

Low Income Housing Tax Credit Policy and the 9% LIHTC Application Process

Developer Meeting
11.14.2022



Housing Tax Credit Review Policy – City of Arlington, Texas
(Revised 01/11/2022)

The City of Arlington will consider providing a Resolution of Support or a Resolution of No Objection for the State's Low-Income Housing Tax Credit (LIHTC) developments that provide long term, high quality sustainable housing to the city. To determine if a proposed LIHTC development meets this standard, staff will evaluate both the proposed development as well as the proposed development entity using the following criteria.

1. The proposed developer has a track record of developing and managing high quality LIHTC housing, with hands-on management which includes comprehensive tenant screening.
2. The proposed development should be consistent with Comprehensive & Consolidated Plans.
3. The proposed development should use:
 - a. Energy-efficient measures
 - b. Sustainable building materials
 - c. Materials from the City's preferred materials list
4. The City has a preference for demolishing existing structures and building new housing.
5. The City has a preference for developers with experience constructing and owning/managing well-maintained, quality properties and a preference for local, on-site property management.
6. The City has a preference for developers who are willing to identify the Arlington Housing Finance Corporation (AHFC) or an eligible, related entity designated by the AHFC, as the intended recipient of Right of First Refusal.
7. The City has a preference for developments that serve a mixture of income levels, including market rate units.
8. The City has a preference for developments located near jobs and quality childcare.
9. The City has a preference for developments with sites that have existing multi-family zoning.
10. The City has a preference for developments that are not seeking a property tax exemption.

The Developer should address how the development entity and the proposed development meet each of these criteria in their request to the City. City staff will evaluate the developer's proposal using these criteria as well as applicable city ordinances and will make a recommendation to the Community and Neighborhood Development Committee as to whether the proposed development should be reviewed by City Council and considered for a Resolution of Support or Resolution of No Objection.

Consideration of the developer's request for a Resolution of Support or a Resolution of No Objection in no way impacts the City's right to approve, disapprove or modify the developers proposed site plans or to modify the zoning for the proposed development.

City of Arlington Policy



Most recent change was 1/11/2022 adding language related to the need to comply with the Fair Housing Act.

NON-DISCRIMINATION POLICY

It is the policy of the City of Arlington to comply with Title VIII of the Civil Rights Act of 1968, as amended (Commonly known as the Fair Housing Act) by ensuring that its Housing Tax Credit Review Policy does not discriminate against a person based on race, color, religion, national origin, sex, disability, or familial status. This policy means that, among other things, the City and all of its officials, agents and employees will not discriminate in any aspect of housing based on the protected class characteristics, including by:

- (a) making unavailable or denying a dwelling to any individual based on familial status;
- (b) discriminating against any individual in the terms, conditions or privileges of a dwelling or services or facilities in connection therewith based on familial status;
- (c) making, printing, or publishing, or causing to be made, printed, or published any advertisement, with respect to a dwelling that indicates any preference, limitation, familial status;
- (d) representing to individuals because of familial status that any dwelling is not available in fact so available;
- (e) interfering with any person in the exercise or enjoyment of, or on account of them having enjoyed, or on account of them having aided or encouraged any other developer or on enjoyment of, any right protected by the Fair Housing Act;
- (f) interfering with the funding, development, or construction of any affordable housing status; and
- (g) discriminating on the basis of familial status in any aspect of the administration of Review Policy, zoning, land use, or building ordinances, policies, practices, requirements, or processes relating to the use, construction, or occupancy of dwellings.

Any developer or individual who believes that any of the above policies have been violated, Arlington, may contact the City's Fair Housing Officer at Richard.Pine@arlingtontx.gov. Developers or individuals may also contact the:

U.S. Department of Housing and Urban Development
Fort Worth Regional Office
307 W. 7th Street
Fort Worth, TX 76102
https://www.hud.gov/program_offices/fair_housing_equal_opportunity/online-complaint
(800)688-9777 or (817) 978-5600

Or

U.S. Department of Justice
Civil Rights Division
Housing & Civil Enforcement Section
150 M Street, NE
8th Floor
Washington, D.C. 20002
<https://civilrights.justice.gov/>
(833) 591-0291 and (202) 514-4713

HTC Policy

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- (c) making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to a dwelling that indicates any preference, limitation, or discrimination based on familial status;
- (d) representing to individuals because of familial status that any dwelling is not available when such dwelling is in fact so available;
- (e) interfering with any person in the exercise or enjoyment of, or on account of them having exercised or enjoyed, or on account of them having aided or encouraged any other developer or individual in the exercise or enjoyment of, any right protected by the Fair Housing Act;
- (f) interfering with the funding, development, or construction of any affordable housing units because of familial status; and
- (g) discriminating on the basis of familial status in any aspect of the administration of its Housing Tax Credit Review Policy, zoning, land use, or building ordinances, policies, practices, requirements, or processes relating to the use, construction, or occupancy of dwellings.



Excerpts from Application



Attachment 1

HOUSING TAX CREDIT PROJECT APPLICATION

The following information will be used to review and evaluate Housing Tax Credit projects for consideration of City Council support. Please provide the following information in sections as detailed below.

Section I: General Information

- A. **Contact Information:** Provide the development name, developer company name, and primary contact for the project. Please also provide related partners if known. Provide names, addresses, phone and email for each.
- B. **Experience Certificate/Statement:** Provide evidence of the applicant/developer acting in capacity as owner, general partner or developer of at least 100 residential units. Provide resume of major partners and management team. **Provide a five-year history of Fair Housing complaints received in any properties owned or managed.**
- C. **Organizational Chart & Owner's Ownership Structure:** Include all ownership organizations and key persons within these organizations.
- D. **Management:** **Describe the anticipated ongoing property management of the development, their experience, and a list of properties currently managed. Please indicate how many property management staff will be assigned to this development, including their roles (maintenance, porter, intake, etc.), and whether or not they are onsite full or part-time. Provide a five-year history of Fair Housing complaints received in any properties owned or managed.**
- E. **Ownership:** Please state whether the developer intends to be the long-term owner, and the length of ownership of other properties in the portfolio, as well as a list of those sold and the year at which they were sold.

Emphasis on compliance with
Fair Housing.

Excerpts from Application



Section II: Project Description

A. Project Description and General Information. The City prioritizes developments that demolish substandard structures, and develop new housing. City Council may consider this when determining whether to provide development support for any applicant.

- a. Type - new construction, demolition and new construction, rehabilitation
- b. Total number of units
- c. Number of low-income units by income level – The City's Housing Needs Analysis (HNA) describes the housing needs for the City. City Council may prioritize applications that meet the needs described in the HNA.
- d. Number of market rate units
- e. Population to be served (workforce/senior)
- f. Bedroom size mix
- g. Proposed gross rents for affordable and market rate units
- h. Identify if income averaging will be utilized

B. Preliminary site plan

Excerpts from Application



C. List of proposed unit and development amenities

D. Zoning: Identify current and proposed zoning. If not currently zoned for multi-family, please identify where you are in the re-zoning process and describe outreach about the rezoning to neighborhoods, community groups, City Council members or other groups and the responses received. City Council prefers housing to be built on property appropriately zoned for multifamily housing, or that has demonstrated concerted efforts to align with the style of the existing neighborhood. Please describe these efforts and community reaction. This factor will be given significant consideration when making determinations on requests for resolutions of support and/or development fee support.

E. Units per acre

F. Describe any anticipated variances from the Unified Development Code. Please review carefully – it is highly unlikely that there will be no variances. In the area of parking, if you will be deficient in parking requirements, please identify the number of parking spaces provided and parking spaces required by total spaces, covered spaces and garage spaces.

G. Development timeline if awarded credits

Application Timetable



Date(s)	Activities
Fall 2022 – 1/11/2023	Pre-application meetings with CC and PDS
No contact period	12/19/2022 – 1/2/2023
TDHCA Pre-Application Deadline	1/6/2023
City of Arlington Application Deadline	1/12/2023
Community & Development Committee meetings	1/24/2023 & 2/7/2023 (if needed)
City Council Work Session & possible action	2/7/2023
Alternate date for CC action	2/28/2023

Questions?