

2019



4% Low Income Housing Tax  
Credits/Bonds

Pre-Application

## A. INTRODUCTION

Applicants interested in requesting an allocation of federal 4% low income housing tax credits (“4% LIHTC”) issued in connection with the issuance of qualifying tax-exempt bonds should proceed as follows:

- To initiate the process, complete and submit this 4% LIHTC/Bond Pre-Application (the “Pre-Application”) (along with any applicable fees) online to NIFA at [www.nifa.org](http://www.nifa.org). If you are requesting that NIFA be the issuer of the bonds, a date for consideration by the NIFA Board of a limited purpose intent resolution will be scheduled during a regular Board meeting.
- Complete and submit the LIHTC, Nebraska Affordable Housing Tax Credits, HOME and National Housing Trust Funds Application (the “LIHTC Application”) (along with applicable fees) online at [www.nifa.org](http://www.nifa.org). Until the LIHTC Application is considered “final” by NIFA staff, a request for Unified Volume Cap (next step below) will not be scheduled for action by the NIFA Board.
- Complete and submit the Unified Volume Cap Allocation Application Request (the “Cap Application”) (along with any applicable fees) online at [www.nifa.org](http://www.nifa.org) to request an allocation of Private Activity Bond Volume Cap (“Volume Cap”).

Pre-Applications must be submitted to NIFA in the following manner:

- (a) Pre-Applications are due via the online funding application system no later than 5:00 p.m. on the last day of the application cycle as described in the NIFA 4% LIHTC Allocation Plan.
- (b) Pre-Application fees are due in NIFA’s office no later than 5:00 p.m. on the last day of the application cycle as described in the NIFA 4% LIHTC Allocation Plan.
- (c) A Pre-Application will not be considered or reviewed by NIFA:
  - (i) if the developer or owner is delinquent on Nebraska LIHTC fees, Nebraska Affordable Housing Tax Credit fees or Tax-Exempt Bond fees due and payable for other Nebraska LIHTC developments; or
  - (ii) if during the previous three (3) calendar years, there are or have been items of noncompliance or violations of a Land Use Restriction Agreement/Tax-Exempt Bond Regulatory Agreement that have not been corrected within the applicable correction period on any other Nebraska LIHTC development; or
  - (iii) if the owner is delinquent on any documentation/fees or payment of TCAP Loan that are due and payable to NIFA, including but not limited to the following:
    - (a) Conditional Reservation Documentation/42(m) Letter
    - (b) Carryover Documentation
    - (c) 10% Test Documentation
    - (d) Cost Certification Documentation
    - (e) Asset Management Documentation
    - (f) TCAP Loan Repayment Amounts
    - (g) Any other documentation requested by NIFA

All applications referred to above are available at [www.nifa.org](http://www.nifa.org) and must be completed and submitted to NIFA online. Submit fees to MF Bond Program:

Chief Operating Officer  
Nebraska Investment Finance Authority  
1230 O Street, Suite 200  
Lincoln, NE 68508-1402

For additional information on the 4% LIHTC/Bonds process, please refer to the NIFA 4% LIHTC Allocation Plan.

## B. PRE-APPLICATION PROCESS

Please check the appropriate box below regarding the proposed issuer of the bonds.

**NIFA AS ISSUER OF TAX-EXEMPT BONDS**

Applicants shall complete and submit this Pre-Application prior to the adoption by the NIFA Board of a limited purpose intent resolution. A limited purpose intent resolution does not bind NIFA to ultimately issue bonds, but is a requirement for an allocation of Volume Cap and consideration of final bond approval by the NIFA Board.

**Pre-Application Fee:**

A non-refundable fee of 1/16<sup>th</sup> of 1% of the bond amount requested (\$1,000 minimum) is due upon submission of this Pre-Application. This fee will be applied to the “Bond Issuance Fee” if the bond issue closes.

Upon issuance of a limited purpose intent resolution, the applicant must proceed to complete and submit the full LIHTC Application online.

Once the LIHTC Application has been reviewed and accepted as final by NIFA staff, the applicant must submit a separate Cap Application requesting an allocation of Volume Cap. This Cap Application must be accompanied by both the applicable Reservation Deposit and the Bond Allocation Fee. (See the NIFA 4% LIHTC Allocation Plan for additional details.) **[NOTE: The duration of the allocation of Volume Cap is limited to a specific period of time. Thus, your LIHTC Application should be approved by NIFA as final prior to applying for an allocation of Volume Cap.]**

**See the NIFA 4% LIHTC Allocation Plan for information on the applicable fees charged by NIFA in connection with both the issuance of bonds and the allocation of 4% LIHTCs.**

**NIFA NOT THE ISSUER OF TAX-EXEMPT BONDS**

Applicants shall complete and submit this Pre-Application and include a copy of the intent resolution adopted by the proposed issuer (e.g. governmental entity) of the bonds. Submission of an intent resolution does not bind NIFA to ultimately allocate Volume Cap, but is a requirement for an allocation of Volume Cap by the NIFA board.

Upon submission and review by NIFA of the Pre-Application, the applicant will be notified to proceed to complete and submit the full LIHTC Application online.

Once the LIHTC Application has been reviewed and accepted as final by NIFA, the applicant must submit a separate Cap Application requesting an allocation of Volume Cap. This Cap Application must be accompanied by both the applicable Reservation Deposit and the Bond Allocation Fee. (See the NIFA 4% LIHTC Allocation Plan for additional details.) **[NOTE: The duration of the allocation of Volume Cap is limited to a specific period of time. Thus, your LIHTC Application should be approved by NIFA as final prior to applying for an allocation of Volume Cap.]**

**See the NIFA 4% LIHTC Allocation Plan for information on the applicable fees charged by NIFA in connection with the allocation of 4% LIHTCs.**

**C. APPLICANT/OWNER OVERVIEW**

**APPLICANT INFORMATION:**  
 The applicant anticipates being part of the final ownership entity. Yes No

Legal Name of Entity: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant Contact Person: \_\_\_\_\_  
 Applicant Contact Information if different from above:  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**OWNERSHIP INFORMATION:**

Name: \_\_\_\_\_ Contact Person: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_ Email: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Has Ownership Entity been formed?  
Yes No Federal Tax ID Number: \_\_\_\_\_

Identify the Persons or Entities who will be part of the Ownership Entity:

Name: _____	EIN #: _____	Telephone: _____	Ownership Interest: _____%
Name: _____	EIN #: _____	Telephone: _____	Ownership Interest: _____%
Name: _____	EIN #: _____	Telephone: _____	Ownership Interest: _____%
Name: _____	EIN #: _____	Telephone: _____	Ownership Interest: _____%

Has the applicant, or any affiliate of the applicant or ownership entity ever sold or transferred LIHTCs to a new ownership entity prior to placing the buildings in service or within a year thereafter?  
Yes No *If "Yes", provide the details of the transfer in Exhibit 1.*

**D. DEVELOPMENT OVERVIEW**

**DEVELOPMENT NAME AND ADDRESS:**

Development Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ County: \_\_\_\_\_  
 City: \_\_\_\_\_ Legislative District: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_ Congressional District: \_\_\_\_\_

**DEVELOPER NAME AND ADDRESS:**

Name: \_\_\_\_\_ Contact Person: \_\_\_\_\_  
 Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_  
 City: \_\_\_\_\_ Email: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_

**TYPE OF PROJECT (check one):**

- New Construction
- Acquisition and Rehabilitation  
(Percent of Rehab: \_\_\_\_\_%)
- Total Development Cost

*Please provide a one-page summary of the proposed development in **Exhibit 2**, which includes the following:*

The impact of the proposed project on the local economy (the description should include the following elements):

- The ability of the local community to provide support services including, among other things, roads, sewer, water and schools.
- Local need for the project and effort on the local economic base in terms of direct and indirect jobs, diversification, and tax base.

**DEVELOPMENT TEAM/OTHER PARTIES:**

Has any party of the development team (including those participants listed below) received an allocation of LIHTCs from a previous year for the development? Yes No

If “Yes” provide the following: Year of Allocation: \_\_\_\_\_ NIFA Number: \_\_\_\_\_ BIN Numbers: \_\_\_\_\_

*For each participant listed below, please provide the full name of the firm and/or individual, their full address, telephone number and the name of the contact person, and interest, if any, in the development in **Exhibit 3**. If any members of the development team (to include the Developer, Bond Counsel, or Bond Trustee located elsewhere on this application) have any direct or indirect financial or other interest or relationship with any other project team member, describe those relationships in **Exhibit 3**.*

- Accountant
- Architect
- Consultant (if any)
- Developer Counsel
- Engineer
- General Contractor
- General Partner
- Management Company
- Syndication Firm
- Underwriter

**SITE INFORMATION:**

\_\_\_\_\_ Total Number of Buildings in the Development

\_\_\_\_\_ Number of Stories in Tallest Building

Will any of the buildings include an elevator? Yes No If yes, how many? \_\_\_\_\_

\_\_\_\_\_ Total Number of Units in the Development (LIHTC, HOME, Market, Other, etc.)

\_\_\_\_\_ Total Square Footage of the Development

\_\_\_\_\_ Square Footage of Area for Commercial Space

\_\_\_\_\_ % Percentage of Floor Area for Commercial Space

Will the Development have Manager/Maintenance Unit(s)? Yes No

\_\_\_\_\_ Number of Employee/Maintenance Unit(s)

\_\_\_\_\_ Square Footage of Employee/Maintenance Unit(s)

\_\_\_\_\_ Other Common Space Square Footage

\_\_\_\_\_ Total Net Rentable Square Footage of all Rental Units in the Development

\_\_\_\_\_ Total Number of LIHTC Units in the Development (excluding employee/maintenance unit(s))

\_\_\_\_\_ % Percentage of LIHTC Units in the Development  
 \_\_\_\_\_ Total Square Footage for LIHTC Units  
 \_\_\_\_\_ % Percentage of Floor Area for LIHTC Units  
 \_\_\_\_\_ Total Number of Market Rate Units  
 \_\_\_\_\_ Square Footage of Market Rate Units  
 \_\_\_\_\_ Total Site Area (Land) to be used for the Development. Please Specify:  Acres  Sq. Feet

Development Structure: (check all that apply)

- Multifamily (more than 4 units per building)  
 Single-family  
 Single Room Occupancy (SRO)

- Duplex  
 Four-plex  
 Special Needs

- Elderly Housing  
 Congregate care facility  
 Other: \_\_\_\_\_

**BOND MINIMUM SET-ASIDE ELECTION (check one only):**

- 20-50 Test     The development meets this requirement if 20% or more of the residential units in the development are both rent restricted and occupied by individuals whose income is 50% or less of the area median gross income.  
 40-60 Test     The development meets this requirement if 40% or more of the residential units in the development are both rent restricted and occupied by individuals whose income is 60% or less of the area median gross income.

**LIHTC MINIMUM SET-ASIDE ELECTION (check one only):**

- 20-50 Test     The development meets this requirement if 20% or more of the residential units in the development are both rent restricted and occupied by individuals whose income is 50% or less of the area median income ("AMI").  
 40-60 Test     The development meets this requirement if 40% or more of the residential units in the development are both rent restricted and occupied by individuals whose income is 60% or less of the AMI.  
 Income Averaging Test     The development meets this requirement if 40% or more of the residential units in the development serve households earning as much as eighty percent (80%) of the AMI, as long as the average income/rent limit in the development is sixty percent (60%) or less of the AMI.

PLEASE NOTE: Income Averaging may be used in bond-financed LIHTC developments as long as the development satisfies BOTH the IA set-aside election and one of the minimum set-aside elections applicable to tax-exempt bond financing (20/50 or 40/60 minimum set-aside). Thus, units with income limits above 60% or 50%, as applicable, do not count for purposes of bond compliance.

**E. BOND FINANCING**

**BOND ISSUER:**

Name: \_\_\_\_\_ Contact Person: \_\_\_\_\_  
 Address: \_\_\_\_\_ State: \_\_\_\_\_  
 City: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_ Email: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

*If NIFA is not the Issuer of the Tax-Exempt Bonds, please provide the Bond Intent Resolution from the Bond Issuer in Exhibit 4.*

**BOND COUNSEL:**

Name: _____	Contact Person: _____
Address: _____	
City: _____	State: _____
Zip Code: _____	
Telephone Number: _____	Email: _____

<b><u>BOND TRUSTEE:</u></b>	
Name: _____	Contact Person: _____
Address: _____	
City: _____	State: _____
Zip Code: _____	
Telephone Number: _____	Email: _____

**F. SOURCE OF FUNDS**

Will any portion of the project be financed directly or indirectly with Federal, State, or Local Government funding?  Yes  No

Please indicate the sources of funds and the amounts anticipated for this project.

<input type="checkbox"/> Tax-Exempt Bonds	\$ _____
<input type="checkbox"/> Taxable Bonds	\$ _____
<input type="checkbox"/> Tax Increment Financing	\$ _____
<input type="checkbox"/> Grants	\$ _____
<input type="checkbox"/> Other	\$ _____

**BONDS:**

**TAX-EXEMPT BONDS**

Will the development receive tax-exempt bond financing for at least 50% of the aggregate basis of the building(s) and land includable in the Development?  Yes  No

Type of bond sale:  Private Placement  Public Sale

If a Public Sale is proposed, will the bonds be rated?  Yes  No

If "Yes" provide the following:

Rating: \_\_\_\_\_

Rating Agency: \_\_\_\_\_

Bond Underwriter: \_\_\_\_\_

Bond Trustee: \_\_\_\_\_

Bond Security:

Bond Insurance:  Yes  No

Project Mortgage:  Yes  No

Credit Enhancement:  Yes  No

If "Yes" provide the following:

What type? \_\_\_\_\_

By whom? \_\_\_\_\_

Other: \_\_\_\_\_

**TAXABLE BONDS**

Type of bond sale:  Private Placement  Public Sale

If a Public Sale is proposed, will the bonds be rated?  Yes  No

If "Yes" provide the following:  
 Rating: \_\_\_\_\_  
 Rating Agency: \_\_\_\_\_  
 Investment Bank: \_\_\_\_\_  
 Bond Trustee: \_\_\_\_\_

Bond Security:  
 Bond Insurance:  Yes  No  
 Project Mortgage:  Yes  No  
 Credit Enhancement:  Yes  No

If "Yes" provide the following:  
 What type? \_\_\_\_\_  
 By whom? \_\_\_\_\_

Other: \_\_\_\_\_

**LOANS**

Projected Loan Terms:  
 Principal Amount: \$ \_\_\_\_\_  
 Interest Rate:  Fixed  Variable  
 Term of Loan: \_\_\_\_\_ Years  
 Amortization: \_\_\_\_\_ Level \_\_\_\_\_ Balloon

Loan Security:  
 Development Mortgage:  Yes  No  
 Assignment of Project Rents:  Yes  No  
 FHA Mortgage Insurance:  Yes  No  
 Personal Guarantees:  Yes  No

Loan Credit Enhancement:  Yes  No

**G. PROPOSED EFFECT ON TAXES**

Present property tax base:	\$ _____
Property taxes after completion:	\$ _____
Property tax increase:	_____
Estimated sales taxes during construction:	\$ _____

**H. EXPRESSION OF INTENT**

Adoption of a limited purpose intent resolution by NIFA (or submission to NIFA of an intent resolution adopted by another governmental issuer of bonds) does NOT constitute final approval by NIFA and does not legally obligate NIFA to issue bonds or to allocate Volume Cap. NIFA may require additional information from the applicant and the NIFA Board of Directors must be satisfied that the public purposes of the NIFA Act are furthered by the development and financing of the proposed project.



**I. STATEMENT AND CERTIFICATION OF APPLICANT/OWNER**

The undersigned has read and fully understands this Pre-Application. The information contained in this Pre-Application is true and correct to the best of the applicant’s knowledge.

\_\_\_\_\_  
Signature of Applicant/Owner

\_\_\_\_/\_\_\_\_/\_\_\_\_  
(Month/Day/Year)

**J. DIRECT INQUIRIES TO:**

MF Bond Program:  
Chief Operating Officer  
Nebraska Investment Finance Authority  
1230 O Street, Suite 200  
Lincoln, NE 68508-1402  
Telephone: (402) 434-3900  
Web Address: [www.nifa.org](http://www.nifa.org)