

2009 Ohio Volume Cap Multifamily Housing Applications

Attachment C2 – Required for Multifamily Housing Projects

Instructions

Attachments A, B, C1, C2, C3, C4 and C5 are required to complete a Notice of Intent and Request for Allocation of State Ceiling under 26 U.S.C. § 146.

As provided in Ohio Administrative Code § 122-4-02 in the event requests for allocation of volume cap in a particular selection round exceed volume cap then available for allocation, the information provided in these attachments will be used by the Ohio Department of Development (ODOD) to evaluate and prioritize projects. ODOD may be assisted in its review of applications by staff of the Ohio Housing Finance Agency (OHFA). In the event the aggregate amount of requests for a selection round is less than the volume cap available, all qualified projects submitted in a selection round will receive an allocation and the required attachments may be used by the ODOD or OHFA staff for data collection and analysis.

A Notice of Intent submitted without any one or more of the required category-specific attachments will be considered for an allocation; however, the Notice of Intent may be treated less favorably than properly completed Notices of Intent. ODOD staff may request additional information in follow up to its review of a Notice of Intent and the required attachments.

IMPORTANT NOTE: Use the most current version of the Required Multifamily Housing Attachments posted at www.odod.state.oh.us/edd/vc. Attachments forms are subject to change by ODOD from time to time.

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Good Standing with OHFA and ODOD Housing Program Requirements

An applicant will be considered to be in good standing with Ohio Housing Finance Agency (OHFA) and Ohio Department of Development (ODOD) housing programs **unless** any one or more of the following circumstances exists with respect to any project with which the entity or individual is involved in an executive capacity, *i.e.* any capacity other than as a passive investor or general contractor:

1. Outstanding uncorrected IRS Form 8823
2. Default on any OHFA loan
3. Failure to submit an annual owner certification or report to OHFA.
4. Before the issuance of IRS Form 8609, the project has non-compliance issues that would be reported to the IRS if Form 8609 had been issued
5. Failure to request Form 8609 in a timely manner
6. Failure to abide by the regulations of the Housing Development Assistance Program (HDAP)
7. Violations of the terms of a HDAP funding agreement
8. Failure to pay applicable OHFA program fees
9. Failure to maintain good standing with an Ohio Department of Development (ODOD) program.
10. Deviating from an approved project plan without OHFA approval
11. Providing false, misleading, or incomplete information on an application or other document required by the OHFA
12. Failure to respond in a reasonable period to requests for information or documentation by OHFA
13. Changing a management company or other approved project participant without OHFA approval
14. The internal OHFA Good Standing Committee determines that a responsible party should be considered to be not in good standing.

Other determinations made by OHFA based on a pattern of mismanagement or non-compliance as evidenced by monitoring reviews or other information. Determinations may be directly appealed to the OHFA Multifamily Committee as described below.

A designation of not in good standing will result in the entity or individual so designated being unable to participate in any OHFA programs until the violations resulting in such designation are resolved. Parties deemed to be not in good standing under any of the above items may, upon submission of additional information, request that the Good Standing Committee remove such designation. In the event the Good Standing

Committee denies a request, the applicant may appeal to the Multifamily Committee of the OHFA Board. Designations of not in good standing resulting from Item 13 above, may be appealed directly to the Multifamily Committee. The decision of the Multifamily Committee is final.

Projects may request that OHFA waive violations of the good standing policy as described in Items 1-13 above. Examples of circumstances where a waiver may be issued include when a management company or owner “inherits” uncorrected Forms 8823 or in the event of a casualty loss.

As described in Attachment CI, applications by individuals and entities in good standing with OHFA and ODOD may be treated more favorably than applications of individuals and entities not in goods standing when requests for allocation exceed volume cap then available, and good standing will be a factor considered for allocations from the Director’s Discretionary set aside.