREAS, the Bonds will be purchased and sold pursuant to a Bond Purchase Agreement (the “Purchase Contract”) between the Board, the Borrower and FMSBONDS, Inc., or such other underwriter agreed to by the Board and the Borrower, as initial purchaser (the “Purchaser”), which Purchase Contract will be in substantially the form approved by the Board in connection with the Butte Affordable I Project Bonds, pursuant to which the Board would agree to sell, and the Purchaser would agree to purchase, the Bonds at the prices and upon the terms and conditions therein set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE MONTANA BOARD OF HOUSING AS FOLLOWS:

Section 1. Findings.

(a) The Board hereby finds and determines that the Project financed through the issuance of the Bonds constitutes a “housing development” within the meaning of Section 90-6-103(8) of the Act; and

(b) In accordance with Section 90-6-109 of the Act, following a public hearing, the Board finds:

(i) that there exists a shortage of decent, safe and sanitary housing at rentals or prices which persons and families of lower income can afford within the general housing market area to be served;

(ii) that private enterprise has not provided an adequate supply of decent, safe and sanitary housing in the housing market area at rentals or prices which persons or families of lower income can afford or provided sufficient mortgage financing for homes for occupancy by persons or families of lower income;

(iii) that the conditions, restrictions and limitations contained in the Indenture and contained in the program documents relating to the mortgage loan financed thereby and to be financed are sufficient to ensure that the Project will be well planned and well designed so as to constitute decent, safe and sanitary housing and that the “housing sponsors” (as defined in Section 90-6-103(10) of the Act) are financially responsible;

(iv) that the Project to be financed referred to in paragraph (a) above will be of public use and will provide a public benefit, taking into account the existence of local government comprehensive plans, housing and land use plans and regulations, area-wide plans and other public desires;
(v) that the Project to be financed with the proceeds of the Bonds does not involve the construction of “second homes,” which are defined in the Act to mean homes which would not qualify as the primary residence of the taxpayer for federal income tax purposes relating to capital gains on the sale or exchange of residential property; and

(vi) that the Mortgage Loan is a direct loan and that in accordance with Section 90-6-109(1)(f), by virtue of the Board loaning the Bond proceeds to the Borrower pursuant to the Mortgage Loan, the Project qualifies for federal funds through its receipt of 4% federal low income housing tax credits.

Section 2. Approval of Indenture. The Indenture is hereby approved, in the form hereinabove described, and the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is hereby authorized and directed to execute and deliver the Indenture, with such changes, insertions or omissions therein as may be approved by such Chairman, Vice Chairman or Executive Director and Treasurer, such approval to be evidenced conclusively by execution of the Indenture as set forth herein, and the Treasurer, the Secretary, the Finance Officer, the Multifamily Program Manager or any other member of the Board is hereby authorized and directed to attest thereto.

Section 3. Authorization of Bonds. The issuance, sale and delivery of the Board’s Bonds are hereby authorized and approved. The final amount and terms of the Bonds shall be determined by the Chairman, Vice Chairman or Executive Director and Treasurer of the Board, consistent with the terms of the Indenture and subject to the following conditions. The Bonds shall not be general obligations of the Board but shall be limited obligations payable solely and only from Mortgage Loan payments and any other moneys pledged under the Indenture. The Bonds shall mature no later than 2060, bear interest at a fixed or floating rate no greater than the net rate paid on the Mortgage Loan (i.e. net of fees due the Board and any other parties), be in a principal amount not to exceed $35,000,000, be subject to optional, special optional, mandatory and sinking fund redemption and have the other terms and provisions as described to the Board and definitively set forth in the Indenture upon execution and delivery as aforesaid in Section 2 hereof. The Bonds shall be executed and delivered substantially in the form set forth in the Indenture, with such additions, omissions and changes as are required or permitted by the Indenture. The Bonds shall be executed in the name of the Board by the Chairman or the Vice Chairman of the Board, and attested to by the Secretary or the Treasurer, each of whom is hereby appointed as an Authorized Officer (as such term is defined in the Indenture) for purposes of executing and attesting the Bonds. Such signatures may be in facsimile; provided, however, that such Bonds shall not be valid or obligatory for any purpose until authenticated by the manual signature of an authorized officer of the Trustee.

Section 4. Approval of Loan Agreement. The Loan Agreement is hereby approved, in the form hereinabove described, and the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is hereby authorized to execute and deliver the Loan Agreement, with such changes, insertions or omissions therein as may be approved by such person, such approval to be evidenced conclusively by execution of the Loan Agreement as set forth herein.
Section 5. Approval of Regulatory Agreement. The Regulatory Agreement is hereby approved, in the form hereinafore described, and the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is authorized and directed to execute and deliver the same, with such changes, insertions or omissions therein as may be approved by such person, such approval to be evidenced conclusively by execution of the Regulatory Agreement as set forth herein.

Section 6. Approval of Purchase Contract and Sale of the Bonds. The Purchase Contract is hereby approved, in the form hereinafore described, and the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is hereby authorized to execute and deliver the Purchase Agreement, with such changes, insertions or omissions therein as may be approved by such person, such approval to be evidenced conclusively by execution of the Purchase Agreement as set forth herein.

Section 7. Ratification of Prior Actions. All action previously taken by the officers, members or staff of the Board with respect to the Indenture, the Loan Agreement, the Purchase Contract, the Regulatory Agreement and the Bonds is hereby approved, confirmed and ratified.

Section 8. Execution of Documents. In the event of the absence or disability of the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board, or if for any other reason any of them are unable to execute or attest to the execution of the documents referred to in this Resolution, such documents may be executed or attested to by another member of the Board or by the Multifamily Program Manager or the Accounting and Finance Manager, with the same effect as if done by the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board and without the further authorization of the Board. The execution or attestation of such documents by such member shall be conclusive evidence of his or her authority to so act.

Section 9. Execution of No-Arbitrage Certificate. The Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is hereby authorized to issue certifications as to the Board’s reasonable expectations regarding the amount and use of the proceeds of the Bonds as described in Section 148 of the Internal Revenue Code of 1986, as amended.

Section 10. Additional Actions Authorized. The Chairman, Vice Chairman, Secretary or any other member of the Board, and the Executive Director and Treasurer, the Multifamily Program Manager and the Accounting and Finance Manager, acting alone or acting with others, are hereby authorized and directed to execute and deliver any or all other documents which may be required under the terms of the Indenture and the Purchase Contract, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof, and the members and officers named above are hereby designated as Authorized Officers for such purposes. With respect to the issuance of the Bonds authorized by this Resolution, such Authorized Officers are also authorized, with the advice of General Counsel or Bond Counsel, to interpret and apply the Board’s Private Placement Policy for Unrated/Unenhanced Multifamily Housing Revenue Bonds (the “Policy”) and to waive any requirement of the Policy to the extent such interpretation, application or waiver is consistent with the purpose of the Policy.

Section 11. Effective Date. This Resolution shall become effective immediately.
ADOPTED by the Montana Board of Housing this 2nd day November, 2020.

MONTANA BOARD OF HOUSING

By ________________________________
Attest: Patrick E. Melby, Chairman

By ________________________________
Mary Bair, Multifamily Program Manager
BOARD AGENDA ITEM

PROGRAM
Multifamily Program

AGENDA ITEM
Approval of Bond Resolution for Boulevard would be acquisition rehabilitation.
  • Good Housing Developers/HRDC 9 Bozeman
    o Boulevard Apartments/Bozeman

BACKGROUND
The Boulevard Apartments is 41 family homes in Bozeman and is a mod/rehab which has project based subsidy. HUD has requested this is a stand alone bond funding structure because it will also be a RAD.

Good Housing Developers is the organization that has partnered with Butte Housing Authority for the RAD (Rental Assistance Demonstration) on all the public housing homes in the BHA portfolio. HRDC9 has been a partner on the affordable housing arena for many years.

PROPOSAL
The Board approval of the Resolution
RESOLUTION NO. 20-1102-MF10

A RESOLUTION OF THE MONTANA BOARD OF HOUSING MAKING FINDINGS WITH RESPECT TO HOUSING NEEDS WITHIN MONTANA; APPROVING THE ISSUANCE OF ITS MULTIFAMILY HOUSING REVENUE BONDS (BOULEVARD APARTMENTS PROJECT) SERIES 2020 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $10,000,000; APPROVING THE SALE OF SAID BONDS PURSUANT TO A BOND PURCHASE AGREEMENT; APPROVING THE TRUST INDENTURE, LOAN AGREEMENT AND OTHER RELATED DOCUMENTS; AUTHORIZING THE EXECUTION OF SUCH DOCUMENTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Montana Board of Housing (the “Board”) is authorized pursuant to the Montana Housing Act of 1975, Montana Code Annotated, Sections 90-6-101 through 90-6-127, as amended (the “Act”), to issue its bonds and to purchase and make mortgage loans in order to finance housing which will provide decent, safe and sanitary housing for persons and families of lower income in the State of Montana; and

WHEREAS, the Board intends to issue its Multifamily Housing Revenue Bonds (Boulevard Apartments Project) Series 2020 in an aggregate principal amount not to exceed $10,000,000 (the “Bonds”), the proceeds of which will be used to finance a loan to the Borrower (hereinafter defined) for the acquisition, rehabilitation and equipping of the Boulevard Avenue Apartments, a forty-one (41) unit affordable housing development located in Bozeman, Montana (the “Project”); and

WHEREAS, the Bonds will be issued pursuant to a Trust Indenture (the “Indenture”), between the Board and Wilmington Trust, National Association, or such other bond trustee agreed to by the Board and the hereinafter defined Borrower, as trustee, (the “Trustee”), which Indenture will be in substantially the form approved by the Board with respect to its Multifamily Housing Revenue Bonds (Butte Affordable Owner II Project) Series 2020 (the “Butte Affordable II Project Bonds”) whereby the Board would be authorized to issue the Bonds subject to the terms, conditions and limitations established in the Indenture; and

WHEREAS, the proceeds of the Bonds will be used to finance a loan (the “Mortgage Loan”) to HRDC Blvd Owner, LLC, a Montana limited liability company, HRDC IX Affordable Housing Solutions, LP, a Montana limited partnership, or a similar affiliate of Good Housing Partnership, LLC or Human Resource Development Council of District IX, Inc. (the “Borrower”), pursuant to a Loan Agreement between the Board and the Borrower (the “Loan Agreement”) which will be in substantially the form approved by the Board with respect to the Butte Affordable II Project Bonds; and
WHEREAS, the interest on the Bonds is intended to qualify for a federal tax exemption under Section 142 of the Internal Revenue Code of 1986 (the “Code”), and to ensure that the Bonds maintain their tax exempt status, the Borrower will enter into a Regulatory Agreement and Declarations of Restrictive Covenants (the “Regulatory Agreement”) which will be in substantially the form approved by the Board in connection with the Butte Affordable II Project Bonds; and

WHEREAS, the Bonds will be purchased and sold pursuant to a Bond Purchase Agreement (the “Purchase Contract”) between the Board, the Borrower and FMSBONDS, Inc., or such other underwriter agreed to by the Board and the Borrower, as initial purchaser (the “Purchaser”), which Purchase Contract will be in substantially the form approved by the Board in connection with the Butte Affordable II Project Bonds, pursuant to which the Board would agree to sell, and the Purchaser would agree to purchase, the Bonds at the prices and upon the terms and conditions therein set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE MONTANA BOARD OF HOUSING AS FOLLOWS:

Section 1. Findings.

(a) The Board hereby finds and determines that the Project financed through the issuance of the Bonds constitutes a “housing development” within the meaning of Section 90-6-103(8) of the Act; and

(b) In accordance with Section 90-6-109 of the Act, following a public hearing, the Board finds:

(i) that there exists a shortage of decent, safe and sanitary housing at rentals or prices which persons and families of lower income can afford within the general housing market area to be served;

(ii) that private enterprise has not provided an adequate supply of decent, safe and sanitary housing in the housing market area at rentals or prices which persons or families of lower income can afford or provided sufficient mortgage financing for homes for occupancy by persons or families of lower income;

(iii) that the conditions, restrictions and limitations contained in the Indenture and contained in the program documents relating to the mortgage loan financed thereby and to be financed are sufficient to ensure that the Project will be well planned and well designed so as to constitute decent, safe and sanitary housing and that the “housing sponsors” (as defined in Section 90-6-103(10) of the Act) are financially responsible;

(iv) that the Project to be financed referred to in paragraph (a) above will be of public use and will provide a public benefit, taking into account the existence of local government comprehensive plans, housing and land use plans and regulations, area-wide plans and other public desires;
(v) that the Project to be financed with the proceeds of the Bonds does not involve the construction of “second homes,” which are defined in the Act to mean homes which would not qualify as the primary residence of the taxpayer for federal income tax purposes relating to capital gains on the sale or exchange of residential property; and

(vi) that the Mortgage Loan is a direct loan and that in accordance with Section 90-6-109(1)(f), by virtue of the Board loaning the Bond proceeds to the Borrower pursuant to the Mortgage Loan, the Project qualifies for federal funds through its receipt of 4% federal low income housing tax credits.

Section 2. Approval of Indenture. The Indenture is hereby approved, in the form hereinabove described, and the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is hereby authorized and directed to execute and deliver the Indenture, with such changes, insertions or omissions therein as may be approved by such Chairman, Vice Chairman or Executive Director and Treasurer, such approval to be evidenced conclusively by execution of the Indenture as set forth herein, and the Treasurer, the Secretary, the Finance Officer, the Multifamily Program Manager or any other member of the Board is hereby authorized and directed to attest thereto.

Section 3. Authorization of Bonds. The issuance, sale and delivery of the Board’s Bonds are hereby authorized and approved. The final amount and terms of the Bonds shall be determined by the Chairman, Vice Chairman or Executive Director and Treasurer of the Board, consistent with the terms of the Indenture and subject to the following conditions. The Bonds shall not be general obligations of the Board but shall be limited obligations payable solely and only from Mortgage Loan payments and any other moneys pledged under the Indenture. The Bonds shall mature no later than 2060, bear interest at a fixed or floating rate no greater than the net rate paid on the Mortgage Loan (i.e. net of fees due the Board and any other parties), be in a principal amount not to exceed $10,000,000, be subject to optional, special optional, mandatory and sinking fund redemption and have the other terms and provisions as described to the Board and definitively set forth in the Indenture upon execution and delivery as aforesaid in Section 2 hereof. The Bonds shall be executed and delivered substantially in the form set forth in the Indenture, with such additions, omissions and changes as are required or permitted by the Indenture. The Bonds shall be executed in the name of the Board by the Chairman or the Vice Chairman of the Board, and attested to by the Secretary or the Treasurer, each of whom is hereby appointed as an Authorized Officer (as such term is defined in the Indenture) for purposes of executing and attesting the Bonds. Such signatures may be in facsimile; provided, however, that such Bonds shall not be valid or obligatory for any purpose until authenticated by the manual signature of an authorized officer of the Trustee.

Section 4. Approval of Loan Agreement. The Loan Agreement is hereby approved, in the form hereinabove described, and the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is hereby authorized to execute and deliver the Loan Agreement, with such changes, insertions or omissions therein as may be approved by such person, such approval to be evidenced conclusively by execution of the Loan Agreement as set forth herein.
Section 5. Approval of Regulatory Agreement. The Regulatory Agreement is hereby approved, in the form hereinabove described, and the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is authorized and directed to execute and deliver the same, with such changes, insertions or omissions therein as may be approved by such person, such approval to be evidenced conclusively by execution of the Regulatory Agreement as set forth herein.

Section 6. Approval of Purchase Contract and Sale of the Bonds. The Purchase Contract is hereby approved, in the form hereinabove described, and the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is hereby authorized to execute and deliver the Purchase Agreement, with such changes, insertions or omissions therein as may be approved by such person, such approval to be evidenced conclusively by execution of the Purchase Agreement as set forth herein.

Section 7. Ratification of Prior Actions. All action previously taken by the officers, members or staff of the Board with respect to the Indenture, the Loan Agreement, the Purchase Contract, the Regulatory Agreement and the Bonds is hereby approved, confirmed and ratified.

Section 8. Execution of Documents. In the event of the absence or disability of the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board, or if for any other reason any of them are unable to execute or attest to the execution of the documents referred to in this Resolution, such documents may be executed or attested to by another member of the Board or by the Multifamily Program Manager or the Accounting and Finance Manager, with the same effect as if done by the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board and without the further authorization of the Board. The execution or attestation of such documents by such member shall be conclusive evidence of his or her authority to so act.

Section 9. Execution of No-Arbitrage Certificate. The Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is hereby authorized to issue certifications as to the Board’s reasonable expectations regarding the amount and use of the proceeds of the Bonds as described in Section 148 of the Internal Revenue Code of 1986, as amended.

Section 10. Additional Actions Authorized. The Chairman, Vice Chairman, Secretary or any other member of the Board, and the Executive Director and Treasurer, the Multifamily Program Manager and the Accounting and Finance Manager, acting alone or acting with others, are hereby authorized and directed to execute and deliver any or all other documents which may be required under the terms of the Indenture and the Purchase Contract, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof, and the members and officers named above are hereby designated as Authorized Officers for such purposes. With respect to the issuance of the Bonds authorized by this Resolution, such Authorized Officers are also authorized, with the advice of General Counsel or Bond Counsel, to interpret and apply the Board’s Private Placement Policy for Unrated/Unenhanced Multifamily Housing Revenue Bonds (the “Policy”) and to waive any requirement of the Policy to the extent such interpretation, application or waiver is consistent with the purpose of the Policy.

Section 11. Effective Date. This Resolution shall become effective immediately.
ADOPTED by the Montana Board of Housing this 2nd day November, 2020.

MONTANA BOARD OF HOUSING

By ________________________________

Attest: Patrick E. Melby, Chairman

By ________________________________

Mary Bair, Multifamily Program Manager
PROGRAM
Multifamily Program

AGENDA ITEM
Approval of Bond Resolution for Bitterroot Valley Apartments
Summit Housing Group - Rusty Snow
  • Bitterroot Valley Apartments– Darby and Hamilton

BACKGROUND
The Bitterroot Commons project involves Acquisition and Rehabilitation of 16 family homes in Darby. This project will be developed and owned by Summit Housing Group. This property consists of two bedroom units.

Mountain View Apartments project involves Acquisition and Rehabilitation of 36 family homes in Hamilton, MT. This project will be developed and owned by Summit Housing Group. This property consists of two and three bedroom units.

PROPOSAL
The Board approval of the Resolution
RESOLUTION NO. 20-1102-MF11

A RESOLUTION OF THE MONTANA BOARD OF HOUSING MAKING FINDINGS WITH RESPECT TO HOUSING NEEDS WITHIN MONTANA; APPROVING A BORROWING, AND REPAYMENT THEREOF, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $8,000,000; APPROVING A FUNDING LOAN AGREEMENT, BORROWER LOAN AGREEMENT AND OTHER RELATED DOCUMENTS; AUTHORIZING THE EXECUTION OF SUCH DOCUMENTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Montana Board of Housing (the “Board”) is authorized pursuant to the Montana Housing Act of 1975, Montana Code Annotated, Sections 90-6-101 through 90-6-127, as amended (the “Act”), to borrow and issue evidences of indebtedness concerning repayment thereof and to make loans and purchase mortgage loans in order to finance housing which will provide decent, safe and sanitary housing for persons and families of lower income in the State of Montana; and

WHEREAS, the Board intends to borrow on a non-recourse limited obligation basis from Opportunity Bank (or such other financial institution as is approved by the Chairman, Vice Chairman or Executive Director and Treasurer) (the “Lender”) an aggregate principal amount not to exceed $8,000,000, the proceeds of which will be used to finance a mortgage loan for the acquisition, rehabilitation and equipping of (i) Mountain View Apartments and (ii) Bitterroot Commons, affordable housing developments consisting of 52 units located in multiple buildings and scattered sites in Hamilton, Montana and Darby, Montana, respectively (collectively, the “Project”); and

WHEREAS, the borrowing by the Board will be pursuant to a Funding Loan Agreement (the “Funding Loan Agreement”), among the Board, the Lender and a fiscal agent to be determined by the Board (the “Fiscal Agent”), and the agreement to repay such borrowing shall be reflected in a non-recourse revenue debt obligation (the “Obligation”) to be issued to the Lender pursuant thereto, which Agreement and Obligation will be in substantially the form approved by the Board with respect to the Starner Gardens Apartments financing in 2018 (the “Starner Gardens Financing”), subject to the terms, conditions and limitations established herein and in the Funding Loan Agreement; and

WHEREAS, the proceeds of the borrowing will be used to finance a loan (the “Mortgage Loan”) to Bitterroot Valley Apartments LP, a Montana limited partnership, or a similar affiliate of Summit Housing Group, (collectively, the “Borrower”), pursuant to a Borrower Loan Agreement, by and among the Board, the Borrower and the Funding Lender (the “Borrower Loan Agreement”), which will be in substantially the form used in the Starner Gardens Financing; and
WHEREAS, the interest on the Obligation is intended to qualify for a federal tax exemption under Section 142 of the Internal Revenue Code of 1986 (the “Code”), and to ensure that the Obligation maintains its tax exempt status, the Borrower will enter into a Regulatory Agreement and Declaration of Restrictive Covenants (the “Regulatory Agreement”), which will be in substantially the same form as such agreement approved by the Board with respect to the Starner Gardens Financing.

NOW, THEREFORE, BE IT RESOLVED BY THE MONTANA BOARD OF HOUSING AS FOLLOWS:

Section 1. Public Hearing and Findings.

(a) The Board hereby finds and determines that the Project financed through the above described borrowing and issuance of the Obligation constitutes a “housing development” within the meaning of Section 90-6-103(8) of the Act; and

(b) In accordance with Section 90-6-109 of the Act, following a public hearing, the Board finds:

(i) that there exists a shortage of decent, safe and sanitary housing at rentals or prices which persons and families of lower income can afford within the general housing market area to be served;

(ii) that private enterprise has not provided an adequate supply of decent, safe and sanitary housing in the housing market area at rentals or prices which persons or families of lower income can afford or provided sufficient mortgage financing for homes for occupancy by persons or families of lower income;

(iii) that the conditions, restrictions and limitations contained in the Funding Loan Agreement and contained in the program documents relating to the mortgage loan financed thereby and to be financed are sufficient to ensure that the Project will be well planned and well designed so as to constitute decent, safe and sanitary housing and that the “housing sponsors” (as defined in Section 90-6-103(10) of the Act) are financially responsible;

(iv) that the Project to be financed which is referred to in paragraph (a) above will be of public use and will provide a public benefit, taking into account the existence of local government comprehensive plans, housing and land use plans and regulations, area-wide plans and other public desires;

(v) That the Project to be financed with the proceeds of the Obligation does not involve the construction of “second homes,” which are defined in the Act to mean homes which would not qualify as the primary residence of the taxpayer for federal income tax purposes relating to capital gains on the sale or exchange of residential property; and
(vi) that if the Mortgage Loan constitutes a direct loan, in accordance with Section 90-6-109(1)(f), by virtue of the Board effectuating the loan of the Obligation proceeds to the Borrower pursuant to the Borrower Loan Agreement, the Project qualifies for federal funds through its receipt of 4% federal low-income housing tax credits.

Section 2. Approval of Funding Loan Agreement. The Funding Loan Agreement is hereby approved in the form hereinabove described, and the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is hereby authorized and directed to select a Fiscal Agent and to execute and deliver the Funding Loan Agreement, with such changes, insertions or omissions therein as may be approved by such signatory, such approval to be evidenced conclusively by execution of the Funding Loan Agreement as set forth herein, and the Treasurer, the Secretary, the Accounting and Finance Manager, the Multifamily Program Manager or any other member of the Board is hereby authorized and directed to attest thereto.

Section 3. Authorization and Execution of the Obligation. The execution and delivery of the Board’s Obligation to the Lender is hereby authorized and approved. The final amount and terms of the Obligation shall be determined by the Chairman, Vice Chairman or Executive Director and Treasurer of the Board, consistent with the terms of the Funding Loan Agreement and subject to the following conditions. The Obligation shall not be a general obligation of the Board but shall be a limited non-recourse obligation payable solely and only from Mortgage Loan payments and any other moneys pledged under the Funding Loan Agreement by the Borrower as required by the Borrower Loan Agreement. The Obligation shall mature no later than 40 years from its date of issuance, bear interest at a fixed or floating rate no greater than the net rate paid on the Mortgage Loan (i.e., net of fees due the Board and any other parties), be in a principal amount not to exceed $8,000,000, be subject to prepayment and have the other terms and provisions as described to the Board, and definitively set forth in the Funding Loan Agreement upon execution and delivery as aforesaid in Section 2 hereof. The Obligation shall be executed and delivered substantially in the form set forth in the Funding Loan Agreement, with such additions, omissions and changes as are required or permitted by the Funding Loan Agreement and approved by the signatories thereto. The Obligation shall be executed in the name of the Board by the Chairman or the Vice Chairman of the Board, and attested to by the Secretary or the Treasurer, each of whom is hereby appointed as an Authorized Governmental Lender Representative (as such term is defined in the Funding Loan Agreement) for purposes of executing and attesting the Obligation, and their execution shall evidence their approval of the final terms thereof. Such signatures may be by facsimile; provided, however, that such Obligation shall not be valid or obligatory for any purpose unless the attestation by the authorized officer of the Board shall be a manual signature or the Obligation is authenticated by the manual signature of an authorized officer of the Fiscal Agent.

Section 4. Approval of Borrower Loan Agreement. The Borrower Loan Agreement is hereby approved in the form hereinabove described, and the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is hereby authorized to execute and deliver the Borrower Loan Agreement, with such changes, insertions or omissions therein as may be approved by such person, such approval to be evidenced conclusively by the execution of the Borrower Loan Agreement as set forth herein.
Section 5. Approval of Regulatory Agreement. The Regulatory Agreement is hereby approved in the form hereinabove described, and the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is authorized and directed to execute and deliver the same, with such changes, insertions or omissions therein as may be approved by such person, such approval to be evidenced conclusively by the execution of the Regulatory Agreement as set forth herein.

Section 6. Ratification of Prior Actions. All action previously taken by the officers, members or staff of the Board within the authority granted herein, with respect to the Funding Loan Agreement, the Borrower Loan Agreement, the Regulatory Agreement and the Obligation is hereby approved, confirmed and ratified.

Section 7. Execution of Documents. In the event of the absence or disability of the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board, or if for any other reason any of them are unable to execute or attest to the execution of the documents referred to in this Resolution, such documents may be executed or attested to by another member of the Board or by the Multifamily Program Manager or the Accounting and Finance Manager, with the same effect as if done by the Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board and without the further authorization of the Board. The execution or attestation of such documents by such member shall be conclusive evidence of his or her authority to so act.

Section 8. Execution of No-Arbitrage Certificate. The Chairman, the Vice Chairman or the Executive Director and Treasurer of the Board is hereby authorized to issue certifications as to the Board’s reasonable expectations regarding the amount and use of the proceeds of the Obligation as described in Section 148 of the Internal Revenue Code of 1986, as amended.

Section 9. Additional Actions Authorized. The Chairman, the Vice Chairman, the Secretary or any other member of the Board, and the Executive Director and Treasurer, the Multifamily Program Manager and the Accounting and Finance Manager, acting alone or acting with others, are hereby authorized and directed to execute and deliver any or all other documents which may be required under the terms of the Funding Loan Agreement and the Borrower Loan Agreement, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof, and the members and officers named above are hereby designated as Authorized Governmental Lender Representatives for such purposes. With respect to the issuance of the Bonds authorized by this Resolution, such Authorized Officers are also authorized, with the advice of General Counsel or Bond Counsel, to interpret and apply the Board’s Private Placement Policy for Unrated/Unenhanced Multifamily Housing Revenue Bonds (the “Policy”) and to waive any requirement of the Policy to the extent such interpretation, application or waiver is consistent with the purpose of the Policy.

Section 10. Effective Date. This Resolution shall become effective immediately.

[Remainder of Page Intentionally Left Blank]
ADOPTED by the Montana Board of Housing this 2nd day of November, 2020.

MONTANA BOARD OF HOUSING

By ________________________________
Patrick E. Melby, Chairman

By ________________________________
Mary Bair, Multifamily Program Manager
BACKGROUND
Every state Housing Credit allocating agency is required by Section 42 to have a Qualified Allocation Plan (QAP). The Housing Credits are awarded once a year. The QAP is the rulebook for the Housing Credit Program for the year. This is the proposed Montana QAP for 2022.

PROPOSAL
The 2022 QAP draft has been created by staff working with developers and other interested parties in the open annual roundtable. Changes were made to update the QAP to clarify and change processes. A Public Hearing was held on October 27, 2020. Commenters have also submitted written comment.

Staff is presenting the 2022 QAP for board members to consider and proposes approval of the document. Written Public Comments received will be presented as well as an active discussion of the proposed processes.
NOTICE REGARDING APPLICABLE VERSION OF QAP

This 2022 QAP will govern the Montana Board of Housing’s award of the Housing Credits allocated to the Montana Board of Housing by the federal government for 2022.

The process for award of 2022 Housing Credits begins with the deadline for submission of Letters of Intent on the last Friday in June 2021. The award of 2022 Housing Credits to Applicants will be made at the Board’s meeting in late January 2022.

(See Application Submission & Award Schedule in Section 4.B of this 2022 QAP)

This 2022 QAP may not apply to certain other processes, procedures and fees, for which the Applicable QAP may be the QAP for an earlier or later year.

(See “Applicable QAP” in Section 1 of this 2022 QAP)

Please contact MBOH staff with questions regarding the Applicable QAP.

MONTANA BOARD OF HOUSING
PO BOX 200528
HELENA, MONTANA 59620-0528
(406) 841-2840
(406) 841-2841 FAX
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[Note: The Table of Contents will be updated in the final 2022 QAP.]
INTRODUCTION

The Low Income Housing Tax Credit is established under Section 42 of the Internal Revenue Code of 1986 ("Section 42"). The credit is a federal income tax credit for Owners of qualifying rental housing which meets certain low income occupancy and rent limitation requirements.

Congress established the Low Income Housing Tax Credit program by enactment of the Tax Reform Act of 1986. Montana Board of Housing (MBOH) implemented and began administering the Low Income Housing Tax Credit program in 1987 in the State of Montana. Since then, the program has assisted in providing for the retention, rehabilitation, and construction of rental housing for low income individuals and families for over 6,000 units throughout Montana.

The Omnibus Budget Reconciliation Act of 1989 required the appropriate administering agencies (in this case, MBOH) to allocate credits pursuant to a Qualified Allocation Plan (QAP) which sets forth the priorities, considerations, criteria and process for making Allocations to Projects in Montana. The Omnibus Budget Reconciliation Act of 1993 provided a permanent extension for the Low Income Housing Tax Credit.

MBOH is the state agency that allocates the tax credits for housing located in Montana. The per state resident amount of tax credit allocated annually for housing is limited to the amount specified by the IRS and adjusted from time to time as provided in notice from the IRS. The current allocation of Tax Credits plus any inflation factor the IRS may calculate is posted to the MBOH website once it becomes available. Montana receives the minimum cap because of its population.

An Owner must obtain a Final Allocation from MBOH and meet all other applicable requirements before claiming the tax credit.

This QAP is intended to ensure the selection of those developments which best meet the most pressing affordable housing needs of low income people within the State of Montana in accordance with the guidelines and requirements established by the federal government and the requirements, considerations, factors, limitations, criteria and priorities established by the MBOH Board.

At its September 15, 2020 meeting, the MBOH Board considered and approved public notice and distribution of the proposed 2022 QAP. Public notice of the proposed 2022 QAP and the opportunity for public comment was published and distributed on August 4, 2020; September 17, 2020 with a public hearing on August 22, 2019; October 27, 2020. At its September 10, 2019; November 2, 2020 meeting, after considering written and oral public comment on the proposed 2022 QAP, the MBOH Board approved the proposed 2022 QAP for submission to and approval by the Montana Governor. The Governor of Montana, Steve Bullock, approved the plan as the final 2022 QAP on ___________, 20__.

MBOH annually makes available for Reservation and Allocation its authorized volume cap of credit authority as provided in and subject to the provisions of this QAP. Montana’s QAP for the current and prior years, along with current Forms, are available at https://housing.mt.gov/Multifamily-Development/Qualified-Allocation-Plan. MBOH evaluates tax credit Applications, selects the Projects for which tax credits will be reserved, and allocates credits to the selected developments meeting applicable requirements. Federal legislation requires that the administering agency allocate only the amount of credit it determines necessary to the financial feasibility of the development.

Tax credits not Awarded during a given round or any unused credits from earlier rounds may, at the discretion of MBOH: be carried forward for the next round of allocation; as

Commented [A1]: Homeword: Has two overall comments. The first is a working group should address the issue of preservation of existing affordable stock. The second is a request to either a compliance manual be included in the QAP or be contained as a separate document.

Commented [A2]: Housing Authority of Billings: Provided verbal comments at the hearing that the QAP should go through a rewrite process.

Homeword: Provided the same verbal comment at the hearing.

Commented [A3]: City of Missoula: has two overall comments. The first is to create clear and transparent evaluation criteria and scoring that will drive awards. The second is support local and state organizations in preserving Housing Credit properties.
MBOH determines necessary for financial feasibility, be used to increase the amount of tax credits Awarded for a Project selected for an Award of tax credits in a prior round; or be otherwise committed, Awarded or Allocated as provided in this QAP.

Consistent with the foregoing and notwithstanding any other provision of this QAP, all tax credit Awards, Reservation Agreements, Carryover Allocations, 10% Cost Certifications and Final Allocations are subject to and conditional upon IRS authorization and allocation of tax credits for the State of Montana.

SECTION 1 - DEFINITIONS

As used in this QAP, the following definitions apply unless the context clearly requires a different meaning:

“4% Credits” means HCs that may be Awarded in accordance with the applicable QAP to Projects with tax-exempt financing under the volume limitation on private activity bonds and, except as otherwise provided by this QAP for Applications combining 4% and 9% Credits, outside the competitive allocation process applicable to 9% Credits.

“9% Credits” means HCs that may be Awarded through the competitive allocation process in accordance with the Applicable QAP.

“10% Cost Certification” means an independent third-party CPA audit report, including a statement of eligible and qualified basis for the Project, submitted to MBOH on the Form specified by and in accordance with the requirements of this QAP.

“Absorption Rate” means the number of months projected in the Application’s market study for a Project to become fully leased, using the calculations listed in the full market study requirements posted on the MBOH website.

“Acquisition” means obtaining title, lease or other Land and Property Control over a property for purposes of an HC Project. Acquisition includes purchase, lease, donation or other means of obtaining Land or Property Control.

“Acquisition/Rehab” means Acquisition of a property with one or more existing buildings and renovation meeting Montana’s minimum Rehabilitation standard set forth in Section 3, Substantial Rehabilitation, for existing buildings on the property that are part of an HC Project.

“Allocation” means an Initial Allocation or a Final Allocation.

“Applicable QAP” means:

(a) The QAP for the Housing Credit year for which the Application is or was submitted, evaluated and Awarded HCs:
   (i) for purposes of substantive issues relating to:
      (A) Award:
      (B) Development Evaluation Criteria;
      (C) Scoring;
      (D) Selection Criteria; and
      (E) Selection Standard for such Award; and
   (ii) for purposes of the fee amounts charged for:
      (A) Letter of Intent;
      (B) Application;
      (C) Reservation Agreement;
      (D) Carryover Allocation (Initial Allocation); and
      (E) 10% Cost Certification; and

Commented [A4]: Wishcamper: Make clear 10% is not required for 4% Projects.

Commented [AS5R4]: Staff (Nov 2): Recommend language has been added.

Commented [A6]: Homeword: Add a definition for “Adaptive Reuse” means the renovation and/or rehabilitation and reuse of existing structures (such as warehouses, schools, hotels) to create new homes with the Housing Credit program.

Commented [AT7R6]: Staff (Nov 2): This term is used nowhere in the QAP at this point. Staff recommends looking at this issue for next year’s plan.
(F) Final Allocation;

(b) The most recently adopted QAP:
(i) for purposes of:
(A) Project changes;
(B) Reservation Agreement (other than the fee amount);
(C) Declaration of Restrictive Covenants;
(D) Carryover Allocation (Initial Allocation) (other than the fee amount);
(E) 10% Cost Certification (other than the fee amount);
(F) Final Allocation (other than the fee amount);
(G) Compliance requirements and compliance audits;
(H) Any post-Award procedures; and
(i) Fees and fee amounts for post-Credit Refresh Project changes, Reservation Agreement, Declaration of Restrictive Covenants, Carryover Allocation (Initial Allocation), 10% Cost Certification and Final Allocation.

(c) The QAP most recently adopted as of the date of submission of a Credit Refresh application:
(i) for purposes of:
(A) A Credit Refresh application;
(B) Consideration and determination regarding a Credit Request application;
(C) Payment of MBOH legal fees relating to or required as a result of a Credit Refresh application or Credit Refresh; and
(D) Post-Credit Refresh Project changes, Reservation Agreement, Declaration of Restrictive Covenants, Carryover Allocation (Initial Allocation), 10% Cost Certification and Final Allocation (not including fees and fee amounts for such post-award items).

"Applicant" means the entity identified as such in the Application, and who is and will remain responsible to MBOH for the Application. When used in reference to a Letter of Intent, the term means the person or entity on whose behalf the Letter of Intent is submitted and who is and will remain responsible to MBOH for the Letter of Intent. The Applicant must remain the same from Letter of Intent through the Compliance Period, except as provided in Section A.3.

"Application" means a request for an Award of HCs submitted in the Form specified by and according to the requirements of this QAP.

"Architect" means a professional licensed by the state of Montana as a building architect pursuant to Mont. Code Ann. Title 37, Chapter 65.

"Available Annual Credit Allocation" is defined as the credit ceiling allocated to MBOH by the federal government for the previous calendar year.

"Award" means selection of a Project by the MBOH Board to receive a Reservation of HCs.

"Award Determination Meeting" means the meeting of the MBOH Board at which the Board selects one or more Applicants to receive an Award.

"Builder's Overhead" means the builder's overhead shown in the Applicant's properly completed UniApp Supplement, Section C, Cost Limitations and Requirements.

"Builder Profit" means the builder's profit shown in the Applicant's properly completed UniApp Supplement, Section C, Cost Limitations and Requirements.

"Carryover" means the process and determination of MBOH by which Awarded and reserved HCs are continued and carried over to the end of the second calendar year after the year of the credit award. Carryover is made by MBOH issuance of a Carryover Allocation (Initial Allocation), according to the specific requirements of this QAP.
projects are not subject to the Carryover requirements.

“Carryover Allocation” and “Carryover Allocation (Initial Allocation)” mean a Carryover of HCs based upon an MBOH Carryover determination, which allocation is conditional upon the Applicant performing all conditions and requirements for Final Allocation as set forth in the Applicable QAP, the Carryover Allocation (Initial Allocation) document issued by MBOH and applicable law.

“Cold Weather Development and Construction” means experience of the HC Developer or Consultant on one or more Projects located above the 40 degrees north parallel.

“Commercial Purposes” means use of any Project Amenities, common space or other Project property or facilities by others than Project tenants for which the Project owner or management receives any compensation (e.g., rent payments) for such use, whether in cash or in kind. Commercial Purposes do not include the shared use of Project Amenities under a cost sharing agreement for shared use by limited populations that is reasonable in type, scope and nature, considering the type, capacity and nature of the amenities and shared use in question (e.g., the type of amenities, the number of additional tenants having access and the nature of shared use must not substantially reduce the ability of Project tenants to use and enjoy the amenities as originally provided), where the basis and costs of such amenities are allocated reasonably based upon a documented methodology in accordance with applicable laws, regulations and requirements, and where approved in writing by MBOH staff.

“Common Area” means any space in the building(s) on the Project property that is not in the units (except manager units), i.e. hallways, stairways, community rooms, laundry rooms, garages/carports, manager units, etc. Common Area is eligible to be paid for with Housing Credits.

“Community Service Facility” means a building or part of a building constructed and included as part of and on the same tract of land as a Project:

(a) that provides services designed to serve primarily individuals whose income is within the percentage(s) of area median income to be served by the Project (but are not limited to serving such individuals or Project residents exclusively); and

(b) that charges service fees, if any, which are affordable to individuals whose income is within the percentage(s) of area median income to be served by the Project. Community Service Facilities are not required to meet Section 42 Community Service Facility requirements for inclusion in adjusted basis in order to qualify for the cost exclusion under Section 3.F.1 this QAP.

“Compliance Period” means, with respect to any building, the initial period of 15 taxable years beginning with the 1st taxable year of the applicable credit period as provided in 26 U.S.C. § 42.

“Construction Costs” means all costs listed on the UniApp, Section C, Uses of Funds, under the Site Work and Construction and Rehab sections.

“Consultant” or “HC Consultant” means an individual or entity advising a Developer or Owner with respect to the HC Application and/or development process.

“Credit Refresh” means a conversion of previously awarded Credits, from the original Credit year of the Credits Awarded to a more recent Credit year, pursuant to a Board-approved return of the Credits and immediate re-Reservation of the Credits as a more recent year’s Credits, as approved by the MBOH Board in accordance with the requirements of the Applicable QAP.

“Debt Coverage Ratio” or “DCR” means the ratio of a Project’s net operating...
income (rental income less Operating Expenses and reserve payments) to foreclosable, currently amortizing debt service obligations.

"Design Professional" means a housing/building design professional.

"Developer" means the individual(s) and/or entity(ies) specifically listed and identified as the developer in the Uniform Application, Section A - Applicant Developer/Sponsor, responsible for development, construction and completion of an HC Project.

"Developer Fee" means those costs included by the Applicant in the UniApp, adjusted as necessary to comply with the maximum Developer's fee specified in Section 3, Additional Cost Limitations, Developer Fees, which are included as Developer's fees by the Cost Analysis.

"Development Evaluation Criteria" means the evaluation and scoring criteria set forth in QAP Section 9, Evaluation and Award.

"Development Team" means and includes the Applicant, Owner, Developer, General Partner, Qualified Management Company, and HC Consultant identified as such in the Application.

"Difficult Development Areas" or "DDA" means an area designated by HUD as a Difficult Development Area.

"Disqualify" or "Disqualification" means, with respect to an Application, that the Application is returned to the Applicant by MBOH without scoring and without consideration for an Award of HCs, as authorized or required by this QAP.

"Elderly Property" means a Project for which a Fair Housing Act exemption for housing for older persons will apply, i.e., for households that include at least one individual age 55 or older or in which all household members are age 62 or older, as more specifically defined in the Fair Housing Act definition of "housing for older persons" as codified at 42 U.S.C. § 3607(b)(2)(B), (C) and (C)(i). If permitted by the rules applicable to other federal funding sources involved in the Project, households may also include disabled individuals below the specified age thresholds.

"Expense Coverage Ratio" means, with respect to a Project with no hard debt included in the UniApp, the ratio of the Project’s operating income to expenses.

"Experienced Developer" means a Developer who was entitled by written agreement to receive at least 50% of the Developer Fees on a prior low-income housing tax credit Project that has achieved 100% qualified occupancy and for which the applicable state housing finance agency has conducted a compliance audit which revealed no significant problems.

"Experienced Partner" means a member of the Development Team who was a member of the Development Team on a prior low-income housing tax credit Project that has achieved 100% qualified occupancy and for which the applicable state housing finance agency has conducted a compliance audit which revealed no significant problems.

"Extended Use Period" means the Compliance Period plus an additional period of at least 15 years, or a longer period, as specified in the Application and the Restrictive Covenants.

"Fee Schedule" means the most current version of the Fee Schedule Form referenced in this QAP. The Fee Schedule is available on the MBOH website.

"Final Allocation" means, with respect to HCs, MBOH issuance of an IRS Form 8609(s) (Low Income Housing Credit Allocation Certificate) for a Project after building construction or Rehabilitation has been completed according to the Project Application and any MBOH or MBOH Board-approved changes and the building has been Placed in Service.
“Final Cost Certification” means an independent third-party CPA audit report, including a statement of eligible and qualified basis for the Project, submitted to MBOH on the form specified by and in accordance with the requirements of this QAP, for purposes of obtaining IRS Form 8609(s).

“Form” means the most current version of any MBOH Form referenced in this QAP. All Forms are available on the MBOH website or the Funding Portal.

“Funding Portal” means the electronic system designated by MBOH for submission of Applications and related documents, as identified and described on the MBOH website.

“General Partner” means the general partner of a partnership entity that is formed for purposes of a Project.

“General Requirements” means the contractor’s miscellaneous administrative and procedural activities and expenses that do not fall into a major-function construction category and are Project-specific and therefore not part of the contractor’s general overhead, categorized in accordance with NCSHA standards and shown in the Applicant’s properly completed UniApp Supplement, Section C, Limitations and Requirements.

“Gut Rehab” means a Project that includes the replacement and/or improvement of all major systems of the building, including (a) removing walls/ceilings back to the studs/rafters and replacing them; (b) removing/replacing trim, windows, doors, exterior siding and roof; (c) replacing HVAC, plumbing and electrical systems; and (d) replacing and/or improving the building envelope (i.e., the air barrier and thermal barrier separating exterior from interior space) by either removing materials down to the studs or structural masonry on one side of the exterior walls and subsequently improving the building envelope to meet the whole-building energy performance levels for the project type, or creating a new thermal and air barrier around the building.

“Hard Costs” means and includes building Acquisition costs, Site Work costs and Construction and Rehab costs, as shown in the Applicant’s properly completed UniApp, Section C, Uses of Funds.

“Hard Cost Per Square Foot” means Hard Costs divided by Project Square Footage shown in the Applicant’s properly completed UniApp, Section C, Cost Fees Tab.

“Hard Cost Per Unit” means an amount calculated by dividing Hard Costs by the number of units in the Project, as calculated in the UniApp, Section C, Fees Tab, Part I, line “Cost Per Unit.”

“Housing Credits” or “HCS” or “Credits” means federal low-income housing tax credits allocated or available for allocation under this Montana QAP.

“Identity of Interest” between an Applicant and an In-Process Project means that the Applicant or a member of the Development Team for the Applicant Project: (i) has an interest in the ownership or developer fee payable for the In-Process Project; (ii) is the sole General Partner or the Managing General Partner of an entity formed for purposes of the In-Process Project; or (iii) is a Housing Credit Consultant for the development or construction phase of the In-Process Project and is entitled to receive a portion of the Developer Fee. The Applicant does not have an Identity of Interest with an In-Process Project solely because a person or entity involved in or providing support for the Applicant Project is or was also involved in or providing support for the In-Process Project, e.g., participating as a non-profit entity for purposes of obtaining a tax exemption, or providing community or supportive services for the Project, so long as such person or entity is not entitled to a portion of the Developer Fee.

“Initial Allocation” means the Carryover Allocation by MBOH of HCs from a particular year’s federal LIHTC allocation to the state for purposes of later Final Allocation
to a particular Project, as documented by and subject to the requirements and conditions set forth in a written Reservation Agreement, the Applicable QAP and federal law.

“In-Process Project” means any 9% Credit Project for which MBOH and the taxpayer previously have entered into and executed a Reservation Agreement but for which a request for issuance of IRS Form 8609, together with all supporting documentation and fees required by this QAP, has not been submitted to MBOH as of the date of full Application submission, and for which the Reserved Credits have not been returned to or rescinded by MBOH. For purposes of this definition, a request for issuance of IRS Form 8609, together with all supporting documentation and fees required by this QAP, has been submitted to MBOH if all required items have been initially submitted to MBOH, even though correction of submitted items and payment of related correction fees may later be required.

“Investor” means an entity that will directly or indirectly purchase HCs from the awardee.

“Land or Property Control” means legally binding documentation of title or right to possession and use of the property, or the right to acquire title or right to possession and use of the property, for purposes the Project, including but not limited to documentation of fee ownership, lease, buy/sell agreement, option to purchase or lease, or other right, title or interest that will allow the Owner to acquire Proof of Ownership for purposes of Carryover.

“Large Project” means, for purposes of the Soft Cost Ratio limitation in Section 3.F, a Project with more than 24 Housing Credit units.

“Letter of Intent” or “LOI” means a letter and attachment submitted to MBOH on the MBOH Letter of Intent Form.

“Low-Income Housing Tax Credits” means federal low-income housing tax credits, referred to in this QAP as HCs.

“LURA” means land use restriction agreement, and has the same meaning as Declaration of Restrictive Covenants.

“Management Company” means a person or entity that has contracted with the Owner to manage the Project property, including such activities as leasing units, enforcing lease requirements and rules, repairs and maintenance, Housing Credit compliance and other matters relating to the operation of the project.

“Nationally-Recognized LIHTC Compliance Training Company” means a company recognized in the Low Income Housing Tax Credit industry as a qualified Low Income Housing Tax Credit compliance trainer.

“NCSHA” means the National Council of State Housing Agencies.

“New Construction” means construction of one or more new buildings, and includes Gut Rehabs.

“Operating Expenses” means projected ongoing costs to run or operate a property, not including expenses for amortization, depreciation or mortgage-related interest.

“Owner” means the legal entity that owns the Project.

“Permanent Supportive Housing” means housing that combines and links permanent, affordable housing with flexible, voluntary support services designed to help tenants previously experiencing homelessness or with disabilities or other special needs stay housed and build the necessary skills to live as independently as possible.

“Placed in Service” means: (a) for a new or existing building, the certification of the building or the date of certification of the building as being suitable for occupancy in
accordance with state or local law through issuance of a certificate of occupancy; and (b) for rehabilitation expenditures that are treated as a separate new building, the close of the 24-month period, determined in compliance with Section 42, over which such expenditures are aggregated, or, if rehabilitation is completed and the minimum expenditures requirement of Code Section 42(e)(3)(A) is met in less than 24 months, the expenditures may be treated as placed in service at the close of such shorter period, determined in compliance with Section 42. This definition is subject to the applicable provisions of Section 42 and in the event of a conflict between this definition and Section 42, the provisions of Section 42 shall control.

“Preservation” means Projects that are for the Acquisition and Rehabilitation, or Rehabilitation, of existing affordable housing stock.

“Project” means the low income residential rental building, or buildings, that are the subject of a Letter of Intent or an Application for or an Award of HCs.

“Project Square Footage” means such portion of the total square feet applicable to low-income Units and Common Areas and used for the applicable square footage calculation in the UniApp under Section B - Program Information, Part X, “Project Uses.” Project Square Footage includes all building square footage available to or serving tenants, including units, management unit(s) and offices, Common Area, balconies, patios, storage and parking structures.

“Proof of Ownership” means title or right to possession and use of the property for the duration of the Compliance Period and any Extended Use Period plus one year, e.g., a recorded deed or an executed lease agreement.

“Qualified Allocation Plan” or “QAP” means this Montana qualified allocation plan required by Section 42 of the Code.

“Qualified Census Tract” or “QCT” means an area designated as such by HUD.

“Qualified Management Company” means a Management Company that meets the education requirements specified in Section 12, Education Requirements, and is not disqualified by MBOH to serve as a Management Company on existing, new or additional tax credit Properties or Projects, based upon the company’s: (a) failure to complete timely any required training; (b) failure to have or maintain any required certification; (c) record of noncompliance, or lack of cooperation in correcting or refusal to correct noncompliance, on or with respect to any tax credit or other publicly subsidized low-income housing property; or (d) delinquent MBOH late fees (unless the Management Company demonstrates to the satisfaction of MBOH that such noncompliance or lack of cooperation was beyond such company’s control).

“Qualified Nonprofit Organization” means, with respect to a Project, an organization exempt from federal income tax under Section 501(c) (3) or (4) of the Internal Revenue Code, which is not and during the Compliance Period will not be affiliated with or controlled by a for-profit organization, whose exempt purposes include the fostering of low income housing, which owns an interest in the Project, which will materially participate in the development and operation of the Project throughout the Compliance Period, and which is not affiliated with or controlled by a for-profit organization.

“Rehabilitation,” “Rehab” or “Substantial Rehabilitation” means rehabilitation (e.g., capital improvements and/or major repairs necessary as indicated by the capital need assessment) of a building or buildings to house HC units meeting the required minimum Hard Cost Per Unit thresholds specified in Section 3, Substantial Rehabilitation.

“Related Party” means an individual or entity whose financial, family or business relationship to the individual or entity in question permit significant influence over the
other to an extent that one or more parties might be prevented from fully pursuing its own separate interests. Related parties include but are not limited to: (a) family members (sibling, spouse, domestic partner, ancestor or lineal descendant); (b) a subsidiary, parent or other entity that owns or is owned by the individual or entity; (c) an entity with common control or ownership (e.g., common officers, directors, or shareholders or officers or directors who are family members of each other); (d) an entity owned or controlled through ownership or control of at least a 50% interest by an individual (the interest of the individual and individual’s family members are aggregated for such purposes) or the entity (the interest of the entity, its principals and management are aggregated for such purposes); and (e) an individual or entity who has been a Related Party in the last year or who is likely to become a Related Party in the next year.

“Reservation” means the conditional setting aside by MBOH of HCs from a particular year’s federal LIHTC allocation to the state for purposes of later Carryover Allocation (Initial Allocation) and/or Final Allocation to a particular Project, as documented by and subject to the requirements and conditions set forth in a written Reservation Agreement, the Applicable QAP and federal law.

“Reservation Agreement” means a written contract entered into between and executed by MBOH and the taxpayer to provide for a Reservation and setting forth the terms and conditions under which the taxpayer may obtain a Carryover Allocation (Initial Allocation) or Final Allocation.

“Restrictive Covenants” or “Declaration of Restrictive Covenants” means the recorded covenants required by Section 42 of the Code and this QAP. Restrictive Covenants may also be referred to in this QAP as the LURA (Land Use Restriction Agreement).

“Selection Criteria” means and includes all of the requirements, considerations, factors, limitations, Development Evaluation Criteria, set asides and priorities set forth in this QAP and all federal requirements.

“Selection Standard” means the standard for selection of Projects to receive an Award of HCs set forth in the Award Determination subsection of Section 9, Evaluation and Award, i.e., the MBOH Board’s determination that one or more Projects best meet the most pressing affordable housing needs of people within the state of Montana as more specifically set forth in such subsection.

“Small Project” means, for purposes of the Soft Cost Ratio limitation in Section 3.F, a Project with 24 or fewer Housing Credit units.

“Small Rural Project” means a Project: (a) for which the submitted tax credit Application requests tax credits in an amount up to but no more than 12.5% of the state’s Available Annual Credit Allocation, and (b) proposed to be developed and constructed in a location that is not within the city limits of Billings, Bozeman, Butte, Great Falls, Helena, Kalispell, or Missoula.

“Soft Costs” means the costs of professional work and fees, interim costs, financing fees and expenses, syndication costs, soft costs and Developer’s fees as shown in the Applicant’s properly completed UniApp, Section C - Uses of Funds. Soft Costs do not include operating or replacement reserves.

“Soft-Cost-to-Hard-Cost Ratio” or “Soft Cost Ratio” means total Soft Costs divided by the sum of total Hard Costs (as calculated in the UniApp) and land value (the highest value of what is shown in a comparative market analysis, appraisal or arm’s length sale). Land value is added regardless of whether land is donated, leased, purchased or otherwise acquired.

“Sources and Uses” means the sources and uses of funds as specified in the
“Substantial Change” means a substantial change in the Project from the Project as set forth in the Application, and includes a change in or to:

- A member of the Development Team occurring prior to Placed in Service;
- Participating local entity;
- Quality or durability of construction;
- Number of units or unit composition;
- Site or floor plan;
- Square footage of Project building(s);
- Project amenities;
- Income or rent targeting;
- Rental subsidies;
- Addition of any mandatory tenant obligation (e.g., adding tenant payment of utilities where not so specified in the Application);
- Target group;
- Project location;
- Sources and Uses (to the extent any line item of the Sources of Funds or any section of the Uses of Funds of the UniApp changes by 10% or more);
- Common Space square footage, location or purposes;
- Housing Credits required for the Project;
- Extended Use Period;
- Any Application item or information required by the Applicable QAP;
- Any item that would have resulted in a lower Development Evaluation Criteria Score under the Applicable QAP; and
- Any other significant feature, characteristic or aspect of the Project.

“Total Project Cost” mean all costs shown in UniApp Section C, Part II, Uses of Funds line “Total Projects Costs without Grant Admin” (except as provided in Section 3.F.1. with respect to exclusion of Community Service Facility costs). Total Project Cost does not include grant administration costs.

“Total Project Cost Per Square Foot” means Total Project Costs divided by Project Square Footage shown in the Applicant’s properly completed UniApp Supplement, Section C, Cost Fees Tab.

“Total Project Cost Per Unit” means an amount calculated by dividing Total Project Costs by the number of units in the Project, as calculated in the UniApp Supplement, Section C, Cost Fees Tab, Part I, line “Cost Per Unit.”

“Twinned Projects” or “Twinned 4%/9% Projects” means one or more 4% Projects and one or more 9% Projects developed and constructed on a coordinated basis by a single Development Team where each of the included Projects is legally separate and distinct, physically distinct (e.g., separate buildings, located on separate fee or ground lease parcels, separate condominium units, etc.), financed, developed and constructed pursuant to separate contracts or contract schedules, managed and maintained under separate contracts and with separate accounting and finances, all in accordance with applicable IRS requirements, and where the 4% and 9% Projects share access to and use of facilities, such as for parking, common areas, reciprocal utility or maintenance easements or other similar items, pursuant to recorded covenants, conditions, restrictions, agreements and/or easements providing for or based upon a reasonable allocation of costs between the Projects in accordance with applicable IRS requirements. This definition is intended to be descriptive rather than to establish separate Montana requirements for such Projects, which Projects must meet all...
applicable IRS and other legal requirements.


“Unit” means any residential apartment or single-family home.

“Vacancy Rate” means percentage of vacant affordable units in the Application’s market area or in the property.

SECTION 2 - OVERVIEW OF HOUSING CREDITS

A BRIEF SUMMARY OF SOME ELEMENTS OF THE HOUSING CREDIT IS AVAILABLE ON THE MBOH WEBSITE AND IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THERE ARE NUMEROUS TECHNICAL RULES GOVERNING A BUILDING’S QUALIFICATION FOR THE HOUSING CREDIT, THE AMOUNT OF THE HOUSING CREDIT, AND AN OWNER’S ABILITY TO USE THE HOUSING CREDIT TO OFFSET FEDERAL INCOME TAXES. ANYONE CONSIDERING APPLYING FOR HOUSING CREDITS SHOULD REFER, IN ADDITION TO THIS QAP, TO SECTION 42 OF THE UNITED STATES INTERNAL REVENUE CODE (26 U.S.C. § 42). DEVELOPERS OR OWNERS INTERESTED IN APPLYING FOR A CREDIT ALLOCATION SHOULD CONSULT THEIR OWN TAX ACCOUNTANT OR ATTORNEY IN PLANNING A SPECIFIC TRANSACTION.

SECTION 3 - MONTANA SPECIFIC REQUIREMENTS

A. Eligible Applicants

1. First Housing Credit Project Must Be Completed

An Applicant who previously received an Award of Credits for its first Housing Credit Project in Montana (the “In-Process Project”) may not receive an Award of Credits for another Housing Credit Project until the In-Process Project has been issued Form(s) 8609. For purposes of this rule, Applicants are considered to be the same Applicant if the Applicant has an Identity of Interest with the In-Process Project. The foregoing rule does not apply to a subsequent Housing Credit Application if the Developer partners with an Experienced Developer who will be entitled under a written agreement to receive at least 50% of the Developer Fee on the subsequent Project.

For purposes of this Section 3.A, an In-Process Project is any 9% Credit Project for which MBOH and the taxpayer previously have entered into and executed a Reservation Agreement but for which a request for issuance of IRS Form 8609, together with all supporting documentation and fees required by this QAP, has not been submitted to MBOH as of the date of full Application submission, and for which the Reserved Credits have not been returned to or rescinded by MBOH. For purposes of this definition, a request for issuance of IRS Form 8609, together with all supporting documentation and fees required by this QAP, has been submitted to MBOH if all required items have been initially submitted to MBOH, even though correction of submitted items and payment of related correction fees may later be required.

2. Applicant Cannot Exceed Cumulative Credit Maximum

An Applicant is not eligible to submit a Letter of Intent or a full Application for 9% Credits if an Award of Credits for the Applicant Project would cause the Applicant's cumulative Credit amount to exceed the Cumulative Credit Maximum. The Cumulative Credit Maximum is $20 million in total Credits for the ten year period (not including Credits awarded for tax-exempt bond developments). The Cumulative Credit Maximum applies in addition to the Maximum Credit Award provisions in Section 6.
For purposes of the Cumulative Credit Maximum:

(a) an Applicant’s cumulative Credit amount is the sum of: (i) the Applicant’s share(s) of the ten-year amount of Credits awarded to any In-Process Project(s) with which the Applicant has an Identity of Interest, and (ii) the Applicant’s share of the ten-year amount of Credits requested for the Applicant Project;

(b) an In-Process Project is defined as stated above in Section 3.A.1 and in the Definitions section of this QAP;

(c) The Applicant’s share of the ten-year amount of Credits awarded to any In-Process Project is 100%, unless the Applicant is a co-Developer, co-Owner or Consultant for the In-Process Project; in such event, the Applicant’s share is the same percentage of the Project’s ten-year Credit amount as the percentage of Developer Fee the Applicant is entitled to receive as shown in the development agreement (or other agreement specifying such percentage) for the Project or the percentage interest that Applicant owns in the Project (a copy of the agreement specifying the Developer Fee percentage or percentage interest in the Project must be included in the Application if the percentage is less than 100%, and a copy of any revised agreement must be provided to MBOH within thirty (30) days of any amendment); and

(d) Applicant must provide any documents and information regarding any In-Process Project(s) or proposed Project as requested by MBOH for purposes of determining whether an Applicant is eligible under this Cumulative Credit Maximum to submit an LOI or Application.

3. Other Disqualifying Conditions

The Applicant is not eligible to apply for Credits if the Applicant or any member of the Applicant’s Development Team is debarred from federal programs or FHLB (Federal Home Loan Bank), prohibited from applying for LIHTCs by another state HFA for disciplinary reasons, or has delinquent late fees due and payable to MBOH. If any member of the Development Team has delinquent late fees due and payable to MBOH at any time from submission of Letter of Intent through the Award Board meeting, the Application will be ineligible for an Award of Credits until such fees are paid in full. If such late fees are not paid in full within ten (10) business days of written notice, the Application will be returned and will receive no further consideration. Application fees will not be refunded.

An Application or Project awarded credits must be the same Project as described and represented in the Application from Letter of Intent through the first 5 years of the Compliance Period, except for any changes that are not Substantial Changes or any Substantial Changes that have approved by MBOH or the MBOH Board as provided in the Applicable QAP. This includes ownership, development team members, the physical property, and any Project characteristics proposed or promised in the Application (e.g., targeting, amenities, green, energy, etc).

B. Minimum Set Aside

A Project must meet the federally-required minimum set aside requirements, i.e., the 20-50 test, 40-60 test or income averaging (IA). Income averaging (IA) is available only to the extent permitted and subject to the procedures, restrictions and other requirements specified in MBOH compliance materials.

C. Projects Seeking Property Tax Exemptions

For Applications proposing a property tax exemption for rental housing providing affordable housing to lower-income tenants pursuant to Mont. Code Ann. § 15-6-221, the Application must affirmatively commit to providing a minimum of 50% of the Units in the property to tenants at 50% of the area median income, with rents

Commented [A16]: Homeword: Suggested removing from Letter of Intent as changes are allowed between LOI to application as defined in the QAP.

Commented [A17R16]: Staff (Nov 2): Agree with comment so this language has been deleted.
restricted to a maximum of 30% of 50% of area median income, as calculated under Section 42. This requirement does not apply to 4% New Construction Projects, including the 4% Projectportion in of a combined Twinned 4%/9% New Construction Project, but shall otherwise apply to both the 4% and 9% portions of a combined 4%/9% Project.

D. Housing Credit Proceeds

In order to allow MBOH to adequately evaluate Sources and Uses for Housing Credit Projects, the Applicant is required to provide information to MBOH regarding the proceeds or receipts generated from the Housing Credit.

At Application, expected Credit proceeds must be estimated by the Applicant. Within 60 days after the partnership or operating agreement is signed by all parties, the Applicant must provide MBOH with a copy of the executed agreement. If MBOH does not receive a copy of the executed agreement within 60 days of execution, a late fee will be assessed. Prior to issuance of IRS Form 8609(s), MBOH will require the accountant’s certification to include gross syndication proceeds and costs of syndication, even though the costs are not allowed for eligible basis.

E. Sources and Uses Certification

Applicants must certify that they have disclosed all of a Project’s Sources and Uses, as well as its total financing, and must disclose to MBOH in writing any future changes in Sources and Uses over 10% in any UniApp section or any increase in Soft Costs throughout the development period (until 8609’s are received). Applicant’s certification of such disclosure must be provided to MBOH at Application, at 10% Cost Certification, at any disclosure of changes in Sources and Uses over 10% and at Final Cost Certification on the Sources and Uses Certification Form.

F. Development Cost Limitations

To balance affordable housing needs in Montana with appropriate and efficient use of the state’s allocation of Housing Credit authority, MBOH has adopted the following cost limitations and requirements for purposes of calculating the Housing Credit amount for a particular Project. These cost limitations are based upon and in accordance with NCSHA standards.

1. Hard Cost Per Unit/Hard Cost Per Square Foot and Total Project Cost Per Unit/Total Project Cost Per Square Foot

Hard Cost Per Unit, Hard Cost Per Square Foot, Total Project Cost Per Unit and Total Project Cost Per Square Foot are subject to the specific limitations provided in other sections of this QAP. In addition, even for those projects meeting such specific limitations, MBOH will evaluate such Cost Per Unit and Cost Per Square Foot for all Projects for reasonableness, taking into account the type of housing, other development costs as detailed below, unit sizes, the intended target group of the housing and other relevant factors. MBOH will also consider in this review the area of the state and the community where the Project will be located.

All Applications must provide justification for development costs. These costs will be analyzed and scrutinized considering the individual characteristics of the Project listed above and will be compared to other like Projects.

Even though the costs of some Projects may be justifiable and even in some contexts considered reasonable given their unique characteristics, MBOH may decline to Award Credits to a Project where it determines that costs do not reflect the optimal use of Housing Credits.

a. Total Cost Per Unit Limit
The following limit must be met:

- Total Project Cost Per Unit may not exceed $240,000, $245,000, or $280,000.

For purposes of applying this limit to Applications for the 4% and 9% Projects in Twinned 4%/9% Projects, Total Project Cost Per Unit will be calculated as an average of the Total Project Cost Per Unit amounts for the included 4% Project(s) and 9% Project(s).

Applications exceeding this limit will be returned un-scored and will receive no further consideration, and the application fee will not be refunded. Projects must meet this limit at Letter of Intent, Application, 10% Cost Certification and Final Cost Certification. If this limit is exceeded at Final Cost Certification, negative points will be assessed with respect to future Applications as provided in Section 9, Item 9, Developer Knowledge and Responsiveness. The negative points assessment provided in this paragraph for exceeding the Total Project Costs Per Unit limit will apply only prospectively to Projects Awarded Credits in the 2017 or later Award rounds.

The $280,000 limit amount shall apply to all Projects awarded Credits under this QAP. The $280,000 limit amount shall also apply to Projects awarded Credits in prior years and for which an IRS Form 8609 has not yet been issued, if MBOH staff approves such limit amount based upon submission of a written request with supporting justification for cost increases.

b. Community Services Facility Cost Exclusion.

For purposes of the Total Project Cost Per Unit limit, costs of Community Service Facilities may be deducted from Total Project Costs if the Application includes:

(i) a calculation of the costs of the Community Service Facility(ies) that is reasonable and consistent with the Applicant's UniApp for the Project and that specifically itemizes the costs and cost amounts reasonably attributable or allocable to such building or partial building;

(ii) a written certification of the Developer or other Applicant representative to MBOH that the Project’s Total Cost Per Unit will be within the Total Project Cost Per Unit limit in Section 3.F.1 of this QAP upon exclusion of such Community Service Facility costs;

(iii) the Applicant’s agreement that, upon request, it will provide MBOH staff with supporting cost documentation, a CPA certification or other information to support the cost calculation, and will pay the cost of an independent third party expert analysis if required by MBOH; and

(iv) Applicant’s written acknowledgement and agreement that MBOH will deny an exclusion if MBOH staff determines that such cost calculation is unreasonable or not supported by appropriate documentation or certification.

c. Cost Per Unit Limit Exceptions

Requests for exception to the Total Cost Per Unit limit must be submitted to MBOH staff no later than thirty (30) day prior to the Letter of Intent submission deadline. Exceptions will be considered only for preservation of existing affordable housing and based upon documented justification (e.g., negotiated sales price or unusual needs identified in a capital needs assessment). MBOH staff will evaluate and present exception requests to the MBOH Board. Exceptions may be granted by the MBOH Board in its sole discretion.

2. Additional Cost Limitations

Applications must comply with the following limitations on Contractor Overhead, General Requirements, Builder Profit and Developer Fee. To the extent an Application exceeds these cost limitations, as calculated in UniApp Section C, Cost Limitations and Requirements, the excessive costs will be reduced to the limit amount for all purposes under the HC program,
including without limitation, calculation of basis and eligible Project costs, determination of Credit eligibility, and any Award, Reservation, Carryover Allocation (Initial Allocation) or Final Allocation of Credits.

a. **Builder’s Overhead**

Builder’s Overhead is limited to a maximum of 2% of Construction Costs.

b. **General Requirements**

General Requirements are limited to a maximum of 6% of Construction Costs.

c. **Builder Profit**

Builder Profit will be limited to a maximum of 6% of Construction Costs.

d. **Developer Fees**

Developer Fees for New Construction or Rehabilitation will be limited to a maximum of 15% of Total Project Costs. For Projects other than New Construction, Developer Fees will be limited to the lesser of 15% or $1,250,000.00. For purposes of this Developer Fee limit, Total Project Costs do not include Developer Fees, Project reserves or land costs. HC Consultant fees (amount must be disclosed) will be included as part of and subject to the limit on Developer Fees.

Architectural, engineering, and legal services are considered to be professional services, and fees for such services are not included as Developer Fees for purposes of this limitation.

e. **Disclosure of Transactions Involving Related Parties**

If the development includes transactions with Related Parties, all such transactions must be disclosed. Failure to fully disclose Related Party transactions may result in the Project’s not receiving an Award of Housing Credits. MBOH reserves the right to negotiate lower Developer Fees, Builder Profit or other Soft Costs on Projects involving Related Party transactions.

f. **Limitation on Soft Costs**

The Soft-Cost-to-Hard-Cost Ratio (“Soft Cost Ratio”) for the Project, based upon the Application’s UniApp, may not exceed: (i) 32% for Large Projects (more than 24 units); (ii) 37% for Small Projects (24 or fewer units) or Small Rural Projects; or (iii) 40% for stand-alone 4% Credit Projects. For combined Twinned 4%/9% Projects, this limit will apply to the Soft Cost Ratio calculated based upon the combined costs for the 4% and 9% Projects and the applicable 32% Large Project limit or 37% Small Rural Project limit shall apply. If the Soft Cost Ratio for a Project exceeds the applicable maximum, MBOH will contact the Applicant regarding the excessive costs and allow the Applicant to specify how and by what amount its Soft Costs will be reduced to comply with the maximum. The Applicant must communicate its chosen Soft Costs adjustments to MBOH staff in writing within ten (10) business days after such communication and the Application will be deemed amended to reflect such adjustments for all purposes under the HC program. All such Soft Cost adjustments and the Application, as amended to reflect such adjustments, must comply with this QAP in all other respects. If the Applicant fails to communicate its Soft Cost adjustments to MBOH staff within the required time, the Application will be returned unscored and fees will not be refunded. Projects must meet this limit at Letter of Intent, Application, 10% Cost Certification and Final Cost Certification. For Projects Awarded Credits for 2018 or later years, if this limit is exceeded at Final Cost Certification, negative points will be assessed with respect to future Applications as provided in Section 9, Item 9, Developer Knowledge and Responsiveness.

g. **Professional Fees**

Commented [A23]: Wishcamper: Is uncertain of reasoning behind limitation. Thinks limiting the amount in basis but allowing the 15% in total might work. Should not apply to 4% or 4%/9% combined.

ThomasDevCo: Understands limit on 9% but does not agree with limit on tax exempt bond deals.

GMD: Does not support his addition as it makes no reasonable sense.

Homeword: This change should not be made this year but on the list for further discussion.

GL Development: Provided verbal comments at the hearing that this limit would have negative impact.

Commented [A24]: Staff (Nov2): Added language for amendment made at September 15, 2020 board meeting.

Commented [A25]: Staff (Nov 2): This language clarifies that the 32/37% limits apply to the twinned projects. This is the standard that has been applied during underwriting.
Professional fees include but are not limited to fees for architectural, engineering, environmental, accounting, legal, market analysis, construction management and asset management services. The financial narrative in the Uses of Funds Tab of the UniApp must address and provide justification for professional fees. These fees will be compared as a percentage to construction costs for reasonableness. Specific limits may be adopted in a future plan if needed.

### a. Additional Due Diligence

MBOH reserves the right to require due diligence in the form of additional cost certification for Projects MBOH considers to be at high risk for unreasonable cost levels. This additional due diligence may include audits of contracts among or between Development Team members or contractors and/or sampling of subcontractor invoices to verify consistency with the developer cost certification.

### G. Underwriting Assumptions and Limitations

1. **4% Credit Percentage Rate for Housing Credit Calculation**

   The credit percentage rate published by the federal government for the month prior to the date of Application will be used by Applicants and MBOH for purposes of preparation, submission, underwriting and evaluation of Applications and Award of 4% HCs.

2. **Operating Expenses**

   MBOH will evaluate Operating Expenses and Vacancy Rate underwriting assumptions for all Projects for reasonableness, taking into account the type of housing, unit sizes, intended target group of the housing and the location of the Project within the area of the state and the community. Staff may require the Applicant to provide additional justification and documentation regarding any Operating Costs deemed to be outside the normal range.

3. **Debt Coverage Ratio**

   The Debt Coverage Ratio ("DCR") should be:
   
   - For Projects whose DCR is projected to trend upward through the first 15 years of normal operation, the DCR should be between 1.15 and 1.35 in the first year of normal operation, i.e., year 1 as shown on the DCR calculation of the UniApp.
   - For Projects whose DCR is projected to trend downward through the first 15 years of normal operation, the DCR should be between 1.10 and 1.50 during the entire first 15 years of normal operation i.e., the 15-year period that begins with year 1 as shown on the DCR calculation of the UniApp.

   DCR’s outside these ranges must be justified in the Application narrative to the satisfaction of MBOH, in its sole discretion. In determining whether the Applicant’s justification is acceptable, MBOH will consider the reasonableness of the Project’s proposed rent levels, Operating Expenses, reserve payments, projected Vacancy Rates, debt service obligations, Soft Costs and amount of Credits requested. If the DCR, as underwritten by MBOH at Application, falls outside the ranges specified above without justification acceptable to MBOH, MBOH will reduce the amount of Credits requested or the rent levels proposed by the Applicant to an amount determined by MBOH to be necessary for the financial feasibility of the development and its viability as a qualified low income housing Project throughout the Compliance Period.

   MBOH considers several variables, including projected Vacancy Rates (which may require upward adjustment for Small Projects) and Operating Cost data, in conjunction with debt service coverage, in judging the long-term financial viability of Projects. MBOH may require adjustments to rents or Credit amount to assure the Credits Awarded are no greater than necessary to make the Project feasible.
MBOH will evaluate the DCR at Application, at 10% Cost Certification and at Final Cost Certification. In addition, if the DCR at 10% or Final Cost Certification has changed significantly from the DCR as underwritten by MBOH at Application, MBOH may assess negative points to the next Application that includes any member of the Development Team.

4. **Total Expense Ratio**

MBOH will review the Project’s Total Expense Ratio for reasonableness. The Total Expense Ratio is the total income divided by total expenses, including debt service. As a benchmark, NCSHA recommended practices use a 1.10 ratio. The Board will consider projects on a case by case basis that deviate materially from this ratio. Projects should discuss this ratio in their narrative if this ratio deviates materially.

5. **Maximum Rents and Tenant Obligations**

Rents and total tenant obligations to the landlord, including any mandatory tenant-paid items, must be limited to the levels and items specified in the Application and/or Declaration of Restrictive Covenants. For existing tenants, rent increases in any calendar year shall not exceed the lesser of any rent increases permitted as a result of any increase in the Area Median Income ("AMI") or five percent (5%) of the then-current rent amount. MBOH staff may grant exceptions to this limit as necessary to reflect actual cost increases. Exception requests, together with supporting cost and rent documentation, must be submitted at least ninety (90) days in advance of the desired effective date of any requested rent increase in excess of the limit. Rent increases (whether or not in excess of the foregoing limits) based upon the addition of any mandatory tenant obligation (e.g., adding tenant payment of utilities where not so specified in the Application) are also subject to MBOH approval of such addition as a Substantial Change in accordance with Section 11.D.

At Final Allocation, the MBOH Board may also require that rents be adjusted to or maintained at a specified percentage of maximum target rent throughout the Extended Use Period if the Debt Coverage Ratio or Expense Ratio is outside the range recommended or required under this QAP. If required for a particular Project, this limitation must be specifically included as a condition of the HC Award and included in the Project’s Restrictive Covenants.

6. **Operating Reserves**

Minimum operating reserves must be established and maintained in an amount equal to at least four months of projected Operating Expenses, debt service payments, and annual replacement reserve payments. The specific requirements for reserves, including the term for which reserves must be held, must be included in the limited partnership or operating agreement and meet the requirements of the Investor. Using an acceptable third party source, this requirement can be met by cash, bond, letter of credit from a financial institution, or a Developer guarantee that a syndicator has accepted the responsibility for a reserve.

7. **Replacement Reserves**

Replacement reserves must be contributed in an amount equal to at least $300.00 per unit annually. Exceptions may be made for certain special needs or supportive housing developments. Exceptions must be documented and will be reviewed on a case by case basis. The specific requirements for reserves, including the term for which reserves must be held, will be included in the limited partnership or operating agreement and meet the requirements of the Investor.

8. **Utility Allowances**

Commented [A27]: Homeword: Although they understand the reason for these limitations it could affect project feasibility and have unintended consequences

Thomas Dev Co: Language should be included that says, "To the extent existing rents on an acquisition rehabilitation development are below the then current allowable rents for any AMI level, the rents may be increased to current AMI levels".

Commented [A28R27]: Staff (Nov2): Recommends keeping these rent protections for existing tenants.

Commented [A29]: Staff (Nov 2): Language added to clarify that additional tenant obligations cannot be added beyond those specified in the Application unless approved by MBOH as a Substantial Change.

Commented [A30]: Staff (Nov 2): See previous comment.

Commented [A31]: Wishcamper: Consistent with most lenders.

Commented [A32]: Homeword: This requirement should also be updated in compliance manual.

Commented [A33R32]: Staff (Nov 2): This will be updated in compliance manual.
The Montana Department of Commerce Section 8 Utility Allowances are the only acceptable utility allowances for Applications, unless otherwise provided by USDA (Rural Development), or an MBOH-approved allowance using the HUD Utility Model (HUSM). Projects may use their own calculated HUSM from LOI to Placed in Service but as of Placed in Service must have obtained MBOH approval of HUSM according to the following timelines. Requests for approval of HUSM allowance amounts and annual approval requests must be submitted to MBOH at least 90 days before the projected start date or anniversary approval date, except that if submitted between April and October, requests must be submitted 120 days before the projected start date or anniversary approval date. Numbers used for approval request submission must not be more than 30 days old at time of submission. Utility allowances provided by utility providers will not be considered or accepted.

9. Additional Underwriting Assumptions
The following underwriting assumptions will be used by MBOH for underwriting of all Applications:

- Vacancy rates: 10% - 20 units and less, 7% - more than 20 and up to 50 units, 5% - more than 50 units or 100% project based rental assistance;
- Income Trending: 2%;
- Expense Trending: 3%;
- Reserves Trending: as proposed in Application but not to exceed 3%;
- Debt Coverage Ratio: see “Debt Coverage Ratio” subsection above;
- Structured Debt for pro-forma not allowed; and
- Operating expenses per unit: $3,000-$6,000 annually.

These underwriting assumptions will be used at Application, 10% Cost Certification and Final Cost Certification. Credits will not be awarded in an amount beyond those needed to make the Project feasible according to these underwriting assumptions.

H. Project Accessibility Requirements
The Fair Housing Act, including design and accessibility requirements, applies to HC properties. In addition to meeting Fair Housing Act requirements, MBOH requires that all New Construction units and common areas and Rehabilitation that at least replaces interior walls and doors must incorporate the following:

For Rehab, items 3 and 4 below apply to all units and all floors where moving walls, removing wall coverings, or doing new wiring or rewiring.

1. 36 inch doors for all living areas (except pantry, storage, and closets).
2. All door hardware must comply with Fair Housing Act standards for all units.
3. Outlets mounted not less than 18 inches above floor covering.
4. Light switches, control boxes and/or thermostats mounted from 36 to 48 inches above floor covering.
5. Walls adjacent to toilets, bath tubs and shower stalls must be reinforced for later installation of grab bars.
6. All faucets must be lever style.
7. A minimum of a ground floor level half-bath with a 30X48 inch turn space (also required in Rehabilitation unless waived by staff for structural limitations or excessive cost, etc.) (does not apply if there is no living space on the ground floor level).
8. No-step entry to all ground floor level units.
9. Compliance with accessibility requirements must be certified in the architect’s letter of certification submitted with the 8609(s) submission. It is suggested but not required that Projects also include parking for caregivers for tenants with disabilities and that a lease addendum provide for moving a household without tenants with disabilities from a handicapped accessible unit to a regular unit if the

Commented [A34]: North Central Independent Living Services: Montana Housing should undertake an assessment of physical housing stock, programs, policies and partnerships to assure all are accessible and being utilized by those with disabilities.

Commented [A35R34]: Staff (Nov 2): Recommends adding this to our list for next year.
handicapped accessible unit is needed for rental to a tenant with a disability.

I. Energy, Green Building and Other Initiatives, Goals and Requirements

The following items in Subparagraphs A through K specify voluntary initiatives and goals which MBOH encourages Developers to consider in the planning and development of Projects, as well as certain Project requirements. These items are required only where so indicated by the use of mandatory language (e.g., “must”). Such initiatives, goals and requirements are subject to any further applicable provisions of this QAP.

1. Integrated Design Process and Community Connectivity

Project development and design includes a holistic approach. Processes include neighborhood and community involvement to ensure Project acceptance and enhancement. Integrated design processes ensure higher quality finish Project. Existing neighborhood edges, characteristics, fabric are considered in the Project design. Some considerations may include but are not limited to a community design charrette, incorporating Project into neighborhood fabric, energy modeling, commissioning, infrared testing, etc. (see Required Infrared Testing for Projects Awarded Credits, below).

2. Visitability and Universal Design Principles

Applicants should consider inclusion of visitability and universal design principles in development of the Project. MBOH encourages strong advertising of accessible features when advertising new construction through the Multiple listing services or through MontanaHousingSearch.com.

3. Sustainable Site, Location and Design

The building(s) and Project site, including the surrounding area, provide opportunities for education, alternative transportation, services, and community facilities. This is evidenced, for example, by Projects using existing infrastructure, reusing a building or existing housing, redeveloping a greyfield/brownfield, or developing in an existing neighborhood. Design elements use the site’s characteristics and reduce impact on the site allowing for open space and other amenities, such as infill projects, rehabilitating existing building(s), rehabilitating existing housing, providing carpooling opportunities, using well water for landscaping, etc.

4. Passive House Standard

Passive House is a voluntary international building standard developed by the Passive House Institute (PHI), located in Darmstadt, Germany (referred to as the “Passive House Standard”). The Passive House Standard is composed of several strict performance requirements for new building construction. For the renovation of existing buildings, PHI developed a similar if slightly more lenient performance standard. The resulting performance represents a roughly 90% reduction in heating and cooling energy usage and up to a 75% reduction in primary energy usage from existing building stock.

5. Energy and Water Conservation

Design features, product selection and renewable energy options directly reduce use of resources and result in cost savings. Design and product selection exceed applicable energy codes in performance. Examples include but are not limited to Energy Star appliances, drip irrigation, low flow fixtures, dual flush or composting toilets, ground source heat, duct sealing, rainwater collection, and low water consumption plants.

6. Material and Resource Efficiency

Material selections are better quality, designed for durability and long term performance with reduced maintenance. Products used are available locally and/or contain recycled materials.
Construction waste is reduced in the Project through efficient installation or recycling waste during construction. Considerations include but are not limited to construction waste management specification, recycled content products, local materials, reuse existing building materials, certified lumber, and sustainable harvest lumber.

7. Amenities

Applicants may consider for inclusion in the Project the amenities listed in the Amenities Form to be provided at no charge to tenants in the Project. Luxury amenities will not be considered or funded with tax credits. Items deemed luxury amenities include but are not limited to swimming pools, golf courses, tennis courts and similar amenities. The added costs of the Project attributable to higher quality amenities will be considered on a Project by Project basis for a cost to benefit assessment, and the cost of each amenity will be calculated on a per unit basis as shown in the applicable Application worksheet.

Amenities provided will not be used for Commercial Purposes. All Projects previously Awarded tax credits are subject to this restriction but are grandfathered only to the extent Commercial Purposes were specifically included in the Application.

8. Healthy Living Environments (Indoor Environmental Quality)

Materials and design contribute to a healthy and comfortable living environment. Mechanical system design, construction methods and materials preserve indoor air quality during construction as well as the long term performance such as fresh air circulation and exhaust fans, bathroom and kitchen fans exhausting air and moisture, material selection with low toxicity and low VOC (volatile organic compounds) paints, sealants, and adhesives.

9. Smoke-Free Housing

Promoting healthy behaviors can also have a large impact on residents at no additional cost to the Developer. Smoke-free policies protect residents against the harmful health impacts of tobacco smoke, greatly reduce the risk of fires, and prevent damage to units caused by tobacco smoke. Such policies also make properties more attractive to those who do not allow smoking in their own homes.

For New Construction Projects, the Owner (and any Management Company) must establish and implement a written policy that prohibits smoking in the units and the indoor Common Areas of the Project, including a non-smoking clause in the lease for every Project unit. The Owner (and any Management Company) rather than MBOH will be responsible to establish, implement and enforce such written policy and lease clause. The Owner and Management Company also must make educational materials on tobacco treatment programs, including the phone number for the Montana Tobacco Quit Line, available to all tenants of the Project. The Montana Tobacco Use Prevention Program Smokefree Housing Project can provide educational materials and smokefree signage to property owners and managers free of charge, as requested. If smoking is allowed outside on the Project property, it is recommended that the written smoking policy require that smoking be restricted to areas no closer than 20 feet from all building entrances and exits. The written policy must provide appropriate exceptions for bona fide cultural or religious practices.

10. State of Montana Building Code

All Projects must comply with State of Montana Building Code, whether or not the State of Montana building code has been adopted in the Project’s jurisdiction.

11. Required Infrared Testing for Projects Awarded Credits

For Rehabilitation Projects Awarded HCs: Infrared tests are required on at least 10% of units and a representative sampling of Common Areas both before and after the Rehabilitation. At the time of testing there must be at least 20 degrees temperature difference from outdoors to inside the Unit. Infrared testing must be performed by a certified tester. Testing must demonstrate that improvement has been achieved. MBOH
staff may approve changes to the sample size selected. A summary of such testing
demonstrating compliance with these requirements must be submitted to MBOH within 30
days of testing and reviewed by MBOH to qualify for issuance of IRS Form 8609(s).

J. Substantial Rehabilitation

Montana's minimum Substantial Rehabilitation standard is expenditures the greater of (1)
$30,000 (for 4% Projects)/$35,000 (for 9% Projects) of Hard Cost Per Unit, or (2) an
amount which is not less than 30% of the adjusted basis of the building during a 24-month
or shorter period.

Rehabilitation Projects applying for (9%) competitive credits must meet all requirements of
the capital needs assessment and the Application must also include a list of items in each
unit that will be replaced, refinshed, repaired, upgraded, or otherwise rehabilitation in the
Project and a detailed narrative explaining the scope, details and expectations of the
rehabilitation.

K. Tax Exempt Bond Financed Projects

Projects with tax-exempt financing under the volume limitation on private activity bonds
("4% Projects") may be eligible to receive Housing Credits outside the state's tax credit
allocation volume cap. Applications must meet all requirements of the applicable QAP and
must meet at least the minimum Development Evaluation Criteria score specified in Section
9, below, to receive an Allocation of Housing Credits. Projects with tax exempt financing
must submit a certification from the bond financing agency indicating that the Project meets
the public purpose requirements of the bonds and that the Project is consistent with the
needs of the community. For purposes of Application, evaluation and Awarding tax credits
with respect to 4% Projects, the Applicable QAP is the version of the QAP most recently and
finally adopted as of the date of Application submission. 4% projects are not subject to the
carryover or 10% test and cost certification requirements.

L. Eventual Home Ownership

The opportunity for eventual home ownership allows for Projects, with sufficient
justification, to make units available to be purchased by the current tenants after 15 years
of successful performance as an affordable rental. Several supplemental Application
documents are required for Projects that include eventual home ownership. The Application
must: (1) address how the Owner will administer the transfer of ownership to a qualified
homebuyer at the end of the Compliance Period; (2) either identify the price at the time of
the title transfer or a reasonable process to determine the price; (3) document that the
potential owners will be required to complete a homebuyer counseling program; and (4)
identify how Reserve for Replacement funds will be used at the time of sale of the
properties.

At the time of sale, the HC Owner must provide a copy of the title transfer together with a
certificate verifying that the new homeowner completed a homebuyer program within five
years prior to the transfer of title. Enforceable covenants must maintain the home as
affordable and prevent sale or resale to a realtor, financial institution, or a family with an
income over 80% AMI, or more than 80% of FHA appraised value. Families who exceed
income levels of 80% of AMI at the time of the sale must have qualified at the appropriate
AMI contained in the recorded Restrictive Covenants for the Project evidenced by the
Tenant Income Certification at the initial rent-up for the family. Tenant qualification
documentation must be sent to MBOH for approval before the sale is completed. Please
contact MBOH for current forms. Units not sold under the Eventual Home Ownership
Program must remain in compliance with Section 42 until such time as they are sold to a
qualified buyer or the end of the Extended Use Period.
**M. 130% Basis Boost**

1. **Basis Boost for QCT and DDA Projects**

   Federal law permits MBOH to reserve Housing Credits based on a "basis boost" of 30% for Projects in a Qualified Census Tract ("QCT") or in HUD designated Difficult Development Areas ("DDA"). In addition, a 30% "basis boost" may be available for non-QCT or DDA Projects based upon the specific requirements specified below.

2. **MBOH Discretionary Basis Boost for Non-QCT/DDA Projects**

   For buildings not already eligible for the 30% "basis boost" by virtue of being located in a QCT or DDA, up to 130% of the eligible basis of a New Construction building or the Rehabilitation portion of an existing building may be considered in Awarding Housing Credits if MBOH determines that an increase in Housing Credits is necessary to achieve the Project’s feasibility. MBOH staff may recommend an Award of Housing Credits, and the MBOH Board, at the time it considers authorizing Reservations of Housing Credits, may Award Credits for such buildings based upon a basis boost of up to 30%. Applications for Projects not located in a DDA or QCT may be submitted with requested Housing Credits calculated at up to 130% of eligible basis. The explanation, justification and supporting documentation must specify and explain in detail the applicable considerations supporting the need for the requested basis boost (i.e., any of items a through e, below) and provide a detailed justification for the requested basis boost. The justification must explain why the Project would not be feasible without the basis boost. In addition to the explanation and justification, MBOH may consider any one of the following factors in determining whether Housing Credits will be awarded based upon the discretionary basis boost:

   a. Qualification of the Application as a Small Rural Project;
   b. Qualification of the building location for Rural Development funding;
   c. Targeting of more than 75% of Project units to 50% or below area median income level;
   d. The Project includes historical preservation, Preservation or replacement of an existing affordable housing Project (replacement must replace the same Project with the same or similar affordability requirements); or
   e. MBOH staff recommendation based upon need for purposes of financial feasibility.

   The MBOH discretionary basis boost does not apply to non-competitive 4% Credits, except as permitted by federal law.

**N. Non-Housing Amenities**

Swimming pools, tennis courts, golf courses, and other similar amenities will not be funded by Housing Credits. Proposed Projects may include such amenities only if the amenities are funded by sources other than Housing Credits. Subject to the requirements of this QAP, garages or car ports may be funded by Housing Credits considering Montana’s extreme winter weather.

**O. Accountant and Owner Certification**

Prior to the 10% Cost Certification deadline and at Final Cost Certification, MBOH requires an independent third party Certified Public Accountant (CPA) audit report complying with the specific requirements listed in the CPA Audit Report Form.

**P. Information Request and Release Policy**

Requests for information and documents from MBOH will be handled in accordance with and subject to the Department of Commerce Public Information Requests Policy, available on the Department of Commerce website, applicable law and the Department of Commerce MBOH policy and practice Public Records Request Policy, which policy is available on the MBOH website.
Q. Ex Parte Communication Policy

MBOH Board members should refrain from ex parte communications with interested persons or parties, or their representatives, who may be affected by any matter on which members may take official Board action. Ex parte communications may include communications that take place outside a duly noticed meeting or hearing of the Board, relate to a matter on which the Board may take action to determine to rights or obligations of the person or party, and which convey information or may otherwise influence the Board member regarding the matter.

If a Board member is unable to avoid such communications, the member will be required to disclose at a public meeting of the Board the full content of such communication and the identity of the person making the communication. In addition, the Board member may be disqualified from participating in Board action on the matter. Such communications may also subject the Board to challenge regarding its action on the matter.

Ex parte communications do not include communications regarding general matters of housing, funding for low-income housing, or other Board policy, and do not include Board member speaking appearances, conferences, consulting engagements or other events or settings to the extent not involving communications such as those described above.

The foregoing statement is provided as general information. Ex parte communications are addressed in further detail and governed by the MBOH Ex Parte Communication Policy, available on the MBOH website.

R. Relocation Requirements (New)

SECTION 4 - APPLICATION SUBMISSION AND AWARD SCHEDULE – MANNER OF SUBMISSION

A. Competitive 9% Credit Letters of Intent and Applications

Applicants may apply for an Award of 9% Credits (including an Award for a Project combining 9% Credits and other credit sources) for a particular Project by submitting a Letter of Intent no later than the applicable Letter of Intent submission deadline specified below or otherwise set by MBOH. Full Applications for 9% Credits may be submitted only by those Applicants invited to do so by the Board as provided in Section 4.E of this QAP.

Applicants must submit Letters of Intent and Applications and the applicable fee (as set forth in Fee Schedule) to MBOH as required in this QAP.

For Projects involving multiple properties in different locations to which different utility allowances and/or income limits apply, a combined Application with sub-applications for each property location must be submitted. Each sub-application must include a separate UniApp that provides the Project numbers attributable to each location. A single Application or sub-application should include all buildings within a single Project.

Complete Letters of Intent/Applications meeting all requirements of this QAP must be received at MBOH’s office by 5:00 pm Mountain Time on the Letter of Intent/Application submission date specified below. In the event that any submission date falls upon a weekend or holiday observed by Montana State government, the submission date will be the next business day thereafter as posted on MBOH’s website.

B. First Award Round

The following First Award Round deadlines are scheduled in calendar year 2021:

- Letter of Intent Submission: 2nd Monday in April

Commented [A41]: 44 comments: Projects should comply with the Uniform Relocation Act (URA) or comparable standards so to protect existing households.

Commented [A42R41]: Staff (Nov 2): This should be added to the list of discussion items for next year.

Commented [A43]: Housing Solutions: Keep awards in October to allow for more time to prepare for construction season.

Commented [A44R43]: Staff (Nov 2): After further staff discussions considering internal deadlines and considering public comment the 2021 dates have been changed back to the 2020 schedule updating the year only.
C. Second Award Round (if any)

The Board may decide in its discretion to hold a second award round that is any one or a combination of the following: (1) limited to those Applicants that submitted a Letter of Intent in the First Award Round but not invited to submit a full Application (a “Semi-Open Round”); (2) limited to those Applicants invited to submit an Application but not awarded Housing Credits in the first award round (a “Closed Round”); or (3) open to submission of Letters of Intent by any interested party (an “Open Round”). If the Board elects to hold a second award round, the Board will announce such round by posting on MBOH's website. The posting will include all applicable submission requirements, and deadlines and dates for LOI/Application submission, meetings for Applicant presentations, invitations to apply and award, along with any other applicable dates, information and requirements. A Semi-Open or Closed Round need not include additional Letters of Intent or Applications for Applicants that submitted an LOI or Application in the first award round but may include only such additional documents and information submissions as the Board deems appropriate for purposes of such Semi-Open or Closed Round.

D. Changes in Deadlines or Dates; Board Waiver of QAP Requirements; Award Amounts

1. Deadlines and Dates
   Any of the above deadlines and dates may be extended or changed by MBOH if circumstances warrant, and in such event MBOH will provide notice of such extension or change by posting on MBOH's website.

2. Waiver of QAP Requirements
   The MBOH Board, in its discretion, may waive any requirement of this QAP if it determines such waiver to be in the best interests of MBOH, the HC program or the Award cycle.

3. Award Amounts
   In any Award round or rounds, the MBOH Board may elect to Award less than all available Credits or to not Award any Credits if the MBOH Board determines that such is in the best interests of MBOH, the HC program or the Award cycle.

E. Board Consideration and Determination Process

At the MBOH Board’s meeting in the month specified or established in accordance with the above schedule, MBOH staff will present Letters of Intent to the MBOH Board. MBOH will provide an opportunity for Applicants to make a presentation to the MBOH Board regarding their Projects and Letters of Intent and will provide an opportunity for public comment on proposed Projects and Applications. Applicant presentations will be limited to 10 minutes or less. The MBOH Board may ask questions of Applicants and discuss proposed Projects for purposes of assisting the Board in determining which Projects it will invite to submit Applications and assisting Applicants in presenting better Applications, but such questions, answers and discussions shall not be binding upon MBOH in any later Award determination or other MBOH process. Applicant presentations will include any comments from any party on the Development Team, videos and presentation materials.

Commented [A45]: Housing Authority of Billings: Verbal comment at hearing recommending formalizing the selection process of the Board in developing a slate and defining how ties will be handled.

Housing Solutions: Verbal comment at hearing recommending to keep the process as it has been handled the last couple of years.

Echo Enterprises: Email comment following hearing supports keeping the process the same due to the cost of developing a full application.

Commented [A46R45]: Staff (Nov 2): Recommends keeping the process as is.
Public comment will include in-person comments, live conference call comments and written comments. Comments are subject to reasonable limitation by the Chair to minimize duplication, reading of written materials, etc.

After considering the Letters of Intent, presentations, questions and answers and discussion, the MBOH Board will select those Projects that it will invite to submit Applications. Selection for invitation to submit an Application may be based upon consideration of any of the Selection Criteria permitted to be considered for purposes of an Award under this QAP, but no evaluation or scoring of Letters of Intent will be done or considered for purposes of selection for invitation to submit an Application. No more than 8 Projects will be selected. If the total Credits requested in the Applications for such 8 Projects is less than the amount of Credits available for Award in such round, the Board may invite one or more additional Projects to submit Applications, but may invite only the number of additional Projects necessary to meet the amount of Credits available for Award (the “ceiling”), except that the invited Project that brings the total amount of Credits requested from invited Projects to the ceiling may cause the total Credits request to exceed the ceiling. Each Project so selected by the MBOH Board will deemed invited to submit an Application. An Application may be submitted only for a Project invited by the MBOH Board to submit an Application. All other Applications will be returned without consideration.

At the Award Determination Meeting, MBOH staff will provide Project Application information to the MBOH Board. Applicants should be available to the MBOH Board to answer questions regarding their respective Applications. The MBOH Board may ask questions of Applicants and discuss proposed Projects but there will be no Applicant presentations. MBOH will provide an opportunity for public comment on proposed Projects and Applications. Applicants shall have a brief opportunity to make comments and respond to any information presented regarding their Applications.

MBOH staff materials provided to the Board will show Small Rural Projects and other Projects in separate groupings. In considering Applications for Award of Credits, the Board may first consider Award to the Small Rural Projects applying for Credits. After any such initial consideration of Small Rural Project Applications, the Board will consider Award of remaining Credits to any Applicant. The Board may but is not required by this provision to select any Small Rural Project for an Award of Credits.

F. 4% Credit Applications for Tax Exempt Bond/Loan Financed Projects

Projects with tax-exempt financing under the volume limitation on private activity bonds (“4% Projects”) may be eligible to receive tax credits outside the state’s tax credit allocation volume cap. An Applicant for tax-exempt financing under the volume limitation on private activity bonds also seeking an Award of 4% Credits for a scattered-site Project under a single partnership may apply for such credits by submission of a single Application that includes sub-applications for each property included in the Project.

Full Applications for tax-exempt financing and related 4% Credits may be submitted at any time; submission is not limited to the Application schedule set forth above for 9% Credit competitive awards. However, complete Applications must be received by MBOH at least 6 weeks before the scheduled MBOH Board meeting at which the Application is to be considered. Changes to the Application that require MBOH to re-underwrite the Application will restart the minimum 6-week period.

The Application fee for 4% Projects must be submitted to and received in the MBOH office for the Application to receive consideration. In addition, Final Allocation of 4% Credits is subject to payment in full of applicable bond closing fees at bond closing per the MBOH Private Placement policy available on the MBOH website. Additionally, a 42M letter fee will be charged.
Except as specifically otherwise provided in this QAP, Applications for 4% Projects (including 4% Project Applications that are part of a combinedTwinned 4%/9% ProjectsProject) must meet all requirements of the Applicable QAP, including but not limited to meeting at least the minimum Development Evaluation Criteria threshold score specified in Section 9 to receive an Allocation of Housing Credits. Projects with tax exempt financing must submit a certification from the bond financing agency indicating that the Project meets the public purpose requirements of the bonds and that the Project is consistent with the needs of the community (this certification is completed by the bond financing agency (often MBOH) and is completed as a part of the bond closing). For purposes of Application, evaluation and Awarding Housing Credits with respect to 4% Projects, the Applicable QAP is the version of the QAP most recently and finally adopted as of the date of Application submission.

For 4% only Projects (including 4% Projects that are part of a combinedTwinned 4%/9% Projects), a Letter of Intent must be submitted with the Bond Inducement Resolution Request Form. The 4% Project Letter of Intent does not require a Letter of Intent fee or a mini-market study.

G. Combined Credit Applications for Projects Involving Multiple Credit Sources

A single Applicant may apply for credits by submission of a single Application that combines sub-applications for each property/credit request included in the Project (for example, combined 4%/9% applications for Twinned 4%/9% Projects, or a Housing Credit application that combines Housing Credits and another credit source). Each sub-application must include a separate UniApp that provides the Project numbers attributable to the sub-application’s credit source.

Letters of Intent and Application for the 9% partProject of any Twinned 4%/9% Projects or other Projects combining 9% Credits with other credit sources must be submitted in a competitive 9% Credit round by the applicable deadlines specified for such competitive round and in compliance with all requirements applicable to 9% Credits. A single Application that combines 9% Credits and other credit sources must include sub-applications with a separate UniApp for each credit source that provides the Project numbers attributable to the sub-application’s credit source.

Except as specifically otherwise provided in this QAP, Applications for 4% Projects that are part of a combinedTwinned 4%/9% Projects must meet all requirements of the Applicable QAP, including but not limited to meeting at least the minimum Development Evaluation Criteria threshold score specified in Section 9 to receive an Allocation of Housing Credits. MBOH may post additional guidance regarding combinedTwinned 4%/9% Projects and Credit Applications on its website from time to time.

H. Application Submission Method for 4% and 9% Letter of Intent and Credit Applications

All Credit Applications must be submitted to MBOH electronically using MBOH’s Funding Portal. Please contact staff (preferably at least a week ahead of the submission deadline) for set up and for specific instructions on how to access this system. In submitting or preparing to submit Applications, Applicants shall not change or create folders or otherwise change the file structure within the funding portal. An Applicant may request an additional folder by contacting MBOH staff.

I. Request for Increase in Amount of Credit Reservation

As the MBOH Board, in its discretion, determines necessary for financial feasibility, returned
or unreserved Housing Credits may be used to increase the amount of Housing Credits reserved for a Project after the first round Awards have been made. An increase in the amount of Housing Credits under this subsection will be considered by the MBOH Board as a last resort and requests for such increases will be scrutinized as such under the criteria provided herein. In considering a request for an increase under this subsection, the MBOH Board may consider the following factors:

1. The nature and amount of additional costs, loss of anticipated funding sources or other gap in available Project funding;
2. Significant factors leading to the need for additional Credits;
3. Availability and Applicant’s use of measures to mitigate or obtain alternative funding sources to address any funding gap;
4. The need for the additional Credits to make the Project feasible;
5. Availability of returned or unreserved Housing Credits; and
6. Any anticipated potential need for returned or unreserved Credits to fund Projects that would otherwise be funded or require greater funding under the Corrective Award set aside under Section 7.

An Applicant seeking an increase in the amount of reserved Credits must apply to staff in writing at least 4 weeks before the Board meeting at which the Applicant seeks Board consideration of such request. The request must include new financials (UniApp Section C) and supporting documentation for the cost increases (e.g., higher bids than expected, material costs, etc.), and supporting documentation addressing each of the above-specified factors. Staff will review and evaluate the new financials and other supporting documentation and present a recommendation at a later MBOH Board meeting for consideration. Staff will not recommend and the MBOH Board will not approve any increase beyond that necessary to make the Project feasible. Any request for Credits above the amount initially Awarded is considered a request for additional Credits after Reservation and is subject to the provisions of this subsection.

**SECTION 5 – APPLICABLE FEES**

The amount(s) of and due dates for all fees required or imposed by this QAP, including but not limited to Application, Reservation, 10% Cost Certification, 8609 and Compliance fees, are as specified in the MBOH Housing Credit Fee Schedule Form (the "Fee Schedule"). All fee amounts may be adjusted by MBOH from time to time. Fees are set by MBOH staff, subject to Board approval. The amount and due date of each fee shall be posted on the MBOH website and any adjustments to any fee amount or due date shall be posted on the MBOH website in advance of the effective date of each adjustment.

All fees are nonrefundable unless otherwise specified in this QAP or the Fee Schedule. MBOH will not consider an Application or Letter of Intent if the applicable fee is not paid by the deadline set forth in the Fee Schedule.

**A. Developer/Owner Reimbursement of Board Legal and Other Expenses**

See Fee Schedule. The Developer/Owner of any Project awarded credits will be required to reimburse MBOH for legal fees and other expenses incurred by MBOH with respect to any non-standard request, change, document or other matters relating to Reservation, Carryover Allocation (Initial Allocation), Final Allocation compliance or other aspects of qualifying for or obtaining Housing Credits. Such fees and expenses must be paid within 30 days of MBOH’s submission of an invoice. MBOH shall not be required to complete any pending process, approval or other action until such fees and expenses are paid in full.

**SECTION 6 - MAXIMUM AWARDS**
A. Maximum Credit Award

Twenty percent (20%) of the state’s Available Annual Credit Allocation will be the maximum Credit Awarded or Allocated to any one Project or Developer for the current year. The Developer’s or Consultant’s percentage of the Developer Fee, as specified in a written development agreement (a copy of which must be included in the Application), will be that Developer’s or Consultant’s percentage of the 20% limit. The maximum Credit Award for a Project will be determined based upon the state’s Available Annual Credit Allocation for the Housing Credit year from which the Project is first Awarded HCs. In the event Congress does not extend the 12.5% volume cap increase provided in the consolidated Appropriation Act of 2018, MBOH may increase the twenty percent (20%) limit to twenty-five percent (25%) for purposes of 2022 Credit Awards by posting notice of such increase on the Board’s website. In addition, the Board may adjust the twenty percent (20%) limit for purposes of 2022 Credit Awards to take into account any Congressional or IRS changes in Available Annual Credit Allocation by posting notice of such adjustment on the Board’s website.

The maximum Credit Award shall be calculated based upon the previous year’s Available Annual Credit Allocation. For purposes of calculating the maximum Credit Award amount and determining the amount of Credits available for award or set aside at any time, the Available Annual Credit Allocation shall not include or be adjusted with respect to any increase or decrease as a result of any Credit Refresh.

MBOH does not commit tax credits from future years, except as specifically provided in this QAP. The MBOH Board may Award Housing Credits from a future year’s federally allocated Credit ceiling: (1) during the current year full Application cycle as the Board determines necessary in an amount up to 10% of the Credits requested to fully fund a Project for which current year credits are available to fund at least 90% of the Credits requested; or (2) at any time outside the competitive cycle for purposes of funding repair or replacement of a Project building due to a life/safety emergency as determined by the MBOH Board in its discretion. The Applicant must submit a Letter of Intent and the Board must invite the Applicant to submit an Application before making an Award. The Application must meet all QAP requirements.

SECTION 7 – SET ASIDES

A. Non-profit

Ten percent of each state’s credit ceiling must be set aside for buildings which are part of one or more Projects involving Qualified Nonprofit Organizations.

Unless otherwise specifically provided in the Board’s Award resolution, the 10% non-profit set-aside requirement shall be met by the first Award to a Project involving a Qualified Nonprofit Organization receiving an award of at least 10% of Montana’s credit ceiling (or if more than one such Project is included in the first Award resolution, by such Project that appears first in an alphabetical list of all such Projects included in such Award resolution). The Board shall specifically identify such Project in the Award resolution but if such designation is not specifically identified by the Board, the designation shall be as provided in the foregoing sentence. If no Project Awarded HCs involves a Qualified Nonprofit Organization, the non-profit set aside (i.e., 10% of the state’s credit ceiling) will be held back for later Award to a Project involving a Qualified Nonprofit Organization. By submitting an Application involving a Qualified Nonprofit Organization, the Applicant consents to designation of such Project as the Project receiving the non-profit set aside required by Section 42.

B. Corrective Award

Such portion of the state’s annual federally-allocated Credit ceiling is reserved and set-
aside as is necessary for Award of credits to:

- Any Project for which an Application was submitted in a prior round or year, if:
  - A final order of a court of competent jurisdiction determines or declares that such Applicant was entitled to an Award in such prior round or year or requires MBOH to make an Award or Allocation of tax credits to such Project;
  - A final order of a court of competent jurisdiction invalidates or sets aside an Award of credits to an approved Project from such prior round or year and a Reservation Agreement was executed by MBOH and such Applicant prior to issuance of such court order, unless such court order determines that such Project was not eligible or qualified under the applicable QAP to receive an Award of tax credits; or
  - MBOH, upon further consideration of any Award determination as required by and in accordance with the order of a court of competent jurisdiction, determines that such Project was entitled to an Award in such prior round or year.

All requirements and conditions of this Corrective Award set aside provision must be met to receive an Award under this set aside provision. The amount of any Award under the Corrective Award set aside shall be the amount specified by the court, or if no Award amount is specified by the court, an amount determined by MBOH in accordance with this QAP. The Corrective Award set aside shall be funded first from returned or unreserved tax credits from a prior year. Awards may be "future allocated" under this Corrective Action set aside, i.e., such Awards may be made from returned or unreserved tax credits from a prior year and/or the current year’s credits at any MBOH Board meeting after the final court order has been issued and presented to MBOH. Such Award need not await the annual Application and Award cycle.

Where a court orders that an amount of the current year’s credits be set aside for a Project pending the decision of the court, if the court’s decision is not received before the end of the current year, the credits set aside will become classified as the next year’s credits, as required by federal code.

If the court orders MBOH to Award credits to any Project under this set-aside, the Project must submit an updated Application so the MBOH can review and underwrite current numbers and assumptions to verify that the amount of credits requested or some other credit amount is justified for Project feasibility, unless otherwise ordered by the court. The corrective awardee must pay the Reservation fee as required in the Fee Schedule.

C. General Rules Regarding Set Asides

MBOH reserves the right to determine in which set-aside a Project will be reviewed (subject to its eligibility), regardless of its eligibility for any other set-aside.

To qualify and receive consideration to receive an Award of Credits under a set-aside, the Project must meet all applicable requirements of this QAP and must receive minimum Development Evaluation Criteria score specified in this QAP.

In the event there are insufficient tax credits available to fully fund all set aside categories, the respective set aside categories shall be funded in the following order of priority: (1) Non-profit; and (2) Corrective Award.

SECTION 8 – LETTER OF INTENT AND APPLICATION PROCESS

Applicants are responsible to read and comply with this Qualified Allocation Plan (QAP) (and any other Applicable QAP) and accompanying materials.
Applicants are responsible to determine the degree that their building(s) and development correspond to the MBOH’s Selection Criteria contained in this QAP. Applicants are responsible to consult their own tax attorney or accountant concerning: (a) each building’s eligibility for the Credit; (b) the amount of the Credit, if any, for which their building(s) may be eligible; and (c) their ability and/or their Investor’s ability to use the Credit.

A. Letter of Intent (LOI)
All Projects wishing to apply for HCs in Montana must submit an LOI by the deadline specified in Section 4 with the applicable fee. All LOIs must be submitted using the Forms posted on the Board’s website. The Project Location, type (e.g., family or elderly), Applicant and Developer specified in the LOI may not be changed in any later Application. Other information in the LOI (e.g., cost information, number of units, unit sizes, income targeting, rents, hard and soft loan sources, etc.) will be considered the Applicant’s best estimates and may be changed in the Application. A mini-market study is required for purposes of a LOI for competitive Credit Projects. Full market studies will not be accepted in the LOI process.

B. Application
An Application may not be submitted for a Project unless an LOI has been submitted with respect to the Project according to the requirements of this QAP and the Board has invited that Project to submit an Application. MBOH will return all other Applications without consideration, along with the Application fee.

Applicants must commission a full market study as outlined in the MBOH Market Study Form. Such Market Study must be included with the Application submission in accordance with the Threshold Requirements below.

Applicants must complete and submit the Uniform Application, all Threshold Requirements, full market study and full Application fee by the applicable Application deadline (see Section 4, Application Submission and Award Schedule). Applicants must use the most current Form of the Uniform Application (UniApp) available on the MBOH website at: http://housing.mt.gov/UniformApplication.

C. Incomplete Letter of Intent or Application
The Developer/Owner that submits either an LOI or Application that does not include any threshold item or that is substantially incomplete may submit additional information as requested and within the time specified by MBOH staff. The opportunity to submit such additional information is subject to payment of the applicable fee as set forth in the Fee Schedule. If the Applicant submits the required additional information and pays the applicable fee within the time specified by MBOH staff, the LOI or Application shall be deemed to have met the corrected requirement. If the applicant does not submit the additional information and applicable fee, the LOI or Application will be returned to the Applicant and will not be considered further and Fees will not be refunded.

D. Threshold Requirements Are Mandatory
Threshold Requirements are mandatory for all LOIs and Applications. Except as provided above in subsection 8.c, LOIs and Applications received not meeting all Threshold Requirements or other requirements of this QAP will be returned un-scored and will receive no further consideration and Fees will not be refunded.

Submit complete Applications to MBOH. Applications must be submitted electronically in accordance with the requirements of Section 4.H.

E. Threshold Requirements
To be eligible for further consideration, all LOIs and Applications must be submitted by the deadline in accordance with the requirements of this QAP and the following Threshold Requirements.

ALL MBOH FORMS REFERENCED IN THIS QAP ARE AVAILABLE ON THE MBOH WEBSITE AT https://housing.mt.gov/Multifamily-Development/Qualified-Allocation-Plan. ALL FORMS SUBMITTED TO MBOH IN OR AS PART OF THE APPLICATION, DEVELOPMENT, UNDERWRITING, ALLOCATION, COST CERTIFICATION, COMPLIANCE OR OTHER PROCESSES UNDER THIS QAP MUST BE THE MOST CURRENT FORM AVAILABLE ON THE MBOH WEBSITE. If the most current Form(s) are not used, submissions may be returned and required to be resubmitted on the correct Form.

Letters of Intent must:
1. Include the applicable LOI fee;
2. Be received by the applicable deadline;
3. Include a mini-market study (for competitive 9% Credit projects)-- full market studies will not be accepted; and
4. Be substantially complete and in the format prescribed in the MBOH Letter of Intent Form.

Applications must:
1. Include the Application fee;
2. Be received by the applicable deadline;
3. Include all of the documents, information and other items specified in Threshold Requirements 4 through 32 below;
4. Include a cover letter summarizing the Project, limited to 2 pages;
5. Include a fully completed UniApp (or the information required for electronic submission through the Funding Portal) including all applicable Forms, all in the most current forms as posted on the MBOH website;
6. Specify the Qualified Management Company that will provide property management service to the Project and provide a copy of the written agreement with the Management Company evidencing the company’s commitment to provide management services. Upon written notice from MBOH that the Application has identified a Management Company that is not a Qualified Management Company, the Applicant must submit to MBOH within ten (10) days a written designation of a Qualified Management Company and a copy of the written agreement with the Management Company evidencing the replacement company’s commitment to provide management services;
7. Include a full Market Study prepared and signed by a disinterested third party analyst, with certificate (included in MBOH Market Study Requirements item under QAP “Forms and Templates” on the MBOH QAP webpage: https://housing.mt.gov/Multifamily-Development/Qualified-Allocation-Plan signed by analyst and notarized. Market Studies must be completed within six (6) months prior to the submission date of the Application, must have the market analyst complete a physical inspection of the market area within one (1) year of the Application and must adhere to minimum market study requirements in the MBOH Market Study Requirements;
8. Include documentation of Land or Property Control;
9. Include documentation from the applicable local zoning authority that applicable zoning requirements are met or otherwise addressed, e.g., Project is within applicable zoning requirements, part of an approved planned unit development, subject to a zoning change request for which a change request has been submitted, or not subject to any existing zoning requirements. The Application must include documentation from the city or county affirmatively stating how zoning requirements are met or addressed (e.g., affirming that no zoning exists).
10. Include documentation of availability and capacity of utilities to serve the Project, including documentation that utilities are available to the Project and the present proximity of utilities to the Project location. Such documentation must be in the form of a letter or email from the electric, gas/propane, water and/or sewer/septic provider/company, as applicable verifying that the utilities are or will be available to the property and that the provider has the capacity to handle the load or additional load to be added by the Project. Such documentation must address water, sewer, electricity, and as appropriate, gas, propane and garbage pickup. Acquisition/Rehabilitation Projects need only provide a letter or email from the utility provider documenting the expected utility load and the utility’s ability to meet such additional load. Documentation of utility availability and capacity must be current (within 18 months prior to Application date). MBOH staff may in its discretion require the Applicant to provide updated documentation. If Applicant obtains an updated letter from the utility provider, a copy of the updated letter must be provided to MBOH at Reservation or with the next submitted quarterly report;

11. Include a preliminary financing letter from a lender indicating the proposed terms and conditions of the loan. The financing letter must formally express interest in financing the Project sufficient to support the terms and conditions represented in the Project financing section of the Application;

12. Include a letter of interest from an equity provider including an anticipated price based on the market at time of the Application;

13. Except as otherwise provided in this Subparagraph 13, include a comparative market analysis (“CMA”) or an appraisal done by an independent (non-related) Montana-licensed real estate professional. Such CMA or appraisal is required regardless of the manner or method of Acquisition and must cover all real estate acquired, including land and/or buildings. **Land and existing building values must be listed separately.** A CMA or appraisal is not required to be submitted if not available in the location of the Project (e.g., if a CMA or appraisal is not available for property located within the exterior boundaries of a reservation). To qualify for this exception, the Application must include documentation demonstrating that a CMA or appraisal is not available for the property;

14. For Rehabilitation Applications, include a full scale Capital Needs Assessment on the USDA Rural Development Capital Needs Assessment (CNA) template or similar form, projection of a minimum of 15 years a list of items for each particular Unit (identified by Unit number) that will be replaced, refinished, repaired, upgraded or otherwise rehabilitated, and a detailed narrative explaining the scope, details and expectations of the Rehabilitation. If the CNA will be more than 1 year old as of the date of Application submission, the CNA must include an update to within the most recent 6 months;

15. For Applications proposing Rehabilitation or replacement of existing units, include a preliminary relocation plan addressing the logistics of moving tenants out of their residences and providing temporary housing during the Rehabilitation, the probable length time tenants will be out of their units, and/or replacement and returning tenants to their residences upon completion of the Rehabilitation or replacement;

16. Include a site plan, and a Design Professional’s preliminary floor plan and elevations/photos of existing properties for the Project;

17. For Applications for Projects involving Qualified Nonprofit Organizations and seeking to qualify for the non-profit set aside under Section 7, include: (a) a copy of the IRS determination letter documenting such organization’s 501(c)(3) or (4) status; (b) an affidavit by the organization’s managing partner or member certifying that the organization is not and during the Compliance Period will not be affiliated with or controlled by a for-profit organization; and (c) documentation that one of the exempt
purposes of the organization includes the fostering of low-income housing;

18. For Applications proposing a property tax exemption for rental housing providing affordable housing to lower-income tenants pursuant to Mont. Code Ann. § 15-6-221, include documentation of intent to request that the local government unit where the property is located conduct a public hearing as required by Mont. Code Ann. § 15-6-221(2). Such public hearing must be conducted by the unit of local government where the property is located and documentation of such public hearing must be submitted prior to issuance of the Carryover Allocation. If the Application does not include documentation of intent to conduct the required public hearing, the Project will be underwritten as if no exemption was or will be received. In addition to including documentation of intent to conduct such hearing, the Application must affirmatively commit to providing a minimum of 50% of the Units in the property to tenants at 50% of the area median income, with rents restricted to a maximum of 30% of 50% of area median income, as calculated under Section 42 (but such affirmative commitment requirement does not apply to 4% New Construction Projects, including the 4% portion Project of a combined Twinned 4%/9% New Construction Projects, but shall otherwise apply to both the 4% and 9% portions Projects in a combined 4%/9% Project);

19. Specify the Extended Use Period;

20. For Projects targeted for Eventual Homeownership, provide the documents and information specified in Section 3, Eventual Home Ownership;

21. Specify the selected minimum set aside 20-50 test, 40-60 test or income averaging (IA); income averaging (IA) will be available only to the extent permitted and subject to the procedures, restrictions and other requirements specified in MBOH compliance materials;

22. Include a copy of both the public notice and the affidavit of publication from the publisher, meeting the requirements specified in this Section 8, Public Notice;

a. Public Notice

An Applicant must place a notice in the local newspaper of the intent to apply for Housing Credits, and encouraging submission of public comment to MBOH. Such notice must include name of Project, number of units, location of Project, for-profit or non-profit status, and, if applicable, intent to request tax-exempt status for the Project. The notice will be placed as a box advertisement in the newspaper within 90 days prior to the due date of the Application and will allow for not less than 30 days for submission of comments to MBOH. The notice must be published twice, with an interval of at least 14 days between the 2 publication dates. A copy of the notice, together with an affidavit of publication showing the dates published, must be included in the Application.

b. Example of Public Notice

(Name of Developer, address, telephone number), a (for-profit/non-profit) organization, hereby notifies all interested persons of (city, town, community name) that we are planning to develop, (Name of Project) an affordable multi-family rental housing complex on the site at (street location). This complex will consist of (number) (one bedroom, two bedroom, or three bedroom) units for (elderly persons/families). This Project (will/will not) be exempt from property taxes.

An Application (will be/has been) submitted to the Montana Board of Housing for federal tax credits financing. You are encouraged to submit comments regarding the need for affordable multi-family rental housing in your area to the Montana Board of Housing, PO Box 200528, Helena, MT 59620-0528 or FAX (406) 841-2841. Comments will be accepted until 5 PM on (specify the date 3 weeks before the MBOH Board Award Determination Meeting (see Section 4,
23. Include copies of the executed Developer Fee agreement and Consultant Fee agreement;
24. If the Project is an Elderly Property, specify which exemption for housing for older persons will apply;
25. Include a narrative addressing each of the Development Evaluation Criteria, demonstrating how the Application meets each of these criteria, and providing a specific explanation and justification of the points sought for each scoring item. Narrative references to the Market Study must cite the specific page and paragraph of the Market Study. The narrative must include the Applicant’s own proposed total score for each scoring item in the Development Evaluation Criteria and, at the conclusion of the narrative, the Applicant’s own proposed total score;
26. Include the completed and signed Indemnification Form and Sponsor Certification Form;
27. For Applicants that include as part of the Development Team a Developer with no previous history with the Montana Housing Credit Program, include the completed and signed Authorization to Obtain Information Form;
28. Include the explanation and justification for a request for discretionary basis boost, if applicable;
29. Identify the name of the specific entity that will have Legal ownership of the Project (LP, LLP, etc.) (“to be determined” or “TBD” is not acceptable);
30. Include documentation of the number of households on current waiting lists for the local public housing authority (the PHA/HRC for the area in which the Project is located) (as required by IRC);
31. Include the completed Amenity List Form. This completed Form will be provided to the MBOH Board for its consideration; and
32. Include the completed In-Process Project Form, together with developer and/or consultant agreement documents for any In-Process Project(s) or proposed Projects.

Applications must also demonstrate that the proposed Projects are financially sound. This includes reasonable financing terms, costs, expenses, and sufficient cash flow to support the operations of the Project, all of which must meet the underwriting standards of MBOH.

SECTION 9 – EVALUATION AND AWARD

A. Threshold Evaluation and Considerations

MBOH staff will review all Applications received by the applicable submission deadline for compliance with all Threshold Requirements, including but not limited to completeness, soundness of the development, and eligibility based on federal requirements and this QAP. Except as provided above in subsection 8.C, Applications determined by MBOH staff to not substantially meet all Threshold Requirements or other requirements of this QAP or federal law will be returned un-scored and will receive no further consideration. Except as specifically provided in this QAP, Application fees will not be refunded.

MBOH staff may communicate with Applicants for purposes of providing interpretive guidance or other information or for purposes of clarifying, verifying or confirming any information in Applications, and for the purposes provided in subsection 8.C.

MBOH staff may query an Applicant or other persons regarding any concerns related to a Housing Credit Application or the management, construction or operation of a proposed or existing low-income housing Project. Questionable or illegal housing practices or management, insufficient or inadequate response by the Applicant, General Partners, or Management Company as a whole or in part, may be grounds for Disqualification of an Application and non-consideration for an Award of Housing Credits.
As part of its review of Applications, if MBOH has not received comments from community officials of the Project location, staff will contact such local community officials to discuss relevant evaluation criteria information pertaining to the Application and the proposed Project. MBOH may also contact any other third parties to confirm or seek clarification regarding any information in the Application, including but not limited to checking Development Team references and verifying information through direct contact with the Project Developer.

Between the submission deadline and the MBOH Board Award Determination Meeting, as required by federal law, MBOH will provide notice of the Project to the chief executive officer (or the equivalent) of the local jurisdiction within which the Project is proposed to be located and provide such individual a reasonable opportunity to comment on the Project.

Housing Credit Application/Allocations will be subject to three underwriting evaluations: (1) evaluation for purposes of Award; (2) evaluation for purposes of the 10% Cost Certification; and (3) evaluation for purposes of Final Cost Certification.

MBOH will return and will not consider for an Award of Credits:

1. Incomplete Applications, except as provided above in subsection B.C.;
2. Unsound Applications, i.e., Projects for which the Market Study and other available market information fails to demonstrate adequate market need within the proposed location community or Projects that are not financially feasible, including but not limited to viable cash flow, based upon MBOH underwriting standards as set forth in this QAP;
3. An Application submitted by an entity with a demonstrated poor track record in completion of development or management of low income housing, whether located in Montana or another state;
4. Applications submitted by Applicants with current Project(s) that have/had numerous or unresolved substantial non-compliance issues or IRS 8823’s (consideration will be given to the type of 8823);
5. Any other Application failing to meet any mandatory requirement of this QAP or federal law; and
6. Any Application as otherwise specified in this QAP.

Applications meeting all minimum Threshold Requirements and not excluded from further consideration under this QAP will be evaluated for the amount of Credits needed for feasibility and long term viability and will be evaluated and scored according to the Development Evaluation Criteria section below.

**B. Amount of Housing Credit Allocation**

Although a proposed development may be technically eligible for a certain Credit amount, federal law prohibits MBOH from allocating more Credits than necessary for the financial feasibility of the development and its viability as a qualified low income housing Project throughout the Compliance Period. Accordingly, an Award of Housing Credits under this QAP will be limited to the amount of Credits that MBOH, in its sole discretion, deems necessary to make the development financially feasible and viable as a qualified affordable Housing Credit Project throughout the Compliance Period.

In determining the amount of Credits necessary, MBOH will consider:

1. The Sources and Uses of funds and the total financing planned for the Project. Funds, including funds from federal sources, such as HOME grant money, Rural Development, and similar funds. Such federal funds may be loaned by or through a parent organization to a Project pursuant to a bona fide loan agreement. Such loans will not reduce the basis for the Project providing they are true loans.
2. Grants made with federal funds directly to a Project, which will reduce basis.
3. Any proceeds or receipts expected to be generated by the Housing Credits.
4. The reasonableness of the development and operational costs of the Project. This determination is made solely at MBOH's discretion, and is not intended to be a representation or warranty to anyone as to the feasibility of the development. Rather, it will serve as the basis for making an Award of Credits. A similar analysis will be done at the time of 10% Cost Certification and at Final Cost Certification prior to issuing IRS Form(s) 8609. Neither the selection of a Project to receive an Award of Housing Credits nor the amount of Credits to be allocated constitutes a representation or warranty that the Owner or Developer should undertake the development, or that no risk is involved for the Investor.

C. Full Funding of Applications
Just as MBOH will not allocate more Credits than necessary for the financial feasibility of the development and its viability, MBOH will not award Credits in an amount less than it deems necessary for these purposes. Therefore, if the Board Awards Credits to a Project, it will Award the amount of Credits determined by MBOH staff for the Project based upon the Applicant's requested amount (except for any de minimis reduction because of lack of available Credits to fully fund the full Credit amount). If the remaining amount of available Credits is insufficient to fully fund an additional Project, before Awarding Credits to a Project in an amount less than requested by the Applicant (except for any such de minimis reduction), the Board will prioritize the remaining Projects for an Award from the remaining Credits, and the first priority Project for such an Award will be allowed 30 days to re-submit its Application resized to the amount of Credits remaining available. After staff underwriting and evaluation of the resized Application, if MBOH staff determines based upon the resized Application that the development is financially feasible and viable as a qualified low income housing Project throughout the Compliance Period, MBOH staff will enter into a Reservation Agreement for the Project. If the first priority Project fails to submit a resized Application within 30 days or MBOH staff determines that the Project is not financially feasible or viable as proposed in the resized Application, the next priority Project will be invited to submit a resized Application, and so on, until remaining Credits are reserved for one of the prioritized Projects.

D. Development Evaluation Criteria and Scoring
In addition to evaluation under all other QAP Selection Criteria, Applications will be evaluated and scored according to the following Development Evaluation Criteria. Awarding of points to Projects pursuant to these Development Evaluation Criteria is for purposes of determining that the Projects meet at least a minimum threshold of 1000 of the total possible 1260 available points to qualify for further consideration. Developments not scoring the minimum Development Evaluation Criteria score of 1000 of the total possible 1260 available points will not receive further consideration.

Non-competitive 4% Credit Bond Deals will meet at least a minimum threshold of 800 of the total possible 1260 available points to qualify for further consideration. Non-competitive developments not scoring the minimum Development Evaluation Criteria score of 800 of the total possible 1260 available points will not receive further consideration.

The Development Evaluation Criteria, other QAP Selection Criteria and information submitted or obtained with respect to Projects will be used to assist the MBOH Board in evaluating and comparing Projects.

Development Evaluation Criteria scoring is only one of several considerations taken into account by the MBOH Board. It does not control the selection of Projects that will receive an Award of tax credits. For purposes of this QAP and HC Awards and Allocations, the QAP Selection Criteria include all of the requirements, considerations, factors, limitations, Development Evaluation Criteria, set asides, priorities and data set forth in this QAP and all federal requirements.
1. Extended Low Income Use* (100 points possible)

Federal law requires a 30-year or longer Extended Use Period. An Application in which the Applicant agrees to maintain units for low income occupancy beyond the Extended Use Period will receive points as indicated below and must incorporate these restrictions into the Restrictive Covenants.

**Years beyond initial 15**
- Less than 31 years: 0 points
- 31 or more years: 100 points (46 years +)

Eventual Home Ownership* Applications must also specify an Extended Use Period and will receive points for the Extended Use Period as provided above (refer to the “Eventual Home Ownership” portion of Section 3 for supplemental Application documentation and information requirements).

2. Lower Income Tenants* (200 points possible)

   a. Income and Rent Level Targeting.

An Application will receive points for the percentage of eligible units at the percentages of area median income (“AMI”) levels listed below. An Application will receive points for 40%, 50%, and 60% categories when the development targets those income and rent levels. Points awarded for 40% units are independent of and not calculated as part of 50% or 60% units, except that the number of 40% units included in the Project, if any, that exceed 10% of eligible units will be added to the number of 50% units for purposes of point scoring under the chart below. Developments will be bound by the terms committed to in the application process through the mandatory Declaration of Restrictive Covenants. Section C, Part IV, Rent and Forecasted Income of the UniApp will be used to calculate the score for this item. Scoring under the following chart is based upon the total number of HC units including a manager's unit if applicable.

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<tr>
<th>Target Median Income Level</th>
<th>Percentage of Eligible Units</th>
<th>Points</th>
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</thead>
<tbody>
<tr>
<td>40%</td>
<td>10% (or greater)</td>
<td>20</td>
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<td>50%</td>
<td>15-20%</td>
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<td>50%</td>
<td>41-60%</td>
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<td>50%</td>
<td>61-100%</td>
<td>180</td>
</tr>
<tr>
<td>60%</td>
<td>40%</td>
<td>0</td>
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<tr>
<td>60%</td>
<td>41-60%</td>
<td>20</td>
</tr>
<tr>
<td>60%</td>
<td>61-100%</td>
<td>40</td>
</tr>
</tbody>
</table>

*NOTE 1: Rents @ 40% allowed to income qualify to 49% AMI. Rents @ 50% allowed to income qualify to 55% AMI (40-60 election must apply) (Note 1 is applicable to all existing HC properties awarded between 1990-2016, inclusive. For all other projects, such requirements will be included in the Project's Declaration of Restrictive Covenants if applicable).

   b. Income Averaging.

If Income Averaging is elected by the Applicant for the Project, the Application will be scored under the scoring criteria and points schedule in this subsection 2.b (rather than the criteria and points schedule in subsection 2.a above).

**Income averaging targeting for 9% Credit Applications.** If 10% or more of the units
are targeted at 70% or above, three percent (3%) of the total number of Project units or a minimum of one unit, whichever is greater, must be targeted at 20% or 30%.

<table>
<thead>
<tr>
<th>Target Median</th>
<th>Minimum Percentage</th>
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<tbody>
<tr>
<td>Income level</td>
<td>of Eligible Units</td>
</tr>
<tr>
<td>20%</td>
<td>5% or greater</td>
</tr>
<tr>
<td>30%</td>
<td>5% or greater</td>
</tr>
<tr>
<td>40%</td>
<td>5% or greater</td>
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</tbody>
</table>

**NOTE 2:** 20 points will be awarded if at least 2 of the 3 targeted percentages above are met; no points will be awarded if less than 2 of the 3 are met.

Income averaging targeting for 4% Credit Applications. If 10% or more of the units are targeted at 70% or above, three percent (3%) of the total number of Project units or a minimum of one unit, whichever is greater, must be targeted at 20% or 30%.

<table>
<thead>
<tr>
<th>Target Median</th>
<th>Minimum Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income level</td>
<td>of Eligible Units</td>
</tr>
<tr>
<td>20%, 30% or 40%</td>
<td>10% or greater</td>
</tr>
<tr>
<td>50%</td>
<td>15-20%</td>
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<td>21-40%</td>
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<td>60%</td>
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<tr>
<td>60%</td>
<td>41-60%</td>
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<tr>
<td>60%</td>
<td>61-100%</td>
</tr>
<tr>
<td>70% &amp; 80%</td>
<td></td>
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</tbody>
</table>

3. **Project Location* (100 points possible)**

An Application will be awarded points to the extent the Project is located in an area where amenities and/or essential services will be available to tenants, determined according to the following specifications. For scattered site Projects, all site locations must meet the following criteria for any points to be awarded. An Application will be awarded points with respect to an amenity or service as specified below, if: (i) a Project is located within 1½ miles of the specified amenity or essential service; (ii) public or contracted transportation...
(not including taxi or school bus service) is reasonably available to the specified amenity or service (i.e., the Project is located within ¼ mile of fixed bus stop or on a same day call basis) (or letter from provider committing to establish such service); or (iii) where applicable, the specified amenity or service is available via a no-charge delivery service to the Project Location (all distances must be as specified in the Project’s market study):

- a grocery store (convenience store does not count); or
- Medical services appropriate and available to all prospective tenants (e.g., hospital, doctor offices, etc.).

4. Housing Needs Characteristics* (100 points possible)

Development meets area affordable housing needs and priorities and addresses area market concerns, such as public housing waiting lists* (for all units and tenants), Vacancy Rate and type of housing required.

a. Local Community Input (30 points possible)

30 points will be awarded if the Application includes documentation of at least one of the following forms of Local CommunityInput, as shown by evidence provided in the Application: (i) local neighborhood meetings held expressly for this Application with attendance rosters and minutes; (ii) local charrettes held expressly for this Application with supporting documents, concept drawings, and input from local community; (iii) other appropriate form of local community input specifically designed to gather local community input for this Application and/or (iv) City or County Commission meeting. In order to obtain the available points under any item, there must be actual local community input in some form. If a community meeting is held but there is no attendance, another form of local community input must be used. No points will be awarded if the meeting or charrette is part of another public or design meeting, unless the minutes demonstrate that a portion of the meeting was specifically dedicated to community input for this Application. No points will be awarded if the Application does not provide evidence of qualifying local community input, including minutes of any meeting, charrette or other form of local community input and copies of any written comments received. Documentation of community outreach efforts to inform and invite community members to attend any of the community input events must be included. All meetings, charrettes and other Local Community input events must be held within 6 months before the Application deadline.

b. Appropriate Size (35 points possible)

Points will be awarded for the appropriateness of size of the development for market needs and concerns as reflected in the Market Study. 35 points will be awarded if the number of units being proposed is 50% or less than the number of units needed as projected by the Project’s Market Study. No points will be awarded if the number of units being proposed is more than 50% of the number of units needed as projected by the Project’s Market Study. For projects developed, rehabilitated or constructed in a location that is not within the city limits of Billings, Bozeman, Butte, Great Falls, Helena, Kalispell, or Missoula, no points will be awarded if the number of units being proposed is more than 75% (rather than 50%) of the number of units needed as projected by the Project’s Market Study. If the Project is existing in the community, the number of units in the Project will be added to the new units needed and the above test will be applied. The Application narrative must address this scoring item with citations to the relevant pages and paragraphs of the market study.

c. Market Need (35 points possible)

The Application will be awarded 35 points based upon the required Market
Study’s documentation that the Project meets the market needs of the community, as follows:
  o Vacancy Rate is at or below 7%; and
  o Absorption Rate is less than 5 months; and
  o Rents are at least 10% below adjusted market rents.

Narrative references to the Market Study must cite the referenced page and paragraph of the Market Study.

5. Project Characteristics* (200 points possible)

a. 100 points for any one of the following items:

i. **Affordable Housing Stock**
   The Application proposes either the Preservation of existing affordable housing stock (including as part of a local (not national, state or regional) community revitalization plan* or similar plan) or increases the affordable housing stock, through the use of funds from other sources (e.g., donation of land, other substantial donations, reduction in taxes through tax abatement (other than non-profit exemption) or impact fees) to leverage the tax credit dollars.

ii. **Qualified Census Tract/Local Community Revitalization Plan**
   The Project is located in a Qualified Census Tract,* and its development contributes to or involves existing housing as part of a local (not national, state or regional) community revitalization plan* or similar plan. The Application must include any such local community revitalization plan and identify where in the plan such existing housing may be found.

iii. **Historic Preservation**
   The Application proposes the Acquisition and/or Rehabilitation of buildings with local, state, tribal and/or federal historic* preservation designations.

iv. **Project-Based Rental Subsidy**
   The Project has project-based rental subsidy for at least 50% of the units. The Application must provide a copy of the relevant contract or other documentary proof of subsidy from the provider. MBOH staff will verify claimed subsidies with the funding source.

b. 100 points for Green Building and Energy Conservation* Standards:
   Applicant’s justification for green building and energy conservation includes but is not limited to Energy Star building and appliance initiatives, water saving devices and green construction and materials. For New Construction and Rehabilitation, the Application will be awarded 100 points if the Project will include at least 10 of the items as listed and described on the MBOH Green Building and Energy Form. The Applicant’s architect, who is qualified with respect to energy and green building standards, must provide a letter confirming the listed green building items, as shown in the MBOH Green Building and Energy Form which is referenced in and attached to the architect letter, are incorporated into the Project. For all Projects (New Construction and Rehab), the Form must list each scoring item and specify each unit by unit number or number of each unit type (e.g., 4 of the 10 3-bedroom units) that will include the item. This letter and the accompanying Form must be included in the Application. NOTE: The Applicant’s architect also must provide certification at Final Cost Certification for 8609(s) purposes confirming that the initiatives were incorporated.

Commented [A53]: USGBC: Provide 100 points to projects earning LEED certification.
Enterprise: Same comments as USGBC.
Home Innovation Research Labs: Recognize reputable third-party green building certification as an alternative to the form.

Commented [A54R53]: Staff (Nov 2):
Recommends adding this to list of items to discuss next year.
Please refer to Section 3 for mandatory infrared testing for Projects that have been Awarded HCs.

6. Development Team Characteristics* (400 points possible)

Applications meeting all of the requirements of subsections a., b. and c. of this Section 6 will be awarded 400 points. Applications failing to meet any of the requirements of subsection a., b. or c. will be awarded no points for Development Team Characteristics.

a. Development Team Experience
   Participation by an entity with a demonstrated track record of quality experience in completed development or management of low income housing tax credit Projects. MBOH will consider all members of the Development Team (Applicant, Owner, Developer, General Partner, Management Company, and HC Consultant) and whether housing Projects have been developed and operated with the highest quality either in Montana or another state. Special attention will be paid to existing Projects, amount of active local community participation used to develop Projects, and a management entity with a good compliance track record and specialized training. If a new Developer, this requirement may be met through Experienced Partners.

b. Management Education
   (i) one member of the Management Company meets the education requirement under Section 12, and (ii) one member of the Development Team (other than the Management Company) who is directly and actively involved with the Project has been trained by a Nationally Recognized LIHTC Compliance Training Company. For MBOH purposes, to maintain certification, the person must attend a complete class with a Nationally Recognized LIHTC Compliance Training Company at least once every four years (certificates must be attached with each Application). MBOH annual compliance training does not qualify for credit under this category.

c. Cold Weather Development Experience
   The Project’s Developer or Consultant who is actively involved in the actual construction process has experience with Cold Weather Development and Construction, as reported on the MBOH Cold Weather Experience Form. Cold Weather Development and Construction is defined as experience of the HC Developer or Consultant on one or more Projects located above the 40 degrees north parallel.

The application must list all affordable housing including low-income housing tax credit Projects in Montana or any other state developed, owned, managed or consulted on by Applicant and any member of the Development Team or for which an Award of tax credits was received, whether or not such Projects were successfully completed. All Development Team members, including Applicant, Developer, General Partner/Owner, Management Company, and HC Consultant must sign and the Application must include the completed and signed UniApp Supplement Tax Credit Information Release Form, providing consent to the release of information by other third parties.

7. Participation of Local Entity (60 points possible)

The MBOH Board has determined that Owner/Developer communication with local entities and/or significant participation of local entities increases the success and acceptance of the Project into the community. For purposes of this scoring item, a local entity includes a provider serving the Project locality from a physical office in the region of the state where the Project is located even if the provider does not maintain a local office in the locality.

a. Communication/Relationships (30 points possible)
   30 points will be awarded if the Application includes documentation in the form
of a detailed and descriptive narrative, confirmed in writing by the local entity, indicating that the Owner/Developer has met with one or more local entities to discuss the local entities’ participation in the Project through provision of any of the following:

a. screening and referring of individuals as prospective tenants;
b. providing on-site services to Project tenants;
c. donation of land or sale at a reduced price to enhance affordability;
d. use of grant money to develop infrastructure or for other uses;
e. significant fee waivers on local government fees; or
f. other forms of significant monetary or in-kind support.

b. Service Commitments/Understandings (30 points possible)
30 points will be awarded if the Application includes a narrative in which the Owner/Developer commits to provide or arrange for provision of one or more specifically described supportive services for the duration of the Extended Use Period. The narrative must provide evidence of how such described supportive services will benefit the Project. The same component of participation by a local entity may not be counted toward more than one item, and may be given credit by an award of points only once.

Points will not be awarded for the same item in both this Development Evaluation Criteria 7 and Development Evaluation Criteria 5, Preservation of Affordable Housing.

8. Tenant Populations with Special Housing Needs* (100 points possible)
An Application will be awarded 10 points for each 5% of the units targeting or meeting the following identified needs up to a maximum of 100 points. The Application must specify the number of units targeted for or meeting each category. Section B Part XII, Units Accessibility, of the UniApp will be used to calculate the score for this item. Units may not be counted more than once or in more than one category for purposes of awarding points.

a. Units targeted specifically for individuals with children or large families (units with 2 or more bedrooms).
b. Units targeted specifically as Section 504 fully accessible units exceeding minimum fair housing requirements.
c. Units targeted specifically for persons with disabilities (points limited to a maximum of 25% of units in the Project) (Application must describe the strategy that will be used to market available units to disabled persons throughout the Extended Use Period).
d. Units targeted to veterans (points limited to a maximum of 25% of units in the Project).
e. Units targeted to victims of domestic violence (points limited to a maximum of 25% of units in the Project).
f. Units that provide Permanent Supportive Housing (points limited to a maximum of 25% of units in the Project).

If the Project is an Elderly Property as defined in federal law, the Application will receive 100 points under this provision.

Example:
2 – 2 bdrm units meet family requirement 20% – 40 points
2 – 1 bdrm units exceed section 504 20% – 40 points
1 – 1 bdrm unit targeted to mental illness 10% – 20 points
5 – 1 bdrm units with no targeting 50% – 0 points
If an entity or individual participating in a Project as a member of the Development Team identified in an Application has a demonstrated poor track record or demonstrated past management weaknesses with respect to developments in Montana or in another state, or has failed in the past to respond timely to an MBOH letter of inquiry with respect to a Project, MBOH may assign negative points.

MBOH will provide written notice within thirty (30) days of MBOH learning of any event that will result in a negative point assignment, unless MBOH learns of the event after Application submission and prior to the MBOH Board’s Award meeting. If MBOH learns of the event after Application submission and prior to the MBOH Board’s Award meeting, MBOH will provide written notice to the Applicant within five (5) business days. The written notice must describe the event giving rise to the negative point assignment and specify the Development Team member or members affected by the negative point assignment, the number of negative points to be assigned and the number of future Applications to which negative points will be assigned. If MBOH has learned of the event after Application submission and prior to the MBOH Board’s Award meeting, the notice must be provided to the Applicant and affected members of the Development Team and inform such persons or entities that they may respond in writing to MBOH within five (5) business days of the date of the notice or, if earlier, by 3 days prior to the MBOH Board’s Award meeting. If MBOH learns of the event outside the period from Application submission to MBOH Board Award meeting, the notice must be provided to the particular Development Team member affected and inform such Development Team member that they may respond in writing to MBOH within thirty (30) days of the date of the notice.

a. **Demonstrated Poor Track Record**
   For purposes of determining a participant’s track record, MBOH may contact community officials, Development Team or Development Team member references, credit bureaus, other state tax credit administering agencies and any other sources as MBOH deems appropriate. Up to minus (-) 100 points may be assigned for each of the following: (i) demonstrated poor track record with respect to developments in Montana or in another state, and/or (ii) failure to respond within 10 working days of MBOH letter of inquiry. *(Up to Minus (-) 200 points possible)*

b. **Demonstrated Management Weaknesses**
   Development Team members with past demonstrated management weaknesses, including but not limited to those management weaknesses listed below may be assigned negative points for this section *(Up to Minus (-) 200 points possible)*, for example:
   1. Has not followed-through on the development of a Project from Application to rent-up and operation;
   2. Has not complied with MBOH submission, compliance or other requirements applicable during Project development, construction and Extended Use Period;
   3. Has not maintained a Project to Section 42 or other program standards;
   4. Has or had numerous or outstanding substantial non-compliance issues or IRS 8823’s (consideration will be given the type of 8823);
   5. Has not completed required training in a certified compliance training program;
   6. Has not completed required management compliance retraining at least every four years;
   7. Has requested income targeting changes that are not supported by
unanticipated hardship;

viii. For Projects Awarded Credits for 2018 or later years, has a debt coverage ratio at 10% cost certification or final allocation that has changed significantly from the debt coverage ratio as underwritten by MBOH at Application;

ix. Has requested additional credits more than once;

x. Has made Substantial Changes to previous tax credit applications or has failed to notify MBOH and seek approval of Substantial Changes according to QAP requirements;

xi. Has significantly diminished the quality and long term viability of a previous Project by lowering costs below a reasonable level;

xii. Has delinquent late fees due and payable to MBOH;

xiii. Has intentionally provided false information to MBOH in connection with an Application, Project or any related Board inquiry or process;

xiv. Has been a member of the Development Team for a prior Project that exceeded maximum Hard Cost Per Unit or Total Project Cost Per Unit at Final Cost Certification; or

xv. Has been a member of the Development Team for a prior Project Awarded Credits from 2018 or later years that exceeded the applicable maximum Soft Cost Ratio at Final Cost Certification.

Negative points may not be assigned for the same matter under both Section 9(a) and 9(b).

c. Method of Assigning Negative Points

Any negative points will be assigned as follows:

i. The factors that will be considered in determining whether to assign negative points and the number of any negative points to be assigned with respect to poor track record items, management weaknesses and failure to response to MBOH letters of inquiry, include:

A. The nature and seriousness of the incident(s);
B. The frequency of such incidents;
C. The incidents were or were not within the control of the individual or entity;
D. The degree and timeliness to and with which the entity or individual responded to correction and educational efforts;
E. The responsiveness of the individual or entity in responding timely to fees, penalties and other sanctions imposed;
F. The cost or financial harm caused to the Project, the tax credit agency or third parties;
G. The nature and extent of inconvenience and harm caused to Project tenants;
H. The nature and extent of damage or expense caused to Project property;
I. The extent to which the Project as completed failed to comply with the Project as represented in the Application or in approved Project changes;
J. The extent to which the incident would have affected scoring of the Project Application if known as the time (although no such effect on Application scoring need be shown to justify an assignment of negative points);
K. The extent to which completion of a Project that received an Award of Credits was substantially delayed or prevented;
L. The extent to which Credits that were Awarded were recaptured;
M. The extent to which unreasonable or excessive fees, profits or other improper remuneration was derived improperly from a Credit Award or Project; and
N. The presence of any other relevant factors or considerations.

ii. Except as otherwise provided in this Section, negative points will be assigned on the next competitive 9% Credit Application (or multiple Applications in the same competitive round) which includes as part of its Development Team any person or entity that participated as a Development Team member in the Project or Projects giving rise to the negative point assignment.

iii. If multiple and/or repeat instances of poor performance, management weakness or fail to respond occur or have occurred, negative points may be assigned with respect to a Development Team member for not only the first competitive round in which an Application involving such member participates but may also be assigned for such Applications in multiple future years or competitive rounds.

iv. If negative points are assigned as a result of poor track record, management weakness or failure to respond that occurred as part of the development/construction/rehabilitation process prior to beginning of lease-up activities or other involvement of the Qualified Management Company, negative points will not be assigned with respect to such Qualified Management Company.

v. If more than one Development Team member subject to a negative point assignment from a prior Project is part of the Development Team on a current or future Project Application, the total negative points assigned to the Application will be the greatest number of negative points assigned with respect to any one such participating Development Team member.

vi. If the Project giving rise to the negative points would have received a lower Development Evaluation Criteria score under the QAP under which the Project initially was evaluated, scored and awarded credits had the poor track record, management weakness or failure to respond been known as of Application scoring, the negative points assigned with respect to a Development Team member from the earlier Application will be the number of points corresponding to the difference in scoring that would have resulted. Such point difference shall be converted as appropriate and necessary to correspond to the current QAP point scoring system.

* Indicates federally mandated criteria

E. Minimum Scoring Threshold

Developments not scoring the minimum Development Evaluation Criteria score of 1000 points (or 800 points for non-competitive 4% Credit Bond Deals) will not receive further consideration. Applications scoring at least the minimum Development Evaluation Criteria score of 1000 points or 800 points for non-competitive 4% Credit Bond Deals and meeting all other requirements of this QAP will be considered for an Award of Housing Credits as provided in this QAP.

F. Award Determination Selection Standard

1. Selection Standard

The MBOH Board will select those Projects to receive an Award of Housing Credits that it determines best meet the most pressing affordable housing needs of low income people within the state of Montana, taking into consideration: (a) all of the requirements, considerations, factors, limitations, Development Evaluation Criteria, set asides, priorities and data (including without limitation the statistical data in the MBOH Statistical Data Form) set forth in this QAP and all federal requirements (together referred to in this QAP as
the "Selection Criteria"); (b) the Development Evaluation Criteria scoring; and (c) all other
information provided to the MBOH Board regarding the applicant Projects.

The awarding of points to Projects pursuant to the Development Evaluation Criteria is for
purposes of determining that the Projects meet at least the minimum Development
Evaluation Criteria required for further consideration and to assist the MBOH Board in
evaluating and comparing Projects. Development Evaluation Criteria scoring is only one of
several considerations taken into account by the MBOH Board and does not control the
selection of Projects that will receive an Award of Housing Credits.

2. Additional Selection Factors

In addition to any other Selection Criteria specified in this QAP, the MBOH Board may
consider the following factors in selecting Projects for an Award of Housing Credits to
qualifying Projects:

a. The geographical distribution of Housing Credit Projects;
b. The rural or urban location of the Projects;
c. The overall income levels targeted by the Projects (including deeper targeting of
   income levels);
d. The need for affordable housing in the community, including but not limited to
current Vacancy Rates;
e. Rehabilitation of existing low-income housing stock;
f. Sustainable energy savings initiatives;
g. Financial and operational ability of the Applicant to fund, complete and maintain the
   Project through the Extended Use Period;
h. Past performance of an Applicant in initiating and completing tax credit Projects;
i. Cost of construction, land and utilities, including but not limited to costs/credits per
   square foot/unit;
j. The Project is being developed in or near a historic downtown neighborhood;
k. The frequency of Awards in the respective areas where Projects are located;
l. Preserving project rental assistance or have or are planning to add Section 811 units
to an existing project; and/or
m. Augmentation and/or sources of funds.

If the MBOH Board Awards Credits to an Applicant where the Award is not in keeping with
the Selection Criteria of this QAP, it will publish a written explanation that will be made
available to the general public pursuant to Section 42(m)(1)(A)(iv) of the Internal Revenue
Code.

If all of the authorized Credits are Awarded after a particular cycle, MBOH may place
qualifying Applications which did not receive an Award of tax credits on a waiting list for
potential Award of Housing Credits in the event Credits become available at a later date.
Any available Credits that are not Awarded or reserved in a particular cycle may in the
discretion of the MBOH Board be made available for Award in a future cycle or may be used
to increase the amount of Housing Credits reserved for a previously Awarded Project as
provided in this QAP.

SECTION 10 – RESERVATION, CARRYOVER
ALLOCATION, CREDIT REFRESH AND FINAL
ALLOCATION

The requirements in this Section 10 apply to all Projects Awarded Credits. This Section
specifies the requirements for Reservation Agreement, Gross Rent Floor Election,
Declaration of Restrictive Covenants, Carryover Allocation (Initial Allocation), 10% Test,
Credit Refresh, Placed in Service and Final Allocation/8609.
A. Reservation Agreement & Gross Rent Floor Election

After an Award of Credits, MBOH will provide a Reservation Agreement and Gross Rent Floor Election to the Owner for execution and return to MBOH. The Owner must review, complete, sign, and return the Reservation Agreement, Gross Rent Floor Election in accordance with the requirements of this subsection.

The Gross Rent Floor Election reflects the Owner’s election of the date when the Project’s gross rent floor will be established, either at the date of the Reservation Agreement or at the date the Project is Placed in Service. The Gross Rent Floor Election form must be returned with the executed Reservation Agreement.

If the Owner elects the federal percentage(s) in the month that the Reservation Agreement is issued by MBOH, the Reservation Agreement and Gross Rent Floor Election must be completed, signed and returned on or before the 25th of that month to assure the lock-in of the rate. If the Owner elects the placed-in-service date, the Reservation Agreement and Gross Rent Floor Election must be completed, signed and returned no later than 120 days after Award. Failure to return the Reservation Agreement and Gross Rent Floor Election by the deadline will result in a late fee as listed on the Fee Schedule.

The Reservation Fee specified in Fee Schedule will be due and must be received by MBOH on or before the date specified in the Fee Schedule.

A Reservation Agreement is MBOH’s conditional commitment to make a Carryover Allocation (Initial Allocation) and/or Final Allocation to the Project, subject to the requirements and conditions of the Reservation Agreement, the QAP and federal law. Such requirements include but are not limited to submission of evidence of timely progress toward completion of the development acceptable to MBOH and compliance with federal tax credit requirements.

Once the Owner enters into a Reservation Agreement with MBOH, the Owner must then meet the requirements and conditions described in the Reservation Agreement and provide the required documentation before it receives a Carryover Allocation (Initial Allocation) or Final Allocation of Housing Credits.

MBOH will revoke an approved Reservation and terminate the Reservation Agreement when a Project fails to make successful progress toward completion or otherwise fails to perform its obligations under the Reservation Agreement. Submitting quarterly status reports demonstrating satisfactory evidence of the Project’s completion is the responsibility of the Owner. Successful progress toward Project completion and Project completion require that such progress and completion are in substantial accordance with the Project as described and proposed in the Project Application on the Implementation Schedule, except to the extent that Substantial Changes (other than a delay of 60 days or less in the Implementation Schedule) have been approved by MBOH or the MBOH Board as provided in the Applicable QAP. Requests for approval of Substantial Changes and updated Implementation Schedules must be submitted to MBOH separate from any other report, request or other submission and clearly labeled in conspicuous print on the cover letter as a “Request for Approval of Substantial Change.”

NOTE: Reservation Agreements for tax credit Projects funded through tax-exempt bonds must be completed, signed, and returned to MBOH not later than five business days following the close of the bond financing agreement.

If an unsuccessful Applicant, or a party associated with such Applicant, commences any legal action or proceeding challenging MBOH’s Award determination or process, MBOH will make a Carryover Allocation (Initial Allocation) or Final Allocation of Housing Credits as required by an executed Reservation Agreement to the same extent it would have been bound to do in absence of the legal challenge, unless the court determines that such
Applicant was not eligible or qualified under the applicable QAP to receive an Award of Housing Credits or MBOH otherwise determines that it is precluded by Court order from doing so. If a court determines in any such action or proceeding that MBOH must Award Credits to one or more unsuccessful Applicants from such round or year, such Award or Awards will be made using any available returned or unreserved Housing Credits or current year’s Credits as provided in Section 7.

**B. LURA/Declaration of Restrictive Covenants**

To be eligible for HCs, a building must be subject to an extended low income housing commitment between the Owner and MBOH, which commitment must be established by a recorded Declaration of Restrictive Covenants (LURA) effective for the full Extended Use Period. The Owner must meet compliance criteria for the full Extended Use Period specified in the LURA. Through execution and recording of the LURA with respect to Housing Credits, all Owners waive and forfeit the right to request that MBOH locate a non-profit qualified buyer (the “qualified contract process”) and the Owner must maintain HC units through the Extended Use Period as provided in the LURA. The Extended Use Period specified in the LURA may not be terminated early through the qualified contract process.

The LURA assures that the land (or in the case of leased land, the Project) and its use will be restricted for the purposes of providing low-income housing for the period proposed in the Application. Provisions included in the LUTA will include Exhibit A-1 (Legal Description of Project Land); Exhibit A-2 (Conditions of Tax Credit Allocation) indicating the number of units at the appropriate elected income and rent levels, e.g., 30%, 40%, 50%, 60% AMI as determined by the Application (Owners will be required to maintain those income and rent levels through the Extended Use Period of the Project); Exhibit A-3 (Energy and Green Building) indicating the architect’s letter provided in the Application outlining those energy and green building initiatives; Exhibit A-4 (Amenities); Exhibit A-5 (Participation by Local Entity); and Exhibit A-6 (Special Housing Needs).

When submitted to MBOH, the executed and recorded LURA must be accompanied by a copy of the most current ALTA survey (if available) and title commitment (if available) for the Project real property. If not available at such time, these documents must be submitted as soon as available (except where unavailable for tribal trust land). Prior to issuance of 8609, documentation must be submitted evidencing the first priority position of the Restrictive Covenants. If such evidence does not show that the Restrictive Covenants are in a first priority position, MBOH will require a subordination agreement from the owner or holder of any prior-recorded lien or encumbrance as a condition of issuance of IRS Form 8609, unless such prior lien or encumbrance is required by a federal agency to have priority over the Restrictive Covenants or MBOH otherwise determines in writing that subordination is not required (e.g., where such lien or encumbrance would not preclude operation of the property as low-income housing in accordance with the Restrictive Covenants or preclude enforcement of the Restrictive Covenants).

For Projects constructed or to be constructed on leased ground, the LURA is not required to have priority over the ground lease. However, the LURA and ground lease shall include such provisions as are satisfactory to MBOH to assure to the greatest practicable extent that the Project will be continued subject to all LURA restrictions for the full Extended Use Period. Such provisions may include but not be limited to: (i) recitals describing and acknowledging the Project’s Housing Credit funding and related restrictions; (ii) a right of MBOH to notice and cure rights under the lease substantially equivalent to those provided to any permitted mortgagee thereunder; (iii) in the event of lessee default, a right of MBOH to find a successor lessee to assume the lease and operate the Project in accordance with LURA requirements; (iv) a right of MBOH to exercise any right of first refusal or option to purchase the leased land contained in the lease in the event not exercised by lessee or another party that will operate the Project subject to all LURA restrictions for the full Extended Use Period; (v) provisions requiring that any new or
replacement lessee will be subject to all LURA restrictions for the full Extended Use Period; and (vi) provisions that any sale, assignment or transfer of lessee’s interest in the lease or Project are subject to the Project transfer restrictions in the LURA.

Submission of the executed and recorded Restrictive Covenants and related additional documents specified in the preceding paragraph is required as a condition of MBOH issuance of a Carryover Allocation (Initial Allocation). It is the Developer’s responsibility to record the Declaration of Restrictive Covenants in the county in which the Project real property is located. Upon recording, the original recorded Restrictive Covenants must be returned to MBOH together with the related documents must be submitted to MBOH by December 1 of the year for which the Award of Credits was made, except as provided in subsection C below.

In unusual circumstances, and for good cause shown, MBOH may permit amendments to the Declaration of Restrictive Covenants at a subsequent date.

C. Carryover Allocation

MBOH will issue a Carryover Allocation Agreement to the Owner for execution and return to MBOH by December 1 of the year for which the credits are being Awarded. Such Carryover will be effective through the two (2) calendar years after the calendar year in which the Carryover Allocation Agreement is issued. The Owner must review, complete, sign, and return the Carryover Allocation Agreement within thirty (30) days after MBOH issuance. To preserve this Carryover Allocation (Initial Allocation) the Owner/Developer must submit the 10% Cost Certification by the deadline specified in subsection D below, The Carryover requirements do not apply to 4% Projects.

In order to receive a Carryover Allocation and Carryover Allocation Agreement, Owners must provide the executed Reservation Agreement and Gross Rent Floor Election, Proof of Ownership (evidence of title or right to possession and use of the property for the duration of the Compliance Period and any Extended Use Period plus one year, e.g., a recorded deed or an executed lease agreement), executed and recorded Restrictive Covenants, and the Reservation fee. Land lease periods must be at least one year longer than the Restrictive Covenant period.

These items must be received by December 1, of the year for which the Award of Credits was made. MBOH will issue Carryover Allocation Agreements before year end. MBOH staff may grant one or more reasonable extensions of the December 1 deadline for any of the required items upon written request of the Owner/Developer documenting good cause for such extension.

D. 10% Test

Section 42 requires that more than 10% of the expected basis in a Project, including land, must be expended by the 10% Cost Certification deadline. MBOH requires that Developers provide an independent third-party CPA audit report, in a format and meeting the requirements established by MBOH, verifying compliance with the 10% test. The 10% Test and 10% Cost Certification requirements do not apply to 4% Projects.

Developers must submit the 10% requirements, including the required CPA audit report, other documents and the 10% test underwriting fee by the deadline. Failure to do so will result in the loss of the Credit Award. See Fee Schedule for fees.

Because MBOH’s submission deadline is set at the latest date allowed by federal law, no extensions will be granted. If 10% test information is submitted by the deadline but any forms are incomplete or omitted, a correction fee will be imposed for each incomplete or omitted item.

At 10% Test, MBOH staff will re-evaluate:

Commented [A57]: Staff (Nov 2): Added language consistent with previous revisions to address Wishcamper comment.

Commented [A58]: Staff (Nov 2): Added language consistent with previous revisions to address Wishcamper comment.
1. The Sources and Uses of funds;
2. Total financing planned for the Project;
3. Proceeds or receipts expected to be generated by the Housing Credits;
4. Reasonableness of the development and operation costs;
5. Projected Rental Income and Operational Expenses;
6. Debt Coverage Ratio;
7. Cost Limitations; and
8. Housing Credits required for financial feasibility of the Project.

Deadline for submission of the required 10% information is the first anniversary of the date on which MBOH executed the Carryover Allocation Agreement. Developers that fail to pay the required fee will be deemed not to have met the 10% Test requirements. Failure to submit certification for 10% documentation or to meet the 10% Test will cause forfeiture of Awarded, reserved or allocated Housing Credits for the Project.

E. Refreshing Credits

The MBOH Board may in its sole discretion approve a Credit Refresh for Projects that have been issued a Carryover Allocation (Initial Allocation) by MBOH as provided in Subsection D, above, and that have submitted all required 10% Cost Certification materials and fees, and for which MBOH has approved such 10% Cost Certification, as provided in Subsection E, above.

The amount of Credits reserved through a Credit Refresh shall not exceed: (i) the amount of Credits originally allocated by MBOH for the Project; or (ii) the amount of the maximum Credit Award specified in the Qualified Allocation Plan under which the Credits were originally allocated.

To obtain a Credit Refresh, the Owner must submit a Credit Refresh application to MBOH in the form and according to the requirements provided by staff, along with the Credit Refresh fee as specified in the Fee Schedule. Upon receipt of a complying Credit Refresh Application Form and completion of staff evaluation of such application, the application will be placed on the agenda for consideration at the next MBOH Board meeting. The Owner or its representative should appear at the meeting to answer Board questions, if any, regarding the application and the factors leading to the submission of the application.

The MBOH Board may approve or deny the Credit Refresh, or may defer action on the application pending additional information or compliance with specified conditions. The Board may place any one or more conditions on approval or further consideration of an application.

In considering and making its determination regarding an application, the Board may consider any or all of the following:

1. The diligence, or lack of diligence, by the Development Team, Owner or other Project participant in seeking to complete the development, approval, construction and opening of the Project;
2. Any factors beyond the control of the Development Team, Owner or other Project participant, significantly contributing to the need for the Credit Refresh;
3. The likelihood that the Project will be completed and Placed in Service within a reasonable time, under the circumstances, if the Credit Refresh is approved;
4. The likelihood that the Project will not be completed or Placed in Service if the Credit Refresh is denied;
5. The need for the Project, as determined in the original Application and Award processes;
6. Any significant changes in market conditions or other factors that affect the financial feasibility of or need for the Project; and
7. Any other factor or factors that the Board deems relevant to the determination

Upon approval of an application, the Owner shall return the Credits according to the instructions of MBOH staff and staff shall promptly provide for the re-Reservation of the Credits, as refreshed, to the Owner by providing a Reservation Agreement in accordance with Subsection A, above.

In addition to payment of any applicable fees, the Owner will be required to reimburse MBOH for legal fees and expenses incurred by MBOH in connection with the Credit Refresh Application in accordance with the Applicable QAP.

All requirements of the Applicable QAP and applicable law shall apply to such Reservation and Credits as if such Reservation were the original Reservation of Credits for the Project, including without limitation, Gross Rent Floor Election, Declaration of Restrictive Covenants, Carryover Allocation, 10% Test, Placed on Service and Final Allocations/8609 and payment of the Reservation fee and all other applicable fees; provided, that no further submission of executed and recorded Restrictive Covenants, or related survey or title commitment, shall be required if previously submitted in accordance with Applicable QAP requirements, but amendment of such covenants will be required as necessary to conform the covenants to the refreshed credits or to comply with any additional or different requirements in the Applicable QAP.

F. Placed in Service

Placed in Service is defined in Section 1 of this QAP. New Construction and Gut Rehabilitation buildings must be Placed in Service not later than the close of the second calendar year following the calendar year in which the Carryover Allocation is made.

Other Rehabs that are accomplished with residents in place during Rehab can be Placed in Service at the end of the 24 month or shorter period over which the required amount of expenditures are aggregated, as provided in the definition of Placed in Service in Section 1 of this QAP.

G. Final Allocations/8609

Documentation supporting a request for issuance of IRS Form 8609(s) must be submitted to MBOH within 6 months of the last building Placed in Service date. MBOH will not allocate tax credits on IRS Form 8609(s) until a qualified building is Placed in Service. A site visit and file audit by MBOH may be conducted prior to the issuance of the IRS Form 8609(s).

Notwithstanding other provisions of this QAP, to obtain issuance of IRS Form 8609(s), the Project must be Placed in Service in substantial accordance with the Project as described and proposed in the Project Application, except to the extent that Substantial Changes have been approved by MBOH or the MBOH Board as provided in the Applicable QAP.

The Final Allocation/8609 underwriting fee must be paid at the time of submission of the request for issuance of IRS Form 8609(s). If the paperwork is not received by MBOH within 6 months of the last building Placed in Service date, a late fee will be assessed. If 8609 information is submitted by the deadline but any forms are incomplete or omitted, a correction fee will be imposed for each incomplete or omitted item. If a draft 8609 is sent to Developer for review and 8609s must be redone because of Developer/Accountant error, there will be a fee for additional underwriting. See Fee Schedule for fees.

The request for issuance of IRS Form 8609(s) must include:

1. Certification of required infrared test results (if not previously submitted);
2. The independent third party completed MBOH CPA’s audit report and Owner’s Statement Forms;
3. Sponsor Certification Form;
4. The architect’s verification that the items for green and amenities listed in the Application as well as provisions of accessibility listed in Section 3 have been incorporated;
5. Certificates of Occupancy (C of O’s), if applicable;
6. Copies of all permanent loan notes and/or grant contracts;
7. Copy of partnership/operating agreement (unless provided earlier in accordance with another provision of this QAP);
8. Copy of final developer agreement;
9. Detailed list of items or costs excluded from eligible basis (for example, parking lot is not in eligible basis);
10. Statement identifying the first year of the credit period, which statement must name the specific year (e.g., 2017);
11. The Final Allocation/8609 underwriting fee; and
12. Documentation evidencing that the site manager and Management Company personnel have completed a Nationally-Recognized LIHTC Compliance Training Company certification course, passing the test; and have attended a class with a Nationally-Recognized LIHTC Compliance Training Company in the last four years.

If the required fee is not submitted, the Project will be deemed not to have met Final Allocation requirements and MBOH will not issue IRS Form 8609(s). MBOH will complete the final credit Allocation evaluation. Typical turn-around time for 8609(s) is 4-8 weeks after submission of all required documentation and the fee. Once the 8609(s) are issued and delivered to the Owner, the bottom half must be completed and signed.

A copy of each completed and signed 8609 must be sent back to MBOH within 3 months of issuance. Failure to provide the completed and signed 8609(s) so that they are received by MBOH by the deadline will result in a late fee. If the 8609(s) need to be reissued after completed by MBOH due to Developer error, the MBOH underwriting fee must be paid again. See Fee Schedule.

SECTION 11 - DEVELOPER/APPLICANT RESPONSIBILITIES

Applicant must respond to a written MBOH request (including but not limited to any email request) within 10 working days, unless a different time period for response is specified in the request. Failure to respond within such time period may result in the Application being deemed ineligible for that funding round and/or negative points being assessed for failure to respond timely.

Applicant must proceed according to the timeframe identified in the Implementation Schedule. Adjustments of up to 60 days are acceptable. Any changes in the Implementation Schedule greater than 60 days must be submitted in writing with justification to MBOH within 10 business days of the change, and approved by MBOH. Any changes greater than 60 days not reported or not approved may jeopardize the Credits. If the schedule is more than 60 days behind and has not been updated as stated above, a late fee will be assessed. See Fee Schedule.

A. State Law Requirements

The Applicant and Development Team must agree to comply with Montana State law requirements (e.g., certificate of contractor registration, workers compensation, unemployment compensation, and payroll taxes).

B. Public Notification

Any public relations actions by a recipient of tax credits involving MBOH funds or tax credits must specifically state that a portion of the funding is from MBOH. This will be included in radio, television, and printed advertisements (excluding rental ads), public notices, and on
signs at construction sites, e.g., “Housing Credits allocated by Montana Housing, Montana Department of Commerce.”

C. Quarterly Reporting

Status Reports

All Applicants receiving Reservations of credits must provide written status reports for each calendar quarter, beginning with the quarter in which the tax credit Award is made. Status reports will be due on or before January 10th, April 10th, July 10th & October 10th until the Applicant receives its 8609(s). The documentation regarding the progress must be development specific, and include such items as planning approval and building permits, firm debt and/or equity financing commitments, construction progress (foundation, framing, rough in, enclosed, drywall, etc., for each Project building that is under construction), and lease up progress. Submission of photos is encouraged.

The following items must be addressed in each quarterly report that is submitted to MBOH. Items should not be submitted for buildings that are not under construction or completed. If all required items are not addressed, the report will be returned and must be corrected and resubmitted. If the resubmitted report is received after the due date the late fee will apply.

1. Updated implementation schedule if more than 60 days behind schedule submitted with application;
2. Advertising for construction bids;
3. Construction bid awards;
4. Pre-construction meeting date;
5. Groundbreaking ceremony date (at least 2 weeks’ notice);
6. Future dates of construction/draw meetings;
7. Each phase of construction for each building under construction or completed, including photos (excavation, foundation framed, etc.);
8. Certificate of Occupancy issued in that quarter for each building under construction or completed;
9. For completed buildings, during lease up the number of units occupied and number left to full lease up each quarter; and
10. Grand Opening date (at least 2 weeks’ notice).

Owners must provide a copy of the Certificate of Occupancy for each building. The Certificate of Occupancy must be included in the status report covering the period in which it was issued. Failure to provide the reports so that they are received by MBOH by the deadline will result in a late fee. See Fee Schedule.

ARRA Reporting

All ARRA reports are due on or before the dates listed in the ARRA Exchange or TCAP Program Agreement.

Late fees will be assessed for each of the following:

1. the financial audit is not received by MBOH by the deadline;
2. the annual budget is not received by MBOH by the deadline; or
3. the annual insurance binder is not received by MBOH by the deadline.

See Fee Schedule for all above fees.

D. Changes to Project or Application

The Applicant must notify MBOH in writing at least 30 days before any proposed Substantial
Changes in the Project. Proposed Substantial Changes to the Project must be approved by MBOH. Specific approval by MBOH is required for Substantial Changes. MBOH staff will review requested Substantial Changes and may approve or deny approval of such changes, or may request Board consideration and determination of the change request. If MBOH staff denies approval of any Project Change, the Applicant may request Board review and approval of the change request. Requests must be submitted to MBOH with proper justification at least 30 days before the change is expected to take place. The Applicant must inform MBOH staff if the proposed change requires immediate or urgent review and approval. MBOH review and approval of changes must be completed prior to the change taking effect. Changes completed without MBOH approval may result in the termination of the Reservation Agreement and/or loss of some or all credits.

Any requested changes submitted requiring MBOH action may incur additional fees. Changes to the Project site, construction of building(s), architectural, engineering, or any on-site review by any member of MBOH will incur additional charges. Fees will be determined based upon the cost of MBOH Staff travel for that purpose.

SECTION 12 - COMPLIANCE MONITORING

Federal law requires state allocating agencies (MBOH) to monitor compliance with provisions of Section 42 of the Internal Revenue Code (26 U.S.C. § 42). In addition, Federal law requires allocating agencies to provide a procedure the agency will follow in monitoring for non-compliance and to inform tax credit recipients (Owners) of procedures and requirements. The Project must comply with the Housing Credit requirements set forth in Section 42 and this QAP for the entire Extended Use Period. Periodic file audits and inspection of units will be performed by MBOH staff as provided in this QAP.

Included in the requirements are procedures for notifying the Internal Revenue Service (IRS) of any non-compliance of which the allocating agency becomes aware. Federal income tax regulations related to Procedures for Monitoring Compliance with Housing Credit Requirements are published in 26 CFR Part 1 and 602.


A. Compliance Fees (See Fee Schedule for all fees mentioned below)

Developments will incur and must pay to MBOH a compliance monitoring fee to offset the costs for MBOH compliance monitoring. The compliance monitoring fee is payable annually at the time of the Owner’s Submission of the Owner’s Certificate of Continuing Program Compliance for the time period being submitted.

A late fee will be assessed if the complete Annual Compliance Package is not received by the deadline.

Failure to provide corrections on noncompliance so that they are received by the deadline set by MBOH will result in an initial late fee and an additional per-week fee until all required documentation is received by MBOH. A one-time extension may be granted if a written request is submitted to MBOH no later than 10 days prior to the deadline. If an extension is granted and the extension deadline passes without MBOH receipt of the complete documentation, a per-week fee will be imposed until all required documentation is received by MBOH.

The following procedure describes MBOH plans for monitoring compliance on Housing Credit Projects. At minimum, each Project that has been Placed in Service will be subject to the following monitoring requirements:

Commented [A59]: Homeword: There should be an annually approved compliance manual outside the QAP.

Commented [A60R59]: Staff (Nov 2): The compliance manual we currently have is being updated and further discussions on how this will be handled are on the list for next year.
B. Recordkeeping, Record Retention and Data Collection

1. Recordkeeping
The Owner of a low-income housing Project must keep records for each building in the Project that shows unit qualifications for each year throughout the term of the Declaration of Restricted Covenants, including the Compliance Period and the Extended Use Period in effect for such Project.

The information must show for each year in the Compliance Period:

a. The total number of residential rental units in a building (including the number of bedrooms and the size in square feet of each residential rental unit);
b. The percentage of residential rental units in the building that are qualified units;
c. The rent charged on each residential rental unit in the building (including any utility allowances and mandatory fees);
d. HC unit vacancies in the building and information that shows when, and to whom, the next available units were rented. If a unit is left vacant, or in a mixed use Project is rented to a non-qualifying tenant, the Owner must maintain documentation showing a diligent attempt was made to rent the unit to a qualifying tenant;
e. The tenant income certification of each HC tenant (by unit), including annual certifications for each continuous tenant;
f. Documentation to support each HC tenant's income certification. This must include a copy of verification(s) of income
g. The eligible basis and qualified basis of the building at the end of the first year of the credit period; and
h. The character and use of any non-residential portion of the building included in the eligible basis of the building, if applicable.

2. Records Retention
Federal regulations require the Owner of a HC Project receiving tax credits to retain the records listed above. The Owner is required to retain such records for at least 6 years after the due date for filing the federal income tax return for that year. Records for the first year of the credit period must be retained for at least 6 years beyond the due date for filing the federal income tax return for the last year of the Compliance Period. Owner should also retain records relating to the amount of credit claimed for the MBOH Tax Credit, including the IRS Form 8609(s) and Schedule A of IRS Form 8609(s).

3. Data Collection
To the extent required by federal law, the Owner will assist the MBOH with meeting federal reporting requirements by collecting and submitting information annually concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the United States Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of all qualified households.

C. Owners Certificate of Continuing Program Compliance
The Owners Certificate of Continuing Program Compliance is required on an annual basis for each property. The certificate must be signed by the Owner and notarized. This statement must be filed with MBOH every year throughout the Extended Use Period. Owners must file annual certifications on the Form provided by MBOH. Substitute forms are not acceptable. Failure to provide an annual certification before the date established by MBOH may trigger an IRS Form 8823.

D. Income and Expense Summary
All property Owners must submit operating income and cost information for the property's
latest fiscal period, including a current balance of replacement and operating reserve accounts and, at least annually and upon the request of MBOH, copies of the Project’s most current financial statements (including profit and loss statement and balance sheet).

**E. Submission Deadlines**

The Owners Certificate of Continuing Program Compliance, Tenant Income Certifications (TIC) and other Annual Compliance package items must be submitted on or before the 25th of the month following the assigned annual period. Federal regulations stipulate there must be no more than 12 months between certifications.

All submissions must be filed through Certification On Line (COL).

**F. Review by MBOH Staff**

MBOH will review the items listed above for compliance with the requirements of Section 42 of the Code and with the requirements of the MBOH HC program.

**G. Ownership/Management Changes**

Written Notification of changes to property management companies, managers, site managers, or changes to points of contact must be submitted to MBOH prior to or immediately upon implementation of the change. Changes not received by MBOH prior to change or immediately upon change, or within a 15-day grace period thereafter, will result in an initial late fee and monthly late fees thereafter until written notification is received. If no notification is received MBOH will research and identify the date of the change, and impose late fees based upon such date (and allowing for a 15-day grace period). No Change in Management Company shall be acceptable unless it results in a Qualified Management Company assuming management of the property. Replacement of a Management Company with a company that is not a Qualified Management Company or failure to timely submit such notification to MBOH may trigger issuance of an IRS Form 8823. All management companies, whether in place or being hired, must meet Qualified Management definition.

Subject to the requirements of Section 42 of the Code, the Restrictive Covenants and the Applicable QAP and any other applicable restrictions, the Owner may sell, transfer or exchange the entire Project at any time. No portion of a building to which the Restrictive Covenants apply may be sold to any person/entity unless all of such building is sold to such person/entity.

The Owner must provide MBOH with at least One Hundred Twenty (120) days advance written notice prior to offering or listing any Project property for sale, assignment, transfer or exchange or entering into any agreement for such transaction). MBOH may notify prospective buyers who may submit offers to purchase such property. The Owner shall notify MBOH within ten (10) business days of the filing of any judicial foreclosure action, receipt of any notice of trustee’s sale or receipt or submission of any proposal for a deed in lieu of foreclosure with respect to any Project or Project property and provide MBOH with copies of the complaint, notice of trustee’s sale or deed in lieu of foreclosure proposal, as applicable. MBOH may notify the United States Secretary of the Treasury if it has reason to believe that any potential foreclosure sale or deed in lieu of foreclosure is part of an arrangement to terminate the LURA restrictions.

In addition, prior to such sale, transfer or exchange, however, the Owner must notify in writing and obtain the written agreement of any buyer, successor or other person acquiring the Project or any interest therein that such acquisition is subject to the requirements of the Restrictive Covenants, the requirements of Section 42 of the Code and applicable Regulations, and the Applicable QAP. Such written agreement of the buyer, successor or other person acquiring the Project must be in the form required by MBOH, which agreement form is available on the MBOH website. Such form, executed by the buyer, successor or
other person acquiring the Project must be submitted to MBOH prior to closing of the sale, transfer or exchange. The Board may void any sale, transfer or exchange of the Project if the buyer, successor or other person fails to assume in writing the requirements of this Agreement and the requirements of Section 42 of the Code.

**H. Education Requirements**

Persons responsible for providing or explaining information for tenant qualification or qualifying tenants and verifying compliance (involved in tenant qualification and compliance) must be certified in LIHTC compliance by one of the Nationally-Recognized LIHTC Compliance Training Companies within the time specified in this section. Property managers and property Management Company personnel must complete a Nationally-Recognized LIHTC Compliance Training Company certification course, passing the test. Once certification has been obtained, to maintain certification for MBOH purposes, the person must attend a class with a Nationally-Recognized LIHTC Compliance Training Company at least once every four years. For each of the other three years, all property managers and property Management Company personnel are very strongly encouraged to attend annual MBOH compliance training. The property Management Company and site manager for an HC property must be trained and certified before the property is placed in Service. New site managers hired for existing HC properties must be certified within their first 6 months of employment. New property management companies hired for existing properties must be certified per the above requirements before they assume management of a property. Training requirements must be met to maintain Qualified Management Company status.

Persons responsible for qualifying tenants and verifying compliance (involved in tenant qualification and compliance) must also attend Fair Housing training at least once every four years. The manager for a HC property must complete such training before the property is placed in Service.

Such Fair Housing training must include and cover the following subjects and requirements:

1. Protected Classes;
2. Accessibility requirements;
3. Reasonable accommodation/modification;
4. Applicant screening;
5. Disparate impact;
6. Domestic violence issues;
7. Occupancy standards;
8. Section 504; and
9. Service Animals.

In the event a Management Company fails to meet the certification or training requirements in this Subsection H, MBOH will notify the Management Company and the Owner of such noncompliance and the date by which such noncompliance must be corrected. If such noncompliance is not corrected by such date, the Owner will be required to pay the applicable fees specified in the Fee Schedule for each week that such noncompliance remains uncorrected.

**I. Tenant Income Certifications (TIC)**

1. Frequency and Form

Owners must complete the MBOH TIC for all new move-ins and file it with MBOH through Certification On Line (COL). Documentation supporting the TIC will not be submitted. MBOH staff will review supporting documentation during file audits. Timely annual Recertiﬁcations (TICs) for mixed Projects (with market units) are required and must be submitted to MBOH through COL.
The MBOH COL TIC must be used. Any other TIC must be preapproved by MBOH prior to use.

J. Student Status Certification

Student status certifications must be completed annually (may be completed on a TIC and marked other-student certification or on the Annual Student Certification) within the 30 day period prior to their move-in anniversary date.

K. On-Site Inspections

MBOH staff (staff) will perform an on-site inspection of each property at least once every three years during the Extended Use Period. Staff will notify the Owner/manager in advance of the inspection.

Staff must inspect and review at least 20% of the tenant files and corresponding units. MBOH will not notify the Project's manager, Owner or other representative of the unit selection before the site inspection. The selected sample may be expanded.

Complete copies of all tenant files for each unit from original lease-up forward must remain within the State of Montana at the location of the rental property or the regional in-state office.

If MBOH determines it is necessary, properties may be inspected on a cycle of more than once every three years. The cost of any additional inspections will be billed to the respective property.

MBOH may schedule on-site inspections at any time with minimal notice.

In event of non-compliance under Section 42 of the Code or the implementing regulations MBOH may be required or elect to undertake additional monitoring. The Owner will take any and all actions reasonably necessary to achieve and maintain compliance. Staff may require the Owner to document correction of non-compliance and/or MBOH may elect to conduct one or more site visit(s) to verify correction of non-compliance and/or require additional Owner or manager training. The Owner will pay a reasonable fee to MBOH for any such additional monitoring activities.

L. Notice to Owner (26 CFR 1.42 (e)(2))

MBOH must provide prompt written notice to the Owner if MBOH becomes aware of non-compliance. These items include:

- Non-receipt of the certification(s) described in this QAP.
- Inaccessibility of tenant income supporting documentation, rent records, or the property.

In addition, MBOH must provide prompt written notice to the Owner if MBOH discovers by inspection, review, or in some other manner, that the Project is not in compliance with the provisions of Section 42.

M. Correction Period (26 CFR 1.42 (e)(4))

The Owner will be given a reasonable correction period from the date of non-compliance. If Staff determines that good cause exists, an extension may be granted.

N. Notice to IRS (26 CFR 1.42 (e)(3))

MBOH must file IRS Form 8823 "Low-Income Housing Credit Agencies Report of Noncompliance" with the IRS (even if non-compliance has been corrected) no later than 45 days after the end of the correction period, and no earlier than the end of the correction period.
O. Liability (26 CFR 1.42 (g))

Compliance with the requirements of Section 42 is the responsibility of the Owner of the building for which the credit is allowable. MBOH’s obligation to monitor for compliance with the requirements of Section 42 does not make the Agency liable for an Owner’s noncompliance. No member, officer, agent, or employee of MBOH shall be personally liable concerning any matters arising out of, or in relation to, the compliance monitoring of a low-income housing Project.

P. Marketing the Project

The Owner must put all HC properties into the free State-approved Housing Locator website, MTHousingSearch.com within one year after Placed in Service. If not completed within such time period, MBOH will do so and charge the Owner for the related costs. Properties will be contacted by MTHousingSearch for required information. Using this website meets the criteria for advertising vacant units and provides for broad coverage to those searching for affordable housing in Montana. The Owner must keep the listing active through the Extended Use Period.

Q. Qualified Contract Process

Federal law, in Section 42 of the Code, provides for a state housing credit agency process for early termination of the Extended Use Period for certain Projects and subject to certain requirements. Such process provides for the early termination of the Extended Use Period: (1) if the Owner submits a written request to MBOH in accordance with certain requirements to find a person to acquire the Property, and (2) if MBOH is unable to present within a one-year period a qualified contract for the acquisition of the Property by any person who will continue to operate the low-income portion of the building as a low-income building as defined in Section 42 of the Code. MBOH has adopted certain requirements and procedures applicable to the qualified contract process. These requirements and procedures are set forth in a separate Montana Board of Housing publication entitled Montana Housing Tax Credit Program, Qualified Contract Process and Instructions for Calculation of the Qualified Contract Price (March 2017). MBOH hereby adopts and incorporates herein by reference the Montana Board of Housing, Montana Housing Tax Credit Program, Qualified Contract Process and Instructions for Calculation of the Qualified Contract Price (March 2017) (the “Qualified Contract Process” or “QCP”). The QCP governs eligibility, submission, consideration, determination and other aspects of a request for a qualified contract as provided in Section 42.

MBOH may update and revise the QCP from time to time through the administrative rule adoption process. Any updated or revised version of the QCP adopted as rule will replace and supersede the March 2017 version of the QCP as provided in the adopted rule. The current version of the QCP is available on the MBOH website at https://housing.mt.gov/Multifamily-Development/Qualified-Allocation-Plan

SECTION 13 – DISCLAIMER

MBOH is charged with allocating no more tax credits to any given development than is required to make that development economically feasible. This decision shall be made solely at the discretion of MBOH, but in no way represents or warrants to any Applicant, Investor, lender, or others that the development is feasible or viable.

MBOH reviews documents submitted in connection with this Allocation for its own purposes. In Allocation of the tax credits, MBOH makes no representations to the Owner or anyone else regarding adherence to the Internal Revenue Code, Treasury regulations, or any other laws or regulations governing Montana Housing Tax Credits.
No member, officer, agent, or employee of MBOH shall be personally liable concerning any matters arising out of, or in relations to, the Allocation of the Housing Credit.

If it is determined that an Applicant or any member of the Development Team has intentionally submitted false information, a credit Award may be withdrawn or credits may be recaptured and the Applicant or any Applicant involving any related parties or any individual or entity supplying the false information will be ineligible to apply for credits for the next five years or may be assessed negative points as provided in Section 9.

A. MBOH Policy on Non-Discrimination

Montana Board of Housing is an Equal Opportunity organization. All employees who work for MBOH, agree not to discriminate against any client or co-worker based on any protected class under applicable Federal or Montana law. The failure of any employee to comply with this policy may lead to disciplinary action in accordance with applicable employment policies and procedures, including but not limited to immediate termination of employment.

B. Qualified Allocation Plan Revisions

This QAP may be amended at any time after compliance with applicable notice, comment and approval requirements.

C. MBOH Policy on Civil Rights Compliance

The Owner, Developer, borrowers and any of their employees, agents, or sub-contractors, in doing business with the Montana Board of Housing understand and agree that it is the responsibility of the Owner(s) and such other persons and entities to comply with all applicable Federal Civil Rights laws and regulations, including without limitation applicable provisions of the Fair Housing Laws and Americans With Disabilities Act, and any applicable State and local Civil Rights Laws and regulations. Should requirements, such as design, not be specified by MBOH, it is nonetheless the Owner(s) responsibility to be aware of and comply with all applicable non-discrimination provisions related to any protected class under Federal or Montana law, including design requirements for construction or Rehabilitation, Equal Opportunity in regard to marketing and tenant selection and reasonable accommodation and modification for those tenants covered under the Laws.
Housing Credit Forms:

All Forms Referenced in this QAP are available at:
https://housing.mt.gov/Multifamily-Development/Qualified-Allocation-Plan

Applicants, Developers, Owners, Management Companies and all other interested persons submitting Applications, Cost Certifications, Compliance materials, other materials and any fees to MBOH are responsible to review the website and to make such submission on the most current Form, including the most current Fee Schedule available on the MBOH website as of the date of the submission. MBOH may require resubmission of any item if submitted without using or complying with the current Form or without submission of the current fee amount, and late fees may be incurred if the need for such resubmission results in late submission of the correct Form or fee. Please contact MBOH staff with any questions regarding the appropriate or current Form or fee.
September 30, 2020

Montana Housing
Montana Board of Housing
Montana Department of Commerce
PO Box 200528
Helena, MT 59620-0528

Re: Montana 2022 Draft Qualified Allocation Plan Public Comment

Dear Montana Board of Housing:

Thank you for the opportunity to comment on the Housing Credit Program 2022 Qualified Allocation Plan (QAP). The city of Missoula has faced serious housing affordability issues for many years now, and with nearly 50% of renters in Missoula spending 30 percent or more of their income on housing, dedicated affordable rental homes are desperately needed in our community. Missoula’s recently adopted citywide housing policy guides our work as a city to address the rising costs of homes in Missoula. The Low-Income Housing Tax Credit (LIHTC) program remains one of the most important financing tools that enables the construction of the affordable homes we so urgently need, and supporting LIHTC projects in Missoula is an important strategy in our housing policy.

Create Clear and Transparent Evaluation Criteria and Scoring

Because the LIHTC program is so important to our ability to construct affordable homes in Missoula, we are eager to better understand how Montana Housing selects projects for tax credits. I acknowledge that Missoula as a City is new to this comment process for Montana Housing’s QAP, but through the review of the 2022 QAP, it is unclear exactly how projects will be selected for tax credits. The weight assigned to the additional selection criteria is particularly opaque, and Montana Housing could improve the QAP by adding transparency and predictability to the exact method for awarding credits.

For award of our federal funds through the U.S. Department of Housing & Urban Development, we have consistent and transparent scoring criteria from which the highest scoring projects receive funds. These criteria, and the weights associated with them, are published with each application cycle. Through a defined scoring criteria, any important element of the funding requirements and spirit of the program could be captured, including geographic diversity, project-type diversity, and prioritized populations. We are invested in the LIHTC process at Montana Housing, and want to better understand and support improvements in transparency of the credit awards if possible.

Supporting Local and State Organizations in Preserving LIHTC Properties

Additionally, the City of Missoula is very interested in finding ways to use the tools we have available as a state to mitigate the loss of existing affordable homes. We would encourage the Board to explore the ability to use its resources to address projects at risk of loss or conversion to market rate through continued conversations with the development community.
Housing construction and preservation is expensive. It requires significant investments – investments that local communities cannot make alone. We as a city value the Board of Housing’s important work on this issue, and appreciate the opportunity to provide comment on your 2022 QAP. We all know that our communities are stronger when everyone can afford their home. Home is the nexus of community vitality, and having a stable, decent, accessible, and affordable home allows Montanans to prosper, recreate, and engage in their community fully. Thank you for all the work you do to support affordable homes in Montana, and thank you for the opportunity to provide comment.

Sincerely,

John Engen
Mayor
Hi Bruce,
Thanks for this one last opportunity to chime in about the QAP update.

Based on today's comment from Heather, I'd like to recommend we NOT change the number of applicants to go forward with full applications. Eight is adequate in my mind. Putting together a proposal that the Board doesn't already find appealing costs roughly $40,000 and takes ALL SUMMER, and I would hate to make that investment unnecessarily.

Also, regarding Patti's comments about standardizing the Board's voting procedure, let's not fix what's not broken. The current process is very acceptable and equitable.

Thanks again and welcome back Bruce!
Beki
Hi ladies,
In regards to the discussion, please count me as a proponent of keeping the initial invitation to eight (8) projects to go forward with full applications, not the 10 that was suggested by another developer. I believe this year's situation is too unique to make a change in response to.
Thanks!
Beki

Beki Brandborg
Echo Enterprises
406-431-2151
October 15, 2020

Cheryl Cohen
Executive Director
301 S. Park Ave, Ste 240
P.O. Box 200528
Helena, Mt 59620-0528

Dear Ms. Cohen,

On behalf of Enterprise Community Partners (Enterprise), I am pleased to submit these comments regarding the Montana Housing’s LIHTC Program and QAP. Enterprise works to improve communities and people’s lives by making well-designed homes affordable. We bring together the nationwide know-how, partners, policy leadership and investments to multiply the impact of local affordable housing development. Over more than 35 years, Enterprise has created 585,000 homes, invested more than $43 billion, worked with disaster-impacted communities for well over a decade, and touched millions of lives.

We would first like to thank Montana Housing for the opportunity to provide feedback prior to the release of Montana Housing’s 2022 QAP. We appreciate Montana Housing’s collaborative and inclusive approach and respectfully offer the following comments and recommendations.

**Strengthening Green and Energy Criteria**
We applaud Montana Housing for taking some important initial steps related to energy efficiency in previous versions of the QAP. We appreciate that Montana Housing incentivizes some additional green building and energy efficient features by offering 100 points for Green Building and Energy Conservation Standards; however, the MBOH Green Building and Energy Form that must be completed to receive these points leaves cost-effective green and energy efficient construction opportunities on the table.

We recommend including green building certification in addition to or in lieu of the MBOH Green Building and Energy Form. This inclusion would allow for projects to have an incentivized pathway to incorporate many of the voluntary goals Montana Housing has listed under the Energy, Green Building and Other Initiatives, Goals and Requirements section of the QAP.

In 2004, Enterprise Community Partners introduced the Green Communities Criteria rating system to create green building metrics tailored specifically to the needs of affordable housing and improve the lives of residents. Since Green Communities’ inception, we have nationally certified over 127,000 new or rehabilitated buildings. This January (January 2020), we released our 2020 Enterprise Green Communities Criteria; an update that reflects feedback from over 700 stakeholders. Green building rating and certification systems help to ensure that projects funded by housing credits will not only create new housing opportunities, but ensure that people living in affordable housing are healthier, spend less money on utilities, and have more opportunities through their connections to transportation, quality food and healthcare systems.

1. **Over 28 states recognize the importance of affordable housing achieving green building certification.** Many surrounding states have already incorporated green building certification into their Qualified Allocation Plan. Currently, neighboring states, Idaho and South Dakota, reference Enterprise Green Communities in their QAPs.
2. **Green building certification creates savings that outweigh the upfront costs.** Overall, the median incremental cost of complying with the Enterprise Green Communities Criteria tends to be minimal: In an evaluation report from 2012, Enterprise found a median 2% increase to total development cost. The average project analyzed in this study achieved lifetime utility savings that exceed the cost of integrating the Enterprise Green Communities Criteria, with a simple payback of 5.59 years.¹

3. **Green building certification creates buildings that are better for residents and the surrounding community.** Not all the criteria have directly measurable financial impacts, but these criteria are no less important to meeting a project’s mission. Projects exhibit improved occupant health and well-being through reduced exposure to environmental pollutants, improved connectivity to services and walkable neighborhoods, and good lighting. The benefits extend beyond the occupants to the neighboring community by supporting local community services and activating neighborhood streets, as well as improving water quality and reducing the impact of stormwater run-off on neighboring sewer systems.

If Montana Housing does determine that adding green building certification for optional points is appropriate, it is important to define what is required of developers to achieve the optional points. We recommend incorporating two simple compliance measures for when a project is pursuing green building certification for optional points:

- The project is certified through a qualified third party.
- Certification documentation is submitted prior to issuing the IRS Form 8609.

For questions or comments on Green Criteria recommendations, please contact Lauren Westmoreland at lwestmoreland@enterprisecommunity.org or by phone at 404.698.4614.

Thank you again for providing this opportunity to provide input with respect to Montana Housing’s LIHTC Program and QAP, and for your continued work to address housing affordability in Montana.

Sincerely,

Krista Egger
Vice President, National Initiatives
Enterprise Community Partners
kegger@enterprisecommunity.org

¹ Enterprise Green Communities Incremental Costs, Measurable Savings Report.
https://www.enterprisecommunity.org/resources/incremental-costs-measurable-savings-update-14174
Hello Mary, Kellie, Bruce –

At the QAP discussion, we brought up the idea of applying the guidelines for real estate tax exemption differently depending on the type of development proposed. Attached is a suggested matrix of tax exemption by development type.

We would be happy to discuss further if you have questions.

Steve

Steve Dymoke
PARTNER

GMD Development LLC
520 Pike Street Suite 1010 Seattle WA 98101
o 206.745.6464 c 206.227.3536
Cheryl, Mary, and Kellie,

I thought this morning’s call was really positive in many regards, especially the Board’s support for more Tax Exempt Bond / 4% Tax Credit program utilization and 9% / 4% “twinned” Hybrid projects. Also, the request to having more opportunities for Board members to interact and exchange experience and ideas with the Sponsor/Developer community was very encouraging to hear and could be really beneficial for all parties. However, I also saw a real area of concern and “void” that I am very, very concerned about and hence have felt motivated to send this email and request that it is shared with the Board today, or as soon as possible before the Board meeting on September 15th. The “void” I see is staff suggesting certain QAP changes go to the Board for consideration and a decision, yet I hear a significant portion of the Board suggesting they need better program and project understanding to make these decisions. There is a dangerous gap here, one which staff is not making a recommendation and the Board is not either. This is the “void” our Kalispell 9%/4% Hybrid LOI proposal fell into at the May 2020 Board meeting when staff requested Board consideration and decision, which resulted in a denial to not allow an exception to the 9% Cost Limit portion of the project, even though the overall cost per unit when considered with the 4% project was below the cost limit. As I pointed out at the time, this was a major step backwards in terms of housing program policy advances which have produced hundreds of new units in Montana over the last several years. One project has been lost so far, more will be unless the following points are changed in the recently circulated draft QAP:
Project Cost Limits – for twinned Hybrid 9%/4% Tax Credit projects the cost limit needs to be applied to the overall costs of the 9% and 4% projects, not just the 9% project alone.

Income Targeting and Real Estate Tax Abatement – new construction TE Bond 4% Projects and Hybrid 9%/4% projects need to maximize income for feasibility and should be excluded from the historical 50% of the units targeting 50% of AMI that used be to be part of the state statute. Stand alone 9% tax credit and Y15+ projects should continue to have to do the 50% of AMI deeper targeting on 50% of the units.

Developer Fee – to have a single developer fee number of $1,250,000 for all tax credit projects regardless of size makes no reasonable sense and would not compensate the developer for their time, or risk. A developer fee limit for a stand alone 9% deal or certain types of acquisition rehab deals may make sense, but to have the same flat fee for a $30-40 million 4% project does not even cover the developer’s staff costs for 3-5 years of work and is not realistic. On 4% transactions the 15% Developer Fee allowed under Section 42 is a very important financial structuring tool that helps the transaction generate more tax credit equity and financial underwriting credit support to the transaction, in addition to compensation for staff time and guarantor risk. A 15% developer fee for new construction 4% Tax Credit and 9%/4% Hybrid projects needs to be maintained.

At GMD Development our efforts to do more 9% / 4% Hybrid projects are now stalled because of the May 2020 Board decision, and if the points above are not addressed appropriately our stand alone 4% Bond project efforts will cease in Montana as well.

I realize there will be more opportunities for public comment on the draft QAP after Board consideration tomorrow, and that is why I have not gone into greater detail on these points. However the “void” needs to be crossed now before more projects fall into it and I thought I would connect the dots to ensure the higher policy objectives of the Board can be achieved, rather than rolled back.

Sincerely,

Greg

Gregory M Dunfield
PRESIDENT | OWNER

GMD Development LLC
520 Pike Street Suite 1010 Seattle WA 98101
o 206.745.3699   c 206.465.6844
### MBOH - Draft 2021 QAP

Real estate tax exemption policy

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<td>4% / 9% new construction - no QCT</td>
<td>40% @ 60%</td>
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</table>
October 15, 2020

Montana Housing
Attn: Kellie Guariglia, Multifamily Program Manager
301 S. Park Ave, Suite 240
P.O. Box 200528
Helena, MT 59620-0528

Submitted electronically: kguariglia@mt.gov

Dear Ms. Cohen:

On behalf of Home Innovation Research Labs, I respectfully submit comments regarding the draft 2022 Montana Qualified Allocation Plan. We recommend that Montana Housing recognize third-party green building certification as an alternative to the prescriptive measures included within the Housing (MBOH) Green Building and Energy Form for 100 points. By recognizing third-party green certifications, Montana Housing would offer a more comprehensive and flexible solution to implementing the voluntary goals established within the Energy, Green Building, and Other Initiatives, Goals, and Requirements section of the QAP.

Comprehensive green building programs help to ensure that projects funded by housing credits will not only create new housing opportunities but also ensure that people living in affordable housing are healthier, spend less money on utilities, and have more opportunities through their connections to transportation, quality food, and health care systems. Over 25 states recognize the importance of green certified affordable housing. Many surrounding states, including Idaho and Wyoming, reference reputable green building programs in their QAP.

In particular, we advocate for recognition of the ICC-700 National Green Building Standard (NGBS), as it is comprehensive, cost-effective, and well-suited for affordable housing development. Recognition of NGBS compliance would provide consistency in the housing industry. HUD recognizes NGBS Green certification for many of their programs, including their mortgage insurance premium reduction for green certified properties. Fannie Mae and Freddie Mac also recognize NGBS Green certification for their financing incentives. Last, because so many State QAPS recognize the NGBS, recognition in the Montana QAP provides consistency across LIHTC programs.
If Montana Housing does conclude that adding green building certification for optional points is appropriate, it is important to define what is required of developers to demonstrate compliance. We recommend incorporating two simple compliance measures:

1. The project is certified through a qualified third-party.
2. Certification documentation is submitted prior to the IRS Form 8609.

**National Green Building Standard Overview**

The NGBS was the first residential green building rating system to undergo the full consensus process and receive approval from the American National Standards Institute (ANSI). Since 2008, each version of the NGBS has been approved by the American National Standards Institute (ANSI). The 2008, 2012, and 2020 versions were developed with support from the National Association of Home Builders (NAHB) and the International Code Council (ICC). For the third edition of the standard, the 2015 version, the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) participated as a third co-sponsor. This partnership further cements the NGBS as the preeminent green standard for residential construction.

The NGBS is also the first solely residential green building standard to be one of the ICC suite of I-codes that form a complete set of comprehensive and coordinated building codes. As the industry standard for green residential development, it is embedded within the International Green Construction Code (IgCC) as an alternative compliance path for multifamily residential buildings and the residential portion of mixed-use buildings. Finally, the NGBS is also approved as an ASHRAE standard.

As one of the I-Codes, the NGBS is written in code language to make it easy for industry professionals and contractors to understand. I believe this is one reason the NGBS has been successful even in areas where it is not part of the building code and is used as an above-code program. For a residential building to be in compliance, the building must contain all mandatory practices in the NGBS. The building must also contain enough practices from each of the six categories of green building practices to meet the required threshold points.¹ The six categories of green practices are:

- Lot & Site Development
- Resource Efficiency
- Energy Efficiency
- Water Efficiency
- Indoor Environmental Quality
- Homeowner Education

¹ See page 12 in ICC 700-2012 NGBS.
Under the NGBS, homes and multifamily buildings can attain one of four potential certification levels: Bronze, Silver, Gold, or Emerald. The NGBS was specifically designed so that no one category of green practices is weighted as more important than another. Peerless among other green rating systems, the NGBS requires that all projects must achieve a minimum point threshold in every category of green building practice to be certified. A project certified to the NGBS can’t merely obtain all or most of its points in a few categories, as other rating systems allow. This requirement makes the NGBS the most rigorous green building rating systems available.

The NGBS’s mandatory provisions must be met for certification at any level. There are no exemptions. However, unlike other green building rating systems, the NGBS contains an expansive array of green building practices aimed at all phases of the development process: design, construction, verification, and operation. This provides the flexibility builders and developers need to ensure their green projects reflect their geographic location, climatic region, cost constraints, and the type of project they are constructing.

**Certification Program**
Home Innovation Research Labs serves as Adopting Entity and provides certification services to the NGBS. Home Innovation Labs is a 56-year old, internationally-recognized, accredited product testing and certification laboratory located in Upper Marlboro, Maryland. Our work is solely focused on the residential construction industry and our mission is to improve the affordability, performance, and durability of housing by helping overcome barriers to innovation. Our core competency is as an independent, third-party product testing and certification lab, making us uniquely suited to administer a green certification program for residential buildings. Our staff is made up of mechanical, structural, and electrical engineers; planners; economists; architects; former builders, remodelers, and contractors; lab and technicians. Combined, they possess an unparalleled depth of knowledge and experience in all facets of market analysis and building science research and testing. Why is that important? Because behind every building seeking NGBS compliance stands a team of experts on a mission to help them succeed. Participation in NGBS Green brings our building science expertise to each project team at no additional cost.

**Independent, Third-Party Verification**
The NGBS requires that a qualified, independent third-party inspect the project and verify that all green design or construction practices claimed by the builder toward green certification are incorporated correctly into the project. Most projects require at least two inspections. The verifier must perform a rough inspection before the drywall is installed to observe the wall cavities, and a final inspection once the project is complete. The required verification offers imbues an elevated level of rigor and quality assurance to the projects that are certified. An affordable housing organization can be assured that construction practices for higher building performance and healthier residences are successfully achieved.
Verifiers record the results of their rough and final inspections on a Verification Report, which is submitted to Home Innovation Research Labs. Home Innovation reviews every rough and final inspection to ensure national consistency and accuracy in the verification reports. After the Verification Reports are reviewed and approved, our team issues green certification to the project. Home Innovation Research Labs qualifies, trains, tests, and accredits the NGBS Green Verifiers and maintains a current list at www.HomeInnovation.com/FindNGBSVerifier. Verifiers must possess experience in residential construction and green building. Many verifiers are Home Energy Rating System (HERS) raters. Potential verifiers are trained on how to verify every NGBS practice. After completing the training, verifiers must pass an exam and carry sufficient insurance to earn accreditation. Verifiers renew their accreditation annually and retrain and retest with every NGBS version.

Home Innovation maintains strict rules to ensure verifiers remain independent and free of conflict-of-interest on the projects for which they provide verification services. Verifiers serve as our field agents to confirm buildings are NGBS compliant. Further, we regularly audit our verifiers and their verifications as part of our internal quality assurance program.

QAP Recognition of the NGBS
The National Green Standard is currently recognized in 25 state Qualified Allocation Plans (QAPs), and an increasing number of State Housing Finance Agencies have been adding NGBS green certification to their QAPs to help promote green affordable housing. In these plans, NGBS is recognized as on-par with comparable programs, such as LEED and Enterprise Green Communities, and other regional programs, such as Earth Advantage. Multifamily builders who utilize NGBS for low-income housing tax credits typically receive the same number of points for NGBS as they would for an alternative program. The straight-forward and low-cost nature of the NGBS certification program make it ideally suited for affordable housing development, and this is evident by the number of Habitat for Humanity organizations and other LIHTC providers who select NGBS as their program of choice.

Program Statistics to Date
Home Innovation has certified 6,341 multifamily buildings representing 230,252 dwelling units. Currently, there are 3,935 multifamily buildings in progress, representing an additional 158,271 dwelling units. I believe that these statistics show that we have been successful in designing a green certification program that is affordable and flexible, while remaining rigorous.
Summary
We recommend that Montana Housing recognize reputable third-party green certification programs as an alternative to the prescriptive measures on the MBOH Green Building and Energy Form. In particular, we advocate for recognition of the ICC-700 National Green Building Standard (NGBS), as it is comprehensive, cost-effective, and well-suited for affordable housing development.

We look forward to discussing it further with you or your staff if you require a more detailed overview of the NGBS or our certification program. I will also gladly send you any supplemental information that you might require. Please don’t hesitate to contact Michelle Foster (mfoster@HomeInnovation.com, 301.430.6205), our Vice President, Sustainability, directly if she can be of further assistance.

I look forward to working with Montana Housing to promote green certified housing built to the National Green Building Standard.

Best,

Michael Luzier
President and CEO
October 15, 2020

Montana Housing
Montana Board of Housing
Montana Department of Commerce
PO Box 200528
Helena, MT 59620-0528

RE: MT 2022 Draft QAP Comments

Dear staff and Board Members;

Thank you for working with the Montana development community to allow for discussion and opportunities to provide public comment on the Draft Qualified Allocation Plan (QAP). In advance of the Montana Board of Housing Public Board Meeting scheduled for November 2nd, at which the final 2022 QAP will be presented to the Board, Homeword respectfully submits these written comments to be recorded as public comment and for Board consideration.

Overall Comments for the QAP:

1. We urge the Montana Housing Staff and Montana Board of Housing to consider and address, where possible, the ability to use existing resources and consider new resources for projects at risk of loss by conversion to market rate. These potential resources should be considered for inclusion in future QAP versions, and we also recommend scheduling a special meeting for discussion of the preservation of our valuable existing housing stock. It is our understanding that a large Bozeman project recently used the qualified contract provision and has now converted or will shortly convert to market rate housing, an irretrievable loss for our State and the Bozeman community. Homeword recently submitted offers on two other Bozeman projects, and it appears they are either being set up for qualified contract and conversion to market rate or a minor rehabilitation with rent maximization, including possible up to a 40% increase to achieve maximum Housing Tax Credit rents; existing residents are at significant risk losing their homes. This issue warrants a larger discussion given the long-standing need to preserve our existing housing stock is further stressed by recent market pressures that indicate a flood of investment capital is shifting to the Rocky Mountain West.

2. It appears that compliance items in the QAP are not being replicated in an updated Compliance Manual that property managers use to maintain compliance with the Montana specific Housing Credit Regulations. We recommend that either 1) the QAP be limited to compliance requirements for Development and a separate, annually updated Compliance Manual be referenced from the QAP and provided for compliance requirements during Operations, or 2) one master document be created that includes all compliance requirements from Letter of Intent (LOI) to the projects’ final exit from the program at the end of the extended use period. Having operational compliance requirements split between regulatory resources is not conducive to maintaining compliance throughout the State, the goal of Owners, Property Managers, Developers and Montana Housing.
Document specific comments reference by section or page number:

SECTION 1 – DEFINITIONS

- **Pg. 2** – We recommend adding a definition for “Adaptive Reuse” to clarify the difference between “Rehabilitation” of existing residential buildings and conversion of buildings previously used for other uses or occupancies into new housing stock. Suggested definition: “the renovation and/or rehabilitation and reuse of existing structures (such as warehouses, schools, hotels) to create new homes with the Housing Credit program.”

- **Pg. 5** – “Design Professional” has a formatting issue, simple correction.

- **Pg. 10** – “Substantial Change” – Some of the items on the list are too general and need to be updated or more clearly defined, or this section could have unintended consequences. Some items on the list have previously been associated with Application points, but that is now covered by the inclusion of “Any item that would have resulted in a lower Development Evaluation Criteria Score.” Items on this list could either be covered under similar larger umbrella statements or should be as clear as the variance requirements describing the current Sources and Uses.

SECTION 3 – MONTANA SPECIFIC REQUIREMENTS

- **Pg. 11; A.2. Applicant Cannot Exceed Cumulative Credit Maximum:** The $20M cap needs to be raised to $25M in order to not inadvertently disadvantage developers that develop only in their jurisdictions, only in Montana and/or who partner and add meaningful value in partnership projects. We recognize the desire for Montana Housing Staff to tie the calculation to the 8609 versus a standard project milestone such as a Certificate of Substantial Completion issued by the Project Architect or the Certificate of Occupancy issued by the local jurisdiction. When a project is substantially complete, most of the capacity of the development team becomes available. The full lease up and application for the 8609s is a function of asset management and accounting. The 8609 application may be postponed by months due to the delay in the permanent loan conversation and final sources and used being determined. This time period will allow projects to overlap with the next developments in a developer’s pipeline.

- **Pg. 12; A.3. Other Disqualifying Conditions:** The second paragraph, first sentence, reads: “An Application or Project awarded credits must be the same Project as described and represented in the Application from Letter of Intent through the first 5 years of the Compliance Period, except for any changes that are not Substantial Changes or any Substantial Changes that have approved by MBOH or the MBOH Board as provided in the Applicable QAP.” It should read “…from Application through the first…” because there are necessary changes allowed elsewhere in the QAP between the LOI and the Application. Also, the word “been” is missing before the word “approved”. Should the first reference to MBOH be a reference to Montana Housing?

- **Pg. 12; C. Projects Seeking Property Tax Exemptions:** We appreciate the adjustments to this section to allow for 4% projects to use the statute as written; this modification may allow for more 4% projects to be successfully executed. For 4% acquisition and preservation projects, we believe tax exemption afforded through state statute is a tool to assist with the preservation of existing homes people can afford to rent especially as it relates to those projects at risk of going to market rate through the qualified contract process as discussed at the beginning of this letter. Resources to preserve these
projects are already very limited in the state, and this resource should be made available to assist with preventing the loss of additional homes that people earning less than 60% AMI can afford.

- **Pg.13; F.1.a.** Hard Cost Per Unit/Hard Cost Per Square Foot and Total Project Cost Per Unit/Total Project Cost Per Square Foot:
  - Total Project Cost Per Unit may not exceed $245,000 – this figure has adjusted by $5000/unit but there is no industry source/methodology provided. Given the frequency in which the development community has expressed concern about this, we request Montana Housing make this issue a priority for next year to establish a market and industry informed methodology. Several industry and market related adjustments could be utilized such as annual increase tied to the annual increase in the construction cost index, market type (rural or urban), building type and bedroom size.
  - For this 2022 QAP, the Board could modify hard cost limitation language to be like the language for projects exceeding soft cost limitations in Section F.2.f.

- **Pg.15; F.2.d.** Developer Fees: We completely support the edits to this section that allow the 15% limit for new construction projects. The federal code limits the Developer Fees to 15%. This limitation is reasonable and should not be reduced. Developer fee is critical for many reasons, including the mandate by investors to demonstrate the project can absorb unforeseen project costs by deferring developer fee. In a 4% project, the developer fee generates basis and then equity for the overall feasibility of the project. In Trinity, a 4% project in Missoula, the development team is putting $1M of our earned developer fee into a social services operating reserve to protect the operational stability of this permanent supportive housing project.

Significant Deferred Developer Fee could be an invaluable resource available to help preserve projects at risk of being lost through the qualified contract process. We suggest that we plan to have a robust discussion about this issue in the months before the 2023 QAP.

- **Pg.17; G.5.** Maximum Rents: We understand why Montana Housing and the MBOH wishes to limit rent increases that could have significant negative impacts on existing residents. However, additional rent restrictions above and beyond the LIHTC program threaten project feasibility and sustainable project operations. A lot can happen in 15, 20 and 40 years and flexibility is critical for long-term operational stability. We look forward to a discussion of the various unintended issues the rent limitation presents, including but not limited to:
  - In the second paragraph in this section, Montana Housing can modify rents at final allocation w/o actual property operational data.
  - Considering the Qualified Contract, maximum rents need to be discussed as a tool for Preservation of projects through acquisitions.

- **Pg.17; G.8.** Utility Allowance: We appreciate the ability to use the more accurate HUSM utility allowances. However, the timing requirements shown in this section of the QAP must also be detailed in the Housing Credit Compliance Manual.**Pg.18-20; H & I:** The QAP should not further restrict, restate or modify construction, accessibility, building and energy codes. There are professional organizations that have created standards and the State adopts construction codes modified to meet Montana conditions. Prior to next year’s QAP discussion, we should allow for time to consider looking at existing energy and green building standards and choosing standards to reference both for Criteria Evaluation Scoring and basic minimums described in these sections. If outside standards are a cost issue, then we should revisit the threshold and appropriate requirements for this program. Projects are required to meet accessibility requirements defined by codes, Federal regulations and national standards. For
example, accessible turn radius has recently been updated from 5’-0’ to 5’-6”’. If a standard or a code is updated, referencing those standards instead of a few selected elements prevents any potential conflicts.

SECTION 4 – APPLICATION SUBMISSION AND AWARD SCHEDULE – MANNER OF SUBMISSION

- **Pg.24-25; E. Board Consideration and Determination Process:** The Board should invite 10 projects from the LOI round to apply. This year’s round is a good example of why more projects should be invited to help insulate against the potential limitation of projects withdrawing from the application cycle for various unforeseen and unavoidable reasons. Two more applications have the added benefit of generating additional revenue for Montana Housing to help support the growing compliance management workload.

SECTION 9 – EVALUATION AND AWARD

- **Pg. 44; D.9.b.x. Demonstrated Management Weakness:** This item reads: “Has made Substantial Changes to previous tax credit applications or has failed to notify MBOH and seek approval of Substantial Changes according to QAP requirements;” This means that if a project needs to make a substantial change and has that approved by Montana Housing and/or the Montana Board of Housing, they can still be punished for making a change that might have been caused by something entirely beyond their control. If this stands as written, it supports the need for the definition of Substantial Change to be more definitively quantified, and not open to subjective interpretation. We recommend the item be modified to read: “Has failed to notify MBOH and seek approval of Substantial Changes according to QAP requirements.”

SECTION 12 – COMPLIANCE MONITORING

- **Pg.54:** An annually approved compliance manual outside the QAP, referenced here would be more appropriate than compliance requirements in the QAP itself.

Thank you for taking our comments to consider. We look forward to the final presentation of the 2022 QAP to the Montana Board of Housing and continued discussion.

Sincerely,

Andrea Davis, Executive Director

Heather McMilin, Project Development Director
October 9, 2020

Mary Bair  
Multifamily Project Manager  
Montana Board of Housing  
PO Box 200528  
Helena, MT 59620

RE: 2022 QAP Public Comment

Dear Ms. Bair:

Thank you for the opportunity to provide public comment on the 2022 QAP. Our comments this year are very minor.

The revised Section 6A on page 28 of the draft QAP reads:

“In the event Congress extends the 12.5% volume cap increase provided in the consolidated Appropriation Act of 2018, MBOH may increase the twenty percent (20%) limit to twenty-five percent (25%) for purposes of 2022 Credit Awards by posting notice of such increase on the Board’s website. In addition, the Board may adjust the twenty percent (20%) limit for purposes of 2022 Credit Awards to take into account any Congressional or IRS changes in Available Annual Credit Allocation by posting notice of such adjustment on the Board’s website.”

As the draft QAP is worded, the default credit limit is 20% which could be increased to 25% if Montana maintains the 12.5% volume cap. This is the opposite of what we believe was the intention of this section. Our understanding was that because the 12.5% increase in volume cap provided more credits, the board wished to decrease the credit limit to 20% to be sure more projects were funded given the larger number of credits available. It wasn’t clear to us why the board would want to increase the credit limit to 25% if the 12.5% volume cap is maintained. This would result in unusually large number of credits awarded to any single project. We believe the first sentence could fixed by adding a “does not” as follows:

In the event Congress does not extend the 12.5% volume cap increase provided in the consolidated Appropriation Act of 2018, MBOH may increase the twenty percent (20%) limit to twenty-five percent (25%) for purposes of 2022 Credit Awards by posting notice of such increase on the Board’s website.

The result of this change would be to give the board discretion to increase the credit limit percentage if it turns out that the volume cap increase is no longer available. We believe this is more in line with the original intentions of the board as it would allow for reasonably sized projects even though less credits are available.

Thank you in advance for your consideration and please don’t hesitate to reach out with any questions.

Sincerely,

[Signature]

Tyler Currence
Kellie,

Thank both you and Mary for facilitating yesterday’s call on the QAP. I missed being together a Fairmont, but all things considered we did make the best of it.

In my notes I had three items that I thought you were looking for follow up and input on.

- **LOI/Invitation to Apply/Application/Award Meeting** - I certainly understand the complexity of working across multiple years of housing credits. Having the board make decision on 2022 credits, in October of 2021 based on a QAP that was first discussed in August of 2020 is a lot to get your arms around. All that being said, considering our shorter construction season in Montana and optimum times for projects to bid, knowing on credits in October is very helpful to the process. If you can keep the timing similar to the current QAP, that would be best for us. But if the dates need to change to accommodate the battles your office is working through, we can make the later dates work as well.

- **Number of LOIs invited** - As expressed during the meeting, I feel that 8 is a good number of LOIs to be invited forward in the first round. Even with two dropping out the board will still have six projects to choose from. I also think two dropping will not always be the case. If the apps submitted are not “good projects” as deemed by the board, they are under no obligation to fund them and can hold some back and host a second round as described in the QAP. Think projects in “reserve” or “on deck” is a difficult thing to try and do. Being in that place of limbo would make it difficult to work with property owners. It would also be difficult to work on app while unsure if it was even going to be allowed to be turned in. Lastly, I think it would be wise to work some flexibility in, just in case there is a substantial increase in available housing credits made possible by a change in the federal regs.

- **Total Project Costs** - I do think it’s reasonable to increase the $240,000 figure. We are seeing prices increase sharply. It’s very difficult to predict. As an example, I have attached a letter from the president of IdaPac, a major lumber supplier in our region. Of most interest is the charts at the end; you can see the 2020 lumber prices are well beyond anything seen in the last three years. A thought I had on how much to increase the $240,000 figure. Look to the A/R section and the minimum rehabs required (page 18). The proposal is to increase it from 25k to 30k for 4% and 30k to 35k for 9%. This is an increase of 20% and 16.7% respectively. If we are doing a “annual update” to those figures of that amount, would it be reasonable to do a similar increase to the total cost per unit? If you landed in the middle at 17.5% it would yield a new max of...
$282,000. Maybe this is too much, but it does show we are increasing one area (page 18) so an increase in the other is probably reasonable as well.

Hope this helps! As always feel free to call with any questions.

Thanks!
Alex

Alex Burkhalter  Housing Solutions LLC
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W. www.housing-solutions.org [housing-solutions.org]
E. alex@housing-solutions.org
August 12, 2020

To Our Valued Customers,

Idaho Pacific Lumber Company, along with all others in the construction and building materials industry, has seen the most substantial and swift price increases in commodity wood products in the history of the industry. This is due to a combination of factors, and driven mainly by a dramatically reduced amount of supply of lumber and panels available from mills and manufacturers.

This extreme lack of available product stretches across all regions of the country, across all species of lumber, and across all panel products. Since mid-April, prices have doubled and continue to increase today with no clear end in sight. Even worse, availability of available product has been severely hampered, creating inventory shortages and delaying jobs nationally. Mills have built order files that are anywhere from a few weeks out to up to eight weeks out, and even those orders are shipping late.

Why is this happening, and what is driving it?

1. **COVID-19 Pandemic** – When the economy showed signs of severe stress in late February/early March, mills took a conservative approach to production levels. This was the start of the undersupplied market.

2. **Big Box Store Takeaway** - Many people have been forced to work from home since the middle of March 2020. Big box stores such as Home Depot and Lowes saw a significant increase in takeaway from the ‘over the shoulder’ crowd. As this business increased throughout the spring, the boxes increased orders to the mills. Much of this activity began in the southern states where weather was more favorable. SYP dimension, purchased largely by treaters, began to quickly disappear from the open market. Eventually that trend spread to the northern tier, tightening up DF, SPF and HF as well. Panel products also became less available.

3. **COVID Hits the Mills** - Mills began seeing increased cases of COVID at their facilities, forcing a reduction of manpower and the inevitable reduction of shifts/output. This situation is ongoing today.

4. **Uncle Sam Hands Out Cash** - To make matters more difficult on the labor front, mills began struggling to find the additional employees they needed to increase production this spring, often sighting the Federal stimulus and $600 weekly unemployment kicker. As the government works toward a new stimulus plan, this situation could be ongoing and bears watching.
5. **Empty Distribution Centers** – Secondary suppliers, such as wholesale distributors and brokers, have been leery to replenish inventories since mid-May due to a fear of a downside to all of this. They now find themselves chasing the undersupplied market, largely eliminating the availability of prompt wood for several months.

6. **Log Issues** – Many mills have struggled to get logs, with Canadian production off nearly 25% YTD. Concerns about fire season in the West and eyes on hurricane season on the coast could exacerbate the situation.

7. **We're Still Building** – Demand has remained solid. Early concerns that COVID would shut down the entire economy became secondary as construction was deemed ‘essential’ in all but a handful of regions. Those that did delay construction have come back very strong. Single-family construction, the largest consumer of wood products, while not a run away, has remained stronger than first anticipated at the outset of the pandemic.

Today, there is no clear end to the current undersupplied market. The majority of producers are not quoting, choosing to stay off the market rather than to overpromise. Those that are quoting are asking levels well above current reported historical highs. This will continue until supply issues improves, or demand decreases. As with all markets, the pendulum will swing the other way, we just don’t know when.

Attached are some graphs illustrating the extreme rise in prices in both lumber and panels. Another great resource you may review on an ongoing basis is IdaPac’s weekly regional lumber briefs, available on our website at [https://www.idapac.com/market-reports/](https://www.idapac.com/market-reports/).

Because of this unprecedented situation, there will likely be some delays in sourcing and transporting material to jobs.

Thank you for your understanding and patience as we navigate through this together.

Better days are no doubt ahead for all of us.

---

Eric Grandeen  
President  
Idaho Pacific Lumber

Scott Sunday  
VP Purchasing & Sales  
Idaho Pacific Lumber Company
Oct. 11, 2020

Dear Kellie Guariglia~

I would just like to make a few suggestions for future inspections for the housing credit program and Qualified Allocation Plan for 2022. Particularly during covid-19, and any potential similar virus that could pop up in the future.

1. Since there are many investors in the LITCH program, it would be most beneficial to tenants and inspectors to find a few inspectors, or however many it takes to do one inspection per year in all the units, on behalf of all the investors. These inspectors could report back to all the investors. This would decrease transmission of covid-19 to tenants, inspectors, and the community at large on a wide scale. It would also decrease the frustration of tenants being bombarded with different "entities" that want to come into the apartments, possibly risking their lives.

2. For high risk persons for complications from such viruses as covid-19, there needs to be a protocol in
place. There are several options. These options should be in place for any "hired outside" entity that needs to service a hot water heater or HVAC system, or any other complex inspection. Please, allow the HVAC filters to be given to high risk individuals 10 days in advance of the inspection. That way, a high risk individual can quarantine the filter that our air will be flowing through, throughout the home prior to it's installation. As, this virus is most transmissible when airborne and could spread through our heating vents. Or, allow the tenant to change their own filters.

a. Please provide and wear medical grade PPE, completely sealed upon arrival to the unit, including an N-95 masks, gloves, shoe coverings, a face shield, and a gown to cover the body of clothing during all inspections if it is determined the inspection is absolutely necessary and cannot be postponed. Please, wait until you arrive at the home to be inspected before unsealing and putting these items on so they will actually be "sterile" or at least "clean", and the tenant can feel secure that these PPE's are actually new and clean. Cloth masks are not appropriate for high risk individuals, as noted by the CDC and doctors. These cloth masks are not allowed in hospitals due to the high risk of transmission through these masks and could risk
the lives of all the patients. Also, bring hand sanitizer to help reassure the gloves are clean upon entrance to the home. This way, the chances of many individuals contracting a virus are greatly diminished and will help reduce the spread of covid-19 and decrease death to the high risk groups and even non-high risk groups.

b. If an individual is at high risk for complications from these types of viruses, please consider investing in a form of technology, such as tablets with their own internet connection, with which the tenants could zoom, take pictures, or videos for their inspections. Just in case they don't have access to this technology, you could have a few on hand to loan out during the inspection and do a live zoom session where you could ask them to show you something specific.

c. Please, only send in one inspector in a home at a time.

d. If there are several "investors" to the properties, please set up a system where one trusted inspector, or as many as may be needed to complete the task of inspecting every unit each year, that can report to all the investors about the property. This will greatly decrease the rate of transmission of these viruses to the tenants, owners, inspectors, and family members, including pets. It will also relieve concerned tenants
about how many inspectors will need to come inside their home each year.

e. Consider letting the tenants take photos of the apartment with time/date stamps. As some people may lose their lives to covid-19, or even some potential worse virus of the future, if it is transmitted during one of these inspections.

f. If a tenant has historically passed inspections for five years in a row, perhaps during dangerous virus outbreaks such as covid-19, these people's apartments may be overlooked until the following year. If there is a clear history of a tenant's caring well for the property with no health/safety violations, it would be most likely that they are continuing to care for the property as they have historically. Especially if they have a history of calling in for repairs in a timely manner.

g. Also, please keep in mind that even people who are not "high risk" for complications are still vulnerable and could still die, or become "carriers" of the virus to children, elders, and other high risk community members. Should any of these tenants ask for some extra protection during inspections, please be willing to provide the above options for their physical and mental well being, and potentially their lives, as covid-19 is not picky as to whom it infects and kills, as well.
Thank you for your considerations in these matters. I greatly appreciate you asking the public to help find solutions to some of these very tricky conditions that have recently arisen with covid-19.

If you have any further questions, I'd be happy to help. It would be best if these suggestions were implemented to the best of your ability, immediately. Waiting until 2022 to make these changes will cost a lot of lives and a great amount of serious illness.

With gratitude~
LeAnne McDonald

May all beings find peace....
I Shyla Patera, wish to submit the following comments on the annual Qualified Allocation Plan 2022 on behalf of North Central Independent Living Services, Inc. We, at NCILS, wish to commend the Board of Housing for much of its work regarding HOME funds, CDBG funds, HOPWA Funds, ESG Funds and more to assist Montanans with disabilities and others in housing crisis to find more stability in their individual housing situations. However, we feel that more needs to be done regarding physical accessibility, visit ability, and universal design both in our rental and homebuyer housing stock. The Montana Board of Housing should undertake an assessment of not only its physical housing stock, but also the programs, policies, and partnerships it is forming to ensure that all are accessible and being utilized by those with disabilities that may need the programs most. Montana shelters and transitional housing facilities should be ADA accessible to all including those with mobility, sensory, and chemical disabilities.

NCILS believes that builders and community developers should be focused on strategies which allow Montanans to age in place. Communities must consider universal design and disability accessibility from the very beginning of a build. Montana Housing, the multifamily division, as well as MBOH, should be connecting with builders who have experience maximizing universal design in the building of mixed use housing, tiny homes and resident owned communities. For many of us with disabilities, these types of home options can be problematic regarding universal design. However, we at NCILS understand that these homes may increase housing stock. We need to be maximize the use of universal design and accessibility when constructing these homes and communities throughout Montana now and in future.

Inclusive communities and accessible and complete sidewalks and pathways should be considered a crucial part of community design and development.

Montana needs to ensure our loan products are equitable for both our builders and homebuyers.

Shyla Patera IL Specialist
NCILS
1120 25th Avenue NE
Black Eagle, Montana 59414
406 452-9834
ncils.patera@bresnan.net
October 15, 2020

Via Email: mbair@mt.gov

Ms. Mary Bair
Multifamily Program Manager
Montana Board of Housing
301 S Park Avenue, #240
Helena, Montana 59601

RE: 2021 Qualified Allocation Plan

Dear Mary:

I am providing these comments on behalf of Thomas Development Co. (“TDC”) and our nonprofit partner, Northwest Integrity Housing Co. (“NIHC”), to the 2021 Qualified Allocation Plan.

I have read many of the comments provided by my development colleagues and generally agree with them.

SECTION 3F-d DEVELOPER FEES

I understand the thinking limiting developer fees on competitive 9 percent applications.

However, on any transaction financed with tax exempt bonds, I do not see a reason for this limitation. Why?

The development community typically holds a fair amount (sometimes more than we would like!) of our developer fee as deferred, paid out of operating cash flow. The developer fee creates Eligible Basis, and the magnitude of the deferred fee serves as an additional contingency source during the course of development and construction.

As the size of the fee relates to a tax-exempt bond transaction, where the concomitant 4 percent housing credit is not finite, I request this fee be dropped from the plan.

G5 RENT LIMITATIONS

I understand the thinking here, but let’s use the Courtyards at Corvallis, now known as Emporda Apartments for illustration.

The prior owner did not, for whatever reason, use a management plan which kept rents increasing to at least offset increased operating expenses. While I do not recall the specifics, each of the 36 units were rented for a minimum of $100.00 per month under the current AMI rents.

I request the maximum rent section be modified to include language which generally reads like this:

"To the extent existing rents on an acquisition rehabilitation development are below the then-current allowable rents for any AMI level, the rents may be increased to current AMI levels."
Income averaging for both 9 percent and 4 percent applications – I think the provision requiring balance between the higher rent units and the lower rent units makes sense. That said, 20 percent AMI rents clearly, and in most cases 30 percent AMI rents, are not sufficient to cover development operating costs, let alone provide funds for debt service or payment of deferred developer fees.

Thank you, Mary.

Sincerely,

THOMAS DEVELOPMENT CO.

By

Thomas C. Mannschreck, President

cc:  Michelle Landay, Development Manager, Thomas Development Co.
     Nicole Harper, Asset Manager, Thomas Development Co.
     Chris Bent, Executive Director, Northwest Integrity Housing Co.
## MBOH Hard Cost Analysis - Tribal Projects

<table>
<thead>
<tr>
<th></th>
<th>Blackfeet Homes IV*</th>
<th>Blackfeet Homes V*</th>
<th>Blackfeet Homes VI*</th>
<th>Blackfeet Homes VII</th>
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<tr>
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<td>Rehab</td>
<td>New Construction</td>
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<td>Total Hard Cost Per Unit</td>
<td>$168,342</td>
<td>$240,913</td>
<td>$233,129</td>
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</tbody>
</table>

**Average Project Hard Cost %**: 89%

**Average Project Soft Cost %**: 11%

*Final Cost Certified*
Good afternoon Kellie,

I wanted to follow up with some hard cost examples that back up my comments on the MBOH QAP. I went ahead and put together a comparison sheet (attached) of the most recent Travois involved Tribal projects. Three out of four of these projects have had their final cost certs with one being more speculative. The latest project, Blackfeet Homes VII, was last submitted in 2018 so the assumption is that construction costs have continued to rise over the past few years. Travois has seen the cost of construction dramatically increase across the country over the past two years alone.

The idea was thrown out to analyze the project costs looking at hard costs only. As the document I provide shows, tribal projects are already limiting soft costs as much as possible. In all four examples the Tribe is acting as the General Contractor which helps to limit third party G.C. fees. If a Tribe does not have the capacity to self-perform the construction then they would be subject to much higher, standard, third party G.C. fees. It is clear that although our projects may be more expensive on a per unit comparison all of the TDC, or 89%, are going directly into the units. This means higher quality and longer lasting units in areas that desperately need them.

Travois continues to argue for the insertion of a yearly increase to the total costs per unit limit. I would also argue against a hard cost cap vs. a total project cost cap. In the case of Tribal projects that would simply reduce the dollars directly put into the units. I would urge MBOH to allow a higher cap for rural projects, perhaps exclusively Tribal projects, to more accurately reflect costs in the rural areas of Montana.

Thank you very much.

Trent Rogers
TRAVOIS | SENIOR PROJECT COORDINATOR
trent@travois.com

PHONE: 816-994-8970 MOBILE: 816-599-1159 FAX: 816-994-8974

Certified B Corporation: Using business as a force for good [travois.com]

About me [travois.com] | Find me on LinkedIn [linkedin.com]
Hello,
Thank you to everyone who participated in the call yesterday.

Just a few follow up items:
Please submit any other comments of items we had discussed yesterday or anything else that you noticed by Friday August 21, 2020. Remember you will also have time to submit comments during the public comment period.

I have also attached a working sheet for listing all awards that would be submitted with the application. Any comments would be appreciated.

There were a few of you who agreed to meet regarding the Green and accessibility items. Please have those to us by Friday as if possible so can incorporate those for the Board to review.

If anyone else is interested in the tax exemption conversation please let me know. I have set up a meeting for this Thursday from 1:00-3:00 PM Mountain Time.

Thank you,

Kellie Guariglia
Montana Housing
Multifamily Program Officer
kguariglia@mt.gov
406-841-2838
October 15, 2020

Cheryl Cohen  
Executive Director  
Montana Housing, Montana Housing Department of Commerce  
301 S. Park Ave, Suite 240  
Helena, MT 59620

Dear Ms. Cohen:

On behalf of the U.S. Green Building Council (USGBC), our nearly 9,000 member companies nationwide, and our strong Montana community, we are pleased to provide Montana Housing with our comments regarding Montana’s 2022 Qualified Allocation Plan (QAP).

USGBC recommends Montana Housing make the following improvements to the plan:

1) Require all new construction projects to certify to ENERGY STAR’s Residential New Construction program,

2) Require all rehabilitation projects to undergo a pre-rehabilitation energy analysis and energy audit to identify and install cost-effective energy upgrades, and

3) Provide one hundred (100) additional points to projects earning LEED certification.

USGBC and LEED in Montana

USGBC is a nonprofit organization committed to transforming the way all buildings and communities are designed, built, and operated to support a sustainable, resilient, and prosperous environment that improves the quality of life for all. Our flagship green building system, LEED, continues to grow in Montana with more than 130 multi-family and over 120 single-family LEED for Homes certified projects. Of this total, over 40 percent is considered affordable housing. In addition, there are more than 100 LEED certified commercial and high-rise residential projects in Montana, amounting to a total of almost four million square feet. Representing the full range of the building sector, including builders, product manufacturers, professional firms, and real estate, more than 170 Montana-based organizations are USGBC members, and more than 500 individuals in Montana hold a LEED professional credential.¹

LEED takes a comprehensive approach to green housing by considering resident health and comfort as well as objectives such as energy and water efficiency and indoor environmental quality. LEED projects must meet a set of rigorous criteria within

¹ State Market Data Briefs, USGBC.
prerequisites and flexible credits that, when combined, set building projects on the path to excellence in sustainability and overall resilience. LEED’s third-party certification process ensures accountability, total value, and building performance outcomes for housing advocates and taxpayers alike, while the energy and water resources saved by building to LEED translates to reduced costs for residents.²

Exemplifying how LEED supports high quality and high performing affordable housing in Montana is the Solstice/Confluence project in Missoula, which earned LEED Gold in 2012. This mixed-use project is the first LEED certified commercial and affordable housing project in the state, comprised of 34 low-income rental apartment units (Solstice) and a commercial office space (Confluence). Solstice is built on a greyfield site that previously housed a large parking lot that, once developed, qualified for 11 out of 14 available LEED credits for site selection and planning. Solstice was supported with funding from the Low-Income Housing Tax Credit, and also qualified for the New Markets Tax Credit, adding private-capital investment along with federal support.

To learn more about how affordable housing projects benefit from LEED, see USGBC’s brief Green For All: Healthy and Efficient Affordable Housing.³

USGBC Recommendations for Final 2022 Qualified Allocation Plan

USGBC observes that Montana Housing seeks to encourage green building features and energy efficient strategies in the draft 2022 QAP. Currently, the proposed QAP does not require minimum efficiency, beyond code, and offers 100 points for applying ten items in Green Initiatives form. While the Green Initiatives encourages efficient appliances, it does not reward a better building envelope, nor lower-energy heating and cooling systems, which are key to high performing housing. Whole building approaches like ENERGY STAR and LEED incorporate a well-sealed and insulated envelope along with efficient or alternative source heating and cooling.

Montana Housing could be significantly more effective at driving highly efficient and healthy housing by using a whole building approach, and including both requirements for efficiency and incentives for green projects. First, to ensure all of the LIHTC funded housing in Montana is highly efficient and healthy, USGBC recommends that Montana Housing require all new construction projects to certify to ENERGY STAR’s Residential New Construction program, and require all rehabilitation projects to undergo a pre-rehabilitation energy analysis and energy audit to identify and install cost-effective energy upgrades. We acknowledge that Montana Housing, like many state Housing Finance Agencies, justifiably wants to minimize up-front development costs associated with Housing Credits. However, affordable housing residents should not bear the

² “U.S. States Increasingly Embrace Green Affordable Housing,” USGBC blog, 2019.
³ Available at https://www.usgbc.org/resources/green-all-healthy-and-efficient-affordable-housing.
burden of high utility costs and unsafe or unhealthy housing. These most vulnerable residents should be sufficiently supported so that they may pay their monthly housing costs, in addition to utilities and food expenses.

Whole building energy programs, like ENERGY STAR, are proven to be a cost-effective way to lower residents’ and property owner’s bills, reduce unit turnover and provide healthier, more comfortable homes for residents. Currently, 41 state housing finance agencies have determined that whole building energy and green building programs are a prudent use of Housing Credits and have included them in their QAPs. Additionally, by including a whole building energy program in Montana’s QAP, Montana Housing would also create a level playing field for developers, as their projects must currently comply with different energy codes in different jurisdictions.

Additionally, USGBC recommends that Montana Housing expand the current incentives for Green Building and Energy Conservation Standards as included in the current 2022 QAP draft to offer property owners and developers point-based incentives for LEED green building certification. By giving them the option to earn additional points for earning LEED certification, low income projects can help ensure their future residents benefit from energy efficient, healthier housing. In the current draft, projects may earn one hundred (100) points by incorporating enough individual items such as ENERGY STAR appliances, water saving devices, and green construction materials in their project. LEED encourages many of these strategies and more, giving incentives to proximity to transit and services, energy efficiency, and incorporation of open, outdoor space.

Specifically, USGBC recommends that Montana Housing make available one hundred (100) additional points for projects earning LEED certification under the Project Characteristics section (page 40). Currently, the draft only includes piecemeal features including those listed above as qualifying criteria for one hundred (100) competitive points. While the supportive features noted in the draft are valuable strategies for achieving high levels of resident convenience and support, these individual features are not, by themselves, rigorous, or in many case, verifiable.

Green building is meant to be holistic and comprehensive, and certifications like LEED can optimize lasting sustainable and supportive outcomes for affordable housing occupants through an integrated delivery process that incorporates third-party quality control measures.

For more on how LEED supports high levels of energy performance, please see our policy brief LEED v4: Raising the Bar on Energy Performance.

LEED Is Proven to Perform in Low Income Housing in terms of Both Health and Savings
LEED has been shown by numerous studies to perform well in post-occupancy operations in providing healthier conditions as well as by saving energy, water, and money.  

Americans spend about 90% of their time indoors and much of that is in our homes. The EPA estimates that indoor air is between two and 10 times more polluted than outdoor air. The U.S. Centers for Disease Control and Prevention found that low-income individuals have the highest rate of asthma; and 21% of all asthma cases are a direct result of home conditions, like mold and mildew. LEED-certified homes are designed to maximize fresh air indoors and minimize exposure to airborne toxins and pollutants and require proper ventilation, high efficiency air filters and measures to reduce the possibility of mold and mildew. Green buildings prioritize the use of adhesives, sealants, and finishings that have little to no volatile organic compounds (VOCs) to improve air quality.

A Washington, D.C. study of green certified low income housing renovations identified significant health benefits to residents. According to the study, self-reported general health in adults significantly improved from 59% to 67%; allergen dust loadings showed large and statistically significant reductions and were sustained at one year. The study also reported energy and water cost savings of 16% and 54%, respectively.

**Importance of Sustainable, High-Performing LITHC Projects in Montana**

For affordable housing residents in Montana, truly sustainable housing outcomes, like those provided by LEED projects, support a more stable, vibrant, and economically sound community and workforce. Particularly for low-income communities in Montana, it is imperative to consider health and social equity in the development of affordable housing guidelines.

Montana Housing plays a critical role in implementing the LIHTC program to provide greater opportunities for high-quality, sustainable, resilient housing for the state’s low-income populations. By including LEED certification as an acceptable means for achieving competitive points, Montana Housing will demonstrate its commitment to resident health and wellness, along with its goals for energy and water savings.

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4 For example, studies by the U.S. General Services Administration showed that the agency’s high performing buildings show 23% less energy use, 28% water use, 23% less building operating expenses, and a 9% decrease in waste, while Washington State has found across 29 LEED buildings, state agencies and higher educational facilities reduced their energy use by an overall average of 37%. See USGBC brief, [https://www.usgbc.org/sites/default/files/LEED-Energy-Performance-Brief-FINAL.pdf](https://www.usgbc.org/sites/default/files/LEED-Energy-Performance-Brief-FINAL.pdf).

If you have any questions or seek additional information, please contact me at ablackwelder@usgbc.org. Thank you for your time and your consideration.

Sincerely,

Alysson Blackwelder
Project Manager, Advocacy and Policy
U.S. Green Building Council
Mary and Kellie,

Thank you for circulating the redline of the QAP. Thank you for considering these comments. We’re looking forward to the virtual QAP meeting on Monday, August 17th.

Below are a list of our comments:

1. Definitions - Carryover – Make clear in the QAP there is no carryover for 4% LIHTC projects.
2. Definitions - 10% Cost Certification – Make clear in the QAP this is not required for 4% LIHTC projects.
3. Page 12 – Cost per unit of $240k seems reasonable for 9% LIHTC projects, but some MT Housing Coalition members have discussed that this limit should not apply to: 1) 4% LIHTC projects or 2) combination 9% and 4% projects. If a developer can complete a 4% LIHTC project or a project that leverages the 9% award with 4% LIHTCs and creates more affordable homes for a Montana, there should be flexibility on the development cost limit. This is likely covered in the cost per unit limit exception request section at the bottom of page 12, but I do think it’s worth a discussion during our QAP discussion to make sure all comments are heard.
4. Page 13 - Developer Fees – We’d like to understand MT Housing’s goals and objectives related to proposed cap on developer fees and make sure to distinguish the differences between these developer fee limits on 9% and 4% projects.

   a. We believe the goal relates to allocation of 9% LIHTCs, which are a limited resource that MT Housing wants to allocate efficiently and spread across as many communities and projects as possible. If this is the case, the limit on developer fees makes sense but should be limited to the amount of developer allowed in basis. Limiting the fee allowed in basis, follows the guidance from NHRA and is similar to the direction other states have required in their QAPs. The proposed fee limit of $1mm is reasonable for a 40 unit project, but not for a 95 unit project, so in the case of a 95 unit project, the QAP could limit the developer fee allowed in basis to $1mm but allow additional developer fee outside of basis. This limits the size of the 9% LIHTC allocation from MT Housing and would spread the 9% LIHTC awards across multiple projects.

   b. I would also like to understand the goals of MT Housing for 4% LIHTC projects. I don’t think the agency wants to limit developer fees on 4% LIHTC projects as these are funded from non-competitive volume bond cap that is severely underutilized. In order to encourage the use of this underutilized resource, MT Housing should focus on incentivizing developers and not limit developer fees. For a variety of reasons, it’s very difficult to make 4% LIHTC project successful in Montana, and limiting the developer fee to $1mm would make this even more difficult because it would limit the amount of basis and 4% LIHTCs a project could generate. Often 4% projects are made possible
when a developer includes the entire developer fee in basis to generate LIHTCs but defers most of this fee. For example, a $50,000,000 project would allow for a $7,500,000 developer fee, and generate LIHTCs on this $7,500,000, but the developer may only earn $2,000,000 and need to defer the remaining $5,500,000 fee as a developer source of funding. If the proposed $1mm limit applies to 4% LIHTC projects, it will make 4% LIHTC projects even more difficult and create a disincentive for developers, lenders, investors to compete larger unit developments. Developers would also be reluctant to provide construction and financial guarantees on any projects over 50 units because the developer fees would not correspond with the associated guarantee risks.

c. Combination 9% and 4% projects. For the reasons mentioned in #3 and #4b, the limit on developer fees should not apply to deals financed with a combination of 9% and 4% LIHTCs. If MT Housing and a developer can create additional affordable housing by leveraging the 4% LIHTC with a 9% LIHTC award, this should be encouraged and incentivized, and a limit on the developer fee for these projects, would discourage and disincentivize these projects.

5. Page 20 – Replacement reserves – The $300 PUPY is consistent with most lenders and many current QAPs in other states.

6. Page 23 – 4% Credit Applications – Clarify that no carryover agreement or 10% cost cert is required for 4% projects.

Best,

Tyson O’Connell, Principal
T: (406) 728-3040; ext. 106 C: (406) 531-4745
All;

I am attaching the red line QAP for 2022. To see the red line, and comments please go to review on the tool bar and then click on the markup drop down. You will want to use All Markups. Please send comments in WORD format listing the section and paragraph the comment is for. Send the comments to mbair@mt.gov and cc kguariglia@mt.gov by close of business on August 12th.

We will gather the comments together for the Virtual QAP discussion on August 17th from 1pm to 5 pm MDT. We will need to keep our noses to the grindstone to finish in 4 hours.

A zoom meeting bug will be sent to this group later this week.

Please send this to anyone we may have missed or you think may be interested.

Thank you for your input.

Mary S. Bair
Multifamily Program Manager

MONTANA HOUSING
DEPARTMENT OF COMMERCE
T: 406.841.2845
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

We need to protect our community. We are currently seeing a housing crisis in Missoula and we need to make sure that we are protecting our entire community. We need to have policies in place that protect the most vulnerable people in our community.

Thank You,
Maureen Olejniczak

Sent from my iPhone
Dear Montana Board of Housing:

I am a Missoula resident who lives on the Northside. I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. Mobile homes are often the last stop before houselessness and it is therefore our duty to continue to fight for mobile home affordability. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

I'm grateful for the work that has been done to address the housing crisis in Missoula and Montana, and hope to see our community commitment to housing affordability and accessibility increase and deepen as we move forward.

Ava Holliday
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank you,

Natalie Elliot

Sent from my iPhone
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Liana Woodward
Dear Montana Board of Housing,

Thank you for the opportunity to comment on the 2022 Qualified Application Plan for Low-Income Housing Tax Credits. I believe that if someone is accessing the Low-Income Housing Tax Credits they should be required to provide relocation assistance, as stated in the Uniform Relocation Act. Our vulnerable neighbors should not be displaced, at a cost to them, when the Low-Income Tax Credits are being used. That seems very counterintuitive. I believe that the 2022 Qualified Application Plan should reflect that the use of Low-Income Tax Credits also requires relocation assistance.

Thank you for the opportunity to comment,

Rebecca Pettit

*Rebecca Pettit—Director of Development and Community Engagement (she/her/hers)*

[Image of MIC (Missoula Interfaith Collaborative)]

406-207-8228
2205 34th St.
Missoula, MT 59801
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes.

In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

So far I’m personally not affected but today I drove by a row of apartments that replaced trailers on Lower Miller Creek Road. Those are probably not in the city. Nevertheless I had a friend with a young son who was displaced when those trailers were removed years ago. That was not good and exemplified the problem personally for me.

Thank You,

Carolyn Abbott
635 E Sussex
Missoula MT 59801
Dear Montana Board of Housing:
I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable and often poorest community members. Projects should comply with the Uniform Relocation Act (URA) or standards at a minimum. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing skyrocketing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,
Rai Combs
Concerned Montana Voter

Sent from my iPhone
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Ellin Ifft
2538 Gleason St.
Missoula, MT 59804
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. As someone who has experienced housing insecurity more than once as an adult, I believe one of the most important things a community can do for its members is to ensure they are not subjected to that kind of insecurity. After all, everyone needs a place to put their stuff.

In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the State Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect current residents.

Thank you for your service.

Yours sincerely,

Patricia A. Hogan
1650 South 12th West | Missoula MT 59801
406.543.5509 -h | reckless50@gmail.com

*"Time flies like an arrow. Fruit flies like a banana."*
Guariglia, Kellie

From: Lauren Gerich <Lauren@micmt.org>
Sent: Wednesday, October 14, 2020 3:51 PM
To: Guariglia, Kellie
Subject: [EXTERNAL] Relocation Assistance

To the Members of the Montana Board of Housing:

In Montana, if someone gets Low Income Housing Tax Credits they do not have to provide any relocation funding for current residents. This is the only housing program that using public housing to create affordable housing that doesn’t do this. As someone who works in housing daily, specifically with families, and many of Missoula's available housing is sky rocketed in its prices and with living in a global pandemic, all economic resources are scarce. The levels at which unlawful eviction and displacement can happen, and families have turned to the streets with no support.

There is no justice in the current housing situation in Missoula, and providing tax credits for developers, and displacing and harming families and individuals is violent.

I write you today requesting that you consider the impact that this type of displacement will have on community members, their families and the community at large. Please require developers that utilize public money to provide relocation assistance when low-income community members are displaced.

Lauren Gerich
she/her/hers
Housing Navigator - Family Promise
Missoula Interfaith Collaborative
(406) 207-9813
lauren@micmt.org
Dear Ms. Guariglia:

On behalf of Home Innovation Research Labs, I am submitting comments from our President/CEO, Michael Luzier, regarding the 2022 Montana Draft QAP. We recommend that Montana Housing recognize third-party green building certification as an alternative to the prescriptive measures included within the Housing (MBOH) Green Building and Energy Form for 100 points. By recognizing third-party green certifications, Montana Housing would offer a more comprehensive and flexible solution to implementing the voluntary goals established within the Energy, Green Building, and Other Initiatives, Goals, and Requirements section of the QAP.

Thank you for the opportunity to submit feedback. Please do not hesitate to contact our team with any questions.

Sincerely,

Cindy

Cindy Wasser, MBA | Senior Manager, Green Building Programs
400 Prince George’s Blvd. | Upper Marlboro, MD 20774
cwasser@homeinnovation.com | P: 301.430.6206 | M: 202.590.2577
HomeInnovation.com [homeinnovation.com] | Follow us on Twitter @HomeResearchLab [twitter.com]
Find a better place to call home: ngbs.com [ngbs.com]
Thank you for receiving my email regarding this issue. For many years now I have been concerned how the options for available housing spots for people who live in Trailers is becoming smaller and smaller. Due to the fact that land is valuable for developers to build more homes on these lots property is being gobbled up displacing lots of low income People. These trailer parks have become financially very beneficial for the owners to sell. I've also noticed that folks who own trailers are living in older trailers which can be over 50 years old and usually need lots of repairs or at least they look that way. Having had a relative who lived in a trailer that was old when it was bought when it started to break down it became necessary to move there wasn't any option for other affordable housing in the area. So the trailers just simply got patched together all the time making a very problematic place to Live for my relative. The other factor was the trailer was not road worthy an couldn't be moved. Leaving this person to live in sub standard housing.

I have always wonder how all those folks who lived in the very old and large trailer park on the north side called Hollywood were able to move their old trailers. So may of these trailers had been original to the park an simply got resold Over an over an we're simply unsafe, unable to be moved.

In the end with the lack of up keep to the property by the out of town owner this park fell into complete disarray an became a ghetto. Folks living there experienced lots of crime, violence, drug making, an drug selling. It became a dangers place to live. When everyone was kick out after it was clear the owner who had done nothing for years on the property was willing to do anything instead sold it off to make way for affordable housing. This to me seems like an oxie Morin because all these folks who where living there were living in poverty in affordable housing. Granted it was again like my relatives, housing that had broken down an folks just couldn't manage new trailers or up keep. It became very problematic an the handling of the out state owner an his lack of interest an concern for his property for rewarded in the end with a big buy out leaving lots of people scrambling to figure how to manage this on their own. I think something needed to happen over there but why dis we as a community allow it to become so horrible? So I come to the idea that in other places people who get displaced because their lots an or property has been sold have been able to seek assistance to help move their trailers an be relocated.

Since land is very valuable in Missoula county it seems the old trailer parks are being targeted for the valuable land it now sits on due to our huge growing we are experiencing here in Msla county, an low income folks are being displaced quietly without any financial help. Because the montana Low-Income Housing Tax Credit has no funds available to help people move. This needs to change we need to add funding to this program ASAP since we are losing trailer Parker left an right creating a crisis for folks live in their affordable housing. I am very concerned about this issue an want to see something be done about this in order to help folks who are displaced be able to move without the huge financial Struggle they are faced with. Cuz let face it low income folks are forced to live in trailers folks with means would never be caught death living or owning a trailer. They own the trailer parks instead which now they are selling off for big bucks.

I am also very disturbed that trailer park property is being bought up to create low income housing when the people already living their are low income living in low income housing. This doesn't make sense that we are not offering financial help for folks to move these trailers. Better still if the county is buying these properties to develop low income housing should be offer first to all those folks that have been displaced first. An honestly let's get real about this if you live in a trailer park that gets sold the choices to Move your trailer someplace else in Missoula county is dwelling an new trailer parks aren't being developed instead the property is being Developed for affordable housing. What does that really mean "affordable" to whom???

Affordable to all the new people moving here from out of state Who have resources to pay for all this new housing that to them is super affordable from where they are coming. Which is leaving out all the native Montanans Who have lived here forever in a state that has never had good wages or enough "affordable" housing for low income, students, seniors an homeless mothers with children, homeless. So as we know these issues are becoming even bigger in Missoula let us at least find a way to fund the LIHTC an let us stop acting like there is support for people when in actuality there isn't. We have the ability to do better than this for our citizens of this great community an I'm adding my voice to the growing concern around this issue. Thank
you for taking the time to read my email around this issue that needs to be exposed.
Sincerely Yours a Missoulan an a concerned low income citizen, Suzanne Melina-K

Sent from my iPhone
Guariglia, Kellie

From: Lindsay Nugent <lindsay@missoulaworks.com>
Sent: Wednesday, October 14, 2020 5:00 PM
To: Guariglia, Kellie
Subject: [EXTERNAL] Montana Housing Policy

To the members of the Montana Board of Housing:

As someone who is involved in advocacy work with low-income Montanans, it concerns me that developers are able to displace low-income residents from their housing and not provide relocation assistance to these individuals and families. As you plan your housing policy for the future, I ask that you please consider mandating that developers who displace low-income residents provide assistance to help these individuals find new housing. This would prevent homelessness among people who, without the developer's actions, would otherwise be housed. I ask that this be true across the board for developers, including those who are currently exempt from providing relocation assistance by building housing that is eligible for low-income housing tax credits. This would be a major way to protect Montana families from homelessness and housing instability.

Thank you,
Lindsay Nugent

Lindsay Nugent
Jesuit Volunteer/AmeriCorps Member
Missoula Works
lindsay@missoulaworks.com
Office: (406) 926-3400
Work Cell: (406) 830-7519

Lindsay Nugent
Jesuit Volunteer/AmeriCorps Member
Missoula Works
lindsay@missoulaworks.com
Office: (406) 926-3400
Work Cell: (406) 830-7519
Dear Montana Board of Housing:  I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,
Joanna Smetanka

Sent from my Verizon, Samsung Galaxy smartphone
Dear Montana Board of Housing:
I am writing to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members - specifically, that projects should comply with the Uniform Relocation Act (URA) or comparable standards.

Affordable housing is a crucial issue in Montana, but unfortunately all too often new developments have the unintended effect of displacing low-income residents, particularly those who rent lots for mobile homes. In the City of Missoula's 2019 affordable housing plan, Missoula recognized this challenge & recommended that all city-supported developments should meet expectations similar to the URA.

I urge the state Board of Housing to also uphold this standard and ensure that the most vulnerable residents are given adequate assistance when displaced. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,
Abby Huseth
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Lillie Greiman
1235 Village Way, Missoula
Dear Montana Board of Housing: I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents. Thank You,
Dear Montana Board of Housing:  I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents. Thank You, Frank and Jane Kisselbach
Dear Montana Board of Housing:
I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. I am one such resident; I own a manufactured home that sits on a rented lot, so this issue is personal to me. I am currently serving as an AmeriCorps VISTA, which means that I have dedicated this year of my life to living at the federal poverty line in order to perform crucial community service for my country. I can afford neither the price of rent nor the price of a home at current market value; my manufactured home is my only option. It is an older home which cannot realistically be moved. To bulldoze trailer parks in the name of “affordable housing developments” (which are, in all actuality, more expensive than the trailer parks themselves) without a relocation plan for the residents is a sham; it only makes the current affordable housing crisis worse.

In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.
Thank you for taking the time to listen.
Be well,
Hilary Rosa
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019
affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.
In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Dear Montana Board of Housing:

I am writing to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members, specifically those who are likely to be displaced by new development. The plan can do this best by ensuring that all projects comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In Missoula, even with local recommendations that publicly supported projects help relocate displaced residents, we have seen the demolition of several mobile home parks and the displacement of residents. We need to provide more stability for these folks at the state level too.

In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

--

Ben
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. At the very least, projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. This is unacceptable, does not also align with our values, and has a negative impact on public safety.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

I work on an initiative aimed at reducing our local jail population and cannot stress the link between housing insecurity and involvement in our criminal legal system enough. Investing in housing for our most vulnerable will strengthen our entire community and prevent cycles of trauma from beginning, including those that lead people into becoming trapped in our criminal legal system.

Thank you for your consideration,

Laurel Hesse

Sent from my iPhone
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Lisa Beczkiewicz

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Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank you,

Claire Carlson
She/Her
University of Montana M.S. Candidate - Environmental Studies
In the Aboriginal Territories of the Salish and Kalispel People
Members of the Montana Board of Housing:

As someone who works every day to help individuals and families experiencing homelessness access housing in our community, I find that often an important way we can help is by preventing homelessness in the first place.

Through my work, I was recently contacted by a man who had lived in his mobile home for 30 years on a fixed income. This person, Nathan, received notice that the property where his trailer sat was purchased by Adam Hertz, a developer and former state lawmaker. Despite a pledge by Mr. Hertz that he would help Nathan find a new place to live, ultimately when the barriers proved to high Mr. Hertz moved forward with the displacement and left Nathan to figure this out on his own.

Thankfully, due to the support of community volunteers, we were able to help Nathan acquire a new trailer in a new location and he did not end up experiencing homelessness. However, this project was more than a year in the making and took quite a bit of advocacy and support by community volunteers. Had Nathan received proper relocation support from Mr. Hertz, who will clearly profit off this new venture, this process would have been much smoother. Had Nathan been unable to get support, it’s likely he would have ended up on the streets or in a shelter, taxing Missoula’s already stressed housing situation.

I write you today requesting that you consider the impact that this type of displacement will have on community members, their families and the community at large. Please require developers that utilize public money to provide relocation assistance when low-income community members like Nathan are displaced.

Thanks,

Zeke Campfield, MSW
Director, Housing Advocate Network
Missoula Interfaith Collaborative
406-207-8228, ext 5
Dear Montana Board of Housing,

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Eliot Thompson
Dear Montana Board of Housing,

I'm writing to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thanks and best,
Caitlin Piserchia

520 River St. #3
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Winona Rachel
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes.

In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Molly Bradford
GatherBoard
406.880.0880

*sent from my phone
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Christopher MacKay
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,
Andrew Myers
Dear Montana Board of Housing:

My name Alysha Goheen and I work at Mountain Home, a nonprofit providing wraparound care for disadvantaged young moms and their children in Missoula. Every day we witness families' struggle to find affordable housing in our community. Although it is great to have more investment in affordable housing development, it is also important to address the immediate needs of families who may be displaced from trailer parks or other older housing which is demolished to make way for new housing.

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA including helping people displaced by affordable housing developments have resources to find alternative housing, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Alysha Goheen
Dear Montana Board of Housing:
I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members.

Projects should comply with the Uniform Relocation Act (URA) or comparable standards.
In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

We are facing an ever growing housing crisis in Missoula and there is no affordable housing that is equal to a mobile home.
Please help!
Thank you,
Gabrielle Sather-Olson
Dear Ms. Guariglia and the Montana Board of Housing:

I volunteer with Missoula’s Housing Advocacy Network and come in contact with folks who have many barriers to affordable housing. As the pandemic rages on, and our economy continues to falter, more and more low income folks will struggle to find affordable housing. We need to prioritizing helping our community members at the bottom off the economic strata.

I am writing to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Andrea Morgan
Hi there,

Just writing to add my name to the list of others asking the Board of Housing to require relocation assistance on any LIHTC projects that displace families. Losing your home is often catastrophic for elderly and disabled Montanans, and for families with young kids. Requiring relocation assistance would go far to winning community support for specific projects, and for LIHTC construction more broadly.

Thank you,

Danny Tenenbaum
406-285-1460
Dear Montana Board of Housing:

I value our system holds space for community input. Thank you for continuing to uphold this opportunity.

I, like so many others, am writing to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes.

In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA.

It is apparent that there is cumulative energy stimulating growth in the state of Montana. Displacement is never the answer and continues to burden cities with the challenge of infrastructure costs further from the city’s center. But if displacement must occur, then we must hold ourselves accountable to shifting resources. Assist those being impacted by a surge of growth beyond our own imagination. Those being thwarted from their homes.

Please think long and hard, evaluate with an open mind, and remember that with change must come change. Our legislature is responsible for upholding AND creating legislation that is relevant, effective, and imperative for the good of all our citizens.

Thank you for your time and service.

Christine Littig
Pronouns: she/her/hers
COVID Specialist/Business Advisor, Missoula SBDC
University of Montana
O: 406.243.4770
C: 406.240.6310
Online: http://sbdc.mt.gov/Missoula

Register with SBDC:
http://mtsbdc.ecenterdirect.com/signup [mtsbdc.ecenterdirect.com]
Make an appointment:
https://missoulasbdc.youcanbookme.com [missoulasbdc.youcanbookme.com]
Dear Montana Board of Housing: I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards. In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value. LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents. Thank You,

Benny Lacayo, A concerned citizen
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

Over a year ago, Missoula crowd-sourced enough funds to save 7 trailers that could be moved form the Skyview Trailer Park, to keep their owners from homelessness. I expect my tax money (which is considerable) to address the problems of displacement, and not depend on my charity.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

Jana Staton
629 Beverly Avenue
Missoula, MT 59801
Guariglia, Kellie

From: Catalyst Communications <erincatalystmt@gmail.com>
Sent: Saturday, October 17, 2020 2:05 PM
To: Guariglia, Kellie
Subject: [EXTERNAL] 2022 Qualified Application Plan Comment

Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,
Erin Giefer
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,
Erin Giefer
Dear Montana Board of Housing:

I write as a community member as well as a local business owner to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

We have had a hard time finding a rental that would meet our needs and would be within our budget so I can only imagine for all those vulnerable families out there.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank you so much,
Fernanda M. B. Krum
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

I feel passionately about this issue given the history of my neighborhood in Missoula where a number of mobile home parks have been torn down (or dispersed) with no help given to the owners of their homes. In the meanwhile, low income housing has been put in, which is good. Please do something to make this process of development more equitable.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,
Katie Kane
Dear Montana Board of Housing:

I write to ask that the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members. Projects should comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations similar to the URA, and the state Board of Housing should share that value.

Further, the City of Missoula's housing plan recognizes that mobile homes are sometimes the only affordable options for low-income renters or homeowners. As more trailer parks are being sold out from under trailer-home owners in Missoula County, affordable housing is becoming even more scarce. These park owners should not get to profit off the backs of low-income residents.

LIHTC is critical for addressing housing costs, and these tax credits can and should be spent on projects that protect pre-existing residents.

Thank You,

--
~Sindie Kennedy
Missoula County Resident
Good evening, Kellie! Hope your week is going well.

I am writing to officially give a comment for the 2022 Qualified Application Plan. I feel strongly that LIHTC projects should follow the Uniform Relocation Act or a similar policy when the project would displace residents, especially mobile home parks. This has become a big issue in Missoula, where there are not as many greenfield development opportunities, and we are trying to preserve as much naturally occurring affordable housing as possible. If residents must be moved to make way for LIHTC projects, they should get some financial support to secure new housing and consideration for the new units if they qualify.

I also wanted to let you know that there is some organizing in Missoula going on around this issue, so you may receive a large (but hopefully manageable!) number of comments on this issue.

If you have any questions or need additional information from me, let me know. Thank you!

Jordan Lyons, MPA
My pronouns: he / him / his
Director, ASUM Renter Center
https://www.umt.edu/rentercenter [umt.edu]

We value your feedback. [umt.co1.qualtrics.com]
Dear Montana Board of Housing,

I write as a resident of Missoula, member of Common Good Missoula, and Atonement Lutheran Church. I ask the 2022 Qualified Application Plan for Low-Income Housing Tax Credits (LIHTC) prioritize our most vulnerable community members.

As a church, we find our individual capacity to assist people is limited and impacts a few people a year, meeting an immediate need rather than long term housing. We recognize that one-time assistance won’t meet the goal of ending homelessness in Missoula. Challenges range from ability to afford rent in the current market, previous criminal record, lack of rental history, preparedness to rent, case management, program funding, and housing retention partners.

Like you, we have repeated contact with people struggling to be housed. We share a sustained concern with you that there are barriers to housing insecure, transitional, and lower income neighbors. Most helpful in the future, collectively, would be to see projects that comply with the Uniform Relocation Act (URA) or comparable standards.

In many Montana communities, new developments displace low-income residents, especially those who rent lots for mobile homes. In a 2019 affordable housing plan, the City of Missoula adopted the recommendation that all city-supported developments should meet expectations like the URA, and the state Board of Housing should share that value. A workable plan may well include LIHTC for addressing housing costs, and these tax credits can be used to enable projects that protect pre-existing residents.

I thank you for your work, and join you in finding just, compassionate housing solutions for the vulnerable in the community we share.

Peace be with you,

Daniel Disch
PROGRAM
Housing Credit Program - Multifamily

AGENDA ITEM
2021 Housing Credit Full Applications
Board Selection of Applications for Award

BACKGROUND
The deadline for submittal of the 2021 Housing Credit full applications was August 3, 2020.

Your choices for the slate of applications will be 5 this round. Applications are now limited to 20% of the available credits.

The board must designate at least 10% ($3,217,500) of credit ceiling to applications that applied in the non profit pool. There are 2 applications in the non profit pool this round. Crowley Flats and MRM Unified Campus. If the 10% is not met, it will be held for a later award.

If an application were to be partially funded (resize and submit an application within 30 days) staff would recommend it not be one of the small rural applications or the acquisition/rehabilitation applications. Those applications are very hard to resize to a lesser amount of credits.

In your packet you will find:
- Spreadsheet packets showing summary project information
- Spreadsheet showing project comparative information
- Worksheet for notes on project selection
- 9%_4%_combined pie charts
- Housing Credit 10-year History
- Housing credits per thousand population
- Past Project award & Completion
- Montana Demographic and Historical Housing Credit Data
- Cover letters, list of amenities and support/non support letters
- Market Study Summaries
- Amenities
- Support/NonSupport letters
- Award Determination Selection Standard
Non-profit
Ten percent of each state's credit ceiling must be set aside for buildings which are part of one or more Projects involving Qualified Nonprofit Organizations.

The 10% non-profit set-aside requirement may be met by an Award to a Application involving a Qualified Nonprofit Organization out of any other set- aside or the general pool. If no Application Awarded HCs involves a Qualified Nonprofit Organization, the non-profit set aside (i.e., 10% of the state's credit ceiling) will be held back for later Award to an Application involving a Qualified Nonprofit Organization.

Small Rural Applications
For purposes of this status, a Small Rural Application: (1) submitted tax credit Application requesting tax credits in an amount up to but no more than 12.5% of the state’s Available Annual Credit Allocation, and (2) proposed to be developed and constructed in a location that is not within the city limits of Billings, Bozeman, Butte, Great Falls, Helena, Kalispell, or Missoula.

Board Consideration and Determination Process
At the MBOH Board’s May 18 & 19, 2020 meeting, the Board considered Letters of Intent and selected eight (8) Projects to submit full Applications for Housing Credit Awards. Only 6 of those Projects have submitted Applications.

At the Award Determination Meeting, MBOH staff will provide Project Application information to the MBOH Board. Applicants should be available to the MBOH Board to answer questions regarding their respective Applications. The MBOH Board may ask questions of Applicants and discuss proposed Projects but there will be no Applicant presentations. MBOH will provide an opportunity for public comment on proposed Affordable Communities and Applications. Applicants shall have a brief opportunity to make comments and respond to any information presented regarding their

Board Meeting: October 19, 2020
Full Funding of Applications
Just as MBOH will not allocate more Credits than necessary for the financial feasibility of the development and its viability, MBOH will not award Credits in an amount less than it deems necessary for these purposes. Therefore, if the Board Awards Credits to an Application, it will Award the amount of Credits determined by MBOH staff for the Application based upon the Applicant's requested amount (except for any de minimis reduction because of lack of available Credits to fully fund the full Credit amount). If the remaining amount of available Credits is insufficient to fully fund an additional Application, the Board will prioritize the remaining Applications for an Award from the remaining Credits, and the first priority Application for such an Award will be allowed 30 days to re-submit its Application resized to the amount of Credits remaining available. After staff underwriting and evaluation of the resized Application, if MBOH staff determines based upon the resized Application that the development is financially feasible and viable as a qualified low- income housing Community throughout the Compliance Period, MBOH staff will enter into a Reservation Agreement for the Project. If the first priority Application fails to submit a resized Application within 30 days or MBOH staff determines that the Application is not financially feasible or viable as proposed in the resized Application, the next priority Application will be invited to submit a resized Application, and so on, until remaining Credits are reserved for one of the prioritized Applications.

Award Determination Selection Standard
The MBOH Board will select those Applications to receive an Award of Housing Credits that it determines best meet the most pressing housing needs of low income people within the state of Montana, taking into consideration: (i) all of the requirements, considerations, factors, limitations, Development Evaluation Criteria, set asides, priorities and data (including without limitation the statistical data in the MBOH Statistical Data Form) set forth in this QAP and all federal requirements (together referred to in this QAP as the “Selection Criteria”); (ii) the Development Evaluation Criteria scoring; and (iii) all other information provided to the MBOH Board regarding the applicant Projects.

The awarding of points to Application pursuant to the Development Evaluation Criteria is for purposes of determining that the Applications meet at least the minimum Development Evaluation Criteria required for further consideration and to assist the MBOH Board in evaluating and comparing Applications.
Development Evaluation Criteria scoring is only one of several considerations taken into account by the MBOH Board and does not control the selection of...
Applications that will receive an Award of Housing Credits. In addition to any other Selection Criteria specified in this QAP, the MBOH Board may consider the following factors in selecting Applications for an Award of Housing Credits to qualifying Projects:

a. The geographical distribution of Housing Credit Projects;
b. The rural or urban location of the Projects;
c. The overall income levels targeted by the Projects (including deeper targeting of income levels);
d. The need for affordable housing in the community, including but not limited to current Vacancy Rates;
e. Rehabilitation of existing low-income housing stock;
f. Sustainable energy savings initiatives;
g. Financial and operational ability of the Applicant to fund, complete and maintain the Project through the Extended Use Period;
h. Past performance of an Applicant in initiating and completing tax credit Projects;
i. Cost of construction, land and utilities, including but not limited to costs/credits per square foot/unit;
j. The Project is being developed in or near a historic downtown neighborhood;
k. The frequency of Awards in the respective areas where Projects are located;
l. Preserving project rental assistance or have or are planning to add Section 811 units to an existing project; and/or
m. Augmentation and/or sources of funds.

If the MBOH Board Awards Credits to an Applicant where the Award is not in keeping with the Selection Criteria of this QAP, it will publish a written explanation that will be made available to the general public pursuant to Section 42(m)(1)(A)(iv) of the Internal Revenue Code.

If all of the authorized Credits are Awarded after a particular cycle, MBOH may place qualifying Applications which did not receive an Award of tax credits on a waiting list for potential Award of Housing Credits in the event Credits become available at a later date. Any available Credits that are not Awarded or reserved in a particular cycle may in the discretion of the MBOH Board be made available for Award in a future cycle or may be used to increase the amount of Housing Credits reserved for a previously Awarded Affordable Community as provided in this QAP.
### Letter of Intent Invited to Full Application

<table>
<thead>
<tr>
<th>City</th>
<th>County</th>
<th>Project Name</th>
<th>Sponsor / Developer</th>
<th>Entity Type</th>
<th>Set-aside</th>
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<td>GL Development</td>
<td>For-Profit</td>
<td>General</td>
<td>Family</td>
<td>New</td>
<td>38</td>
<td>$6,435,000</td>
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<tr>
<td>4 Kalispell</td>
<td>Flathead</td>
<td>Creekside Commons</td>
<td>Housing Solutions</td>
<td>For-Profit</td>
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<td>MRM/CR Builders LLC</td>
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<td>General</td>
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<tr>
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<td>Big Horn</td>
<td>ANHA LIHTC #1</td>
<td>Apsaalooke Nation Hsing Ath</td>
<td>Non-Profit</td>
<td>General</td>
<td>Family</td>
<td>Acq/Rehab</td>
<td>36</td>
<td>$6,429,260</td>
<td>43 $6,435,000</td>
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<td></td>
</tr>
</tbody>
</table>

NOTE: At least $3,217,500 needs to be awarded to Non-Profit Projects

14 projects requesting $72.4 million submitted a Letter of Intent to Apply
8 Projects were invited forward to Full Application

Current Year Credits 32,175,000
2020 Credits Remaining 68,160
Returns Credits -
2020 National Pool Credits from 2019 127,600
Available Credits: 32,370,760

Minimum Required to be Awarded to Non-Profits (10%): 3,217,500
Maximum Request for a Small Rural Project (12.5%): 4,021,875
Maximum Credit Per Project (20%): 6,435,000
<table>
<thead>
<tr>
<th>Project Name</th>
<th>Sponsor / Developer</th>
<th>City</th>
<th>ST</th>
<th>Zip</th>
<th>Contact</th>
<th>email</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crowley Flats</td>
<td>Homeword Inc</td>
<td>Missoula</td>
<td>MT</td>
<td>59801</td>
<td>Heather McMilan</td>
<td><a href="mailto:heather@homeword.org">heather@homeword.org</a></td>
<td>(208) 331-4765</td>
</tr>
<tr>
<td>Laurel Depot</td>
<td>GL Development</td>
<td>Helena</td>
<td>MT</td>
<td>59602</td>
<td>Gene Leuwer</td>
<td><a href="mailto:gleuwer1139@msn.com">gleuwer1139@msn.com</a></td>
<td>(406) 459-5332</td>
</tr>
<tr>
<td>Jackson Court</td>
<td>GL Development</td>
<td>Helena</td>
<td>MT</td>
<td>59602</td>
<td>Gene Leuwer</td>
<td><a href="mailto:gleuwer1139@msn.com">gleuwer1139@msn.com</a></td>
<td>(406) 459-5332</td>
</tr>
<tr>
<td>Creekside Commons</td>
<td>Housing Solutions</td>
<td>Missoula</td>
<td>MT</td>
<td>59806</td>
<td>Alex Burkhalter</td>
<td><a href="mailto:alex@housing-solutions.org">alex@housing-solutions.org</a></td>
<td>(406) 203-1558</td>
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<td>MRM Unified Campus</td>
<td>MRM/CR Builders LLC</td>
<td>Billings</td>
<td>MT</td>
<td>59101</td>
<td>Matthew Lundgen</td>
<td><a href="mailto:matt@billingslf.org">matt@billingslf.org</a></td>
<td>(406) 259-6079</td>
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<tr>
<td>ANHA LIHTC #1</td>
<td>Apsaalooke Nation Hsing Ath</td>
<td>Agency</td>
<td>MT</td>
<td>59802</td>
<td>Lafe Haugen</td>
<td><a href="mailto:a_resource@msn.com">a_resource@msn.com</a></td>
<td>(406) 273-6697</td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>Hill</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Project Name</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Developer / General Ptnr</td>
<td>Echo Enterprises LLC</td>
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<td></td>
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| Set-aside | - |
| HC Requested | $1,520,090 |
| Project Type | Family |
| Construction Type | Acq / Rehab |
| Projected Construction Start | Mar-21 |
| Projected Completion | Mar-22 |

<table>
<thead>
<tr>
<th>Unit Numbers</th>
<th>Target</th>
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<tr>
<td>1-bdrm</td>
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<tr>
<td>2-bdrm</td>
<td>30%</td>
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<td>other</td>
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<td>Total Units</td>
<td>32</td>
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<td>Average Income Targeting</td>
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<table>
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<th>Square Footage</th>
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<tr>
<td>Income Restricted Units</td>
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<tr>
<td>Managers Unit(s)</td>
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<tr>
<td>Common Space</td>
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<tr>
<td>Market/Commercial</td>
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<td>Total</td>
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<td>2-bdrm</td>
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<tr>
<td>other</td>
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<td>Total Monthly Rents</td>
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<tr>
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<td>total rent</td>
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<tr>
<td>x 12 months</td>
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<td>Total Annual Income</td>
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<table>
<thead>
<tr>
<th>Expenses</th>
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<td>Administration</td>
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<td>Maintenance</td>
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<tr>
<td>Operating</td>
</tr>
<tr>
<td>Taxes</td>
</tr>
<tr>
<td>Replacement Reserve</td>
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<tr>
<td>Total Expenses</td>
</tr>
<tr>
<td>Net Income Before Debt Service</td>
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</table>
City: Havre  
County: Hill  
Project Name: Highland Manor 4%  
Developer / General Ptnr: Echo Enterprises LLC  

### Financing Sources

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Hard Loan</td>
<td>896,819</td>
</tr>
<tr>
<td>Hard Loan</td>
<td>1,800,000</td>
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<tr>
<td>State HOME</td>
<td>$</td>
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<tr>
<td>Deferred Dev Fee</td>
<td>218,321</td>
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<tr>
<td>HC Equity Non-Competative</td>
<td>$</td>
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<tr>
<td>HC Equity Competative</td>
<td>1,689,899</td>
</tr>
<tr>
<td><strong>Total Sources:</strong></td>
<td><strong>$5,560,619</strong></td>
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</table>

% of Project Financed by HC: 30.39%

### Return on Sale of HTC

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>HTC Requested</td>
<td>$1,520,090</td>
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<tr>
<td>HTC Equity</td>
<td>$1,689,899</td>
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<td>HTC Return on Sale</td>
<td>$1.112</td>
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### Ratios

<table>
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<th>Category</th>
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<tr>
<td>Rent (Income)</td>
<td>$302,100</td>
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<tr>
<td>Operating Expenses</td>
<td>$136,994</td>
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<tr>
<td>Replacement Reserves</td>
<td>$10,656</td>
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<td>Net Income Available for DS</td>
<td>$154,450</td>
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<td>Total Debt Service</td>
<td>$124,318</td>
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<td>Debt Coverage Ratio (DCR)</td>
<td>1.24</td>
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### Project Costs

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<th>Item</th>
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<tr>
<td>Land</td>
<td>150,000</td>
</tr>
<tr>
<td>Building/Acquisition</td>
<td>896,819</td>
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<tr>
<td>Site Work</td>
<td>320,000</td>
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<tr>
<td>Construction / Rehab</td>
<td>2,537,600</td>
</tr>
<tr>
<td>Soft Costs</td>
<td>816,200</td>
</tr>
<tr>
<td>Developer Fees</td>
<td>680,000</td>
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<tr>
<td>Reserves</td>
<td>160,000</td>
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<tr>
<td><strong>Total Project Costs</strong></td>
<td><strong>$5,560,619</strong></td>
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### Costs versus Sources

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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Total Project Costs</td>
<td>$5,560,619</td>
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<tr>
<td>Total Financing Sources</td>
<td>$5,560,619</td>
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<tr>
<td>Difference</td>
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<tr>
<td>City</td>
<td>Havre</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------</td>
</tr>
<tr>
<td>County</td>
<td>Hill</td>
</tr>
<tr>
<td>Project Name</td>
<td>Highland Manor 4%</td>
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<td>Developer / General Ptnr</td>
<td>Echo Enterprises LLC</td>
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### Project Cost Limitations

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<td>General Requirements</td>
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<tr>
<td>Contractor Overhead</td>
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<tr>
<td>Contractor Profit</td>
<td>6.00%</td>
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<tr>
<td>Developer Fees</td>
<td>15.00%</td>
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<tr>
<td>Soft Cost</td>
<td>32 or 37%</td>
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### Per Unit Comparison

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<tr>
<td>Cost per unit</td>
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<tr>
<td>Credits per unit</td>
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<tr>
<td>Operating Cost per unit</td>
<td>$3,000 min</td>
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<tr>
<td>Replacement Reserves</td>
<td>$300 min</td>
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### Per Square Foot Comparison

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<tr>
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<tbody>
<tr>
<td>Construction / Rehab per sq ft</td>
<td>$</td>
</tr>
<tr>
<td>Total Project Cost per sq ft</td>
<td>$</td>
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<tr>
<td>Credits per sq ft</td>
<td>$</td>
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<tr>
<td>Credits per sq ft (residential only)</td>
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### Utilities Paid by (Tenant / Owner)

Tenant
<table>
<thead>
<tr>
<th>City</th>
<th>Lewistown</th>
<th>Laurel</th>
<th>Billings</th>
<th>Kalispell</th>
<th>Billings</th>
<th>Crow Agency, MT</th>
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</thead>
<tbody>
<tr>
<td>County</td>
<td>Fergus</td>
<td>Yellowstone</td>
<td>Yellowstone</td>
<td>Flathead County</td>
<td>Yellowstone</td>
<td>Big Horn</td>
</tr>
<tr>
<td>Project Name</td>
<td>Crowley Flats</td>
<td>Laurel Depot</td>
<td>Jackson Court #9</td>
<td>Creekside Commons</td>
<td>MRM Unified Campus</td>
<td>ANHA LIHTC #1</td>
</tr>
<tr>
<td>Developer / General Ptnr</td>
<td>Homeword, Inc.</td>
<td>GL Dev / North Fork Dev</td>
<td>GL Dev / Anderson Cons</td>
<td>Housing Solutions, LLC</td>
<td>Rescue Mission / CR Bldrs</td>
<td>Apsaalooke Nation HA</td>
</tr>
<tr>
<td>Set-aside</td>
<td>Non-Profit</td>
<td>General</td>
<td>General</td>
<td>General</td>
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<td>General</td>
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<tr>
<td>HC Requested</td>
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<tr>
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<td>New Const</td>
<td>New Const</td>
<td>New Const</td>
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<tr>
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<td>Jun-21</td>
<td>Apr-21</td>
<td>Jul-21</td>
<td>Sep-21</td>
<td>Apr-21</td>
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<td>Jun-22</td>
<td>Jun-22</td>
<td>Jul-22</td>
<td>Sep-22</td>
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<td>2-bdrm 50%</td>
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<td>2</td>
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<td></td>
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<td>other mgr</td>
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<tr>
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### Unit Rents

<table>
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<th>3-bdrm</th>
<th>4-bdrm</th>
<th>4-bdrm</th>
<th>4-bdrm</th>
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<td></td>
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<td>30%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
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<td>80%</td>
<td>30%</td>
<td>40%</td>
<td>50%</td>
<td>60%</td>
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<tr>
<td></td>
<td>316</td>
<td>316</td>
<td>441</td>
<td>441</td>
<td>466</td>
<td>500</td>
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<td>486</td>
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### Expenses

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<td>6,729</td>
<td>13,050</td>
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<td>$15,170</td>
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<td>11,730</td>
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<td>9,800</td>
<td>$35,760</td>
<td>$89,533</td>
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<td>30,487</td>
<td>44,212</td>
<td>52,697</td>
<td>31,920</td>
<td>17,480</td>
<td>$150,742</td>
<td>$161,867</td>
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<td>20,212</td>
<td>34,588</td>
<td>61,700</td>
<td>15,300</td>
<td>17,760</td>
<td>$192,884</td>
<td>$129,438</td>
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<td>4,212</td>
<td>84,733</td>
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<td>$161,905</td>
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<td></td>
<td>12,900</td>
<td>$193,300</td>
<td>$44,946</td>
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### Other

- **Total Monthly Rents**: $9,125
- **Vacancy Factor**: 7.00%
- **Adjusted Rent**: $15,170
- **Total Rent**: $150,742
- **Total Annual Income**: $102,015
- **Expenses**: $15,170
- **Net Income Before Debt Service**: $20,866
- **Total Expenses**: $81,149
- **Total Annual Income**: $177,840
- **Net Income Before Debt Service**: $20,866

### Adjusted Rent

<table>
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<tr>
<th></th>
<th>30%</th>
<th>40%</th>
<th>50%</th>
<th>60%</th>
<th>70%</th>
<th>80%</th>
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</thead>
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<tr>
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<td>316</td>
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<td>500</td>
<td>600</td>
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<td>693</td>
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<tr>
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<td>$21,620</td>
<td>$29,544</td>
<td>$23,760</td>
<td>$16,814</td>
<td>$12,820</td>
<td>$14,820</td>
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<tr>
<td></td>
<td>$21,620</td>
<td>$29,544</td>
<td>$23,760</td>
<td>$16,814</td>
<td>$12,820</td>
<td>$14,820</td>
</tr>
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</table>

### Total Rents

- **0-bdrm 0%**: $9,125
- **1-bdrm 0%**: $9,125
- **2-bdrm 0%**: $9,125
- **3-bdrm 0%**: $9,125
- **4-bdrm 0%**: $9,125
- **other mgr**: $9,125

### Total Annual Income

- **Administrati**
<table>
<thead>
<tr>
<th>City</th>
<th>Lewistown</th>
<th>Laurel</th>
<th>Billings</th>
<th>Kalispell</th>
<th>Billings</th>
<th>Crow Agency, MT</th>
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</thead>
<tbody>
<tr>
<td>County</td>
<td>Fergus</td>
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<td>Yellowstone</td>
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</tr>
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<td>Jackson Court 9%</td>
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</tr>
<tr>
<td>Developer / General Ptnr</td>
<td>Homeword, Inc.</td>
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<td>GL Dev / Anderson Cons</td>
<td>Housing Solutions, LLC</td>
<td>Rescue Mission / CR Bldrs</td>
<td>Apsaalooke Nation HA</td>
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</table>

**Financing Sources**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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</thead>
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<tr>
<td>Hard Loan</td>
<td>470,623</td>
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<tr>
<td>Hard Loan</td>
<td>160,000</td>
</tr>
<tr>
<td>State HOME</td>
<td>300,000</td>
</tr>
<tr>
<td>Deferred Dev Fee</td>
<td>7,508</td>
</tr>
<tr>
<td>HC Equity Non-Competitive</td>
<td>2,541,746</td>
</tr>
<tr>
<td>Total Sources:</td>
<td>$3,479,877</td>
</tr>
</tbody>
</table>

**% of Project Financed by HC:**

- 73.04%
- 72.25%
- 60.73%
- 75.29%
- 46.94%
- 70.35%

**Return on Sale of HTC**

| HTC Requested | $3,100,000 |
| HTC Equity | $2,541,746 |
| HTC Return on Sale | $0.62 |

**Ratios**

| Rent (Income) | $102,015 |
| Operating Expenses | $76,349 |
| Replacement Reserves | $4,800 |
| Net Income Available for DS | $20,866 |
| Total Debt Service | $69,166 |
| Debt Coverage Ratio (DCR) | n/a |
| Total Expense Ratio | 1.26 |

**Project Costs**

| Land | 290,000 |
| Building/Acquisition | 10,000 |
| Site Work | 350,000 |
| Construction / Rehab | 2,425,427 |
| Soft Costs | 554,650 |
| Developer Fees | 425,000 |
| Reserves | 64,800 |
| Total Project Costs | $3,479,877 |

**Costs versus Sources**

<p>| Total Project Costs | $3,479,877 |
| Total Financing Sources | $3,479,877 |
| Difference | - |</p>
<table>
<thead>
<tr>
<th>City</th>
<th>County</th>
<th>Project Name</th>
<th>Developer / General Ptnr</th>
<th>Project Cost Limitations</th>
<th>Per Unit Comparison</th>
<th>Per Square Foot Comparison</th>
<th>Market Study Data:</th>
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<tbody>
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<td>Lewistown</td>
<td>Fergus</td>
<td>Crowley Flats</td>
<td>Homeword, Inc.</td>
<td>General Requirements</td>
<td>Limits</td>
<td>Limits</td>
<td>Vacancy Rates</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6.00%</td>
<td>3.38%</td>
<td>Cost per unit</td>
<td>0.5%</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Contractor Overhead</td>
<td>2.00%</td>
<td>Credit per unit</td>
<td>1.1%</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Contractor Profit</td>
<td>6.00%</td>
<td>Operating Cost per unit</td>
<td>19.8%</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Developer Fees</td>
<td>15.00%</td>
<td>Replacement Reserves</td>
<td>254.20%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Soft Cost</td>
<td>32 or 37%</td>
<td>Replacement Reserves</td>
<td>0.0%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Per Square Foot Comparison</td>
<td>0.0%</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td>Utilities Paid by (Tenant / Owner)</td>
<td>102.8%</td>
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<tr>
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<td></td>
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<td>Units needed</td>
<td>120</td>
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<td></td>
<td></td>
<td>Market Rents</td>
<td>120</td>
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Market Study Data:
- Vacancy Rates: 0.0%
- Absorption Rate: 19.8%
- % of Mkt Rents: 102.8%

<table>
<thead>
<tr>
<th>Market Rents</th>
<th>0-bdrms</th>
<th>1-bdrms</th>
<th>2-bdrms</th>
<th>3-bdrms</th>
<th>4-bdrms</th>
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</thead>
<tbody>
<tr>
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<td>510</td>
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<td>-</td>
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<tr>
<td>$</td>
<td>633</td>
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<td>1,176</td>
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<td>725</td>
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<tr>
<td>City</td>
<td>County</td>
<td>Project Name</td>
<td>Developer / General Ptnr</td>
<td>Evaluation Scoring</td>
<td>Points Available</td>
</tr>
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<td>--------------</td>
<td>--------</td>
<td>-------------------</td>
<td>--------------------------</td>
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<tr>
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<td>GL Dev / Anderson Cons</td>
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<td>Laurel Depot</td>
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<td>Rescue Mission /CR Builders</td>
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<td>Billings</td>
<td>Yellowstone</td>
<td>Crow Agency, MT</td>
<td></td>
<td></td>
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</tbody>
</table>

**Evaluation Scoring**

### Extended Low Income Use
- Available: 100
- Points: 100

### Lower Income Tenants
- Available: 200
- Points: 200

### Project Location
- Available: 100
- Points: 100

### Housing Needs Characteristics

<table>
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<tr>
<th></th>
<th>Community Input</th>
<th>Appropriate Size</th>
<th>Market Need - Vacancy</th>
<th>Total</th>
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<tr>
<td>Available</td>
<td>30</td>
<td>35</td>
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<tr>
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<td>35</td>
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<td>65</td>
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### Project Characteristics

<table>
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<tr>
<th>Protection of or Increase</th>
<th>QCT or Revitalization Plan</th>
<th>Historic Preservation</th>
<th>Project Based Rent Subsidy</th>
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<tbody>
<tr>
<td>Available</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Points</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

### Development Team Characteristics
- Available: 400
- Points: 400

### Tenant Populations
- Available: 100
- Points: 100

### Developer Knowledge and Response
- Management past performances: 100
- Late responses to MBOH: 100

**Total Points Available**: 1,260

**Self Evaluation Score**: 1,155

**minimum competitive score**: 1,000
**minimum non-competitive score**: 800
## HOUSING CREDITS 2021
**COMPARATIVE DATA BY PROJECT SORTED**

<table>
<thead>
<tr>
<th>Housing Credits Requested</th>
<th>Debt Coverage/Expense Ratio Yr 1</th>
<th>Cost per unit</th>
<th>Cost per sq ft</th>
<th>Credits per sq ft</th>
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<tbody>
<tr>
<td><strong>DCR</strong></td>
<td><strong>Expense</strong></td>
<td><strong>Crowley Flats</strong></td>
<td><strong>Crowley Flats</strong></td>
<td><strong>Crowley Flats</strong></td>
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<tr>
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<td>$175.92</td>
<td>$252.40</td>
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<td>$140.77</td>
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<td>$234,785</td>
<td>$166.63</td>
<td>$248.78</td>
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<tr>
<td>$6,435,000</td>
<td>n/a</td>
<td>$231,421</td>
<td>$155.48</td>
<td>$236.08</td>
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<tr>
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<td>$155.48</td>
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<td>n/a</td>
<td>$234,785</td>
<td>$166.63</td>
<td>$248.78</td>
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### % paid by HC

<table>
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<tr>
<th>Housing Credits Requested</th>
<th>Evaluation Score:</th>
<th>Construction Start Date</th>
<th>Operating Cost per unit</th>
<th>New Unit Demand / Vacancy</th>
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</thead>
<tbody>
<tr>
<td><strong>DCR</strong></td>
<td><strong>Requested</strong></td>
<td><strong>Received</strong></td>
<td><strong>Crowley Flats</strong></td>
<td><strong>Crowley Flats</strong></td>
</tr>
<tr>
<td>73.04%</td>
<td>1,155</td>
<td>1,155</td>
<td>Apr-21</td>
<td>$4,772</td>
</tr>
<tr>
<td>46.94%</td>
<td>1,260</td>
<td>1,260</td>
<td>Jun-21</td>
<td>$4,732</td>
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<tr>
<td>60.73%</td>
<td>1,235</td>
<td>1,235</td>
<td>Apr-21</td>
<td>$4,610</td>
</tr>
<tr>
<td>70.35%</td>
<td>1,200</td>
<td>1,200</td>
<td>Jul-21</td>
<td>$4,125</td>
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<td>72.25%</td>
<td>1,160</td>
<td>1,160</td>
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<td>$5,973</td>
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<td>75.29%</td>
<td>1,150</td>
<td>1,150</td>
<td>Apr-21</td>
<td>$2,791</td>
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### Quarterly Vacancy Details

<table>
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<th>Housing Credits Requested</th>
<th>Quarterly Vacancy Details</th>
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<tbody>
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<tr>
<td>Crowley Flats</td>
<td>73.04% Apr-21</td>
</tr>
<tr>
<td>Laurel Depot</td>
<td>60.73% Jackson Court 9%</td>
</tr>
<tr>
<td>Jackson Court 9%</td>
<td>70.35% Laurel Depot</td>
</tr>
<tr>
<td>ANHA LIHTC #1</td>
<td>72.25% Creekside Commons</td>
</tr>
<tr>
<td>MRM Unified Campus</td>
<td>75.29% Jackson Court 9%</td>
</tr>
<tr>
<td>MRM Unified Campus</td>
<td>1,131 1.2% MRM Unified Campus</td>
</tr>
<tr>
<td>ANHA LIHTC #1</td>
<td>120 0.0% ANHA LIHTC #1</td>
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</table>
Montana Housing Board Member Worksheet: 2021 Housing Credit Full Application

<table>
<thead>
<tr>
<th>City</th>
<th>Project Name</th>
<th>Geographic Distribution</th>
<th>Rural or Urban</th>
<th>Overall Income Levels</th>
<th>Need in the Community</th>
<th>Rehab of Existing Stock</th>
<th>Sustainable Energy Savings</th>
<th>Applicants Fin &amp; Oper Ability</th>
<th>Past Performance of Applicant</th>
<th>Cost Const etc.</th>
<th>In or Near Historic Downtown</th>
<th>Freq of Awards in Location</th>
<th>Other QAP Factors</th>
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<tbody>
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<td></td>
<td></td>
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</tr>
</tbody>
</table>

Projects invited to Full Application:

1. Lewistown Crowley Flats
2. Laurel Laurel Depot
4. Billings Jackson Court
5. Kalispell Creekside Commons
6. Billings MRM Unified Campus
7. Crow Agency ANHA LIHTC #1

** Keep in mind that at least $3,217,500 needs to be awarded to non profit projects. Crowley Flats and MRM Unified the only NP applications. ** Each Board Member will pick their top 5 priority projects.
4% only awards

- Cascade: 32%
- Yellowstone: 14%
- Silver Bow: 13%
- Ravalli: 7%
- Lewis & Clark: 7%
- Gallatin: 19%
- Flathead: 8%
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</table>

| Gallatin County | 10.53% | 1.23% |
| Belgrade        | 0.85%  | 0.17% |
| Bozeman         | 4.57%  | 0.09% |
| Manhattan        | 0.17%  | 0.00% |
| Garfield County | 1.29%  | 0.28% |
| Browning        | 0.74%  | 0.28% |
| Cut Bank        | 0.28%  | 0.28% |
| Golden Valley County | 0.12%  | 0.28% |
| Granite County | 0.28%  | 0.28% |
| Hill County | 0.91%  | 0.91% |
| Jefferson County | 0.12%  | 0.28% |
| Judith Basin County | 0.12%  | 0.28% |
| Lake County | 2.85%  | 2.85% |
| Arlee | 0.17%  | 0.17% |
| Elmo | 0.17%  | 0.17% |
| Pablo | 0.47%  | 0.47% |
| Polson | 0.20%  | 0.20% |
| Ronan | 0.08%  | 0.08% |
| St. Ignatius | 6.47%  | 6.47% |
| Lewis and Clark County | 3.04%  | 3.04% |
| Fort Harrison | 0.57%  | 0.57% |
| Helena | 3.04%  | 3.04% |
| Liberty County | 1.86%  | 1.86% |
| Libby | 0.26%  | 0.26% |
| Lincoln County | 0.18%  | 0.18% |
| McCone County | 0.09%  | 0.09% |
| Madison County | 0.18%  | 0.18% |
| Meagher County | 0.09%  | 0.09% |
| Mineral County | 0.41%  | 0.41% |

<p>| Kalispell | 11.25% | 2.25% |
| Whitefish | 1.93%  | 0.74% |
| Gallatin County | 14.31% | 10.53% |
| Belgrade | 1.41%  | 0.85% |
| Bozeman | 12.23% | 4.57% |
| Manhattan | 0.21%  | 0.17% |
| Garfield County | 3.24%  | 1.29% |
| Browning | 2.68%  | 0.10% |
| Cut Bank | 0.55%  | 0.28% |
| Golden Valley County | 0.60%  | 0.12% |
| Granite County | 3.54%  | 1.54% |
| Hill County | 2.99%  | 0.91% |
| Jefferson County | 0.60%  | 0.12% |
| Judith Basin County | 4.19%  | 2.85% |
| Lake County | 0.11%  | 0.11% |
| Arlee | 0.17%  | 0.17% |
| Elmo | 0.17%  | 0.17% |
| Pablo | 1.36%  | 0.47% |
| Polson | 1.12%  | 0.20% |
| Ronan | 0.15%  | 0.08% |
| St. Ignatius | 9.14%  | 6.47% |
| Lewis and Clark County | 9.14%  | 3.04% |
| Fort Harrison | 0.57%  | 1.86% |
| Helena | 0.37%  | 0.26% |
| Liberty County | 0.18%  | 0.18% |
| Libby | 0.17%  | 0.09% |
| Lincoln County | 0.18%  | 0.09% |
| McCone County | 0.54%  | 0.41% |
| Madison County | 0.63%  | no data |
| Meagher County | 0.17%  | 0.09% |
| Mineral County | 0.54%  | 0.41% |</p>
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Sources:
- Total Population, Montana Incorporated Cities & Towns by County, 1990 - 2018
- Source: US Department of Commerce, Census Bureau - Population Division

City & Town Data:
- Intercensal Estimates of Resident Population for Counties of Montana: April 1, 2000 to July 1, 2010 (CO-EST00INT-01-30)
- Subcounty Resident Population Estimates: April 1, 2010 to July 1, 2017

% of Population Over Age 55 in 2018
- http://ceic.mt.gov/Data

Housing Credit information Source: Montana Board of Housing TC-SUM spreadsheet. (2019 Aug 23 version - PJC)
Montana Housing  
Montana Board of Housing  
Montana Department of Commerce  
PO Box 200528  
Helena, MT 59620-0528

July 31, 2020

Dear Mary, Kellie and Board Members;

We are excited and grateful for the opportunity to present to you our Crowley Flats application for your consideration for an allocation of 2021 Montana Housing Tax Credits. This project represents a confluence of special and unique elements that will allow it to be an enduring asset for the community of Lewistown.

When we were first approached by Bighorn Valley Health Center (BVHC) to develop homes people with lower incomes could afford to rent on the upper two floors of the Crowley Building in downtown Lewistown, we knew we had to try to make this project work. This project aligns closely with Homeword’s mission to use sustainable methods to strengthen Montana communities by teaching homebuyer education and financial skill building and creating safe, healthy homes people can afford. The project also aligns with BVHC’s mission to improve the well-being of everyone by providing accessible, quality health care for the whole community.

The National Health Foundation, HUD and multiple other organizations concerned with health, well-being and human rights have determined that safe, healthy, stable homes that people can afford is an integral part of the equation. The stress and damage caused by being housing-cost burdened or living in a substandard, unhealthy home cannot be overstated. Being able to provide safe, healthy homes in a location that is close to health care, schools, the grocery store, parks and other community amenities in direct collaboration with a well-respected health care organization with an aligning mission is an exceptional opportunity. It is also an opportunity that might be repeated, depending on the success of this project, as BVHC and Homeword continue to look for similar opportunities to create homes and health care in concert with each other in other rural Montana communities.

Crowley Flats will create sixteen new homes in downtown Lewistown in a significant historical building that has been plagued by chronic vacancy since J.C Penney’s left after 1985. As a contributing building to the Lewistown Historic District, the Crowley Block was originally constructed in 1913 as a department store with offices on the upper floors and a ballroom on the third floor. At some point, a portion of the third floor was converted to a kind of boarding house or single room occupancy (SRO) facility. After Penney’s closed, the ground floor has held a variety of retail ventures, but none have had the endurance needed for the building to contribute to the economic stability of the community or the downtown area. The upper two floors appear to have been largely vacant for at least twenty years, and probably for longer. Historic records are difficult to verify.

Homeword is proposing to convert the upper two floors to sixteen homes that people earning between 30 and 70% Area Median Income (AMI) can afford to rent. As we have seen from applicants at Ouellette Place,
there are many applicants in this community earning just over 60% to qualify, and many households earning closer to 30% AMI, making even low 40% rents a burden without rent subsidy. Lewistown has the added challenge of very little available rental homes for all incomes. The mixture of studios, one- and two-bedroom homes will appropriately target the smaller households likely to be attracted to living in downtown Lewistown — seniors, persons with disabilities, downtown employees, veterans, singles and couples just starting out in their working careers, single parents with one or two children.

The existing arrangement of rooms on the upper two floors is ideally suited to convert into efficient and delightful homes. The remaining stained woodwork, open areas under the skylights and light-wells, and high ceilings will contribute to make these homes unique and remarkable. The use of Federal Historic Rehabilitation Tax Credits will require maintaining these open spaces, providing interior gathering areas for residents to enjoy and use as they grow into a residential community.

Combining Housing Tax Credits, Rehabilitation Tax Credits, HOME, and Federal Home Loan Bank Des Moines Affordable Housing Program funding will leverage the Housing Tax Credits to the maximum efficiency, allowing for those limited credits to be spread even further. No Housing Tax Credits have been allocated to create new homes in Lewistown since 2009, and this would be only the second new home construction project in Lewistown or Fergus County awarded credits in the history of the program.

BVHC is in the process of developing the lower two floors of the building into a much-needed and expanded health clinic, a project that will benefit the Crowley Flats residents as well as the entire community. They are currently securing a New Markets Tax Credits (NMTC) allocation from MoFi, a regional Community Development Financial Institution who received their NMTC allocation recently, and the NMTC deal is expected to close in November 2020. They are in line for a grant from the Murdock Charitable Trust, and have received preliminary commitment for permanent financing from Glacier Bancorp. Ideally, Crowley Flats will receive a Housing Tax Credit allocation in October to allow for the most efficient development of the entire building from start to finish in a seamless timeline.

Lewistown’s 2017 Comprehensive Development Plan states “Lewistown’s housing stock is aged with 1950 being the median year a structure was built compared to 1976 in the United States and with only 132 of the 3,142 housing units built after 2000.” Under Housing and Transportation, the plan cites the Growth Policy strategy to “assure that provisions are adequate for mixed-use projects, residential redevelopment of vacant second-story commercial buildings, and the location of income-appropriate housing near places of employment.” Prior to the COVID-19 outbreak, the City of Lewistown was updating planning documents to clearly outline the need for new housing stock, including this project’s targeted income range. The City of Lewistown supports this project as one way to make progress on addressing their shortage of safe and healthy homes.

We hope that the Montana Board of Housing members will see the benefits of the synergy involved in this project and understand the specific timing benefits of awarding Housing Tax Credits to Crowley Flats this October, and we appreciate your consideration.

Sincerely,

Andrea Davis, Executive Director

Heather McMilin, Project Development Director
Dear Executive Director Cohen:

We are pleased to submit this application for an award of 9% Housing Credits from the Board of Housing to construct Laurel Depot, 30 affordable rental homes in Laurel, MT.

With an investment from the Montana Board of Housing, the Laurel Depot development will address a shortage of housing in Laurel, MT by delivering 30 newly constructed one, two, and three-bedroom apartments targeting households with incomes ranging from 30% to 80% of AMI. The property is in close proximity to a number of goods and services such as grocery stores, medical providers, schools, the library, city offices, and more. We intend to limit tenant-paid rent for apartments targeted for the 70 and 80% AMI income brackets to the 60% tax credit rent limit in order to ensure affordability. This decision will significantly improve affordability as, for example, the 80% AMI three-bedroom apartments will rent for more than $700/mo. less than the 80% AMI tax credit rent limit limits.

Laurel, with a population growth of approx. 500 individuals in the last 20 years and growing pressure from Billings’ westward expansion, has seen steady growth and yet no significant investment in housing residents can afford. In fact, Laurel has only benefited from one allocation of Housing Credits which was issued to a project in 2002 (18 years ago). Furthermore, the existing affordable housing developments in Laurel do not offer 3-bedroom apartments; this is another example of how Laurel Depot meets the community’s need for homes residents can afford.

As shown in the Market Study, Laurel is a small town in great need of housing its residents can afford. According to this study, Laurel needs an additional 136 apartments serving households between 30 and 80% of AMI, and there are 411 income and tenure-eligible households in Laurel. Looking forward, there is a projected population increase of 293 additional households by 2025. With no other known proposed LIHTC projects, these 30 apartments have a penetration rate of 6.8% and an absorption rate of less than 2 months.

However, we all know market demand does not limit itself to a single jurisdiction. Without Bozeman, the current demand for housing in Belgrade would not exist. Without Missoula, the scarcity of homes Montanans can afford would not be an issue in the Bitterroot. The same scenario exists in Laurel. Over the years Billings has steadily grown westward, turning large tracts of farmland into sprawling housing developments and putting pressure on the nearest neighboring community; Laurel.

It is a mere 7 miles from Laurel’s eastern boundary to Billings’ western boundary and a straight shot along I 90. In truth, the Billings market has significant impact on Laurel. Housing prices are increasing and quality rentals households making between 0 and 80% of AMI can afford are increasingly scarce.
Each Laurel Depot apartment will feature energy efficient appliances such as a refrigerator, oven & range, microwave, and dishwasher. The development will employ energy efficient design and construction, and apartments will accommodate tenants with a range of abilities, some bathrooms having roll-in showers, grab-bars, and other design features that promote independent living for individuals with disabilities.

If you have any questions please contact us at:

GL Development
4799 Echo Drive
Helena, MT 59602
Ph: (406) 459-5332
E: gleuwer1139@msn.com

North Fork Development
PO Box 1344
Helena, MT 59624
Ph: (406) 404-6434
E: andrew@northforkdevelopment.com

Sincerely,

Gene Leuwer
GL Development, LLC

Andrew Chanania
North Fork Development, LLC
8/3/2020

Cheryl Cohen, Executive Director
Montana Board of Housing
301 S. Park Ave
PO Box 200528
Helena, MT 59620-0528

Re: Laure Depot Apartments (fka Laurel Crossing) 9% Housing Credit Application; Unit and Housing Credit Increase

Executive Director Cohen:

We respectfully submit this letter to inform you and the Board of a last-minute change we made to the Laurel Depot 9% Low Income Housing Tax Credit proposal. From the outset, we envisioned a small, family project in Laurel, MT to help that smaller sized city cope with their need for additional affordable housing and the market pressures it faces as Billings expands westward. We believed this type of project was a good fit for the community. Our initial due diligence investigations such as the Mini Market Study, local rent and income analysis, and conversations with the community (the City Planner specifically) supported this notion and it has been well received by local officials, organizations, and individuals residing in the community.

Over the last few months, we have redoubled our due diligence efforts to ensure our preliminary designs and ideas deliver the best possible project. New information and several factors have come to light since the Letter of Intent presentations and, therefore we reevaluated our initial approach. As you may remember, we proposed an Income Averaging approach to deeply target households down to 30% of AMI, yet capped rent limits for the 70 and 80% AMI households at the 60% AMI level. We felt this was a reasonable approach to increase affordability and serve the Laurel market. Unfortunately, we learned that even the 60% rents we intended to charge were well above market. Therefore, in order to bring our prices to at least 10% below market (where they should be), we had to significantly reduce the rents. Immediately we saw the project would not cash flow.

Additionally, the Laurel Market Study reinforced the need or 136 new affordable apartments and the Billings Market Study we commissioned demonstrated a need for 750 new affordable apartments. The Laurel Market Study shows 395 (almost 50%) of Laurel’s renter households are “rent over-burdened” (i.e. they pay more than 30% of their income to rent) and 107 (11.9%) of Laurel’s renter households pay more than 50% of their income to rent. The Billings Market Study also shows 7,010 (39.2%) of Billings’ renter households are “rent over-burdened” (i.e. they pay more than 30% of their income to rent) and 4,318 (24.2%) of Billings’ renter households pay more than 50% of their income to rent. This is a crushing need, and folks with few places to go in Billings (which has a more expensive rental market) will absolutely travel a few miles to save hundreds of dollars per month on rent. Think about that fact for a minute. Between
Laurel and Billings, there are a total of 7,405 households who have no choice but to pay for housing they cannot afford.

Financially speaking, in order to deliver a successful project we faced a choice of either decreasing the number of apartments or increasing the number of apartments. Decreasing the number of apartments reduces overall costs, lowering the amount of debt the project needs, and enabling us to charge less rent. Increasing the number of apartments would allow us to spread the debt over more apartments and realize an economy of scale, enabling us to charge less rent. Therefore, we determined that it was in the best interest of the community and the long-term viability of the Laurel Depot apartment project to increase the number of apartments from 24 to 30.

This was a difficult decision as we realize increasing the number of apartments would necessarily result in increased project costs and an increase in the amount of 9% Housing Credits we request from the Board. One of the results of our decision is to no longer qualify for the Rural/Small project set-aside.

Our intent has always been to deliver a cost-effective project and assist a small community which has gone without an investment in affordable housing in almost 20 years. Laurel is facing a westward-moving tsunami coming from Billings and now is the time to act. Our research and analysis of additional information has reinforced the dire situation in which Laurel finds itself and shown us that we must retool this project in order to meet the community’s needs and deliver a successful project with long-term viability.

Respectfully,

Gene Leuwer
GL Development

Andrew Chanania
North Fork Development

Encl.: GL Development, LLC 9% LIHTC awards and requests
August 3, 2020

Cheryl Cohen, Executive Director
Montana Board of Housing
PO Box 200528
Helena MT 59620-0528

RE: Jackson Court 9% Housing Credit Application

Dear Executive Director Cohen:

We are pleased to submit this application for an award of 9% Housing Credits from the Board of Housing to construct Jackson Court, 38 affordable rental homes in Billings, MT.

Jackson Court 9% will be a 38-unit new construction family project located in Billings, MT and serve as the 9% side of the scattered site 9%/4% tax credit project.

As demonstrated by the sheer number of proposed projects presented during this year’s Letter of Intent Board meeting and the overwhelming need demonstrated in the Billings market studies, Billings is in dire need of investments in affordable housing. Jackson Court will offer 20 one bedroom, 12 two bedroom, and 6 three bedroom homes for families in an excellent location in South Billings - close to schools, medical facilities, services, parks, grocery stores, and other opportunities. This site is properly zoned (and designed to be consistent with the new zoning regulations Billings is in the process of adopting), and has utilities stubbed adjacent to the site. As demonstrated by the significant support from local leaders and elected officials, South Billings has not seen this kind of investment in far too long. We firmly believe this project will serve as a catalyst for new investments in this neighborhood.

Each Jackson Court apartment will feature energy efficient appliances such as a refrigerator, oven & range, microwave, and dishwasher. The development will employ energy efficient design and construction, and apartments will accommodate tenants with a range of abilities, some bathrooms having roll-in showers, grab-bars, and other design features that promote independent living for individuals with disabilities. We also intend to incorporate security features to ensure the safety of our tenants and long-term upkeep and security.

Highland Manor 4% will involve the acquisition/rehabilitation of 32 apartments in Havre, MT (built in two phases in 1986 and 1993) and serve as the 4% side of this scattered site 9%/4% tax credit project. All 32 Highland Manor apartments offer USDA RD rental assistance through the RD 515 Loan Program, and this project’s acquisition was made possible by an award of funds from of the new Multifamily Coal Trust Homes Loan program. If awarded 4% tax credits, the Coal Loan will be taken out by a USDA RD 538 loan - freeing up $520,509 from the Coal Loan to invest in other worthy and greatly needed projects.

As both the Billings and Havre Market Studies demonstrate, these communities greatly need additional investments in affordable housing. Billings needs an additional 750 homes to serve 2,252 eligible households. While 38 apartments is a small number given the overwhelming need, an investment in Jackson Court will be a critical first step in making a significant impact in the lives of this project’s future residents.
In preserving Highland Manor’s 32 homes with USDA RD rental assistance in a community that currently needs an additional 109 homes for 331 income and tenure-eligible households is absolutely critical. Highland Manor residents cannot afford the loss of these homes, as this would not only increase the need of additional homes to 173, it would cost the city a critical resource that, particularly in our current Covid-19 world, is absolutely critical to preventing 32 households from becoming homeless.

Highland Manor will continue to offer and laundry facilities in each building and will benefit from upgraded Energy Star appliances, finishes, kitchens, bathrooms, fixtures, and energy efficiency upgrades. Jackson Court will offer in-unit washer and dryers, a play area for kids, extra insulation Energy Star appliances including dishwashers and air conditioning, and a community building if funding allows.

If you have any questions please contact us at:

GL Development
4799 Echo Drive
Helena, MT 59602
Ph: (406) 459-5332
E: gleuwer1139@msn.com

Sincerely,

Gene Leuwer
GL Development

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Logan Anderson
Anderson Consulting Services

Echo Enterprise
4835 Echo Drive
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Ph: (406) 431-2151
E: beki@blackfoot.net

Beki Glyde Brandborg
Echo Enterprises, LLC
August 3, 2020

Chairman Melby & Members of the Board
Montana Housing
301 S. Park Ave., Ste. 240
Helena, MT 59620-0528

RE: Creekside Commons / 2021 LIHTC Application

Dear Chairman Melby & Members of the Board:

Housing Solutions is pleased to present our full application for Creekside Commons in Kalispell. This is Creekside Commons’ fourth year before the board and it’s second full application. We are very excited to again be turning in a full application for this proposal as the project remains greatly needed in the community. Creekside Commons will be thirty-six senior homes. The last senior property (and last new construction property) in Kalispell was Depot Place, funded in 2012. Waitlists at Depot are lengthy and after visiting with Lisa Sheppard at the Flathead County Agency on Aging it was clear that the need for these homes has only grown since we first applied in June of 2017.

The market study confirmed our beliefs about the need in the area. From 2010-2020, the age 55+ population in the primary market area increased by 3.0% per year which is nearly double the rate for the general population (Market Study – Pg. A-26). From 2010-2019, the age 55+ population in the County increased by 4.1% per year which is nearly three times the rate for the general population (Market Study – Pg. A-26). This rapid growth among the senior population has created intense pressure on the senior housing market. Unsurprisingly, the market study showed a 0.0% vacancy rate among the 360-tax credit/low income senior units surveyed (Market Study – Pgs. C-1-C-2). Vacancy rates are also very low outside of the senior rental market with an overall vacancy rate of 0.3% among the 875 units surveyed (Market Study – Pg. C-2). These low vacancy rates have led to increased rents. The market study notes that over the past three years rents in Kalispell have increased by about 9-10% resulting in 42.5% of renter households being rent overburdened (Market Study – Pg. A-3).

Creekside Commons will help meet this need by providing rents that are 18-44% below the market (Market Study – Pg. A-2). However, Creekside will offer much more than affordable rents, it will also be located in a desirable part of Kalispell that will allow residents to stay connected with the community and enjoy all that Kalispell has to offer. The property, which is the same site presented at the LOI presentation, is within 1.5 miles of downtown and less than 500 ft to a fixed Eagle
Transit bus stop. For many errands, transportation is not even required. Albertsons (with pharmacy, and post office), Gateway West Community Center, Flathead County Fairgrounds, the Social Security Administration, the Office of Public Assistance and a public park are all located within one mile of the site. It should be noted that Gateway Community Center is home to a number of non-profits including AARP, Flathead Food Bank and VITA (Volunteer Income Tax Assistance) among others. The property adjoins and will be connected to Kalispell’s growing urban trail network, which can be taken all the way to Flathead Lake!

Nothing in terms of design or amenities has changed since the LOI presentation. Each individual apartment will feature all the standard appliances, including frost free refrigerator, range, microwave, dishwasher and double sink with garbage disposal. Creekside Commons will be one building with a secured building entry and interior apartment access. An elevator in the building means all units will have a zero-step entry and be fully accessible. A community room with kitchen will be the primary gathering place for morning coffee, book clubs, movie nights and themed parties for residents. An exercise room with will keep folks moving throughout the winter months. The community room and exercise room are relatively inexpensive as they are simply furnished open space included within the building footprint. Outside, a community patio area, barbecue and community gardens will be available for resident use. We’ve found these spaces and amenities to be very well used and make the transition from a single-family home into an apartment easier. The building itself will be designed for healthy living, which has risen to the top of everyone’s mind this year. All of our properties have had a focus on direct fresh air intake and exhaust, ensuring the livability of the homes is top notch. For Creekside, special focus in design will be given to making sure we are doing everything possible to continue to this.

It’s been eight years since the last affordable senior property (Depot Place) was funded in Kalispell. Meanwhile the senior population has continued to grow at a rapid pace. This pressure on the senior housing market has led to increased rents and a severe shortage of affordable housing. As evidence of this, Depot Place and Centre Court Manor, the only two senior tax credit properties in Kalispell, have waitlists of 23 and 14 names respectively. The need for a senior project in Kalispell continues to grow year after year. We understand you have difficult decisions on where to place your limited resources and would urge you to carefully consider this excellent location and needed project in Kalispell.

As always, Housing Solutions and its longstanding development team is positioned to take this project from Housing Tax Credit award to serving seniors in Kalispell throughout the compliance period. We are proud of our work on this project and look forward to the opportunity to partner with Montana Housing in meeting the needs of seniors in Kalispell.

Sincerely,

Alex Burkhalter
MRM Unified Campus

Cover Letter

Threshold Item #4
July 29, 2020

Montana Board of Housing
Ms. Mary Bair
*Multi-Family Program Director*
P.O. Box 200528
Helena, MT 59620-2840

**RE: MRM Unified Campus**
**2021 Low Income Housing Tax Credit Program Application**

Dear Ms. Bair:

Enclosed you will find the **MRM Unified Campus 2021 Housing Credit application.** If awarded, the tax credits will provide financial resources necessary to construct the MRM Unified Campus, a new homeless shelter and affordable housing campus that will include a 200-bed homeless shelter, 29 affordable apartment units, supportive services and amenity spaces including a 200-person chapel, an exercise facility and a secure outdoor playground.

The Montana Rescue Mission (MRM), the project Sponsor, has served the Billings community for over 70 years providing emergency, temporary and rehabilitative care for those experiencing hunger and homelessness. MRM programs and services are designed to help end the cyclical nature of homelessness by addressing causes, such as addictions, generational poverty, lack of education, poor budgeting skills and diminished mental or physical capacity. MRM is partnering with Mountain Plains Equity Group to provide a much-needed holistic solution to the homeless population of the Billings community.

There is no question the need for affordable housing in Billings is well documented. Both the Market Study and the Billings Five-Year Consolidated Plan FY 2020–2024 address the low vacancy rate and the increase in demand for affordable housing, particularly for small related households and the elderly. The Five-Year Consolidated Plan also stresses that the most severe housing problem the City’s residents experience is paying over 30% of their household income for housing expenses. The Five-Year Consolidated Plan further identifies “affordable housing” as one of the three top needs as the City’s population grows, and therefore, has built the development of affordable housing into its strategic goals and objectives.

**MRM Unified Campus** proposes to dedicate the 29 affordable housing units to families and individuals with income levels at or below 40%, 50% and 60% of the Area Median Income. By having a tiered income level approach, the project is providing a wide range of tenants with housing choices that are efficient, modern and affordable.
MRM Unified Campus will be constructed utilizing land and existing buildings currently owned by MRM. The three-story (two stories above ground and one basement level) building that will house the affordable housing units will be renovated following the demolition of a portion of the original building. The existing building is over 100 years old, in disrepair and lacking accessibility features. The new construction within the existing building will incorporate accessibility features that will give MRM the ability to properly serve their disabled and vulnerable guests and residents. Additionally, a separate building on the campus will undergo significant updates to create modern classrooms for job and life-skills training, an exercise facility, a 200-person chapel, counseling and healthcare offices and a childcare space with a secure outdoor playground.

The Market Study indicates that there are currently 3,428 size, income and tenure eligible households in the primary market area. The Housing Authority of Billings has 3,381 names on the public housing wait list with 2,404 of the total names needing 1-bedroom units and 569 needing 2-bedroom units. The overall vacancy rate in Billings is 1.2% and the vacancy rate at affordable senior and family projects is 0% and 0.8% respectively. Rents in the City have increased by an average of 2% – 4% annually over the past two years. The Market Study states that there are currently 4,318 renter households in Billings that are severely rent burdened and paying more than 50% of their income to rent. These statistics provide further evidence that the need for affordable housing in Billings is critical.

On behalf of our partnership with MPEG and the entire development team, I offer a personal ‘thank you’ for the opportunity to present this development proposal. We believe that by providing a “full-service” campus we will be instrumental in breaking the cycle of homelessness in our community. If I can help to clarify facts or provide more information during your review process, please do not hesitate to call me directly.

Sincerely,

Montana Rescue Mission

Reverend Matthew Lundgren
Executive Director
LIHTC APPLICATION

FOR
THE DEVELOPMENT KNOWN AS:

ANHA LIHTC #1

August 3, 2020
July 18, 2020

Montana Board of Housing
P.O. Box 200528
Helena, MT 59620-0528

RE: HC – ANHA LIHTC #1 (Housing Credit – Cover Letter)

Dear Board of Housing:

The project will be located within the interior boundaries of the Crow Reservation and will consist of the rehabilitation of 27 single-family units and one elder complex to consist of 16 units. The elder complex currently consists of 14 units, but after the rehabilitation will consist of 16 units. The elder complex is located in Crow Agency, while the single-family homes are scattered between Crow Agency, Lodge Grass, Wyola, and Pryor. The project will set-aside at least 25% of the units for families with children and at least 25% of the units for disabled households.

The Crow Agency location will contain five single-family units and the elder units. The elder units will each contain (8) 1 bedroom and 1 bath consisting of approximately 650 square feet and (8) 2 bedroom and 1 bath units ranging from 800 to 1,180 square feet. The single-family homes consist of two 3 bedroom/1 bath units containing approximately 1296 sq. ft. and 1584 sq. ft. respectively as well as three 4 bedroom/1 bath unit with sizes ranging from 1295 sq. ft. to 1584 sq. ft. The Lodge Grass location will contain 10 single family units which consists of one 2 bedroom/1 bath unit, four 3 bedroom/1 bath units, and five 4 bedroom/1 bath units with sizes ranging from as low as 888 sq. ft. to 1401 sq. ft. The Wyola location will contain 5 single-family units which consists of one 2 bedroom/1 bath unit, two 3 bedroom/1 bath units, and two 4 bedroom/1 bath units with sizes ranging from as low as 914 sq. ft. to 1401 sq. ft. The Pryor location will contain 7 single-family units which consists of four 3 bedroom/1 bath units, and three 4 bedroom/1 bath units with sizes ranging from 1008 sq. ft. to 1401 sq. ft.

The project will be energy efficient and affordable to low-income families and elderly residents on the reservation. The project will be financed with a combination of investor equity and funds from the Apsaalooke Nation Housing Authority. The permanent debt will be soft and will be payable with from available cash flow. In addition, rents will be limited to no more than 30% of a tenant’s adjusted gross income following the Apsaalooke Nation Housing Authority’s (ANHA) existing rental policy which is based on NAHASDA rent regulations. In order to accommodate the potential loss of operating income by charging lower rents, the ANHA will provide a Housing Assistance Payments (HAP) Agreement. The HAP will be used on an as needed basis to ensure that all expenses (including replacement reserves, asset management fees, and compliance fees) are paid.

The project will have limited amenities at each site however each unit will have a kitchen and bathroom. The rehab of the units will include increasing energy efficiency, improving handicap accessibility, and adding washer/dryer hookups. No community amenities are being added, due to the scattered sites.

The need for this housing at Apsaalooke Nation is insurmountable and the Apsaalooke Nation Housing Authority has long managed affordable housing and been working on different methods to improve their dilapidated affordable housing stock. The rehabilitation of these units will help
the Apsaalooke Nation Housing Authority meet their mission of providing the highest quality, affordable housing to the people of the Crow Reservation. In addition, the need for the rehabilitated units is clearly defined in the Apsaalooke Nation Indian Housing Plan.

The project has full support of the community and the Tribe. As you well know, it is extremely difficult to develop housing on the reservation. With the funds we can generate from the tax credit program we can stretch our resources and ensure these rental units are safe, decent, and energy efficient. We are excited about embarking on this project and look forward to working with MBOH. If at any time you have any questions, please do not hesitate to contact my office.

Sincerely,

[Signature]

Lafe Haugen,
Executive Director, Apsaalooke Nation Housing Authority
Market Study Summary – Lewistown (Crowley Flats)

The market study must clearly identify the following on a summary sheet: must be in the first 10 pages of the market study.

Average (comparable) market unit rents in immediate area and the percent the proposed project rents are below these rents.

<table>
<thead>
<tr>
<th>Bedroom</th>
<th>Rent</th>
<th>Percent Below</th>
</tr>
</thead>
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<tr>
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<td>0-38 %</td>
</tr>
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<td>____%</td>
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<tr>
<td>4 Bedroom</td>
<td>$______</td>
<td>____%</td>
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</tbody>
</table>

Reference page: A-39

# of New Units Needed: 101 Reference page: A-30

Vacancy Rate 0.5 % Reference page: C-1

Capture Rate 15.8 % Reference page: A-34

(Projected income eligible tenants who will move in next year/proposed units)

Units needed in market area 101 Reference page: A-30

Absorption Rate 19.8 % 2 months Reference page: A-34

(proposed units/existing LIH, market area units required)

Penetration Rate 5.3 % Reference page: A-35

(existing LIH units/total eligible households)

Number of LI households that can afford rent of proposed project 306

Reference page: A-34

Distances to essential services as listed in Development Evaluation Criteria #3.

List of essential services must contain the list below and list the distance: On Following Page

Grocery store, public schools, Senior Center, Bank, Laundromat (only if washer/dryer not included in unit or onsite); Medical services appropriate and available to all prospective tenants (e.g., hospital, doctor offices, etc.); Pharmacy services appropriate and available to all prospective tenants, Gas station and/or convenience store, Post Office, Public Park, Shopping(department, clothing or essentials – does not include convenience store), and Public Library.
### Distances to Essential Services

**Reference Page: A-14,15**

#### Distances to Site

1. 0.1 Bank of Montana
2. 0.1 Brooks Market
3. 0.1 Post Office
4. 0.1 Fire Station
5. 0.2 Albertsons / Osco Pharmacy
6. 0.2 Central Montana Community Health Center (Clinic)
7. 0.3 Library
8. 0.4 Junior High School - Lewistown
9. 0.8 Frank Day Park - Pool
10. 1.0 High School - Fergus
11. 1.0 Hospital (Central Montana Medical Center)
12. 1.1 Elementary School - Lewis & Clark
13. 1.2 Shipton’s Big R Lewistown - Discount Store

Distances in driving miles along dedicated streets

Distances calculated by Property Dynamics
Market Study Summary – Laurel (Laurel Depot)

The market study must clearly identify the following on a summary sheet: must be in the first 10 pages of the market study.

Average (comparable) market unit rents in immediate area and the percent the proposed project rents are below these rents.

<table>
<thead>
<tr>
<th>Bedroom</th>
<th>Rent ($)</th>
<th>Percent Below</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>$_____</td>
<td>_____%</td>
</tr>
<tr>
<td>1</td>
<td>$733</td>
<td>10-34%</td>
</tr>
<tr>
<td>2</td>
<td>$886</td>
<td>10-52%</td>
</tr>
<tr>
<td>3</td>
<td>$998</td>
<td>12%</td>
</tr>
<tr>
<td>4</td>
<td>$_____</td>
<td>_____%</td>
</tr>
</tbody>
</table>

Reference page: A-42

# of New Units Needed: 136 Reference page: A-30

Vacancy Rate 1.1% Reference page: C-2

Capture Rate 22.1% Reference page: A-36

(Projected income eligible tenants who will move in next year/proposed units)

Units needed in market area 136 Reference page: A-30

Absorption Rate 45.6% 2 months Reference page: A-36

(proposed units/existing LIH, market area units required)

Penetration Rate 7.9% Reference page: A-36

(existing LIH units/total eligible households)

Number of LI households that can afford rent of proposed project 411 Reference page: A-36

Distances to essential services as listed in Development Evaluation Criteria #3.

List of essential services must contain the list below and list the distance: On Following Page

- Grocery store, public schools, Senior Center, Bank, Laundromat (only if washer/dryer not included in unit or onsite);
- Medical services appropriate and available to all prospective tenants (e.g., hospital, doctor offices, etc.);
- Pharmacy services appropriate and available to all prospective tenants, Gas station and/or convenience store, Post Office, Public Park, Shopping (department, clothing or essentials – does not include convenience store), and Public Library.
**Distances to Essential Services**  Reference Page A-12,13

**Distances to Site:**

1. 0.1 Library
2. 0.1 Convenience Store/Gas Station - Cenex
3. 0.2 Elementary School - West
4. 0.4 Fire Station
5. 0.6 Bank - Yellowstone
6. 0.8 Grocery Store - Reese & Ray’s IGA
7. 0.8 Post Office
8. 0.8 Thompson Park - Pool - Ballfields
9. 0.9 Senior Center
10. 1.0 High School - Laurel
11. 1.1 Pharmacy - CVS
12. 1.1 St. Vincent’s Family Medicine
13. 1.3 Middle School - Laurel
14. 1.4 Walmart

Laurel Transit provides door to door service throughout Laurel and into Billings

The closest hospital is located in Billings, 18 miles from the subject location

Distances in driving miles along dedicated streets

All distances calculated by Property Dynamics
Market Study Summary – Billings (Jackson Court)

The market study must clearly identify the following on a summary sheet: must be in the first 10 pages of the market study.

Average (comparable) market unit rents in immediate area and the percent the proposed project rents are below these rents.

<table>
<thead>
<tr>
<th>Bedroom</th>
<th>Rent</th>
<th>Below %</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Bedroom</td>
<td>$______</td>
<td>____ %</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>$844</td>
<td>10-23 %</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>$1,073</td>
<td>11-28 %</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>$1,176</td>
<td>10-24 %</td>
</tr>
<tr>
<td>4 Bedroom</td>
<td>$______</td>
<td>____%</td>
</tr>
</tbody>
</table>

Reference page: A-44

# of New Units Needed: 750  Reference page: A-32
Vacancy Rate 1.5 %  Reference page: C-2
Capture Rate 5.1 %  Reference page: A-39
(projected income eligible tenants who will move in next year/proposed units)

Units needed in market area 750  Reference page: A-32
Absorption Rate 76.0 % 2 months  Reference page: A-39
(proposed units/existing LIH, market area units required)

Penetration Rate 2.2 %  Reference page: A-39
(existing LIH units/total eligible households)

Number of LI households that can afford rent of proposed project 2,252
Reference page: A-38

Distances to essential services as listed in Development Evaluation Criteria #3.

List of essential services must contain the list below and list the distance: On Following Page

- Grocery store, public schools, Senior Center, Bank, Laundromat (only if washer/dryer not included in unit or onsite);
- Medical services appropriate and available to all prospective tenants (e.g., hospital, doctor offices, etc.);
- Pharmacy services appropriate and available to all prospective tenants, Gas station and/or convenience store, Post Office, Public Park, Shopping(department, clothing or essentials – does not include convenience store), and Public Library.
**Distances to Essential Services**  Reference Page _A-13,14_

**Distances to Site:**

1. At Site  MET Transit
2. 0.2  Middle School - Riverside
3. 0.3  Elementary School - Orchard
4. 0.3  Optomist Park - Children’s Play Area - Ballfields etc.
5. 0.5  Convenience Store - 3 G’s
6. 0.7  Discount Store - Family Dollar
7. 1.3  Senior Center - South Park
8. 1.4  Albertsons/Osco Pharmacy / ExpressCare Central - Billings Clinic
9. 1.4  Fire Station
10. 1.6  Post Office
11. 1.8  Bank - Western State
12. 2.1  Library
13. 2.7  Hospital - Billings Clinic
14. 2.7  High School - Billings Senior

Distances in driving miles along dedicated streets

All distances calculated by Property Dynamics
Market Study Summary – Kalispell (Creekside Commons)

The market study must clearly identify the following on a summary sheet: must be in the first 10 pages of the market study.

Average (comparable) market unit rents in immediate area and the percent the proposed project rents are below these rents.

<table>
<thead>
<tr>
<th>Bedroom</th>
<th>Rent</th>
<th>Percent Below</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Bedroom</td>
<td>$______</td>
<td>_____%</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>$985</td>
<td>21-44 %</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>$1,101</td>
<td>18-40 %</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>$_____</td>
<td>_____%</td>
</tr>
<tr>
<td>4 Bedroom</td>
<td>$_____</td>
<td>_____%</td>
</tr>
</tbody>
</table>

Reference page: A-46

# of New Units Needed: 170  Reference page: A-35
Vacancy Rate 0.3 %  Reference page: C-2
Capture Rate 20.6 %  Reference page: A-41
(projected income eligible tenants who will move in next year/proposed units)
Units needed in market area 170  Reference page: A-35
Absorption Rate 65.3 %  2 months  Reference page: A-41,42
(proposed units/existing LIH, market area units required)
Penetration Rate 8.0 %  Reference page: A-41
(existing LIH units/total eligible households)
Number of LI households that can afford rent of proposed project 515
Reference page: A-40
Distances to essential services as listed in Development Evaluation Criteria #3.
List of essential services must contain the list below and list the distance: On Following Page

- Grocery store, public schools, Senior Center, Bank, Laundromat (only if washer/dryer not included in unit or onsite), Medical services appropriate and available to all prospective tenants (e.g., hospital, doctor offices, etc.);
- Pharmacy services appropriate and available to all prospective tenants, Gas station and/or convenience store, Post Office, Public Park, Shopping (department, clothing or essentials – does not include convenience store), and Public Library.
**Distances to Essential Services:** Reference Page: A-17,18

**Distances to Site:**

1. 0.1 Bus Stop - Eagle Transit (stop at Financial Drive & Gateway Comm. Ctr.)
2. 0.2 Second Helpings Thrift Store / Food Bank
3. 0.3 Three Rivers Bank
4. 0.5 Hawthorne Park
5. 0.5 Post Office
6. 0.6 Exxon Gas Station/Mini-Market
7. 0.7 Albertsons - Grocery/Pharmacy
8. 1.4 Mall - J.C. Penney etc.
9. 1.4 Hospital & Medical Clinics
10. 1.9 Library
11. 1.9 Fire Station
12. 2.2-2.4 Walmart - Costco - Target
13. 2.4 Senior Center

Distances in driving miles along dedicated streets

Distances calculated by Property Dynamics
**Market Study Summary – Billings (MRM Unified Campus)**

The market study must clearly identify the following on a summary sheet: must be in the first 10 pages of the market study.

Average (comparable) market unit rents in immediate area and the percent the proposed project rents are below these rents.

<table>
<thead>
<tr>
<th>Bedroom</th>
<th>Rent</th>
<th>Comparison %</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Bedroom</td>
<td>$780</td>
<td>26-35%</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>$867</td>
<td>12-37%</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>$1,033</td>
<td>15-21%</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>$______</td>
<td>____%</td>
</tr>
<tr>
<td>4 Bedroom</td>
<td>$______</td>
<td>____%</td>
</tr>
</tbody>
</table>

Reference page: A-47

# of New Units Needed: 1,131 Reference page: A-34

Vacancy Rate 1.2% Reference page: C-2

Capture Rate 2.6% Reference page: A-41

(projects income eligible tenants who will move in next year/proposed units)

Units needed in market area 1,131 Reference page: A-34

Absorption Rate 53.8% 2 months Reference page: A-41

(Proposed units/existing LIH, market area units required)

Penetration Rate 1.0% Reference page: A-42

(Existing LIH units/total eligible households)

Number of LI households that can afford rent of proposed project 3,428 Reference page: A-41

Distances to essential services as listed in Development Evaluation Criteria #3.

List of essential services must contain the list below and list the distance: On Following Page

- Grocery store, public schools, Senior Center, Bank, Laundromat (only if washer/dryer not included in unit or onsite);
- Medical services appropriate and available to all prospective tenants (e.g., hospital, doctor offices, etc.);
- Pharmacy services appropriate and available to all prospective tenants, Gas station and/or convenience store, Post Office, Public Park, Shopping (department, clothing or essentials – does not include convenience store), and Public Library.
**Distances to Essential Services:**  Reference Page: A-14,15

**Distances to Site:**

1. 0.1 MET Transit Stop (S. 29th Street & 1st Avenue S.)
2. 0.1 Western Security Bank
3. 0.3 Market Grocery
4. 0.3 Post Office
5. 0.4 Riverstone Health Clinic
6. 0.4 Library
7. 0.4 Fire Station
8. 0.4 South Park
9. 0.7 3 G’s Convenience Store
10. 0.7 Senior Center
11. 0.7 Albertsons/Osco Pharmacy
12. 0.8 Billings Clinic - Hospital
13. 1.2 Elementary School - Orchard
14. 1.2 Family Dollar Discount Store
15. 1.4 Middle School - Riverside
16 1.8 High School - Billings

Distances in driving miles along dedicated streets

Bus Fare - $ 2.00 per ride or monthly passes available @ $ 28.00

All distances calculated by Property Dynamics
**Market Study Summary - ANHA**

Average (comparable) market unit rents in immediate area and the percent the proposed project rents are below these rents.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>$325</td>
<td>31.6%</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>$375</td>
<td>38.5%</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>$275</td>
<td>58.7%</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>$400</td>
<td>39.9%</td>
</tr>
<tr>
<td>4 Bedroom</td>
<td>$175</td>
<td>76.2%</td>
</tr>
<tr>
<td>4 Bedroom</td>
<td>$300</td>
<td>59.2%</td>
</tr>
<tr>
<td>4 Bedroom</td>
<td>$425</td>
<td>42.2%</td>
</tr>
</tbody>
</table>

Reference page: VI-7

# of New Units Needed: 120 Reference page: VII-3

Vacancy Rate 0.0% Reference page: V-1

Capture Rate 35.8% Reference page: VII-3
(projected income eligible tenants who will move in next year/proposed units)

Units needed in market area 120 Reference page: VII-3

Absorption Rate 212.5% - 3 months Reference page: VIII-1
(proposed units/existing LIH, market area units required)

Penetration Rate 15.2% Reference page: VII-4
(existing LIH units/total eligible households)

Number of LI households that can afford rent of proposed project:
375 (with subsidy); 289 (LIHTC Only) Reference page: VI-2 & 3

Distances to essential services as listed in Development Evaluation Criteria #3.

List of essential services must contain the list below and list the distance:

- Grocery store, public schools, Senior Center, Bank, Laundromat (only if washer/dryer not included in unit or onsite);
- Medical services appropriate and available to all prospective tenants (e.g., hospital, doctor offices, etc.);
- Pharmacy services appropriate and available to all prospective tenants, Gas station and/or convenience store, Post Office, Public Park, Shopping (department, clothing or essentials – does not include convenience store), and Public Library.
Due to the rural and scattered site nature of the existing units, the distances for the community services summarized on the following table are from Crow Agency I, which is the location of the age-restricted units. This site comprises the most units and is generally centrally located.

<table>
<thead>
<tr>
<th>Community Services</th>
<th>Name</th>
<th>Driving Distance From Site (miles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Highway</td>
<td>Interstate 90</td>
<td>0.5 West</td>
</tr>
<tr>
<td>Public Bus Stop</td>
<td>Crow Nation Transit</td>
<td>0.6 South</td>
</tr>
<tr>
<td>Major Employers/</td>
<td>Indian Affairs Bureau</td>
<td>0.5 South</td>
</tr>
<tr>
<td>Employment Centers</td>
<td>Little Big Horn College</td>
<td>0.6 South</td>
</tr>
<tr>
<td></td>
<td>Crow Tribal Housing Authority</td>
<td>1.8 West</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>Apsáalooke Trading Post</td>
<td>0.6 South</td>
</tr>
<tr>
<td></td>
<td>Teepee Service/Conoco</td>
<td>0.8 Southwest</td>
</tr>
<tr>
<td></td>
<td>Crow Nation Express</td>
<td>2.9 South</td>
</tr>
<tr>
<td>Grocery</td>
<td>Center Pole Community Food Bank</td>
<td>6.3 South</td>
</tr>
<tr>
<td></td>
<td>Reese &amp; Ray’s IGA</td>
<td>14.8 Northwest</td>
</tr>
<tr>
<td></td>
<td>Little Horn IGA</td>
<td>23.2 South</td>
</tr>
<tr>
<td>Discount Department Store</td>
<td>Custer Battlefield Trading Post/Cafe</td>
<td>3.2 Southeast</td>
</tr>
<tr>
<td></td>
<td>Family Dollar</td>
<td>14.8 Northwest</td>
</tr>
<tr>
<td>Schools:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary</td>
<td>Crow Agency Public School</td>
<td>0.4 South</td>
</tr>
<tr>
<td>Middle/Junior High</td>
<td>Lodge Grass School District</td>
<td>23.7 Southwest</td>
</tr>
<tr>
<td>High</td>
<td>Lodge Grass School District</td>
<td>23.7 Southwest</td>
</tr>
<tr>
<td>Hospital</td>
<td>Crow/Northern Cheyenne Hospital</td>
<td>2.8 South</td>
</tr>
<tr>
<td></td>
<td>Big Horn County Memorial Hospital</td>
<td>14.4 Northwest</td>
</tr>
<tr>
<td></td>
<td>Lodge Grass Health Clinic</td>
<td>23.8 South</td>
</tr>
<tr>
<td>Police</td>
<td>Crow Agency Police Department</td>
<td>0.3 South</td>
</tr>
<tr>
<td>Fire</td>
<td>Hardin Volunteer Fire Department</td>
<td>14.5 Northwest</td>
</tr>
<tr>
<td>Post Office</td>
<td>US Post Office (Crow Agency)</td>
<td>0.8 Southwest</td>
</tr>
<tr>
<td>Bank</td>
<td>First Interstate Bank</td>
<td>13.8 Northwest</td>
</tr>
<tr>
<td></td>
<td>Little Horn State Bank</td>
<td>14.8 Northwest</td>
</tr>
<tr>
<td>Senior Center</td>
<td>Crow Agency Senior Center</td>
<td>On-site</td>
</tr>
<tr>
<td>Recreational Facilities</td>
<td>Little Big Horn College Gymnasium</td>
<td>0.7 South</td>
</tr>
<tr>
<td></td>
<td>Hardin Community Activity Center</td>
<td>14.9 Northwest</td>
</tr>
<tr>
<td>Gas Station</td>
<td>Teepee Service/Conoco</td>
<td>0.8 South</td>
</tr>
<tr>
<td></td>
<td>Crow Nation Express/Conoco</td>
<td>2.9 South</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>Crow/Northern Cheyenne Hospital</td>
<td>2.8 South</td>
</tr>
<tr>
<td></td>
<td>Harding Family Pharmacy</td>
<td>14.8 Northwest</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Wild Bear Barbeque &amp; Smoke house</td>
<td>2.7 South</td>
</tr>
<tr>
<td></td>
<td>Crow Hop</td>
<td>3.0 South</td>
</tr>
<tr>
<td></td>
<td>Custer Battlefield Trading Post/Cafe</td>
<td>3.2 Southeast</td>
</tr>
<tr>
<td>Community Center</td>
<td>Crow Tribal Multi-Purpose Building</td>
<td>2.4 South</td>
</tr>
<tr>
<td>Church</td>
<td>Saint Dennis Parish</td>
<td>0.9 Southwest</td>
</tr>
<tr>
<td></td>
<td>Spirit of Life Foursquare Church</td>
<td>0.9 Southwest</td>
</tr>
</tbody>
</table>
## Amenities Form

<table>
<thead>
<tr>
<th>Unit</th>
<th>Yes/No</th>
<th>Incremental</th>
<th>Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Conditioning</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carport/Garage</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dishwasher</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disposal</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extra Storage outside unit</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Microwave</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Patios or Balcones</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washer/dryer hookups</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washer/dryer in unit</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community</td>
<td>Yes/No</td>
<td>Incremental Cost</td>
<td>Benefit</td>
</tr>
<tr>
<td>----------------------------</td>
<td>--------</td>
<td>------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Basketball hoop/pad</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car plug ins</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Garden</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Room</td>
<td>Yes</td>
<td>$300/home</td>
<td>The space is existing and will be required to remain as part of the historic renovation. Having a common gathering space allows residents to interact with each other and develop into a community. It also creates a space where programs that benefit residents can be presented.</td>
</tr>
<tr>
<td>Computer(s) for tenant use</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>Yes</td>
<td>$100/home</td>
<td>This space will be created in the existing open area at the center of the building and provide another opportunity for residents to interact with each other.</td>
</tr>
<tr>
<td>On site Manager</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor community area</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Play Area</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>hotspot/wifi</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other: Community Laundry Room</td>
<td>Yes</td>
<td>$300/home</td>
<td>Having laundry on-site makes lives much easier for residents and reduces necessary vehicular trips, reducing the carbon footprint.</td>
</tr>
</tbody>
</table>

Having laundry on-site makes lives much easier for residents and reduces necessary vehicular trips, reducing the carbon footprint.
## LAUREL DEPOT APARTMENTS - AMENITY GOALS

<table>
<thead>
<tr>
<th>Item</th>
<th>Dwelling Units</th>
<th>Yes/No</th>
<th>Est. Cost</th>
<th>Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Conditioning</td>
<td>Yes</td>
<td>$2,000 Per Unit</td>
<td>Seniors and those with disabilities suffer greater health consequences related to excess temperatures. All utilities are owner paid, therefore tenants will not see an increased cost of living due to this added amenity.</td>
<td></td>
</tr>
<tr>
<td>Carport/Garage</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dishwasher</td>
<td>Yes</td>
<td>$1,000 Per Unit</td>
<td>Providing dishwashers gives residents an energy-efficient, quick, way to clean dishes and maintain hygiene. Goal is to install an accessible standard size dishwasher at all Fully Accessible and</td>
<td></td>
</tr>
<tr>
<td>Disposal</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extra Storage outside unit</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Microwave</td>
<td>Yes</td>
<td>$500 Per Unit</td>
<td>Microwave ovens gives residents an energy-efficient, quick, and safe way to heat foods. Goal is to provide a microwave shelf in an accessible location to conserve counter space at accessible</td>
<td></td>
</tr>
<tr>
<td>Washer/dryer hookups</td>
<td>Yes</td>
<td>$2,000 Per Unit</td>
<td>Laundry facilities within units is the project goal rather than having a central communal laundry area.</td>
<td></td>
</tr>
<tr>
<td>Washer/dryer in unit</td>
<td>Yes</td>
<td>$4,000 Per Unit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Community Amenities</th>
<th>Yes/No</th>
<th>Est. Cost</th>
<th>Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basketball hoop/ pad</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car plug ins</td>
<td>No</td>
<td></td>
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<td>$5,000</td>
<td>An outdoor area with picnic tables and benches adjacent to the play area will be provided.</td>
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<tr>
<td>Play Area</td>
<td>Yes</td>
<td>$20,000</td>
<td>A fenced play area intended for children will be provided with equipment and safety ground covering.</td>
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<tr>
<td>hotspot/wifi</td>
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<td></td>
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</tr>
<tr>
<td>Item</td>
<td>Dwelling Units</td>
<td>Yes/No</td>
<td>Est. Cost</td>
<td>Benefit</td>
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</tr>
<tr>
<td>Air Conditioning</td>
<td>Yes</td>
<td></td>
<td>$2,000 Per Unit</td>
<td>Seniors and those with disabilities suffer greater health consequences related to excess temperatures. All utilities are owner paid, therefore tenants will not see an increased cost of living due to this added amenity.</td>
</tr>
<tr>
<td>Carport/Garage</td>
<td>No</td>
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</tr>
<tr>
<td>Dishwasher</td>
<td>Yes</td>
<td>$1,000</td>
<td>Providing dishwashers gives residents an energy-efficient, quick, way to clean dishes and maintain hygiene. Goal is to install an accessible standard size dishwasher at all Fully Accessible and</td>
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<td>Microwave</td>
<td>Yes $500 Per Unit</td>
<td>Microwave ovens gives residents an energy-efficient, quick, and safe way to heat foods. Goal is to provide a microwave shelf in an accessible location to conserve counter space at accessible</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washer/dryer hookups</td>
<td>Yes $2,000 Per Unit</td>
<td>Laundry facilities within units is the project goal rather than having a central communal laundry area.</td>
<td></td>
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<td>Washer/dryer in unit</td>
<td>Yes $4,000 Per Unit</td>
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</tbody>
</table>
## Amenities Form

<table>
<thead>
<tr>
<th>Unit</th>
<th>Yes/No</th>
<th>Incremental Cost</th>
<th>Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Conditioning</td>
<td>Yes</td>
<td>$0/Unit</td>
<td>July and August average over 80 degrees with peak high temperatures over 100 degrees. For a VTAC System, heating cooling has become industry standard, therefore there is no additional cost to include AC.</td>
</tr>
<tr>
<td>Carport/Garage</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Dishwasher</td>
<td>Yes</td>
<td>$500/Unit</td>
<td>Today’s seniors (55+) could be born as recent as 1965; many have never lived as adults without a dishwasher. Dishwashers have become a part of the standard appliance package in homes.</td>
</tr>
<tr>
<td>Disposal</td>
<td>Yes</td>
<td>$120/Unit</td>
<td>Undersink disposal increase the livability and greatly reduce the number of maintenance calls for backed up sinks.</td>
</tr>
<tr>
<td>Extra Storage outside unit</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Microwave</td>
<td>Yes</td>
<td>$100/Unit</td>
<td>Similar to the Dishwasher, almost all households now have a microwave. By including a rangehood/microwave combo we can save precious kitchen counter space in these efficient units.</td>
</tr>
<tr>
<td>Patios or Balcones</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Washer/dryer hookups</td>
<td>Yes</td>
<td>$1,200/Unit</td>
<td>Today’s seniors are accustomed to having a washer/dryer in their homes. The hookups are about $1,200 for plumbing, electrical and venting.</td>
</tr>
<tr>
<td>Washer/dryer in unit</td>
<td>Yes</td>
<td>$800/Unit</td>
<td>The equipment is around $800 per unit. The extra $800 to include the machines is wisely spent as it saves from move in/out damage of tenant owned equipment. Also tenant owned equipment will be of unknown age/quality and my be more prone to cause water damage to the apartment.</td>
</tr>
<tr>
<td>Community</td>
<td>Yes/No</td>
<td>Incremental Cost</td>
<td>Benefit</td>
</tr>
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</tr>
<tr>
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<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Garden</td>
<td>Yes</td>
<td>$0/Unit</td>
<td>Incorporated into the landscape plan. No real additional costs for this.</td>
</tr>
<tr>
<td>Community Room</td>
<td>Yes</td>
<td>$150,000/project</td>
<td>The community room is the social hub for the community, facilitating activities and interactions between the residents.</td>
</tr>
<tr>
<td>Computer(s) for tenant use</td>
<td>Yes</td>
<td>$1,000/project</td>
<td>So much information and resources are available online now, this is a low cost item that is a great amenity for residents. Additionally, initial application, rent payments, and maintenance requests are moving in the direction of online. This will give the future and current residents without a computer a place to submit these items.</td>
</tr>
<tr>
<td>Library</td>
<td>Yes</td>
<td>$500/project</td>
<td>The nature of the building design creates spaces that can't be used for homes, we have included a &quot;library&quot; in an otherwise unusable space in the building. This results in gaining an amenity for very little incremental costs that would be used for furniture, a bookshelf and a sitting area.</td>
</tr>
<tr>
<td>On site Manager</td>
<td>Yes</td>
<td>$7,500/project</td>
<td>We have included the cost of the managers equipment on site. The actual cost of the site manager is borne in operations. The site manager is essential to the successful operation of the property. Leasing units, tenant income verification, overseeing maintenance, cleaning, organizing activities, and other tasks are just a few of the daily tasks they complete to keep the project running.</td>
</tr>
<tr>
<td>Outdoor community area</td>
<td>Yes</td>
<td>$12,000/project</td>
<td>There will be a patio area off of the community room. This outdoor space creates a connection for the tenants to both the outdoors and each other. Montana winters can be long, having a space to enjoy our quick summers is important for the residents.</td>
</tr>
<tr>
<td>Play Area</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>hotspot/wifi</td>
<td>Yes</td>
<td>$1,000/project</td>
<td>Community spaces will have WiFi available at little to no additional cost to the project.</td>
</tr>
</tbody>
</table>

Other:
<table>
<thead>
<tr>
<th>Amenities Form</th>
<th>Yes/No</th>
<th>Incremental Cost</th>
<th>Benefit</th>
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</thead>
<tbody>
<tr>
<td>Air Conditioning</td>
<td>Yes</td>
<td>$3,500/unit</td>
<td>The summer months in Billings are very warm. The average temperature in Billings from June throughout August is above 80 degrees. Air Conditioning is a necessity for the health of potential residents at MRM Unified Campus.</td>
</tr>
<tr>
<td>Carport/Garage</td>
<td>No</td>
<td></td>
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</tr>
<tr>
<td>Dishwasher</td>
<td>Yes</td>
<td>$400/unit</td>
<td>Diswashers save water and are more environment friendly than hand washing. Also, dishwashers have become common place in all new construction, without them the project would not be able to compete with its market-rate competitors.</td>
</tr>
<tr>
<td>Disposal</td>
<td>No</td>
<td></td>
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</tr>
<tr>
<td>Extra Storage outside unit</td>
<td>Yes</td>
<td>$100/unit</td>
<td>There will be a extra storage available for rent in the project’s basement. Extra storage space allows tenants to securely store their belongings in a heated area. The extra storage space will allow tenants to have a less cluttered and safer living space.</td>
</tr>
<tr>
<td>Microwave</td>
<td>Yes</td>
<td>$200/unit</td>
<td>Microwaves save tenants time and energy when cooking or re-heating food. They are also common place in all new construction.</td>
</tr>
<tr>
<td>Patios or Balcones</td>
<td>No</td>
<td></td>
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<tr>
<td>Washer/dryer hookups</td>
<td>No</td>
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</tr>
<tr>
<td>Basketball hoop/pad</td>
<td>Yes</td>
<td>$86/unit</td>
<td>A basketball hoop and pad will be installed in the parking lot area. The hoop and pad will provide an opportunity for outdoor activity for residents of all ages.</td>
</tr>
<tr>
<td>Car plug ins</td>
<td>No</td>
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</tr>
<tr>
<td>Community Garden</td>
<td>Yes</td>
<td>$103/unit</td>
<td>A Community Garden will give the residents of the MRM Unified Campus access to low-cost, fresh and healthy food. The Community Garden will also create social activities for the residents, as well as teaching them basic vocational skills.</td>
</tr>
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<td>No</td>
<td></td>
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<tr>
<td>Play Area</td>
<td>Yes</td>
<td>$431/unit</td>
<td>A secure outdoor play area will be constructed in connection with the project, the play area will be adjacent to the Daycare Facility in Building 21. The play area will give the children living at the facility a safe place to be outdoors and play.</td>
</tr>
<tr>
<td>hotspot/wifi</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other: Fitness Center</td>
<td>Yes</td>
<td>$258/unit</td>
<td>A fitness center will be included within Building 21. The fitness center will give residents a place to exercise free of charge. Therefore, reducing their need to have a gym membership. It will also give the residents a chance to socialize as they exercise.</td>
</tr>
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<td>Air Conditioning</td>
<td>Yes</td>
<td>$600/unit</td>
<td>Ensures clean air in the unit and a comfortable interior environment. As part of the heating component.</td>
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<tr>
<td>Patios or Balcones</td>
<td>Yes</td>
<td>$1,200/unit</td>
<td>Private amenity to the outdoors for family gatherings.</td>
</tr>
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<td>Washer/dryer hookups</td>
<td>Yes</td>
<td>$100/unit</td>
<td>Convenience and ensures an affordable option for families</td>
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</table>
July 30, 2020

Mary Bair
Montana Board of Housing
P.O. Box 200528
Helena, MT 59620-0528

RE: Crowley Flats Project

On behalf of the Lewistown Downtown Association, I’m writing in support of the Crowley Flats Project in Lewistown. As part of our mission, the LDA is interested in the economic development of the Downtown, as well as the preservation and revitalization of vacant buildings within the Downtown.

Downtown living has long been cited as a critical part of downtown revitalization and community growth, making this project extremely important for the community. With this in mind, redevelopment of the upper floors as affordable housing would be of great benefit to both the downtown and the Lewistown community overall.

Lewistown has been fortunate in recent years to see growth and revitalization in its downtown and business sectors. Along with this has come a greater need for affordable housing. Bringing this to the downtown will not only provide a much needed housing resource for our entire community, it will also help in the continued revitalization of the downtown.

Additionally, the new housing units will help to boost the area’s economic growth. We have employers in town who struggle to maintain and grow their businesses because employees new to the area are unable to find adequate housing. We’ve heard of several instances where new employees have spent days and even weeks sleeping on couches or living in motels while they waited for rental housing to open up.

The Crowley Flats building, located in the heart of downtown, has been well maintained over the years, and would serve well as an affordable housing development. It is close to shopping, groceries, and other essentials, and will offer private parking behind the building.

Thank you for your consideration of this project. If you have any additional questions, please feel free to contact me at 406-538-2200.

Sincerely,

Chris Cooler, Secretary
Lewistown Downtown Association
Mary Bair  
Montana Board of Housing  
P.O. Box 200528  
Helena, MT 59620-0528

Julie Flynn  
Montana Department of Commerce  
Community Development Division  
P.O. Box 200523  
Helena, MT 59620-0523

July 30, 2020

To Whom It May Concern:

We are writing in support of Homeward’s Housing Tax Credit and HOME applications for Crowley Flats located here in Lewistown. Our organization, Fergus County Port Authority (FCPA), works with a broad base of dedicated individuals and community organizations to foster the growth of well-paying jobs via new business start-ups, business expansion and business recruitment. FCPA works with regional, state and national economic development organizations as well as community leaders and employers to facilitate job creation and a stronger economic base for the citizens of Fergus County.

Lewistown, like many Montana communities, is struggling to keep our downtown area vital and economically strong. This project will help bring life to the downtown community and will occupy a chronically vacant historic building, preserving our community’s heritage and supporting the community’s economic health. Many of our constituents struggle to find safe, healthy homes that they can afford to rent, and this project will provide a critical resource to address that need. Combining the homes with an accessible community health center recognizes the important connection between health and wellness and stable access to quality affordable homes.

We encourage the Montana Board of Housing to support this progress on meeting the needs of our Lewistown community.

Sincerely,

[Signature]

KellyAnne Terry  
Chairperson  
Fergus County Port Authority
Mary Bair  
Montana Board of Housing  
P.O. Box 200528  
Helena, MT 59620-0528

Julie Flynn  
Montana Department of Commerce  
Community Development Division  
P.O. Box 200523  
Helena, MT 59620-0523

Date July 31, 2020

To the Montana Board of Housing and Montana Department of Commerce:

We are writing this letter to urge you to select the Crowley Flats project in Lewistown for funding this year. We understand you have a lot of good and important projects that are looking for support, but this project has an important timing element that would make it significantly more cost effective to fund this year instead of later. As we understand it, the project is being done in collaboration with Bighorn Valley Health Center’s proposed new clinic downtown. Hopefully, you understand the cost efficiencies that would result form these two projects occurring on a similar timeline.

District 6 HRDC is a community action agency. We conduct frequent community needs assessments and the recurring need from these surveys is the lack of available housing. We administer Section 8, which currently has a waitlist of 42 households. We could issue more vouchers if the rentals are available, the biggest barrier to issuing these vouchers is the lack of low-income housing.

We hope you will see that this project, funded this year, is quite important to Lewistown and will accomplish so much more than just the critically needed homes.

Respectfully,

[Signature]

Cathy Seilstad, Executive Director  
District 6 HRDC  
300 1st Ave. N. Suite 203  
Lewistown, Mt. 59457

Serving Fergus, Golden Valley, Judith Basin, Musselshell, Petroleum, and Wheatland counties.
Hi, my name is KellyAnne Terry and I am a business manager in Lewistown. I am writing to support the funding applications for Crowley Flats that is being submitted by Homeword, Inc. As a manager in a small Montana town, I frequently hear from other business owners and experience myself the challenges of finding and retaining good employees. One of the biggest challenges is the lack of homes our prospective employees can afford to rent. Many of the places they can afford are substandard and not very healthy homes for them and their families. We are happy to see some new homes that are healthy and safe being created in our community. We also like the idea of these homes being created in our downtown area. Lewistown has a charming historical downtown area, but there have been some vacancies in our downtown buildings, and this, with the health clinic, will really help.

I hope the Board of Housing understands how important this project would be to Lewistown. Our rural location would be greatly benefited by safe, affordable housing and I believe this project should be supported thoroughly.

Sincerely,

KellyAnne Terry
General Manager
The Calvert Hotel
July 1, 2020
Board of Housing
Attn: Mr. Pat Melby, Chair,
Helena MT 59601

Dear Mr. Melby;

I’m writing this letter of support for the proposal is build an additional 24 apartments to be called Laurel Depot and located at 202 8th Avenue in Laurel. Adding more affordable housing to our region is important to economic and community development.

As Economic Development Director for a five county region, including Laurel in Yellowstone County, it’s my pleasure to add support to this project. Adding more affordable housing is also consistent with our regional planning document known as the CEDS or Comprehensive Economic Development Strategy. This document is available on our website at Beartooth.org

Please contact me if I may be of further assistance at the address below or email me at ssimonson@beartooth.org

Sincerely,

Steve Simonson
July 21, 2020

Mr. Patrick Melby, Chair
Montana Board of Housing
Montana Department of Commerce
301 S. Park Avenue, Ste 240
Helena, MT  59620-0528

RE:  Laurel Depot Housing Project-Laurel

Dear Mr. Melby and Board Members,

Big Sky Economic Development (BSED) is pleased to provide a letter of support for the Laurel Depot application to the Montana Board of Housing.  BSED serves as the economic development organization for Yellowstone County.  As such, we are aware of the demand and need for quality affordable housing in our region.  Laurel Depot will be a project that will help to meet the growing need for workforce housing.

The population and economy of Billings and our bedroom communities throughout Yellowstone County has grown significantly in the past decade, resulting in a very tight housing market with a significant shortage of decent, affordable rentals for people of moderate means. Covid-19 has only exacerbated this problem.  Today, Yellowstone County has a high need for housing with significant wait lists for housing including over 2300 individuals on the one-bedroom public housing wait list alone.

Laurel Depot’s 24 apartments for families will provide a vital resource for many low-income people in the City of Laurel.  The need is great, and this will be an exceptional project for the community.  The plan to create housing that uses energy efficient components, handicap accessibility through universal design, and are family friendly is very appealing.  The property will be an in-fill neighborhood project.

Laurel Depot will also be perfect for our County’s workforce households – teachers, clerks, nurses, wait staff, laborers, local government staff – as well as retirees, all the people who in so many ways support our communities through their activities.

The greatest housing need in Billings is the development and renovation of affordable housing for both owners and renters with incomes from zero to 80% of Area Median Income, according to the City County Consolidated Plan FY 2015-2019.  The planned development of Laurel Depot will target to individuals at 40% to 60% of median income.
We concur, the need throughout our County for affordable housing is substantial, especially with our consistently growing population and the reach of Billings into neighboring bedroom communities.

We are pleased to provide this letter of support for the Laurel Depot Project. It is a much-needed project for the City of Laurel which has not had a project of this type in many, many years. Thank you in advance for your thoughtful consideration of this worthy project.

Sincerely,

[Signature]

Dianne R. Lehm
Community Development Director
July 20, 2020

To the Montana Board of Housing
Attn: Mr. Pat Melby

As the publisher of The Laurel Outlook, I have been aware of the shortage of affordable housing in Laurel for many years. Continued growth in and around Laurel has caused a housing crisis. Working class and low-income folks have very few options and end up paying more than they can afford for sub-standard housing.

I am excited for Laurel to have the new Laurel Depot Apartments and enthusiastically support its funding and building. With new wind farms being built nearby and the area workforce increasing, housing is lagging behind the need. The Laurel Depot Apartments at 202 8th Ave. in Laurel will be a welcome addition to the city. I am personally excited that the development utilizes the newest in energy efficiency and will build as many fully handicapped-accessible units as the possible.

Mayor Tom Nelson of Laurel said it well, and I agree with his sentiments: “To my knowledge, the City of Laurel has not had an affordable housing tax credit project for 18 years. Due to the proximity of Billings and the expensive rental market in Billings, Laurel has seen an increase in demand for affordable housing. Frankly, there is a substantial need and very few options. I reviewed the proposed Laurel Crossing project and without hesitation support your efforts.”

Best,

Kathleen Gilluly
July 21, 2020

We are writing to support the funding and building of Laurel Depot Apartments by GL Development. Low Income Housing Tax Credits are essential to making this very necessary project come to fruition.

These affordable apartments for families will provide a vital resource for many low income people in the Laurel area. Our membership is well aware of the significant need for additional -- and especially affordable -- housing.

Laurel Depot will also be perfect for Laurel's workforce households – teachers, clerks, nurses, wait people, laborers, local governmentstaffs – as well as retirees, all the people who in so many ways support our communities through their activities.

Mayor Tom Nelson of Laurel said it well, and we strongly agree:

"To my knowledge, the City of Laurel has not had an affordable housing tax credit project for 18 years. Due to the proximity of Billings and the expensive rental market in Billings, Laurel has seen an increase in demand for affordable housing. Frankly, there is a substantial need and very few options. I reviewed the proposed Laurel Depot project and without hesitation support your efforts."

We concur; the need throughout our community for affordable housing is substantial, especially with our consistently growing population and the reach of Billings into neighboring bedroom communities like ours.

We wholeheartedly support the application by GL Development for the funding and construction of Laurel Depot, and look forward to celebrating its presence.

Sincerely,

Board of Directors
Laurel Chamber of Commerce
July 7, 2020

Mr. Pat Melby  
Chair, Board of Housing  
Montana Department of Commerce

RE: Yellowstone County’s enthusiastic support for the funding of Laurel Depot Apartments in Laurel

Dear Pat,

We are writing to support the funding and building of Laurel Depot Apartments by GL Development. Low Income Housing Tax Credits are essential to making this very necessary project come to fruition.

These twenty-four apartments for families will provide a vital resource for many low-income people in the Laurel area of Yellowstone County.

Laurel Depot will also be perfect for our County’s workforce households – teachers, clerks, nurses, wait people, laborers, local government staffs – as well as retirees, all the people who in so many ways support our communities through their activities.

Mayor Tom Nelson of Laurel said it well, and we echo his sentiments:

“To my knowledge, the City of Laurel has not had an affordable housing tax credit project for 18 years. Due to the proximity of Billings and the expensive rental market in Billings, Laurel has seen an increase in demand for affordable housing. Frankly, there is a substantial need and very few options. I reviewed the proposed Laurel Crossing project and without hesitation support your efforts.”

We concur, the need throughout our County for affordable housing is substantial, especially with our consistently growing population and the reach of Billings into neighboring bedroom communities.

We wholeheartedly support the application by GL Development for the funding and construction of Laurel Depot and look forward to celebrating its presence.
Thank you for your consideration.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Denis Pitman, Chairman

Donald W. Jones, Member

John Ostlund, Member

BOCC/emw
To Whom it may concern,

I am against and do not support the request to build additional housing in the Jackson St Development. Reasons are as follows.

1. Too much traffic: Every day there are tons of vehicles driving down our street driving 5 to 10 miles over the speed limit. To many children have almost been killed by this. We have called the Authorities many times for years and nothing has been done. They fly around the corner from Jackson st and the gravel road and have spun out ended up in people’s yard and rocks flying everywhere. We need to keep our neighborhoods and children safe.

2. Drug traffic: There are enough homes in the area with a lot of drug traffic. Every day a lot of us worry about our children walking home from school or playing in their yard due to these issues. I have lived here for over 20 years and nothing has been done to stop these issues.

3. More people wandering in your yard and on your property, (have had a few issues with this already. Had a guy walk into a neighbor’s home he undressed on his porch and walked in the home in disposed. He was high on something bad did not know where he was or anything. Started trying to get into other homes on this street as well. He was finally removed by officers before anyone was hurt. We all already must keep our doors locked because of this, we do not need more traffic or crime. We need to keep our families, and children safe.

So, NO I DO NOT SUPPORT THIS. All this will do is as stated add more traffic on our street, drugs in our neighborhood, and more crime.

Sincerely

Nona

Sweetlisarose72@gmail.com
To Whom it may concern,

We’re living in a crime free neighborhood. The only problem we have are speeding traffic down our streets and that is bad enough. A lot of the time they are not driving 5-10 MPH over the speed limit. I have seen vehicles in excess of 70-80 MPH. We have called the police department and never get patrolled that much. We do not need drug problems, or vandalism. Nothings perfect but if we add another apartment complex in things could be a lot worse than they are now.

Sincerely,

Dale Kiel

DKit623@gmail.com
Hello Kellie,

My name is Rick Wingerter, me and my wife live on Hillview Lane, one block West of Jackson. We are almost behind the vacant lot where they want to build a bunch of Apartments. We have a lot of low-rent and multi-family housing in this area of town. We see a lot of traffic and congestion from them. I think to add this many more would be devastating to our area.

We are very much against this project. It sounds to me like someone is trying to make a quick buck off of taxpayers money. We’re asking for your help to stop this project.

Thank you very much and God Bless you,

Rick & Lora Wingerter

Rick & Lora Wingerter 416 Hillview Lane  Billings, Montana 59101   Phone: (406) 259-3300
Dear Ms. Guariglia:

I am writing you about the 39-unit lower income housing development proposed for Jackson Street here in Billings. This would be a horrible addition to our south side neighborhood for a number of reasons. Are you read to hear them? Here we go!

1. The area is already deluged with lower socioeconomic housing. The “row houses” are right across the street, and so is government housing.

2. Jackson Street is, well, a highway. They have double lined it (to give you some idea) so people won’t pass each other when driving, which, incidentally, doesn’t work. Jackson is a connecting street between State Avenue and King Avenue East, both of which are major arteries. Massive amounts of traffic use Jackson Street to get to Sam’s Club and Cabela’s on King Avenue East, as well as to get to the Interstate Highway. I have lived at 518 Jackson since 1974 and the traffic is going ALL NIGHT LONG, 24-7.

3. We don’t need more traffic on Jackson Street! A 38-unit housing development would add huge amounts of traffic, adding more danger to an already unsafe city street.

4. Four schools are in close proximity to Jackson Street: Orchard Elementary, Riverside Middle School, Newman Elementary, and Ponderosa Elementary. Children, as well as adults, use Jackson Street to get to school. The increased enrollment in these schools would lower the quality of education, AND further crowd the schools—NOT what we need to control Covid 19. Our kids deserve better than that.

5. The housing development would have its traffic entering and exiting via Jackson Street.

6. There is lots of crime in the area, including narcotics, theft and human trafficking. I’ve had my home burglarized twice and my truck stolen right out of my driveway. I tell my friends that I live in the safest place in town—the cops are down there all the time! Ask any Billings policeman or any Yellowstone Count Sheriff’s officer; they will tell you all about Jackson Street and the crime that takes place there, and about the huge traffic problem.

7. Lower socioeconomic housing projects foster crime. They also generate lots of trash and litter which is a huge problem now. We do not need more.

8. There are many other areas where this development could be built. The west end of Billings has lots of area as does Billings Heights. The development could be built closer to the area of malls, theaters, and shopping centers. We don’t have those types of stores here on the South Side.

9. Low cost housing units stigmatize neighborhoods as “hoods”, ghettos or tenements, and frequently end up that way. Why should poor people have to live only where there are already lots of poor people?

10. Property values in the area will be lowered if this housing development goes through. There are many of us in the neighborhood who take great pride in our property and we also pay very high taxes. We do not wish to have our property values destroyed.

11. Neighbors and I have a petition signed by over 100 area residents that states WE DO NOT WANT THIS HOUSING DEVELOPMENT! We have lived there a long time and should have heavy “say” in this matter.
12. The 3.6 acres under consideration could be “Green Spot”, a community area for people to relax among green grass and trees with picnic tables. The acreage is bordered by water on its north and south sides, and could be developed into something really nice employing its natural qualities since lots of wildlife use the area; these include Canada geese, mallard ducks, mule deer, songbirds, great blue herons, various songbirds, rabbits and squirrels. The children and their parents in this area have nowhere GREEN to go in the neighborhood. Let’s think about this and put the housing development SOMEWHERE ELSE. “Green Spot” can happen. Where there’s a will, there’s a way.

Ms. Guariglia, thank you for reading all this! I’m sure you have enough to do already. Please call me at home: 406-259-6718, if you wish to speak with me, or, I could meet you at the proposed area with my city alderman if you wish. Meanwhile, I plead with you NOT to allow the proposed housing development.

Sincerely,

Bill Hope

518 Jackson Street

Billings, Montana 59101
KELLIE,

Hi, as property owner in this area I am against this development. The city cannot even keep up with trash disposal in the current townhouses. The police are struggling to keep up with the crime and more houses more crime. Our school are also overloaded. Please consider this carefully.

Thank you, Rick Eastman
Kellie Guariglia,

I am a long time resident of the south side. Born and raised in the area of discussion. I am against this housing development. Our schools were overcrowded when I attended and I am being told they are at capacity. This makes schools unsafe and no one learns, especially now with social distancing. I am a firm believer that this will last at least two more years. Also, there is a large ditch in the area and it will be a safety hazard for the children so close by.

Thank you for your consideration regarding this matter.
Sincerely,
Austin Eastman
Ms. Guariglia,
I would like to state my views on this project. Our schools continue to be overcrowded in this area. This development will add to the overcrowding. It will also increase the crime and traffic in the area, this is already a high crime area. The police and fire are asking for more money, which means less help for the south side if they don't get the funds. Please stop this from moving forward. Thank you for your time.

~Trevor Eastman~
I am herewith advising I am against the Jackson Street Development. Thank you so much for your time and dedication to the City of Billings! I live at 4129 Vaughn Lane, 59101. I am thinking it would be nice if money could somehow be infused in the properties now existing on Jackson Street that are in such disrepair – so sad!

Thank you,

Sylvia Basnett, Legal Assistant
sbasnett@brownfirm.com
Guy W. Rogers, Jon A. Wilson, and Brett C. Jensen
BROWN LAW FIRM, P.C.
315 N. 24th Street | PO Drawer 849 | Billings, Montana 59103-0849
Hi Kellie,

I would just like to let you know how I feel about the Jackson Street Development. Please do not allow this to happen by giving them tax credits. This area of the south side cannot support 38 units. Our schools are at near full capacity. A beautiful new school was just put in on the heights - it would be a perfect place for new apartments. The increase in traffic and crime will tax our already overburdened police and fire departments. There is also the matter of the large ditch. Is there money to cover that as it will be a "draw" to any young children. (Another huge safety issue)?

Thank you,
Kerri Tallerico
Kellie:
I am against the Jackson Street Development. I feel that the increased traffic on Jackson Street will be dangerous for our children walking to and from Orchard School. Also when they walk to the Boys and Girls Club on Orchard or the park on Hallowell. The schools are at their capacity now. The crime rate is also high in this area. Adding 38 additional rental units will not only add to the population of the area it will add to the crime rate, litter and traffic.
I understand that some of these units will be for elderly or special needs individuals, I feel that they will be at a risk in living there – just because they have to depend on someone to help them. This is not a place where I would want an elderly person or a special needs person to live by themselves.
Please consider these things before you award any funds or tax credits to a project that is not conducive to this area. We do need affordable housing in Billings, just not this many units in one place in our area. Maybe they could cut the number of units in half.
Thank you for your time.

Barbara Prewett
310 S. Billings Blvd.
Billings MT 59101
406 679-4395
October 1, 2020

Mary S. Bair
Multifamily Program Manager
Montana Board of Housing
301 S. Park Avenue
P.O. Box 200528
Helena, MT 59620-0528

Re: Request for comments -- MRM Unified Campus and Jackson Court

Dear Ms. Bair:

This letter is provided in response to your letter of August 7, 2020 requesting “any comments you may have regarding the [above-referenced] project(s).” I appreciate the opportunity to provide further information and input relating to these projects, subject to the conditions and limitations described in the following paragraph.

First, this letter only reflects my personal thoughts and is not in any way intended to speak for the Billings City Council, city staff, or any other person or department associated with the City of Billings as I am not authorized to speak on behalf of anyone else and the foregoing have not reviewed or approved this letter. Second, it is possible that either or both of these projects might someday come before the Billings City Council for land use or other regulatory approval, and, if that occurs, nothing in this letter should be interpreted to suggest what my personal views might be relative to any such application, if one were submitted. I am and will remain impartial in reviewing the merits and challenges associated with these projects.

Both the MRM Unified Campus and Jackson Court projects are aimed at addressing a significant shortage of affordable housing in Billings. Currently more than 3,000 people are on the waiting list for affordable housing maintained by the Housing Authority of Billings. As in many other Montana communities, population growth, the high cost of new construction, deterioration of older housing stock, zoning restrictions, and other factors continue to drive up the cost of residential housing, especially rental units. When that reality is combined with per-capita income that trails far below most of the country, the result is an affordability gap that increasingly puts reasonably-priced housing outside the reach of many Billings residents, especially racial and ethnic minorities.
The Montana Rescue Mission ("MRM") has been providing housing, help, and hope for the homeless population in Billings for more than 100 years. MRM shelters more than 1200 different people every year thanks to its strong leadership, a solid donor base, and broad community support. Although MRM’s focus typically has been on providing congregate housing for those in the most severe need, their Unified Campus concept will provide a variety of housing options and services for many different groups. MRM is located on historic Minnesota Avenue, which borders our downtown and provides a major accessway to the South Side Neighborhood. The South Side is a low-income area that has struggled for many years but is now undergoing modest redevelopment, especially in the vicinity of the MRM property. The MRM Unified Campus will provide significant momentum for an area that is ripe for revitalization.

The Jackson Court project is located in the center of the South Side Neighborhood. Historically one of the oldest and most economically-challenged parts of Billings, the South Side has enjoyed a slow but steady upward trajectory in recent years. Streets and utilities have been improved; abandoned properties are being torn down; and several new housing projects have been completed here in recent years. The vacant 4-acre or so parcel on Jackson Street that is the location of the Jackson Court project is a prime candidate for development. The surrounding area is economically stable, served by public transportation, has nearby schools and a large park, and is roughly a mile from the edge of downtown. Typical sale prices for houses adjacent to the parcel range from approximately $160,000 to $200,000. Like other parts of the South Side, the area does not have walkable access to groceries as the closest grocery store is more than a mile away.

My understanding is that the Jackson Court developer proposes to build approximately 38 multi-unit townhomes. In addition to increasing the supply of affordable-housing, the new construction would likely be an economic stimulus and morale-booster for the South Side, hopefully encouraging further redevelopment. However, many neighbors have expressed opposition to the project based on various concerns, including, but not limited to: increased traffic on Jackson Street; loss of existing "green space"; school capacity; reduction of property values; increased crime; unfair concentration of low-cost housing in the area, etc. It may be possible to mitigate some (but perhaps not all) of these impacts through the special review zoning process that allows our local government to impose reasonable conditions on development. I believe the developer has had several meetings with the neighbors to get input on possible modifications that might reduce the number of objections from some of the neighbors.

Thank you for your work on these and other valuable projects around Montana.

Respectfully,

William A. Cole, Mayor
City of Billings
August 4, 2020

Cheryl Cohen, Executive Director
Montana Board of Housing
P.O. Box 200528
Helena, MT 59620-0528

Dear Ms. Cohen:

I write in support of the applications for Low-Income Housing Tax Credits (LIHTC) to develop new housing in Billings, Montana and rehabilitate existing housing in Havre, Montana.

The Jackson Court and Highland Manor projects in Billings and Havre, respectively, offer a unique structure using nine percent credits to develop new housing and leverage four percent credits to rehabilitate existing housing and preserve USDA RD rental assistance. Jackson Court LLLLP plans to construct 38 new apartments in Billings with a combination of competitive nine percent LIHTC and HOME funds. Highland Manor 4 Residences LLLLP plans to renovate 32 apartments in Havre with a combination of four percent LIHTC and HTF funds. This project will secure the USDA rental assistance for another 40 years, renovate 32 apartments, construct 38 new apartments, and address housing needs in two Montana communities by tapping an underutilized resource as well as HUD’s HOME Investment Partnerships Program and National Housing Trust Fund resources to deliver an efficient and effective use of LIHTC and HUD resources. Jackson Court’s 38 new apartments in Billings will offer 20 one-bedroom, twelve two-bedroom, and six three-bedroom apartments. It will also include a management offices space, play area for children and, if the budget allows, a community building with a community kitchen, and shared facilities. Additionally, they are reaching out to local non-profits to offer educational classes, free medical services, the provision of meals on wheels, and more to Jackson Court’s future residents. Highland Manor, in Havre, needs ADA upgrades, energy efficiency improvements, new doors and windows, and new finishes and fixtures.

Thank you for your attention to this application. If I can provide any additional information, please do not hesitate to contact me. I would also appreciate you informing my office of the eventual decision on this application.

Sincerely,

Jon Tester
United States Senator
TO: Montana Board of Housing  
ATTN: Kellie Guariglia

I, Frank Fuhrman and 93 other residents are opposed to the subdivision complex (Jackson Court) proposed for Billings, MT

The reasons being are:

Safety Issue #1

The proposed Jackson Court complex consisting of 38 apartments would inflict an enormous amount of vehicles = 76 vehicles, not including family and friends.

The infrastructure in this area is not complete. The streets are gravel, no sidewalks, no curbs or gutters. The roads and sidewalks are only half complete on Hallowell and Jackson. This is very detrimental for the children and other pedestrians walking on all these roads. There is also the issue when they have baseball games at Optimist Park. The games bring in between 75 to 125 extra vehicles that park on Hallowell Street.

Safety Issue #2

We have a high density population in this area already and a substantial amount of crime, drugs, vandalism in this area and surrounding neighborhoods. If this complex, Jackson Court, were to be constructed, we feel this would only add to the crime activity. Our Billings Police Force is already overburdened and understaffed, the police cannot answer all the calls around here already.

Issue #3

The Density of the apartments and residents in this area is already high. Low income and government housing, already exists on the east side of Jackson Street across from the proposed Jackson Court apartments

Issue #4

Litter in this area is already reprehensible from people throwing out trash on our streets from cars going by

Issue #5

Since this complex is right next to Kratz drain (an open ditch) this is another safety issue for the residences of the proposed Jackson Court. Would need a culvert installed and closed up
issue #6

Property values would be lowered if this Jackson Court goes in. We take pride in our houses and property and we also pay a substantial amount in taxes.

Closing Statement

I Frank Fuhrmann would like the Montana Board of Housing to deny giving federal tax credit financing to GL Development for the use of constructing Jackson Court Apartments. Our covenants here state that there would be only family owner occupied homes only. Our neighborhood surrounding the proposed Jackson Court project contains single family residences to the North, South and West. The density to the east is full of low income affordable apartments already.

In the 25 years we have lived here the increase in crime and extra vehicles has already had a detrimental affect on our neighborhood. We fear if this complex is built it will add more traffic and more crime to the area and jeopardize our safety and for the residents who already live here.

Another major rental unit in a single family owner occupied houses with gravel roads and limited access would indeed have a major negative impact here.

GL Developers is not looking out for the residents in this area, and do not care about affordable housing, but only for the profit of themselves and the company.
From; Frank Fuhrmann  
433 Hillview Lane  
Billings, MT 59101  
406-855-0721  

Enclosed in this packet is some of the pages codes from the Yellowstone County Zoning Regulations, maps showing existing apartment buildings, and existing roads. The petition of signatures from the residents who are against this project (Jackson Court Apartments), and 3 letters from residents. If you or any of the members of the MBOH have any questions, please feel free to give me a call. Thank you for your time.

Sincerely,

[Signature]

09-11-2020

There is adopted by the board of county commissioners for the purpose of classifying the industries set forth in section 27-306, the whole 1987 Edition of the Standard Industrial Classification Manual, published by the Executive Officer of the President, Office of Management and Budget, of which manual one copy is now filed in the offices of the county clerk and recorder, and the same is adopted and incorporated as fully as if set out at length in this chapter, and from the date on which this Resolution is adopted said manual shall take effect.

Sec. 27-308. - Area, yard and height requirements—Residential.

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<td>ZONING REQUIREMENTS</td>
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For the Grisey Subdivision, there would have to be a Plat Change, to accommodate the buildings proposed for the Jackson Court Apts. by GL Development. A Special Review would have to be done and then a Public Hearing. Attached is a copy of Grisey Subdivision and proposed buildings.
GRISEY SUBDIVISION
IN THE NE\NE\SE\SE\, SECTION 9, T.15 S. R. 26 E. M.P.M.
YELLOWSTONE COUNTY, MONTANA

FOR JACK GRISEY
BY R.T. HURDLE & SONS, ENGINEERS

JULY 1958
SCALE: 1" = 80'

MONTANA

SCALE:

VAUGHN AVE.

GRISEY SUBDIVISION
IN THE NE\NE\SE\SE\, SECTION 9, T.15 S. R. 26 E. M.P.M.
YELLOWSTONE COUNTY, MONTANA

FOR JACK GRISEY
BY R.T. HURDLE & SONS, ENGINEERS

JULY 1958
SCALE: 1" = 80'

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<th>Commercial</th>
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<th>Publicly-Owned Government-Owned Buildings and Uses</th>
<th>Pipeline and Distribution Lines (oil and gas) and Accessory Structures</th>
<th>Parking - Public</th>
<th>Manufactured Home Parks</th>
<th>Special Review Area</th>
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</table>
<table>
<thead>
<tr>
<th>Column A</th>
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### Notes
- The text is too small and unclear to transcribe accurately.
(2) Deny the application.

The county zoning commission shall submit its recommendations in writing along with a statement indicating its reasons for the recommendation to grant, deny, or allow withdrawal of the amendment within fifteen (15) days following the public hearing. In no case shall the county zoning commission make a recommendation that an amendment be granted for an amendment that was not legally advertised.

In making its recommendation to the board of county commissioners for an amendment to the official map or text of this chapter, the county zoning commission shall consider, among other things, the following:

(1) Whether the new zoning is designed in accordance with the growth policy;
(2) Whether the new zoning is designed to secure from fire and other dangers;
(3) Whether the new zoning will promote public health, public safety and general welfare;
(4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
(5) Whether the new zoning will provide adequate light and air;
(6) Whether the new zoning will effect motorized and nonmotorized transportation;
(7) Whether the new zoning will be compatible with urban growth in the vicinity of cities or towns;
(8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
(9) Whether the new zoning will conserve the value of buildings;
(10) Whether the new zoning will encourage the most appropriate use of land throughout Yellowstone County; and
(11) Whether the new zoning will, as nearly as possible, be compatible with the zoning of nearby cities and towns.

(e) Board of county commissioners action. Notice of the board of county commissioners public hearing shall be published once a week for two (2) weeks in a newspaper of general circulation. The notice shall contain the time, date and place of the board of county commissioners public hearing, the boundaries of the proposed district, the general character of the proposed zoning district or regulations and that the proposed zoning regulations or district boundary change are on file for public inspection at the office of the county clerk and recorder. Before taking any action on an application for an amendment to the official map, or amendment to the text of this chapter the board of county commissioners shall first consider the findings and recommendations of the county zoning commission. In no case shall the board approve an amendment for a classification other than the one advertised. The board shall:

(1) Approve the application;
(2) Deny the application;
(3) Allow withdrawal of the application; or
(4) Delay action on the application for a period not to exceed thirty (30) days.

Sec. 27-1500. - Special review by county zoning commission.

(a) General. Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this chapter to provide a system of review of such uses so that

Would need impact study of traffic

in the area
the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this chapter and the objectives of the comprehensive plan.

(b) Application procedure. An application for a special review may be submitted by the property owner, contract purchaser or his/her authorized agent. Such application shall be filed with the zoning coordinator and shall be submitted under the following conditions:

(1) The application shall include, but not be limited to, the following information:
   a. A legal and general description of the tract(s) upon which the special review use is sought;
   b. A map showing the dimensions, acreage and location of the tract(s);
   c. The names and addresses of the owner(s) of the tract(s) and his/her authorized agent, if any, along with the recorded property owner's signature;
   d. A certified list of the names and addresses of the owners of property within a radius of three hundred (300) or more feet, as determined by the zoning coordinator, of the exterior boundaries of the tract(s);
   e. Gummed mailing labels with the names and mailing addresses typed or printed neatly of all of the property owners indicated on the certified list;
   f. A site plan showing major details of the proposed development including but not limited to: the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping, screening, signs and open space areas;
   g. The application must be accompanied by the payment of all applicable fees; and
   h. Any other information the applicant believes will support his/her request or other information as requested by the zoning coordinator or planning department.

(2) An application may be withdrawn or amended at any time prior to the publication of the legal advertisement for the public hearing before the county zoning commission. After legal notice for the county zoning commission public hearing has been published, the request for withdrawal shall be submitted to the planning department office at least twenty-four (24) hours prior to the public hearing. The county zoning commission may allow withdrawal of the application, after advertisement of the zoning commission public hearing has been published, by a majority vote of the members present, without prejudice with respect to the twelve (12) month waiting period after the application has first been submitted. However, no application shall be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted.

(3) An applicant may request a delay for a period not to exceed thirty (30) days on the hearing of his/her application before the county zoning commission. The request for the delay and reasons must be submitted in writing to the planning office or chairperson of the county zoning commission twenty-four (24) hours in advance of the public hearing. Approval of a delay shall require a majority vote of the members present, without requiring county commission approval of the delay. Only one (1) such delay shall be allowed on any application.

(4) The application must be submitted, together with all applicable fees, to the zoning coordinator twenty (20) days prior to the date of the public hearing.

(c) Planning department action. The zoning coordinator, upon receiving an application for a special review use, shall do the following:

(1) Consult with other departments of the county to fully evaluate the impact of the use contemplated under the special review application upon public facilities and services;

(2) Study each application with reference to its appropriateness and effect on existing and proposed land uses, and its correspondence with the comprehensive plan;
(3) Advertise notice of the application in a newspaper of general circulation fifteen (15) days in advance of the date of the county zoning commission public hearing. The notice shall contain the time, date and place of the county zoning commission public hearing;

(4) Notify, by mail, the applicant and/or his/her authorized agent, of the time, date and place of the public hearing five (5) days in advance of that date;

(5) Notify the property owners, by mail, within three hundred (300) feet of the exterior boundaries of the tract(s) subject to the special review of the time, date, place and proposed use at least fifteen (15) days prior to the public hearing date. The zoning coordinator may notify property owners within a distance greater than three hundred (300) feet if he/she determines that the proposed use would be such as to have a substantial environmental impact on the surrounding land uses;

(6) Place notice of the public hearing on the property subject to the special review fifteen (15) days in advance of the public hearing; and

(7) Report his/her conclusions and findings, in writing, to the county zoning commission, which report shall become a matter of public record.

(d) County zoning commission action. The county zoning commission shall consider each application in accordance with the provisions of this chapter, and at a public hearing at which time the application has been legally advertised. Each application shall be presented to the county zoning commission, by the zoning coordinator or his/her designee, together with his/her conclusions and findings on the matter. The county zoning commission may, by a majority vote of the members present, delay action for a period not to exceed thirty (30) days, without prejudice to the applicant. A written report of the commission's decision and recommendation and the zoning coordinator's report shall be submitted to the board of county commissioners.

The county zoning commission shall make a recommendation to the board of county commissioners to:

1. Approve the application;
2. Conditionally approve the application; or
3. Deny the application.

Recommendations from the county zoning commission shall be based on findings of fact and shall be transmitted to the applicant, or his/her agent and the board of county commissioners within fifteen (15) days of the date of the public hearing before the commission.

Before approving a special review use, the county zoning commission shall find that the contemplated use:

1. Complies with all requirements of this chapter;
2. Is consistent with the objectives and purposes of this chapter and the comprehensive plan; and
3. Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

Further, the county zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting; and/or
(8) Noise, vibration, air pollution and similar environmental influences.

(e) Board of county commissioners action. Notice of the board of county commissioners' public hearing shall be placed in a newspaper of general circulation. The notice shall contain the time, date and place of the board of county commissioners public hearing. Before taking any action on an application for a special review use, the board of county commissioners shall first consider the findings and recommendations of the county zoning commission. In no case shall the board approve a special review use other than the one advertised. The board shall:

(1) Approve the application;
(2) Conditionally approve the application;
(3) Deny the application;
(4) Allow withdrawal of the application; or
(5) Delay the application for a period not to exceed thirty (30) days.

Sec. 27-1510. - County board of adjustment.

(a) Created. There is hereby created a Yellowstone County board of adjustment consisting of five (5) members residing on property, any part of which lies within the unincorporated jurisdictional area of this chapter. The members are to be appointed by the board of county commissioners for a term of two (2) years and the terms of the members shall be staggered so that a minimum number of terms shall expire in any one (1) year.

(b) Proceedings. Meetings of the county board of adjustment shall be scheduled at a regular time each month and special meetings may also be called by the chairperson. The chairperson may cancel the regular monthly meeting if no matters are pending for the board's consideration. The chairperson, or in his/her absence, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. In exercising its powers and duties under this chapter, not less than three (3) members of the board shall constitute a quorum.

The board of adjustment shall keep minutes of its proceedings, showing the vote of each member, or if absent or failure to vote, indicating such fact. The board shall keep records of its examinations and other official actions, all of which shall be public record and shall be filed in the office of the Yellowstone County board of planning, with copies forwarded to the board of county commissioners and zoning coordinator within thirty (30) days. The official minutes of the board's proceedings shall be signed by the chairperson or acting chairperson. The decision of the board shall become effective immediately, unless otherwise directed by the board. The board shall adopt bylaws for the conduct of its affairs and responsibilities under this chapter.

(c) Hearing, appeals, notices. Appeals to the county board of adjustment may be taken by any person aggrieved or by any office, department or bureau of the county affected by any decisions of the administrative officer. Such appeal shall be taken within a reasonable time, not to exceed thirty (30) days, by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and with the county board of adjustment. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed was taken.

The county board of adjustment shall fix a reasonable time for the hearing of appeal, not to exceed thirty (30) days, give public notice thereof, as well as due notice to the parties in interest, and render a decision within a reasonable time not to exceed ten (10) days thereafter. At the hearing any party may appear in person, by agent or attorney.

(d) Appeals, stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the county board of adjustment, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the county board of
Google Maps

Optimist Park

Jewish Synagogue

proposed
Jackson Court Site

Gravel Roads
Asphalt Only
Asphalt and Incomplete Sidewalks - One Side Only
Go,

Google Maps

Hardwood Floor

Bruce Ave

Clevenger Ave

Hallowell Ln

Kosmann Inc

Riverside Middle School

Jewish Synagogue

Mitchell Ave

Ryan Ave

Ryan Ave

Run down trailer houses

Proposed Jackson Court Apts

Row Houses - Apts

Apartment - Duplexes

Map data ©2020 Google  
200 ft

Proposed Jackson Court Apts

Google
April 27, 2020

Montana Board of Housing
PO Box 200528
Helena MT 59620-0528

RE: HC-LOI (Housing Credit - Letter of Intent) Combined Jackson Court 9% and Highland Manor 4%

Dear Board of Housing:

This letter with attachment meets the requirements of the Qualified Allocation Plan as it relates to submission of a “Letter of Intent” and if invited will be eligible to submit a full application.

The property being submitted is as follows:

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<thead>
<tr>
<th>Property Name</th>
<th>Jackson Court</th>
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<tr>
<td>City</td>
<td>Billings</td>
<td>Havre</td>
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<td>County</td>
<td>Yellowstone</td>
<td>Hill</td>
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<td>Developer</td>
<td>GL Development &amp; Anderson Consulting Services</td>
<td>Echo Enterprises, LLC</td>
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<td>Jackson Court LLLP</td>
<td>Highland Manor 4 Residences LLLP</td>
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<td>Syringa Property Management</td>
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Property Description:

**Jackson Court 9%** will be a 38-unit new construction family project located in Billings, MT and serve as the 9% side of the scattered site 9%/4% tax credit project. Jackson Court will offer 20 one bedroom, 12 two bedroom, and 6 three bedroom homes for families in an excellent location in South Billings – close to schools, medical facilities, services, parks, grocery stores, and other opportunities. This site is properly zoned and has utilities stubbed adjacent to the site. **This site is not properly zoned and does not have all utilities.**

**Highland Manor 4%** will involve the acquisition/rehabilitation of 32 apartments in Havre, MT (built in two phases in 1986 and 1993) and serve as the 4% side of this scattered site 9%/4% tax credit project. All 32 Highland Manor apartments offer USDA RD rental assistance through the RD 515 Loan Program, and this project’s acquisition was made possible by an award of funds from the new Multifamily Coal Trust Homes Loan program. If awarded 4% tax credits, the Coal Loan will be taken out by a USDA RD 538 loan – freeing up $520,509 from the Coal Loan to invest in other worthy and greatly needed projects.

Updated 3/6/2020
With a fully executed buy sell in place on both properties, Billings architectural drawings complete enough to obtain preliminary construction cost estimates, and completed Highland Manor CNAs, this project is ready to proceed as soon as funding is secured.

Anticipated Amenities and justification for need:

As both the Billings and Havre mini market studies demonstrate, these communities greatly need additional investments in affordable housing. Billings needs an addition 718 homes to serve 2,177 eligible households. While 38 apartments is a small number given the overwhelming need, an investment in Jackson Court will be a critical first step in making a significant impact in the lives of this project's future residents.

In Havre, preserving Highland Manor's 32 homes with USDA RD rental assistance in a community that currently needs an additional 141 homes for 247 income and tenure-eligible households is absolutely critical. Highland Manor residents cannot afford the loss of these homes, as this would not only increase the need of additional homes to 173, it would cost the city a critical resource that, particularly in our current Covid-19 world, is absolutely critical to preventing 32 households from becoming homeless.

Currently, Governor Bullock is seeking solutions to aid vulnerable Montanans in this trying time. The Montana Housing Coalition recommended spending $400 million to, among other things, address housing instability and provide rental assistance payments directly to landlords so families and individuals can remain housed during the period of the pandemic and job loss. Simply, this project will secure federal rental assistance at a time when Montana cannot afford to lose it.

Highland Manor will continue to offer laundry facilities in each building and will benefit from upgraded Energy Star appliances, finishes, kitchens, bathrooms, fixtures, and energy efficiency upgrades. Jackson Court will offer a community building, in-unit washer and dryers, a play area for kids, extra insulation and Energy Star appliances including dishwashers and air conditioning.

If you have any questions please contact us at:

GL Development
4799 Echo Drive
Helena, MT 59602
Ph: (406) 459-5332
E: gleuwer1139@msn.com

Anderson Consulting Services
PO Box 398
Chester, MT 59522
Ph: (406) 390-3754
E: iranderson@outlook.com

Echo Enterprise
4835 Echo Drive
Helena, MT 59602
Ph: (406) 431-2151
E: bekil@blackfoot.net

Sincerely,

Gene Leuwer
GL Development

Logan Anderson
Anderson Consulting Services

Beki Glyde Brandborg
Echo Enterprises, LLC

Required Attachments:
- Letter of Intent Property Information Spreadsheet
- Mini Market Study (full Market Studies will not be accepted)

(note: Font and size is set and must not be changed for letter or attachment, please limit to a maximum two pages)

Updated 3/6/2020
TO WHOM IT MAY CONCERN:

I live at 447 Hillview Lane which is between Morgan Ave. and Mitchell Avenue, 3rd house south of Mitchell Avenue and on the east side of Hillview Lane. I have owned and lived in this property for the last 26 years.

It has come to my attention that someone is proposing to build a 38-unit affordable housing complex on the property east of 433 Hillview Lane. As my work prevents me from personally attending the scheduled meeting concerning this project, I am writing this letter as an alternative.

I am strongly opposed to that kind of project being built at the proposed location. The reason is the area has not been developed yet to accommodate such a project. Most roads are not paved in the area, which also means there currently are no curbs, gutters, and sidewalks available in the entire neighborhood. With gravel roads and no infrastructure, the area is not improved to accommodate the added traffic that would be traveling to and from the complex. There would only be one way in and one way out of the proposed complex. It is a gravel road and would create a substantial amount of traffic creating dust and noise in the neighborhood that would be of a nuisance.

In addition to the increased traffic, I am also concerned about the increase in crime and other nefarious activity that would infiltrate the neighborhood because of the low-income residents that type of complex would attract. There already is a similar housing complex 1 block east of Hillview which is the row-house complex on Jackson Street. That area is well known to the Billings Police Department as an area of high crime and drug activity. There have been at times gunshots on an almost daily occurrence. Fortunately, the property between Jackson Street and Hillview Lane is impeded by a ditch and field which keeps the nefarious activity out of our neighborhood. That complex is also considered an “affordable housing complex” and is one of the most crime-ridden areas in the city of Billings. Has anyone asked the BPD how they would feel to add another such complex on the south side?

I do not want to see that kind of activity in my neighborhood! It has been a decent and quiet neighborhood for the 26 years I have lived here and allowing that complex to be built would undoubtedly change our neighborhood for the worse.

So, again, I am adamantly opposed to build that kind of housing at the proposed location.

Cecil B. Brown
Property Owner
447 Hillview Lane
406-696-6456
I (Rick Wingerter) am apposed to the plan of a 38 unit apartment building located on Jackson Street. I think this would cause a lot of problems in our neighborhood. We have gravel roads on Hillview, Vaughn and several other streets. The traffic is already bad and there are cars that don’t obey the speed limits. We pay a lot of taxes for the upkeep of these roads and it doesn’t last very long now. It would be much worse with all the new residents from the apartment units.

I have a feeling that there might be more crime in the neighborhood with so many more people in the area. Single family dwellings would be more than welcome, especially when the tenant owns the home.

I’ve lived here for 37 years and we’ve seen a lot of changes in housing and not all for the better of the area.

I would like to have been there for the meeting, but I have other commitments.

Sincerely,

[Signature]

Rick Wingerter
July 5, 2020

To Whom it May Concern,

I am opposed to the construction of these apartments for the following reasons:

1. Increased traffic. Many of the roads in our neighborhood are dirt roads. They are very bumpy and rough already. Increased traffic will make them worse.

2. Pedestrian safety. There are no sidewalks in our neighborhood. Increased traffic will make walking more dangerous (see #1).

3. We currently enjoy a friendly, fairly stress-free neighborhood. Please do not allow condition that will allow our living condition to be like those of the Jackson/orvel situation. Thank you for listening to our concern.

Sincerely,

William Barkhard
Petition

We, the undersigned residents of Billings’ South Side, respectfully petition the City of Billings, Montana, to deny the building of any low income housing in the area of Jackson Street and Kratz Lane; specifically that undeveloped and approximate 3.6 acres bordered on the east by Jackson Street and on the north by “Kratz Lane extended” to the west.

We agree that building low income housing on this site would have a very bad effect on our South Side community for the following reasons:

1. Increased traffic on Jackson Street, which at all hours of the day and night has a huge flow of traffic endangering people and property.
2. Impact on Orchard School and Riverside Middle School whose student populations could be hugely increased.
3. The degrading of the community and the lowering of presently existing property values.
4. The destruction of existing “green space” which could be developed into a city park, which is badly needed is this area.
5. The increase of trash and litter in the area.
6. The increase of crime, which is widespread in the area now.
7. The impact on our Billings Police force, which is already overworked.
8. The putting of low-cost housing in an area where low rent government housing presently exists, right across Jackson Street to be exact.
9. Further stigmatizing an area that is thought of by many as a slum or ghetto-type environment.
10. Areas for low cost housing exist elsewhere, such as the west end of Billings where residents of low-cost housing could have easy access to nicer stores, malls, theaters and grocery stores.

No Infrastructure, no paved roads, no sidewalk,
No curb and gutters - Big Safety Issue
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
</tr>
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<tbody>
<tr>
<td>Bill Hope</td>
<td>518 Jackson St 59101</td>
<td>259-6718</td>
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<td>64. Neidra Brookshire</td>
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<td>65. Cora July</td>
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<td>69. Pablo Gonzalez</td>
<td>4130 Cleverger</td>
<td>(406) 245-8941</td>
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<td>Karen Beal</td>
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<td>Ron Santestia</td>
<td>4155 Hallowell Ln</td>
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<td>Matt Hulford</td>
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<td>4188 Ryan VAUGHN/MITCHELL NEED PAVED FIRST</td>
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<td>Barbara Preweitz</td>
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To: Montana Board of Housing  
    Kellie Guariglia

I, Frank Fuhrmann, very much support the MRM, federal tax credit financing. MRM has provided much needed assistance for the displaced or homeless citizens of Billings. They are of vital importance to this community in helping all those people that really need to get their lives back on track. Since MRM is a nonprofit organization, there is no prejudice in who they help. The money would be wisely spent. I also donate to their cause every year.

Frank Fuhrmann  
433 Hillview Lane  
Billings, MT 59101  
09-11-2020
Dear Ms. Guariglia,

To begin, I thank you for your service to our State of Montana and all you do to help make it a great place to live. Without your work as one of our housing representatives, many of us would be at a huge loss. So once more, I thank you!

I am writing to let you know I am adamantly AGAINST the development of "Jackson Court", the low income housing project proposed for the South Side of Billings. The objections are many to this project, and I will explain as best I can the worst of them. The absolute worst is the traffic. Jackson Street to some, seems to have no speed limit. They use it as a thoroughfare between King Ave. East and First Ave. South, where they just "let it rip"--- oblivious to the fact that this is a NEIGHBORHOOD. Unbelievable as it may seem, some motorists are traveling at speeds of over 60 MPH on Jackson. It is worse since Covid 19, as many of the motorists drive motorcycles and they "open it up" when they hit Jackson Street. The development of 38 proposed housing units is designed to enter, and exit, via Jackson. The residents of the proposed court most certainly will have two vehicles apiece, not counting people who will visit them. This would amount to more than 76 additional vehicles daily entering and exiting, and traveling on, Jackson Street. Simply put, WE DO NOT NEED MORE TRAFFIC ON JACKSON STREET that such a development would add. Jackson Street is a HUGE safety issue already, without bringing in more traffic to create a bigger hazard to people's lives. We had a three-car pile-up here a few weeks ago and I pray to God we will have no more. Our school children who use Jackson Street sidewalks (where there ARE sidewalks) are at an enormous risk to their lives as they travel to Orchard Elementary and Riverside Middle School, both in the area. High school students in this part of town gather on Jackson Street awaiting their school buses to take them to Senior High School. Other school children use Jackson Street to attend Ponderosa Elementary on King Ave. East, and Newman Elementary on South Billings Boulevard, both major arteries for motorized traffic.

I have spoken to the police numerous times about the traffic. Speedsters do not normally speed right in front of the police, and the police tell me they cannot catch them when they do. If they pursue, the speedsters are at risk as well as others around them, so the police are bound to just let them go to ensure safety for all of us.

I worry further about our police since this neighborhood is rife with CRIME. Drug deals, prostitution, burglaries and assault are common, unfortunately, in the neighborhood of Jackson Street. For whatever reason, lower socioeconomic housing attracts such crime. I know, having lived at 518 Jackson since 1974. Ms. Guariglia, I live right across the street from government housing. I've had my truck stolen right out of my driveway, and my home has been broken into three times, once while my two dogs were at home. Thank God they were not killed. My next door neighbor recently came home to find two strangers in her house. She came over to my house and told my wife, saying, "I thought you should know." Thank God also she was not hurt as she fled away from the intruders in her home. Mind you, this was in broad daylight! Last year, the police were investigating a disturbance in the government housing and an individual crashed his vehicle right into a police car. The police ended up having to shoot, and kill, this individual who was "high" on drugs. Needless to say, for whatever reasons, lower income housing attracts crime. Every night---EVERY night---traffic on intersecting Morgan Avenue--- on the two blocks immediately east of Jackson Street---is coming and going ALL NIGHT LONG. Many times the police catch criminals in this area but they cannot be there every night. I happen to know currently there is not room in our local jails to hold the criminals, so even after being convicted, they are let go and end up right back on the streets. Our police are understaffed and overworked, so YES, I voted in favor of the safety proposal so we can have more police and firemen on the job. Meanwhile... "the beat goes on" and the crime continues, particularly in areas of low income housing. I know numerous policemen (one is a former student of mine) and they are all familiar with the crimes of Jackson Street. Ask any Billings policemen or policewomen; they all are familiar with Jackson Street, particularly the area around the proposed "Jackson Court". It is rife with crime and drug deals going on daily.
Another issue I have with the proposed development is that we already have numerous buildings of government housing in the area, as well as the infamous "row houses" at the intersection of Jackson Street and Kratz Lane. If you are not familiar with this type of housing, please come and look at them. To put it mildly, they are slums; tenements if you prefer. And where are they? You guessed it—right at the location of the proposed development of 38 more low income housing units; right across the street, to be exact. The effect of this is the stigmatization of our south side neighborhood as a slum, or tenement area also. Why can't the proposed development be put somewhere else? Somewhere its residents can have access to malls, stores, medical facilities and theaters? We have none of those things in this area of the south side. Billings and Yellowstone County are big enough so that our existing neighborhood on the South Side is not further "branded" as a slum area. Lower income housing can be spread out more, and not put where an abundance of it already exists. Residents of more expensive housing don't want it in their neighborhoods, so they just think, "put it on the south side; that's how it is down there anyway." Surely, Billings and Yellowstone County are large enough where another site can be found.

Infrastructure is another huge reason this development should be put elsewhere. There is no water available in the proximity; Jackson Street just recently got paved after we, the residents—and local taxpayers—waited for YEARS to get it done. What should we do, tear up Jackson Street—again—to accommodate sewers and distant water hook-ups and sidewalks? Taxes are exorbitantly high right now in the area. Bringing in more infrastructure will be additional burden to those of us taxpayers who have lived here for years. We have all been hit hard with the development of Southwest Billings, which was largely put into effect to accommodate Sam's Cub and Cabela's on King Avenue East, which intersects with Jackson Street.

I envision the 3.6 acres as a possible and achievable "Greenspot" since it is visited frequently at present by an abundance of wildlife. This includes Canada geese, mallards, mule deer, a great blue heron that I have seen twice, songbirds, birds of prey, frogs, squirrels and rabbits. I see this area in the future as one that can be used by local residents for picnics, ball games and general get-togethers—a place where all can sit on green grass and in the shelter and shade of trees. Folks in the area right now have nowhere to go without facing life threatening, heavy traffic. People who can cannot afford nice yards in the area (like the row houses across the street) would have this as an area of retreat to relieve their daily stress and share quality time with their families. Once it is "developed" into a housing complex, it can NEVER be brought back to something natural again. This area could be set aside as an area Greenspot rather than a run-down housing development, which it will certainly be in a very few years if allowed.

Ms. Guarglia, I thank you for accepting comments about this issue. Your job, at the Montana Board of Housing, is a HUGE one with probably little or no thanks from anyone for all you do. I also know you are facing problems that the rest of us do not realize, and I cannot imagine all the housing issues our state faces. Nonetheless, approving the proposed "Jackson Court" will only cause lots of trouble none of us here on Billings South Side need. I have started a petition against Jackson Court (I'm sure you have already read it) with 94 names of us residents who live here. In behalf of all of us, I ask you, please, DO NOT APPROVE THE BUILDING OF JACKSON COURT.

May God keep you safe, guide you, and always bless you in a special way.

Sincerely,
Bill Hope
518 Jackson Street
Billings, Montana 59101

-----Original Message-----
From: Joy, Denise <joyd@billingsmt.gov>
Sent: Sunday, August 30, 2020 10:08 PM
To: Bill Hope (SFC) <bhope@billingscatholicschools.org>
Subject: Re: [EXTERNAL] Petition Against Jackson Court

Dear Mr. Hope,
Kellie Guariglia
MT Board of Housing
P.O. Box 200 528
Helena, MT 59620-0528
Dear Kellie,

As a home owner on Morgan Ave. I am writing to say that I am very against the 38 complexes that you are trying to get at 502 Jackson.

Right now we have problems with traffic, crime & safety in this area. There is no infrastructure on that property. We just got our street on Jackson done so that we did not have to drive in holes and now you want to tear it up. I am now fighting the man on Mitchell to clean his mess up and it is right behind this property.

We have always got everything done to the southside we have the row house with drugs, county jail and women prison. There must to some place other than the southside of Billings to purchase to build los housing.

I hope that you will find a way to take my vote as a no!!!!!!

Sincerely,

Iva Rogers
4147 Morgan Ave.
City of Billings, MT.
406-2525539
Dear Housing Board members:

I live on the South Side of Billings, though not right in the vicinity of the proposed Jackson Court site. Still, I am interested in the health of that neighborhood, and the coverage area of the South Side Neighborhood Task Force that I chair includes that area along Jackson Street. So a few weeks ago I attended a community meeting held by the developers of Jackson Court.

I understand the negative reaction of some residents living around the site. The infrastructure there has not been developed to the point that such an influx of new residents and their transportation, education, and shopping needs can easily be met. And people who have felt powerless to do anything about the crime and property dilapidation that has already had such a negative impact on the area, feel even more hopeless when they imagine more low income people coming in. There are real downsides to this project.

Yet I believe there is real potential in this particular project to have a positive impact on the neighborhood, and even the larger community. Affordable, low income housing that is well-kept and attractive is a real need in Billings. This Jackson Court project would provide 38 units, most of which would be one-bedroom or two-bedroom apartments, and a number of them will have handicapped-accessible features. The units are in one-story buildings, they will have individual entrances and each will have a porch. The unit designs, as well as the orientation of the apartment buildings have the potential to promote community. A lot of the success of this project in having a positive impact on the neighborhood, the neighbors, and the folks living there, rests on the developers’ commitment to stay on top of the maintenance and security needs of the development, and their commitment to maintain communication with the residents, and the neighbors.

The developers have committed to an on-site resident manager, and to their own continued interest in, and oversight of, the development. With that in mind, I recommend approval of their proposal.

Sincerely,

Catherine Card
2815 4th Avenue South
Billings, MT 59101
TO: Montana Board of Housing
ATTN: Kellie Guariglia

I, Frank Fuhrman and 93 other residents are opposed to the subdivision complex (Jackson Court) proposed for Billings, MT

The reasons being are:

**Safety Issue #1**

The proposed Jackson Court complex consisting of 38 apartments would inflict an enormous amount of vehicles = 76 vehicles, not including family and friends.

The infrastructure in this area is not complete. The streets are gravel, no sidewalks, no curbs or gutters. The roads and sidewalks are only half complete on Hallowell and Jackson. This is very detrimental for the children and other pedestrians walking on all these roads. There is also the issue when they have baseball games at Optimist Park. The games bring in between 75 to 125 extra vehicles that park on Hallowell Street.

**Safety Issue #2**

We have a high density population in this area already and a substantial amount of crime, drugs, vandalism in this area and surrounding neighborhoods. If this complex, Jackson Court, were to be constructed, we feel this would only add to the crime activity. Our Billings Police Force is already overburdened and understaffed, the police cannot answer all the calls around here already.

**Issue #3**

The Density of the apartments and residents in this area is already high. Low income and government housing, already exists on the east side of Jackson Street across from the proposed Jackson Court apartments

**Issue #4**

Litter in this area is already reprehensible from people throwing out trash on our streets from cars going by

**Issue #5**

Since this complex is right next to Kratz drain (an open ditch) this is another safety issue for the residences of the proposed Jackson Court. Would need a culvert installed and closed up
issue #6

Property values would be lowered if this Jackson Court goes in. We take pride in our houses and property and we also pay a substantial amount in taxes.

Closing Statement

I Frank Fuhrmann would like the Montana Board of Housing to deny giving federal tax credit financing to GL Development for the use of constructing Jackson Court Apartments. Our covenants here state that there would be only family owner occupied homes only. Our neighborhood surrounding the proposed Jackson Court project contains single family residences to the North, South and West. The density to the east is full of low income affordable apartments already.

In the 25 years we have lived here the increase in crime and extra vehicles has already had a detrimental affect on our neighborhood. We fear if this complex is built it will add more traffic and more crime to the area and jeopardize our safety and for the residents who already live here.

Another major rental unit in a single family owner occupied houses with gravel roads and limited access would indeed have a major negative impact here.

GL Developers is not looking out for the residents in this area, and do not care about affordable housing, but only for the profit of themselves and the company.
From; Frank Fuhrmann  
433 Hillview Lane  
Billings, MT 59101  
406-855-0721

Enclosed in this packet is some of the pages codes from the Yellowstone County Zoning Regulations, maps showing existing apartment buildings, and existing roads. The petition of signatures from the residents who are against this project (Jackson Court Apartments), and 3 letters from residents. If you or any of the members of the MBOH have any questions, please feel free to give me a call. Thank you for your time.

Sincerely,

[Signature]

09-11-2020
Dear Ms. Bair:

Thank you for the opportunity to provide individual and further comments regarding the two low-income housing development projects in Billings that have applied for housing tax credits. Those two projects are Jackson Court and Montana Rescue Mission Unified Campus.

I will address the Jackson Court project first. The presentation given to Billings city council regarding this project was professional and provided information on similar projects in other MT cities by the developer. From the perspective of the developer, his projects in other MT cities have been and continue to be run well and are providing excellent housing opportunities in the communities. To date, I have not received any information opposing this opinion.

I do have concerns about the location chosen for this development in Billings. My main concerns are lack of food security and food resources in the proposed area, lack of sidewalks, curbs, and gutters, and an undeveloped, gravel dirt road leading to this property. Public transportation in Billings is limited and can be expensive for individuals and families of low income. At this time, there is no grocery store anywhere near the entire area in which this property is proposed. Jobs in this area are also limited to mainly service industry jobs. For individuals without a vehicle, this is a challenging area in which to live in regard to meeting daily needs.
If you have any questions, please feel free to contact me.

Sincerely,

Penny Ronning  
Billings City Council, Ward 4  
(406) 579-9778  
she/her/hers

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July 21, 2020

Mr. Patrick Melby, Chair  
Montana Board of Housing  
Montana Department of Commerce  
301 S. Park Avenue, Ste 240  
Helena, MT  59620-0528

RE: Jackson Court Housing Project-Billings

Dear Mr. Melby and Board Members,

Big Sky Economic Development (BSED) is pleased to provide a letter of support for Jackson Court application to the Montana Board of Housing. BSED serves as the economic development organization for Yellowstone County. As such, we are aware of the demand and need for quality affordable housing in the Billings area. The Jackson Court project will be a project that will help to meet this growing need for housing.

The population and economy of Billings has grown significantly in the past decade, resulting in a very tight housing market with a significant shortage of decent, affordable rentals for people of moderate means. Covid-19 has only exacerbated this problem. Today, Billings has a high need for housing with significant wait lists for housing with over 2300 individuals on the one-bedroom public housing wait list alone.

The need is great, and this will be an exceptional project for the community. The plan to create housing that uses energy efficient components, handicap accessible through universal design, and family friendly is very appealing. The property will be an in-fill neighborhood project, dovetails well with the current Growth Policy, and the property has basic infrastructure nearby.

The greatest housing need in Billings is the development and renovation of affordable housing for both owners and renters with incomes from zero to 80% Area Median Income, according to the City County Consolidated Plan FY 2015-2019. The planned development of Jackson Court will provide a housing opportunity for this population and will target to 40% to 60% of median income.

GL Development intends to hire local sub-contractors adding an additional economic boost to the region. We understand the Jackson Court Project a unique request of 9% credits for our community and its 38 new units coupled with the renovation and preservation of 32 additional units in Havre through a 4% request.
Currently, BSED is the recipient of a US EPA Brownfield grant which enables us to complete Phase I and Phase II assessments on properties within downtown Billings. We are currently working with GL Development to apply for grant funding to complete a Phase I assessment of this parcel to help spur the project forward.

We are pleased to provide this letter of support for Jackson Court. It is a much-needed project for the southside of Billings. Thank you in advance for your thoughtful consideration of this worthy project.

Sincerely,

Dianne R. Lehm
Community Development Director
July 16, 2020

Mr. Patrick Melby, Chair
Montana Board of Housing
Montana Department of Commerce
301 S. Park Avenue, Ste 240
Helena, MT  59620-0528

RE: Jackson Court Housing Project-Billings

Dear Mr. Melby and Board Members,

The Billings Chamber of Commerce would like to express our support for the proposed Jackson Court Family Housing in Billings. Two aspects of this proposal will be particularly beneficial to our business community.

Increasing housing supply is extremely important to keep housing in Billings affordable. Our members have indicated that affordable housing is a concern for attracting and retaining the workforce that our businesses need to grow. We believe that increasing the supply of affordable housing in Billings is critical to providing for the foundational needs of our businesses.

In addition to the long-term benefits provided by additional housing supply, this construction will provide the local economy with an immediate boost — especially since QL Development has committed to hiring local sub-contractors. In this time of uncertainty and difficulty, we have no doubt that the construction of this project will be highly beneficial to the local economy.

We thank you for your consideration.

Sincerely,

[Signature]
President/CEO
Billings Chamber of Commerce

815 South 27th Street
PO. Box 31177
Billings, MT 59107-1177

m: 406.245.4111
f: 406.245.7333

www.billingschamber.com
June 1, 2020

Andrew Chanania
North Fork Development
PO BOX 1344
Helena, MT. 59624

SUBJECT: JACKSON COURT, 510 JACKSON STREET, BILLINGS, MONTANA
LOW INCOME HOUSING TAX CREDIT APPLICATION / NORTH FORK DEVELOPMENT

Dear Mr. Chanania:

Thank you for the opportunity to comment on the Low Income Housing Tax Credit application submitted by North Fork Development. As I understand it, the proposed project will provide 38 new apartments in five (5) two-story buildings. Unit mix will be 20 one-bedroom/one-bath units; 12 two-bedrooms/one-bath units; and 6 three-bedrooms/two-baths units. These new rental units will all be targeted to 50% and 60% Area Median Income (AMI) families. Project amenities shall include a play area; full kitchens with microwaves and dishwashers; laundry hookups and machines; energy efficient design and appliances. The community building will also include an office for the management company.

The project is in alignment with the City’s Consolidated Plan strategies:

**Housing Cost Burden:** One of the most significant housing issues in Billings is cost burden. Over 80% of low-income households have been paying greater than 30-50% of their income for housing costs. Minorities are disproportionately impacted by housing cost burden including Black / African American, Asian, Native American, and Hispanic families.

**Affordable Housing Availability:** Housing affordability is the most significant factor in housing choice for both renters and homeowners. The availability of housing affordable to very low income households is also a significant issue. While there are an adequate number of housing units in Billings to accommodate the population, there is a housing deficit of over 4,700 units for households with incomes less than 30% of the AMI. There are also over 6,200 households on the Housing Authority of Billings waiting lists. Over 2,000 people are waiting for single-person housing.

The Jackson Court project also aligns with the following City Consolidated Plan goals:

**Create, preserve, and expand affordable housing options:** Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations.

**Neighborhood Revitalization:** Revitalize neighborhoods through foreclosure remediation, redevelopment and infill development.

The need for affordable housing in Billings is in high demand. As the housing market declines, the rental market has become more competitive over the past few years. This has resulted in increased monthly rental rates, limiting local availability of affordable housing. The 38 housing units proposed by North Fork Development may be an important step in meeting the affordable housing needs of Billings’ growing population.
Should you have questions or require additional information, do not hesitate to contact me via phone at (406) 657-8284 or email rodiert@billingsmt.gov.

Sincerely,

Tam Rodier  
CD Program Coordinator  
TLR  

CC: Brenda Beckett, Community Development Division Manager
July 7, 2020

Mr. Pat Melby
Chair, Board of Housing
Montana Department of Commerce

RE: Yellowstone County’s advocacy for the funding of Jackson Court in Billings’ South Side brought by GL Development

Dear Pat,

Please accept this letter of strong support for the proposed Jackson Court Project in Billings. The County Commission is very pleased the Board of Housing is considering the Jackson Court Project as a worthwhile funding recipient.

Yellowstone County, the most populous county in Montana, has a growth rate between one and two percent a year, and the projections say the trend will continue. Affordable housing is a correspondingly growing concern.

We particularly appreciate this GL Development proposal for the following solid reasons:

- GL Development’s commitment to energy efficient building components, handicapped accessibility, and a family-friendly design;
- The project location represents perfect in-fill to a neighborhood; it is an important element of our Growth Policy and takes advantage of existing City infrastructure which is the most cost effective;
- The site is already zoned appropriately;
- This development is oriented to transit routes that thereby provide more transportation choices and is preferred by renters;
- The FY2015 – 2019 Consolidated Plan reports: “The greatest housing need in Billings is the development and renovation of affordable housing for both owners and renters with incomes from zero to 80% Area Median Income.” Jackson Court will provide, we understand, housing for this exact population, targeted to 40 to 60% of median income.

Finally, and importantly, we want to highlight two things. The Jackson Court Project will provide the area with a significant economic boost, especially with GL Development’s intention and commitment to hire local sub-contractors. Secondly, we understand the Jackson Court Project is part of a unique request of 9% credits for our community and its 38 new units coupled with the renovation and preservation of 32 additional units in Havre through a 4% request.
What a wonderful opportunity to get a grand slam of new housing and preservation of existing affordable housing – a total of 70 homes!

Please actively and favorably consider the GL Development application of Jackson Court.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Denis Pitman, Chairman

Donald W. Jones, Member

John Ostlund, Member

BOCC/emw
TO: Montana Board of Housing, Board of Housing Board Members
   Attn: Mr. Pat Melby, Board Chair
FROM: Carlos Ramalho, Chief Executive Officer
       Living Independently Today and Tomorrow (LIFTT)
DATE: July 28, 2020
RE: Letter of support for GL Development’s application for funding
    for Jackson Court in Billings

Thank you for this opportunity to enthusiastically support GL Development’s plans to build 38 affordable apartments in Billings, MT.

We are extremely pleased to hear about their plans to include in their designs both zero entrance thresholds on all the units AND as many apartments as possible with complete handicapped accessibility. Knowing their history, LIFTT is confident in GL Development’s ability and commitment to these designs.

Handicapped accessible apartments are almost impossible to find in Billings – and it is quite a challenge in people’s daily lives. People with disabilities deserve a safe, affordable, energy efficient home as much as anyone.

Billings need more accessible and affordable housing for disabled individuals and their families. As you know, being part of the community and living as independently as possible are important values and goals shared by people with disabilities, their families, and advocates from LIFTT. Having a home of their own – either rented or owned – is the cornerstone of independence for people with disabilities. GL Development’s project is will certainly reduce the housing shortage in Billings and will allow people with disabilities, including people with intellectual and developmental disabilities (I/DD), to live with dignity.

With this letter, LIFTT strongly encourages you to support this very worthwhile project, Jackson Court, proposed by GL Development!
We remain at your disposal to provide you with any additional information deemed necessary.

Best regards,

Carlos Ramalho  
Chief Executive Officer  
LIFTT - Living Independently for Today and Tomorrow  
Telephone (406) 294-5190  
Email carlosr@lftt.org
TO: Mr. Pat Melby, Chair, Board of Housing, Montana Department of Commerce
FROM: Bill Kennedy, President/CEO MSUB Foundation and former County Commissioner
DATE: July 29, 2020
RE: Our advocacy for the funding of Jackson Court in Billings’ South Side proposed by GL Development

Please accept this letter of strong support for the proposed Jackson Court Project in Billings. I am very pleased the Board of Housing is considering the Jackson Court Project as a worthwhile funding recipient.

Yellowstone County, the most populous county in Montana, has a growth rate between one and two percent a year, and the projections say the trend will continue. Affordable housing is a correspondingly growing concern.

In particular, the South side of Billings needs this boost. Decent housing is a basic need and key to a neighborhood being family- and people-friendly, and the South side needs this investment. There are thousands of minimum-wage paying jobs a short distance from the Jackson Court location, and the site would be perfect for those employees at the two big box stores, dozens of hotels, fast food restaurants, schools, and convenience stores. Those employment opportunities are both available by bus service and prevent long and expensive commutes.

I appreciate this GL Development proposal for the following important reasons:
GL Development’s commitment to energy efficient building components, thorough handicapped accessibility, and a family-friendly design; – The project location represents perfect in-fill to a neighborhood; it is an important element of our Growth Policy and takes advantage of existing City infrastructure which is the most cost effective; – The site is already zoned appropriately; – This development is oriented to transit routes that provide transportation choices and is preferred by renters; – The FY2015 – 2019 Consolidated Plan reports: “The greatest housing need in Billings is the development and renovation of affordable housing for both owners and renters with incomes from zero to 80% Area Median Income.” Jackson Court will provide housing for this exact population, targeted to 40 to 60% of median income.

Please actively and favorably consider the GL Development application of Jackson Court.

Sincerely,

Bill

Bill Kennedy
Hannah Olson
46 Monroe St
Billings, MT 59101

July 30, 2020

Patrick Melby
Montana Board of Housing
PO BOX 200528
Helena, MT 59620

Dear Mr. Melby,

I am writing to express my strongest and most sincere support of the Jackson Court Project by GL Development. I am excited the Board of Housing is considering the project as a worthwhile funding recipient.

I work in non-profit, previously with Big Brothers Big Sisters of Yellowstone County, and currently with the Billings Leadership Foundation who oversees both the Montana Rescue Mission and Friendship House who serves families in poverty in South Billings. I am on the Board of Community Development for the City of Billings and am also a current legislative candidate for House District 52, which borders the housing project. Most importantly, however, I live just off of Jackson and a mere number of blocks from the project. Anyone who lives in this part of town will feed into the same schools as my own child.

I am sure you are aware of the lack of affordable housing in Billings, and the South side of Billings would really benefit from quality workforce housing in this area. I believe this project would provide affordable housing and encourage working families to join the community and bring up the overall quality of the neighborhood.

Further, there is often discussion of a lack of resources on the South side (such as a grocery store), but I think that with more investment in quality housing, the more will be invested in our infrastructure and resources. The area has already improved so much since I bought my home here 7 years ago, and I see this project really adding to the overall value of the community.

Thank you for taking this project into consideration. I hope you will feel free to reach out for any further comments or questions as you make your decisions and this project is seen to fruition.

Gratefully and sincerely,

Hannah Olson
Dear Mr. Melby and Board:

I am writing in support for the proposed Jackson Court Project in Billings, which would create much-needed affordable workforce housing in my Senate District. Affordable housing targeting workforce is high on the list of priorities for the City of Billings and local economic development agencies, and is consistent with the goals and plans set forth in the South Billings Urban Renewal District.

The GL Development proposal has a number of attractive features:

• It includes a commitment to energy efficient building components, handicapped accessibility, and a family-friendly design.
• It represents in-fill to an existing neighborhood, which means the development doesn’t add cost burdens to the City and is consistent with the city growth policy by taking advantage of existing City infrastructure saving taxpayer dollars.
• The site is already zoned appropriately.
• This development is situated on existing public transit routes that provide transportation choices.
• GL Development’s is committed to hire local sub-contractors.

The FY2015 – 2019 Consolidated Plan reports: “The greatest housing need in Billings is the development and renovation of affordable housing for both owners and renters with incomes from zero to 80% Area Median Income.” Jackson Court fits that need by providing housing for population, targeted to 40 to 60% of median income.

Additionally, the Jackson Court Project would be coupled with the renovation and preservation of 32 additional units in Havre. The proposal presents an opportunity to couple new housing and preservation of existing affordable housing for a total of 70 homes.

I hope you will favorably consider the GL Development application of Jackson Court.

Sincerely,

Sen. Margie MacDonald, SD 26
August 3, 2020

Cheryl Cohen, Executive Director
Montana Board of Housing
PO Box 200528
Helena MT 59620-0528

RE:  Jackson Court 9% Housing Credit Application

Dear Executive Director Cohen:

We are pleased to submit this application for an award of 9% Housing Credits from the Board of Housing to construct Jackson Court, 38 affordable rental homes in Billings, MT.

Jackson Court 9% will be a 38-unit new construction family project located in Billings, MT and serve as the 9% side of the scattered site 9%/4% tax credit project.

As demonstrated by the sheer number of proposed projects presented during this year’s Letter of Intent Board meeting and the overwhelming need demonstrated in the Billings market studies, Billings is in dire need of investments in affordable housing. Jackson Court will offer 20 one bedroom, 12 two bedroom, and 6 three bedroom homes for families in an excellent location in South Billings – close to schools, medical facilities, services, parks, grocery stores, and other opportunities. This site is properly zoned (and designed to be consistent with the new zoning regulations Billings is in the process of adopting), and has utilities stubbed adjacent to the site. As demonstrated by the significant support from local leaders and elected officials, South Billings has not seen this kind of investment in far too long. We firmly believe this project will serve as a catalyst for new investments in this neighborhood.

Each Jackson Court apartment will feature energy efficient appliances such as a refrigerator, oven & range, microwave, and dishwasher. The development will employ energy efficient design and construction, and apartments will accommodate tenants with a range of abilities, some bathrooms having roll-in showers, grab-bars, and other design features that promote independent living for individuals with disabilities. We also intend to incorporate security features to ensure the safety of our tenants and long-term upkeep and security.

Highland Manor 4% will involve the acquisition/rehabilitation of 32 apartments in Havre, MT (built in two phases in 1986 and 1993) and serve as the 4% side of this scattered site 9%/4% tax credit project. All 32 Highland Manor apartments offer USDA RD rental assistance through the RD 515 Loan Program, and this project’s acquisition was made possible by an award of funds from of the new Multifamily Coal Trust Homes Loan program. If awarded 4% tax credits, the Coal Loan will be taken out by a USDA RD 538 loan – freeing up $520,509 from the Coal Loan to invest in other worthy and greatly needed projects.

As both the Billings and Havre Market Studies demonstrate, these communities greatly need additional investments in affordable housing. Billings needs an additional 750 homes to serve 2,252 eligible households. While 38 apartments is a small number given the overwhelming need, an investment in Jackson Court will be a critical first step in making a significant impact in the lives of this project’s future residents.
In Havre, preserving Highland Manor’s 32 homes with USDA RD rental assistance in a community that currently needs an additional 109 homes for 331 income and tenure-eligible households is absolutely critical. Highland Manor residents cannot afford the loss of these homes, as this would not only increase the need of additional homes to 173, it would cost the city a critical resource that, particularly in our current Covid-19 world, is absolutely critical to preventing 32 households from becoming homeless.

Highland Manor will continue to offer and laundry facilities in each building and will benefit from upgraded Energy Star appliances, finishes, kitchens, bathrooms, fixtures, and energy efficiency upgrades. Jackson Court will offer in-unit washer and dryers, a play area for kids, extra insulation Energy Star appliances including dishwashers and air conditioning, and a community building if funding allows.

If you have any questions please contact us at:

GL Development
4799 Echo Drive
Helena, MT 59602
Ph: (406) 459-5332
E: gleuwer1139@msn.com

Anderson Consulting Services
PO Box 398
Chester, MT 59522
Ph: (406) 390-3754
E: lr.anderson@outlook.com

Echo Enterprise
4835 Echo Drive
Helena, MT 59602
Ph: (406) 431-2151
E: beki@blackfoot.net

Sincerely,
Gene Leuwer
GL Development

Logan Anderson
Anderson Consulting Services

Beki Glyde Brandborg
Echo Enterprises, LLC
October 1, 2020

Mary S. Bair  
multifamily Program Manager  
Montana Board of Housing  
301 S. Park Avenue  
P.O. Box 200528  
Helena, MT  59620-0528

Re:  Request for comments -- MRM Unified Campus and Jackson Court

Dear Ms. Bair:

This letter is provided in response to your letter of August 7, 2020 requesting “any comments you may have regarding the [above-referenced] project(s).” I appreciate the opportunity to provide further information and input relating to these projects, subject to the conditions and limitations described in the following paragraph.

First, this letter only reflects my personal thoughts and is not in any way intended to speak for the Billings City Council, city staff, or any other person or department associated with the City of Billings as I am not authorized to speak on behalf of anyone else and the foregoing have not reviewed or approved this letter. Second, it is possible that either or both of these projects might someday come before the Billings City Council for land use or other regulatory approval, and, if that occurs, nothing in this letter should be interpreted to suggest what my personal views might be relative to any such application, if one were submitted. I am and will remain impartial in reviewing the merits and challenges associated with these projects.

Both the MRM Unified Campus and Jackson Court projects are aimed at addressing a significant shortage of affordable housing in Billings. Currently more than 3,000 people are on the waiting list for affordable housing maintained by the Housing Authority of Billings. As in many other Montana communities, population growth, the high cost of new construction, deterioration of older housing stock, zoning restrictions, and other factors continue to drive up the cost of residential housing, especially rental units. When that reality is combined with per-capita income that trails far below most of the country, the result is an affordability gap that increasingly puts reasonably-priced housing outside the reach of many Billings residents, especially racial and ethnic minorities.
The Montana Rescue Mission ("MRM") has been providing housing, help, and hope for the homeless population in Billings for more than 100 years. MRM shelters more than 1200 different people every year thanks to its strong leadership, a solid donor base, and broad community support. Although MRM’s focus typically has been on providing congregate housing for those in the most severe need, their Unified Campus concept will provide a variety of housing options and services for many different groups. MRM is located on historic Minnesota Avenue, which borders our downtown and provides a major accessway to the South Side Neighborhood. The South Side is a low-income area that has struggled for many years but is now undergoing modest redevelopment, especially in the vicinity of the MRM property. The MRM Unified Campus will provide significant momentum for an area that is ripe for revitalization.

The Jackson Court project is located in the center of the South Side Neighborhood. Historically one of the oldest and most economically-challenged parts of Billings, the South Side has enjoyed a slow but steady upward trajectory in recent years. Streets and utilities have been improved; abandoned properties are being torn down; and several new housing projects have been completed here in recent years. The vacant 4-acre or so parcel on Jackson Street that is the location of the Jackson Court project is a prime candidate for development. The surrounding area is economically stable, served by public transportation, has nearby schools and a large park, and is roughly a mile from the edge of downtown. Typical sale prices for houses adjacent to the parcel range from approximately $160,000 to $200,000. Like other parts of the South Side, the area does not have walkable access to groceries as the closest grocery store is more than a mile away.

My understanding is that the Jackson Court developer proposes to build approximately 38 multi-unit townhomes. In addition to increasing the supply of affordable-housing, the new construction would likely be an economic stimulus and morale-booster for the South Side, hopefully encouraging further redevelopment. However, many neighbors have expressed opposition to the project based on various concerns, including, but not limited to: increased traffic on Jackson Street; loss of existing "green space"; school capacity; reduction of property values; increased crime; unfair concentration of low-cost housing in the area, etc. It may be possible to mitigate some (but perhaps not all) of these impacts through the special review zoning process that allows our local government to impose reasonable conditions on development. I believe the developer has had several meetings with the neighbors to get input on possible modifications that might reduce the number of objections from some of the neighbors.

Thank you for your work on these and other valuable projects around Montana.

Respectfully,

William A. Cole, Mayor
City of Billings
Guariglia, Kellie

From: Ronning, Penny <ronningp@billingsmt.gov>
Sent: Monday, September 28, 2020 2:37 PM
To: Guariglia, Kellie; Bair, Mary
Subject: [EXTERNAL] Re: Proposed Property for funding

Dear Ms. Bair:

Thank you for the opportunity to provide individual and further comments regarding the two low-income housing development projects in Billings that have applied for housing tax credits. Those two projects are Jackson Court and Montana Rescue Mission Unified Campus.

I will address the Jackson Court project first. The presentation given to Billings city council regarding this project was professional and provided information on similar projects in other MT cities by the developer. From the perspective of the developer, his projects in other MT cities have been and continue to be run well and are providing excellent housing opportunities in the communities. To date, I have not received any information opposing this opinion.

I do have concerns about the location chosen for this development in Billings. My main concerns are lack of food security and food resources in the proposed area, lack of sidewalks, curbs, and gutters, and an undeveloped, gravel dirt road leading to this property. Public transportation in Billings is limited and can be expensive for individuals and families of low income. At this time, there is no grocery store anywhere near the entire area in which this property is proposed. Jobs in this area are also limited to mainly service industry jobs. For individuals without a vehicle, this is a challenging area in which to live in regard to meeting daily needs.

The second application I’ll address is from Montana Rescue Mission. Unfortunately, I no longer support this project. The presentation given to Billings city council by MRM Executive Director Matt Lundgren “sounded good”; however, when I later emailed asking follow up questions to Mr. Lundgren I was given answers that did not match the presentation material. I asked Mr. Lundgren specific questions regarding policies of the MRM and how those policies will apply to the new low-income housing apartments. In Mr. Lundgren's email response, he avoided responding to my questions, referenced a different unnamed entity - not MRM - that would be developing, overseeing, and running the low-income housing apartments, and has yet to get back to me with the policy information I requested. I have reviewed the presentation material given by Mr. Lundgren to Billings city council requesting support for his application; the presentation of entities involved in the project and his answer to my emailed questions do not match. The presentation material given to Billings city council clearly states Montana Rescue Mission is the entity developing the project and will be overseeing/running the low-income housing apartments. However, in Mr. Lundgren's emailed response to my questions, he states that MRM will NOT be the organization developing/overseeing/running the low-income housing apartments, but does not state a name for the organization that will be. He only states that it is a different entity entirely that is involved in the low-income apartments. I believe this is a way he is using to not respond to my policy related questions which have to do with how the apartments will serve the needs of the community.

I feel deceived and manipulated by Mr. Lundgren and do not believe he has been truthful in his request and presentation to Billings city council. As a result of Mr. Lundgren’s lack of transparency in providing information and his lack of consistency of who and what organization is planning to run the low-income housing development, I no longer
support this project. Based on how Mr. Lundgren has responded, I do not believe this project is in the best interest of Billings or individuals and/or families in need of low-income housing.

If you have any questions, please feel free to contact me.

Sincerely,

Penny Ronning
Billings City Council, Ward 4
(406) 579-9778
she/her/hers

This message is only intended for the addressed recipient and may contain confidential information. If you are not the intended recipient or their representative, any form of disclosure, archiving or distribution of this communication is strictly prohibited. Please notify the sender of the error and delete all copies and attachments from your system. Please know that emails sent to and received from this email address can be public information.

From: Guariglia, Kellie <kguariglia@mt.gov>
Sent: Monday, August 10, 2020 8:10 AM
To: Shaw, Kendra; Yakawich, Mike; Ewalt, Frank; Neese, Roy; Choriki, Danny; Joy, Denise; Purinton, Pam; Ronning, Penny; Boyett, Mike; Brown, Shaun
Subject: [EXTERNAL] Proposed Property for funding

ATTENTION: This email originated from outside of the City of Billings. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents.

Hello,

Please find attached a letter regarding an upcoming property that has requested funding from Montana Board of Housing.

If you have any questions, please reach out.

Have a nice week.

Thank you,

Kellie Guariglia
Montana Housing
Multifamily Program Officer
kguariglia@mt.gov<mailto:kguariglia@mt.gov>
406-841-2838
September 28, 2020

Montana Board of Housing
301 S. Park Avenue
Suite 240
Helena, MT 59620

RE: 2021 Housing Credit Award Proposal for MRM Unified Campus

Dear Board Members:

I realize that today is the deadline for submitting comments on the 2021 Housing Credit Awards proposals. I am sending my comments today, just under the wire, because it has taken me considerable time to gather the information necessary for me to identify the issues I have, and make the assertions I will be making to you, about the Montana Rescue Mission (MRM)/CR Builders LLC proposal for housing credit funds. I hope you will consider what I have to say, despite this coming to you at the last minute.

I have deep concerns about the MRM/CR Builders LLC proposal for an MRM Unified Campus. My experience with Matt Lundgren, Executive Director of MRM and Friendship House, and CR Builders LLC (or Mountain Plains Equity Group, Inc., which are for-profit organizations under Don Sterhan) has left me with the strong impression that this project will likely not be done with honesty and the best intentions for the low income, homeless and mentally ill people the MRM Unified Campus proposes to serve.

So I ask you, even at this late hour in the process, to look more closely at their proposal and the underlying operations of these two organizations, especially MRM and its ties to the umbrella organization it is now a part of: Leadership Foundations, based in Tacoma, Washington. I have spent considerable time doing that myself. And while I do not claim to have a grasp of the entire picture of what is going on with these organizations, I have seen enough, and experienced enough firsthand, to raise serious questions to you about their operations.

Background

I live in Billings, on the South Side. In the past nearly five years, I have been active in the South Side Neighborhood Task Force (SSNTF), worked as a volunteer for teen activities at Friendship House, worked as a volunteer chaplain at the Community Crisis Center, which provides crisis stabilization services for mental health, substance abuse and/or social service needs to the people of Billings, especially those who are homeless, and this year I have worked with the staff of St. Vincent de Paul Society to provide sack lunches for their hungry clients. I am also a retired ordained ELCA Lutheran pastor and have served many years as a relief chaplain at St. Vincent Healthcare in Billings.

Starting in November or December 2018, the Billings community, especially the
homeless and the other agencies serving them, got the word that MRM was no longer taking in and sheltering homeless people from the streets, even when temperatures reached freezing and below. Suddenly, people had to meet sobriety and other requirements, in order to receive shelter. It was my understanding that, for years, when outside temperatures reached 32 degrees and lower, MRM would not only shelter the people who came there, but MRM would send out a van to look for and pick up people from the streets who needed shelter. All of a sudden, MRM was not doing that; yet what its actual new policies were, remained unclear to the other agencies in the community that serve the homeless population, and to community members like me who live around and are concerned about homeless neighbors. This change took place as Matt Lundgren was coming on board as Executive Director of MRM. As the weather got cold, then, with no other place to go, the homeless sought shelter at the Crisis Center, and far outnumbered its legal capacity of 45 people in the building, INCLUDING staff. With no real notice from MRM, a major resource, and the ONLY shelter, for the homeless in Billings was suddenly unavailable to many of them.

In conversations between me, the Community Crisis Center Program Director, MarCee Neary, Pastor Lisa Harmon of First Congregational Church, and others, the concept and organization of a program named My Backyard was quickly developed and implemented by the first part of January 2019. Volunteers from the community were recruited, trained, and organized into teams who would sit up all night at one of three downtown churches while the homeless slept in warmth and safety on mats on the floor of whatever room the church had available. Through the whole winter season of 2019, the scores of homeless who were not allowed into MRM, were served by the Crisis Center and this group of My Backyard volunteers. But it was hard work and only a quick fix to a sudden and critical community need that resulted from a change of policy implemented by Matt Lundgren.

MRM, under the leadership of Matt Lundgren, has continued to be closed to so many of the homeless in this community. Yet, in my experience, Matt has worked hard to try to force other services to the needy in this community under his management. This is doubly concerning to me, since Matt has moved the Friendship House and MRM under the umbrella organization, Billings Leadership Foundation, which is, in turn, under another umbrella organization, Leadership Foundations, based in Tacoma, Washington. It is MRM’s, and Friendship House’s being caught up, ultimately, into the Leadership Foundations umbrella that is most concerning about this proposal MRM and CR Builders LLC are making for over $6 million for what they are calling the MRM Unified Campus. You see, nearly 50 years ago, when I was living in Atlanta, Georgia, I worked for an organization called Assistance to Offenders, Inc., a nonprofit organization that was under another nonprofit umbrella organization, called Exodus, Inc. It happens that Exodus, Inc. was under the leadership of two men, Bill Miliken and Neil Shorthouse. At the time I was working under this umbrella, Exodus, Inc., as I recall, had been operating for several years, and was taking in around $500,000 or more yearly income from donations and grants, yet Shorthouse and Milliken had never applied for nonprofit status, never reported to the IRS and never instituted an accounting system; in fact, check stubs, receipts and other records
collected over that time had been stacked helter-skelter in a room. They came to me and asked me to put it all together for them—develop an accounting system and get them the nonprofit status—which, over the next several months, I did. Now so many years later, I see Shorthouse and Milliken are listed on the board of directors of Leadership Foundations! And as I have investigated the organizational and financial workings of Leadership Foundations, I recognize their philosophy of disregard for boundaries, chaos and, what I believe may be deception, all over the place. Unfortunately, organizations, like MRM, that come under such a complex, chaotic and, at times, irresponsible, if not deceptive, structure tend to take on those characteristics too.

Leadership Foundations, Tacoma, Washington

Leadership Foundations, the entity that functions as the over-arching umbrella for the Billings Leadership Foundation, is termed a “foreign nonprofit” by the State of Washington. Its origins are, apparently, in Leadership Foundation that is an active nonprofit listed in the State of Pennsylvania and first registered in 1993. Leadership Foundations in Tacoma (UBI 602 872 578) is an active nonprofit now, but since 2012 has gone through several instances of having their Washington business license terminated because of non-reporting to the State. The latest instance was in January 2020; its Washington business license was not reinstated until April 2020.

On its website, Leadership Foundations lists its staff, along with their LinkedIn profiles. The staff is comprised of 24 people, most of whom live all around the country, and one in South Africa, rather than in the Seattle/Tacoma area. And most of them are directors or CEOs of other nonprofits, or own their own businesses, and their actual relationship to Leadership Foundations in Tacoma is unclear. For instance, Lisa Lampman is listed as a staff member who is the Director of Mentoring Youth for Leadership. Yet, on her LinkedIn profile presented on the Leadership Foundations webpage she states that she is currently President of Lampman Consulting LLC in Virginia and that her affiliation with Leadership Foundations is as an “Interest”, not an occupation. Additionally, on the 2018 990 IRS form for Leadership Foundations, she is listed in Part VII, Section B as an independent contractor who received $113,000 from Leadership Foundations.

A similar, but perhaps more convoluted, example is Deborah (Debbi) Commodore. She has been the Senior Strategist and Special Projects Director from 2015 to present. On her LinkedIn profile she states that she was Principal Owner of Commodore Consulting from 2002-2015, but that business was not registered with the State of Washington. In addition to being listed as a Leadership Foundations staff member, on the 2018 990 IRS form for Leadership Foundation, she is listed as an independent contractor in Section B Part VII. And she is listed, specifically, as receiving $110,000 for “Fundraising”. Yet in Part I of Schedule G of that same 990 form, Commodore Consulting is listed as an independent contractor doing fundraising activities for $110,000. The only business registered in Washington with the same address as she listed for her Commodore Consulting is Commodore Asset Management, which is owned by a Darnell Commodore, but has no reference to her. While these confusing details of her
involvement with Leadership Foundations could simply reflect sloppy organization and accounting practices, the occurrence of so many of these instances, and so many discordant pieces of information, gives the impression that more intentionally unethical practices are in play in the many-layered Leadership Foundations structure.

Consider, as well, Sherman Brown. He is listed under “Staff” as Major Gifts Officer. Yet his LinkedIn profile on the Leadership Foundations webpage says that he is: Founder and Chairman of All-Star PPE & Medical, a company based out of Orlando, FL, from February 2020-present. He is also listed as current Founder and CEO of Three Media Group of Companies from 1998-present. On the 2018 990 IRS form for Leadership Foundations, under Section A Officers, Directors, Trustees, Key Employees and Highest Compensated Employees, he is listed as receiving, for an average 40 hours per week, $170,900 reportable compensation and $29,607 estimated other compensation.

Finally, consider Bianca Singleton. She is the Mentoring Network Regional Coach for Leadership Foundations in Tacoma. She is also an Academic Advisor II at Georgia State University in Atlanta, Georgia. She, as a volunteer, is also the Executive Director of Precious Me, a State of Georgia nonprofit and the Youth Mentoring Collaborative Director for the Metro Atlanta Leadership Foundation, a State of Georgia nonprofit that also goes by Resurgence Leadership Foundation. Metro Atlanta Leadership Foundation, aka Resurgence Leadership Foundation, is, like Billings Leadership Foundation and 29 other Leadership Foundations and nonprofit organizations with unrelated names in the United States, under the umbrella of Leadership Foundations in Tacoma, Washington. And under each one of these 30 nonprofits directly under Leadership Foundations in Tacoma are, in many cases, multiples of other nonprofits that each serve, I am presuming, as umbrella organizations for yet more nonprofits.

Conclusion

The layering and interweaving of these nonprofits within Leadership Foundations so that it creates such an intricate network that tracking the people involved, let alone the millions of dollars that come into these organizations, becomes very difficult is what concerns me about this project that Matt Lundgren at MRM and CR Builders LLC are proposing. It is a project to renovate dilapidated buildings on the edge of the South Side of Billings, in order to force all the crisis intervention, mental health, addiction counseling and housing services to the poor and homeless citizens of Billings into that one location, using the justification that it is a cost-effective move for the city and county to make. In short, he and MRM are aiming to carry out a plan he has tried desperately for years to accomplish, as he says in a Yellowstone County News article on August 7, 2020: “The plan for centralizing the services available for the needy, mentally ill, and homeless has been in the works for two years. It’s entailed consultations with other communities who have solved similar problems with such a facility.”

This plan will, ultimately, serve the wants of the business and residential community on the north side of the tracks to force our homeless and poor, as well as mentally ill, addicted, incarcerated and, struggling formerly incarcerated, neighbors over to the
South Side. It will also serve the ambitions of Matt Lundgren, and perhaps others in the Leadership Foundations network, to force most, if not all, the services to these folks who are in the greatest need in the Billings area under the Leadership Foundations structure. But this plan will not serve the good of the community, or the people who are dependent upon these services. Judging from the way Matt Lundgren and the other leaders of MRM have chosen to take away services to folks in need over the past two years, and work to undermine the other organizations that are faithfully trying to provide those services, and judging from what I feel are the questionable organizational, as well as financial, practices of Leadership Foundations, it would be a disaster for the community of Billings, if this plan were able to be completed.

Therefore, I am asking you, the Board of Housing, to not approve the proposal from MRM/CR Builders LLC for the Unified MRM Campus. This community surely does need affordable housing and shelter and housing for the homeless; but we do not need to do it this way. We cannot afford to accomplish something good for this community, such as decent shelter and housing, through a project riddled with power plays and deception.

Sincerely,

Catherine Card
2815 4th Avenue South
Billings, MT 59101

406-679-1501
Dear Ms. Bair,

I am writing in response to the two dissenting public comment letters I received from your office regarding our Montana Rescue Mission Unified Campus LIHTC project from Ms. Card and Ms. Ronning.

I trust that I have not missed the deadline, but if I have, I want to submit my response to these public comments for the record.

To Ms. Card’s comments of outside entities controlling our agency, I want to assure the Board of Housing that Montana Rescue Mission (MRM) is an independent 501c3 Organization and operates to serve the best interest of the homeless in Billings with a local board of Directors. Our project will be owned and operated by the MRM and its investors and not intertwined with or diluted by other organizations. As such, MRM is not under the direction or control of Leadership Foundations Worldwide Office in WA state or beholden to them for this project. Leadership Foundations is a voluntary affiliation of independent organizations serving the poor in cities all over the globe. While MRM has administrative services (Development, HR, Finance, and Direction) provided by Billings Leadership Foundation as a cost savings measure, MRM operates with its own Program Director and Staff. Similarly, while Ms. Card has stated her issues with Leadership Foundations Worldwide Office in WA state and their salary ranges for employees in other communities, that administrative function does not impact MRM housing the homeless or providing apartments in Billings MT. Likewise, Ms. Card’s bad experiences with Leadership Foundations affiliates in GA decades ago has no bearing on how the MRM will operate its Apartments in Billings in 2020 and beyond. Finally, Ms. Card’s personal attacks on my leadership and integrity are without merit and she acts in bad faith in proclaiming her “opinion” on MRM policies and procedures as fact. Despite her comments to the contrary, MRM does serve the homeless on a daily basis and will continue to do so as we have done for over 70 years.

To Ms. Ronning’s comments, I was heartened by her initial support of our project as a member of Billings City Council and disheartened by her change of mind. Ms. Ronning and I did visit before my comments to the Billings City Council and visited again by phone after my presentation. In the later phone call, we discussed the intricacies of how tax credits work and I did my best to describe the relationship we will have with tax credit investors, CR Builders, Billings Housing Authority Property Management, and our own new MRM Management Corp. entity. I described how these entities will work in concert to not only provide financing and shield us all from liability but will also provide building construction/renovation project management, apartment operational management and allow all parties to make this complex relationship happen. It is clear I failed to communicate this information to her satisfaction and understanding. (Indeed, I am still a bit baffled on all of the
complexities of the tax credit process arrangement.) Thankfully you and your team as well as our partner Don Sterhan and Mountain Plains Equity Group do understand and are there to help entities like MRM understand these things and to make this much needed housing project happen. I will ask Don Sterhan, who understands this better than I, to reach out to Ms. Ronning to attempt to clarify what I could not.

To Ms. Ronning’s other comments regarding MRM’s specific policies and procedures for serving specific groups of homeless individuals, I explained to her at length that we do not and have never discriminated against any group at the mission and that in fact we serve people often deemed “untouchable” by the rest of society. I also let Ms. Ronning know that we operate by our Mission Statement: "Reflecting the Love of Jesus Christ by providing emergency, temporary and rehabilitative care to those experiencing hunger and homelessness.” She asked for assurances that we do in fact serve the LGBTQ community and I told her that we do not and have never asked for a persons sexual preference when entering the shelters- which is evidence of nondiscriminatory policy in action. I also let Ms. Ronning know that for reasons of confidentially and privacy, I cannot disclose to her the names or percentages of those we serve or their sexuality. I did let Ms. Ronning know that we serve many people from the LBGTQ community in our shelters and current apartment complex but I declined to provide further information. Further, I told Ms. Ronning that the shelter and the low income housing tax credit apartments will be operated separately and will follow different rules for occupants while occupying the same building. For example, a shelter guest will have a curfew while a tenant in the apartments would not. Finally, I explained that the apartments will follow Montana Fair Housing laws and will comply with those standards. Apparently my answers did not communicate the complexity of the co-location principle or communicate what Ms. Ronning wanted to hear, but our operations and plans do in fact line up with my statements to City Council and to the greater Billings community.

I realize that every project will have some detractors and opponents- whether their concerns are valid or not- but I trust that the overwhelming support of the community and the huge needs for low income housing in Billings can win out and that together with the Board of Housing we can make this vital project a reality.

Feel free to contact me if you have any concern or need further clarity.

Best,

Matt

[linkprotect.cudasvc.com]

Rev. Matthew Lundgren
Executive Director
Montana Rescue Mission
a: 2902 Minnesota Ave, Billings, MT 59101 [linkprotect.cudasvc.com]
e: mlundgren@montanarescuemission.org
p: 406.247.0140
c: 406.670.8556

[facebook.com]
I support the request from MRM.

I and my family have been supporting the MRM for many years and believe in their work. It is important housing our citizens.

Thank you for your support for the MRM request.

Respectfully yours,
Mike Boyett
Ward 5 Council Member

From: Guariglia, Kellie <kguariglia@mt.gov>
Sent: Monday, August 10, 2020 9:00 AM
To: Boyett, Mike
Subject: [EXTERNAL] RE: Proposed Property for funding

ATTENTION: This email originated from outside of the City of Billings. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents.

Thank you Mike. Have a good week.

Thank you,
Kellie Guariglia
406-841-2838

-----Original Message-----
From: Boyett, Mike <boyettm@billingsmt.gov>
Sent: Monday, August 10, 2020 8:36 AM
To: Guariglia, Kellie <kguariglia@mt.gov>
Subject: [EXTERNAL] Re: Proposed Property for funding

Hi Kellie:

FYI

We would appreciate a response by October 1, 2019 as the funding decisions will be made the end of October.

Hopefully, it should have been October 1, of 2020.

Mike Boyett
ATTENTION: This email originated from outside of the City of Billings. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents.

Hello,

Please find attached a letter regarding an upcoming property that has requested funding from Montana Board of Housing.

If you have any questions, please reach out.

Have a nice week.

Thank you,

Kellie Guariglia
Montana Housing
Multifamily Program Officer
kguariglia@mt.gov
406-841-2838
Dear Kellie Guariglia and Montana Board of Housing:

I appreciate you asking for feedback on the request by MRM for funding from Montana Board of Housing.

I very much support the request from MRM.

This is a critical need for our community providing important housing and support for our citizens. As MRM is in Ward 1, I have had the opportunity to interact with the MRM Staff and find their work sound, reliable and vital. MRM has been a good neighbor in the southside and surrounding Billings community. I am confident they will use the resources given to them wisely and effectively to help those less fortunate.

Thank you for your support for the MRM request.

Respectfully yours,

Mike Yakawich
City Council Ward 1
Billings, MT

From: Guariglia, Kellie <kguariglia@mt.gov>
Sent: Monday, August 10, 2020 8:10 AM
To: Shaw, Kendra; Yakawich, Mike; Ewalt, Frank; Neese, Roy; Choriki, Danny; Joy, Denise; Purinton, Pam; Ronning, Penny; Boyett, Mike; Brown, Shaun
Subject: [EXTERNAL] Proposed Property for funding

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Have a nice week.

Thank you,

Kellie Guariglia
Montana Housing
Multifamily Program Officer
Hello Kellie,

My name is Rick Wingerter, me and my wife we would like to say we are for the Montana Rescue Mission project. They do a lot of good works for the people on the Southside and all over Billings.

Thank you very much and God Bless you,

Rick & Lora Wingerter

Rick & Lora Wingerter 416 Hillview Lane  Billings, Montana 59101  Phone: (406) 259-3300
Dear Ms. Bair:

Thank you for the opportunity to provide individual and further comments regarding the two low-income housing development projects in Billings that have applied for housing tax credits. Those two projects are Jackson Court and Montana Rescue Mission Unified Campus.

I will address the Jackson Court project first. The presentation given to Billings city council regarding this project was professional and provided information on similar projects in other MT cities by the developer. From the perspective of the developer, his projects in other MT cities have been and continue to be run well and are providing excellent housing opportunities in the communities. To date, I have not received any information opposing this opinion.

I do have concerns about the location chosen for this development in Billings. My main concerns are lack of food security and food resources in the proposed area, lack of sidewalks, curbs, and gutters, and an undeveloped, gravel dirt road leading to this property. Public transportation in Billings is limited and can be expensive for individuals and families of low income. At this time, there is no grocery store anywhere near the entire area in which this property is proposed. Jobs in this area are also limited to mainly service industry jobs. For individuals without a vehicle, this is a challenging area in which to live in regard to meeting daily needs.

The second application I'll address is from Montana Rescue Mission. Unfortunately, I no longer support this project. The presentation given to Billings city council by MRM Executive Director Matt Lundgren "sounded good"; however, when I later emailed asking follow up questions to Mr. Lundgren I was given answers that did not match the presentation material. I asked Mr. Lundgren specific questions regarding policies of the MRM and how those policies will apply to the new low-income housing apartments. In Mr. Lundgren's email response, he avoided responding to my questions, referenced a different unnamed entity - not MRM - that would be developing, overseeing, and running the low-income housing apartments, and has yet to get back to me with the policy information I requested. I have reviewed the presentation material given by Mr. Lundgren to Billings city council requesting support for his application; the presentation of entities involved in the project and his answer to my emailed questions do not match. The presentation material given to Billings city council clearly states Montana Rescue Mission is the entity developing the project and will be overseeing/running the low-income housing apartments. However, in Mr. Lundgren's emailed response to my questions, he states that MRM will NOT be the organization developing/overseeing/running the low-income housing apartments, but does not state a name for the organization that will be. He only states that it is a different entity entirely that is involved in the low-income apartments. I believe this is a way he is using to not respond to my policy related questions which have to do with how the apartments will serve the needs of the community.

I feel deceived and manipulated by Mr. Lundgren and do not believe he has been truthful in his request and presentation to Billings city council. As a result of Mr. Lundgren's lack of transparency in providing information and his lack of consistency of who and what organization is planning to run the low-income housing development, I no longer
support this project. Based on how Mr. Lundgren has responded, I do not believe this project is in the best interest of Billings or individuals and/or families in need of low-income housing.

If you have any questions, please feel free to contact me.

Sincerely,

Penny Ronning
Billings City Council, Ward 4
(406) 579-9778
she/her/hers

This message is only intended for the addressed recipient and may contain confidential information. If you are not the intended recipient or their representative, any form of disclosure, archiving or distribution of this communication is strictly prohibited. Please notify the sender of the error and delete all copies and attachments from your system. Please know that emails sent to and received from this email address can be public information.

From: Guariglia, Kellie <kguariglia@mt.gov>
Sent: Monday, August 10, 2020 8:10 AM
To: Shaw, Kendra; Yakawich, Mike; Ewalt, Frank; Neese, Roy; Choriki, Danny; Joy, Denise; Purinton, Pam; Ronning, Penny; Boyett, Mike; Brown, Shaun
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Multifamily Program Officer
kguariglia@mt.gov<mailto:kguariglia@mt.gov>
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Dear Ms. Bair,

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I trust that I have not missed the deadline, but if I have, I want to submit my response to these public comments for the record.

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complexities of the tax credit process arrangement.) Thankfully you and your team as well as our partner Don Sterhan and Mountain Plains Equity Group do understand and are there to help entities like MRM understand these things and to make this much needed housing project happen. I will ask Don Sterhan, who understands this better than I, to reach out to Ms. Ronning to attempt to clarify what I could not.

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Feel free to contact me if you have any concern or need further clarity.

Best,

Matt

Rev. Matthew Lundgren
Executive Director
Montana Rescue Mission
a: 2902 Minnesota Ave, Billings, MT 59101 [linkprotect.cudasvc.com]
e: mlundgren@montanarescuemission.org
p: 406.247.0140
c: 406.670.8556

[facebook.com]
September 28, 2020

Montana Board of Housing
301 S. Park Avenue
Suite 240
Helena, MT 59620

RE:  2021 Housing Credit Award Proposal for MRM Unified Campus

Dear Board Members:

I realize that today is the deadline for submitting comments on the 2021 Housing Credit Awards proposals. I am sending my comments today, just under the wire, because it has taken me considerable time to gather the information necessary for me to identify the issues I have, and make the assertions I will be making to you, about the Montana Rescue Mission (MRM)/CR Builders LLC proposal for housing credit funds. I hope you will consider what I have to say, despite this coming to you at the last minute.

I have deep concerns about the MRM/CR Builders LLC proposal for an MRM Unified Campus. My experience with Matt Lundgren, Executive Director of MRM and Friendship House, and CR Builders LLC (or Mountain Plains Equity Group, Inc., which are for-profit organizations under Don Sterhan) has left me with the strong impression that this project will likely not be done with honesty and the best intentions for the low income, homeless and mentally ill people the MRM Unified Campus proposes to serve.

So I ask you, even at this late hour in the process, to look more closely at their proposal and the underlying operations of these two organizations, especially MRM and its ties to the umbrella organization it is now a part of: Leadership Foundations, based in Tacoma, Washington. I have spent considerable time doing that myself. And while I do not claim to have a grasp of the entire picture of what is going on with these organizations, I have seen enough, and experienced enough firsthand, to raise serious questions to you about their operations.

Background

I live in Billings, on the South Side. In the past nearly five years, I have been active in the South Side Neighborhood Task Force (SSNTF), worked as a volunteer for teen activities at Friendship House, worked as a volunteer chaplain at the Community Crisis Center, which provides crisis stabilization services for mental health, substance abuse and/or social service needs to the people of Billings, especially those who are homeless, and this year I have worked with the staff of St. Vincent de Paul Society to provide sack lunches for their hungry clients. I am also a retired ordained ELCA Lutheran pastor and have served many years as a relief chaplain at St. Vincent Healthcare in Billings.

Starting in November or December 2018, the Billings community, especially the
homeless and the other agencies serving them, got the word that MRM was no longer taking in and sheltering homeless people from the streets, even when temperatures reached freezing and below. Suddenly, people had to meet sobriety and other requirements, in order to receive shelter. It was my understanding that, for years, when outside temperatures reached 32 degrees and lower, MRM would not only shelter the people who came there, but MRM would send out a van to look for and pick up people from the streets who needed shelter. All of a sudden, MRM was not doing that; yet what its actual new policies were, remained unclear to the other agencies in the community that serve the homeless population, and to community members like me who live around and are concerned about homeless neighbors. This change took place as Matt Lundgren was coming on board as Executive Director of MRM. As the weather got cold, then, with no other place to go, the homeless sought shelter at the Crisis Center, and far outnumbered its legal capacity of 45 people in the building, INCLUDING staff. With no real notice from MRM, a major resource, and the ONLY shelter, for the homeless in Billings was suddenly unavailable to many of them.

In conversations between me, the Community Crisis Center Program Director, MarCee Neary, Pastor Lisa Harmon of First Congregational Church, and others, the concept and organization of a program named My Backyard was quickly developed and implemented by the first part of January 2019. Volunteers from the community were recruited, trained, and organized into teams who would sit up all night at one of three downtown churches while the homeless slept in warmth and safety on mats on the floor of whatever room the church had available. Through the whole winter season of 2019, the scores of homeless who were not allowed into MRM, were served by the Crisis Center and this group of My Backyard volunteers. But it was hard work and only a quick fix to a sudden and critical community need that resulted from a change of policy implemented by Matt Lundgren.

MRM, under the leadership of Matt Lundgren, has continued to be closed to so many of the homeless in this community. Yet, in my experience, Matt has worked hard to try to force other services to the needy in this community under his management. This is doubly concerning to me, since Matt has moved the Friendship House and MRM under the umbrella organization, Billings Leadership Foundation, which is, in turn, under another umbrella organization, Leadership Foundations, based in Tacoma, Washington. It is MRM’s, and Friendship House’s being caught up, ultimately, into the Leadership Foundations umbrella that is most concerning about this proposal MRM and CR Builders LLC are making for over $6 million for what they are calling the MRM Unified Campus. You see, nearly 50 years ago, when I was living in Atlanta, Georgia, I worked for an organization called Assistance to Offenders, Inc., a nonprofit organization that was under another nonprofit umbrella organization, like Leadership Foundations, called Exodus, Inc. It happens that Exodus, Inc. was under the leadership of two men, Bill Milliken and Neil Shorthouse. At the time I was working under this umbrella, Exodus, Inc., as I recall, had been operating for several years, and was taking in around $500,000 or more yearly income from donations and grants, yet Shorthouse and Milliken had never applied for nonprofit status, never reported to the IRS and never instituted an accounting system; in fact, check stubs, receipts and other records
collected over that time had been stacked helter-skelter in a room. They came to me and asked me to put it all together for them-- develop an accounting system and get them the nonprofit status—which, over the next several months, I did. Now so many years later, I see Shorthouse and Milliken are listed on the board of directors of Leadership Foundations! And as I have investigated the organizational and financial workings of Leadership Foundations, I recognize their philosophy of disregard for boundaries, chaos and, what I believe may be deception, all over the place. Unfortunately, organizations, like MRM, that come under such a complex, chaotic and, at times, irresponsible, if not deceptive, structure tend to take on those characteristics too.

Leadership Foundations, Tacoma, Washington

Leadership Foundations, the entity that functions as the over-arching umbrella for the Billings Leadership Foundation, is termed a “foreign nonprofit” by the State of Washington. Its origins are, apparently, in Leadership Foundation that is an active nonprofit listed in the State of Pennsylvania and first registered in 1993. Leadership Foundations in Tacoma (UBI 602 872 578) is an active nonprofit now, but since 2012 has gone through several instances of having their Washington business license terminated because of non-reporting to the State. The latest instance was in January 2020; its Washington business license was not reinstated until April 2020.

On its website, Leadership Foundations lists its staff, along with their LinkedIn profiles. The staff is comprised of 24 people, most of whom live all around the country, and one in South Africa, rather than in the Seattle/Tacoma area. And most of them are directors or CEOs of other nonprofits, or own their own businesses, and their actual relationship to Leadership Foundations in Tacoma is unclear. For instance, Lisa Lampman is listed as a staff member who is the Director of Mentoring Youth for Leadership. Yet, on her LinkedIn profile presented on the Leadership Foundations webpage she states that she is currently President of Lampman Consulting LLC in Virginia and that her affiliation with Leadership Foundations is as an “Interest”, not an occupation. Additionally, on the 2018 990 IRS form for Leadership Foundations, she is listed in Part VII, Section B as an independent contractor who received $113,000 from Leadership Foundations in 2018.

A similar, but perhaps more convoluted, example is Deborah (Debbi) Commodore. She has been the Senior Strategist and Special Projects Director from 2015 to present. On her LinkedIn profile she states that she was Principal Owner of Commodore Consulting from 2002-2015, but that business was not registered with the State of Washington. In addition to being listed as a Leadership Foundations staff member, on the 2018 990 IRS form for Leadership Foundation, she is listed as an independent contractor in Section B Part VII. And she is listed, specifically, as receiving $110,000 for “Fundraising”. Yet in Part I of Schedule G of that same 990 form, Commodore Consulting is listed as an independent contractor doing fundraising activities for $110,000. The only business registered in Washington with the same address as she listed for her Commodore Consulting is Commodore Asset Management, which is owned by a Darnell Commodore, but has no reference to her. While these confusing details of her
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Consider, as well, Sherman Brown. He is listed under “Staff” as Major Gifts Officer. Yet his LinkedIn profile on the Leadership Foundations webpage says that he is: Founder and Chairman of All-Star PPE & Medical, a company based out of Orlando, FL, from February 2020-present. He is also listed as current Founder and CEO of Three Media Group of Companies from 1998-present. On the 2018 990 IRS form for Leadership Foundations, under Section A Officers, Directors, Trustees, Key Employees and Highest Compensated Employees, he is listed as receiving, for an average 40 hours per week, $170,900 reportable compensation and $29,607 estimated other compensation.

Finally, consider Bianca Singleton. She is the Mentoring Network Regional Coach for Leadership Foundations in Tacoma. She is also an Academic Advisor II at Georgia State University in Atlanta, Georgia. She, as a volunteer, is also the Executive Director of Precious Me, a State of Georgia nonprofit and the Youth Mentoring Collaborative Director for the Metro Atlanta Leadership Foundation, a State of Georgia nonprofit that also goes by Resurgence Leadership Foundation. Metro Atlanta Leadership Foundation, aka Resurgence Leadership Foundation, is, like Billings Leadership Foundation and 29 other Leadership Foundations and nonprofit organizations with unrelated names in the United States, under the umbrella of Leadership Foundations in Tacoma, Washington. And under each one of these 30 nonprofits directly under Leadership Foundations in Tacoma are, in many cases, multiples of other nonprofits that each serve, I am presuming, as umbrella organizations for yet more nonprofits.

Conclusion

The layering and interweaving of these nonprofits within Leadership Foundations so that it creates such an intricate network that tracking the people involved, let alone the millions of dollars that come into these organizations, becomes very difficult is what concerns me about this project that Matt Lundgren at MRM and CR Builders LLC are proposing. It is a project to renovate dilapidated buildings on the edge of the South Side of Billings, in order to force all the crisis intervention, mental health, addiction counseling and housing services to the poor and homeless citizens of Billings into that one location, using the justification that it is a cost-effective move for the city and county to make. In short, he and MRM are aiming to carry out a plan he has tried desperately for years to accomplish, as he says in a Yellowstone County News article on August 7, 2020: “The plan for centralizing the services available for the needy, mentally ill, and homeless has been in the works for two years. It’s entailed consultations with other communities who have solved similar problems with such a facility.”

This plan will, ultimately, serve the wants of the business and residential community on the north side of the tracks to force our homeless and poor, as well as mentally ill, addicted, incarcerated and, struggling formerly incarcerated, neighbors over to the
South Side. It will also serve the ambitions of Matt Lundgren, and perhaps others in the Leadership Foundations network, to force most, if not all, the services to these folks who are in the greatest need in the Billings area under the Leadership Foundations structure. But this plan will not serve the good of the community, or the people who are dependent upon these services. Judging from the way Matt Lundgren and the other leaders of MRM have chosen to take away services to folks in need over the past two years, and work to undermine the other organizations that are faithfully trying to provide those services, and judging from what I feel are the questionable organizational, as well as financial, practices of Leadership Foundations, it would be a disaster for the community of Billings, if this plan were able to be completed.

Therefore, I am asking you, the Board of Housing, to not approve the proposal from MRM/CR Builders LLC for the Unified MRM Campus. This community surely does need affordable housing and shelter and housing for the homeless; but we do not need to do it this way. We cannot afford to accomplish something good for this community, such as decent shelter and housing, through a project riddled with power plays and deception.

Sincerely,

Catherine Card
2815 4th Avenue South
Billings, MT 59101

406-679-1501
Dear Ms. Bair,

I am writing in response to the two dissenting public comment letters I received from your office regarding our Montana Rescue Mission Unified Campus LIHTC project from Ms. Card and Ms. Ronning.

I trust that I have not missed the deadline, but if I have, I want to submit my response to these public comments for the record.

To Ms. Card’s comments of outside entities controlling our agency, I want to assure the Board of Housing that Montana Rescue Mission (MRM) is an independent 501c3 Organization and operates to serve the best interest of the homeless in Billings with a local board of Directors. Our project will be owned and operated by the MRM and its investors and not intertwined with or diluted by other organizations. As such, MRM is not under the direction or control of Leadership Foundations Worldwide Office in WA state or beholden to them for this project. Leadership Foundations is a voluntary affiliation of independent organizations serving the poor in cities all over the globe. While MRM has administrative services (Development, HR, Finance, and Direction) provided by Billings Leadership Foundation as a cost savings measure, MRM operates with its own Program Director and Staff. Similarly, while Ms. Card has stated her issues with Leadership Foundations Worldwide Office in WA state and their salary ranges for employees in other communities, that administrative function does not impact MRM housing the homeless or providing apartments in Billings MT. Likewise, Ms. Cards bad experiences with Leadership Foundations affiliates in GA decades ago has no bearing on how the MRM will operate its Apartments in Billings in 2020 and beyond. Finally, Ms. Card’s personal attacks on my leadership and integrity are without merit and she acts in bad faith in proclaiming her “opinion” on MRM policies and procedures as fact. Despite her comments to the contrary, MRM does serve the homeless on a daily basis and will continue to do so as we have done for over 70 years.

To Ms. Ronning’s comments, I was heartened by her initial support of our project as a member of Billings City Council and disheartened by her change of mind. Ms. Ronning and I did visit before my comments to the Billings City Council and visited again by phone after my presentation. In the later phone call, we discussed the intricacies of how tax credits work and I did my best to describe the relationship we will have with tax credit investors, CR Builders, Billings Housing Authority Property Management, and our own new MRM Management Corp. entity. I described how these entities will work in concert to not only provide financing and shield us all from liability but will also provide building construction/renovation project management, apartment operational management and allow all parties to make this complex relationship happen. It is clear I failed to communicate this information to her satisfaction and understanding. (Indeed, I am still a bit baffled on all of the
complexities of the tax credit process arrangement.) Thankfully you and your team as well as our partner Don Sterhan and Mountain Plains Equity Group do understand and are there to help entities like MRM understand these things and to make this much needed housing project happen. I will ask Don Sterhan, who understands this better than I, to reach out to Ms. Ronning to attempt to clarify what I could not.

To Ms. Ronning’s other comments regarding MRM’s specific policies and procedures for serving specific groups of homeless individuals, I explained to her at length that we do not and have never discriminated against any group at the mission and that in fact we serve people often deemed “untouchable” by the rest of society. I also let Ms. Ronning know that we operate by our Mission Statement: "Reflecting the Love of Jesus Christ by providing emergency, temporary and rehabilitative care to those experiencing hunger and homelessness.” She asked for assurances that we do in fact serve the LGBTQ community and I told her that we do not and have never asked for a persons sexual preference when entering the shelters- which is evidence of nondiscriminatory policy in action. I also let Ms. Ronning know that for reasons of confidentiality and privacy, I cannot disclose to her the names or percentages of those we serve or their sexuality. I did let Ms. Ronning know that we serve many people from the LBGTQ community in our shelters and current apartment complex but I declined to provide further information. Further, I told Ms. Ronning that the shelter and the low income housing tax credit apartments will be operated separately and will follow different rules for occupants while occupying the same building. For example, a shelter guest will have a curfew while a tenant in the apartments would not. Finally, I explained that the apartments will follow Montana Fair Housing laws and will comply with those standards. Apparently my answers did not communicate the complexity of the co-location principle or communicate what Ms. Ronning wanted to hear, but our operations and plans do in fact line up with my statements to City Council and to the greater Billings community.

I realize that every project will have some detractors and opponents- whether their concerns are valid or not- but I trust that the overwhelming support of the community and the huge needs for low income housing in Billings can win out and that together with the Board of Housing we can make this vital project a reality.

Feel free to contact me if you have any concern or need further clarity.

Best,

Matt

Rev. Matthew Lundgren
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Award Determination Selection Standard

Applications that will receive an Award of Housing Credits. In addition to any other Selection Criteria specified in this QAP, the MBOH Board may consider the following factors in selecting Applications for an Award of Housing Credits to qualifying Projects:

a. The geographical distribution of Housing Credit Projects;
b. The rural or urban location of the Projects;
c. The overall income levels targeted by the Projects (including deeper targeting of income levels);
d. The need for affordable housing in the community, including but not limited to current Vacancy Rates;
e. Rehabilitation of existing low-income housing stock;
f. Sustainable energy savings initiatives;
g. Financial and operational ability of the Applicant to fund, complete and maintain the Project through the Extended Use Period;
h. Past performance of an Applicant in initiating and completing tax credit Projects;
i. Cost of construction, land and utilities, including but not limited to costs/credits per square foot/unit;
j. The Project is being developed in or near a historic downtown neighborhood;
k. The frequency of Awards in the respective areas where Projects are located;
l. Preserving project rental assistance or have or are planning to add Section 811 units to an existing project; and/or
m. Augmentation and/or sources of funds.