

2021



4% Low Income Housing Tax
Credits/Nebraska Affordable Housing Tax
Credits/Bonds

Pre-Application

A. INTRODUCTION

Applicants interested in requesting an allocation of federal 4% low income housing tax credits (“4% LIHTC”) and Nebraska Affordable Housing Tax Credits (“AHTC”) issued in connection with the issuance of qualifying tax-exempt bonds (“Bonds”) must complete the various applications described herein and submit such applications to the Nebraska Investment Finance Authority (“NIFA”) in accordance with the procedures and at the times set forth herein and as further described in the NIFA Low Income Housing Tax Credit Program, 2021 LIHTC/AHTC Allocation Plan for 4% LIHTCS and Nebraska AHTCS (the “4% LIHTC/AHTC Allocation Plan”).

NOTE: NIFA will **only** review applications during the allocation cycles (“Allocation Cycles”) set forth in the 4% LIHTC/AHTC Allocation Plan.

- **Pre-Application.** To initiate the process, complete and submit this 4% LIHTC/Nebraska AHTC/Bond Pre-Application (along with applicable fees) online to NIFA at www.nifa.org by the date(s) set forth in the 4% LIHTC/AHTC Allocation Plan. **NOTE:** For 2021, NIFA will allocate ~~no more than approximately~~ \$20 million of private activity volume cap (“Private Activity Bond Cap”) for the issuance of Bonds for multifamily rental housing projects (“developments”) for which both 4% LIHTCs and AHTCs are being requested. 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.
- **Full 4% LIHTC/AHTC Application.** Complete and submit the LIHTC, Nebraska Affordable Housing Tax Credits, HOME and National Housing Trust Funds Application (the “LIHTC/AHTC Application”) (along with applicable fees) online at www.nifa.org by the date(s) set forth in the 4% LIHTC/AHTC Allocation Plan. Until the LIHTC/AHTC 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.
- **Application for Private Activity Bond Cap.** Upon notification and request by NIFA, complete and submit the Unified Volume Cap Allocation Application (the “Cap Application”) (along with applicable fees) online at www.nifa.org to request an allocation of Private Activity Bond Cap.

• Requests for Private Activity Bond Cap for Both 4% LIHTCs and AHTCs

- NIFA will make available ~~up to approximately~~ \$20 million of Private Activity Bond Cap in accordance with the procedures further set forth in the 4% LIHTC/AHTC Allocation Plan pursuant to a competitive process in connection with requests for the allocation of 4% LIHTCs and accompanying AHTCs for developments as further set forth in the 4% LIHTC/AHTC Allocation Plan. A request for Private Activity Bond Cap for a development accessing both 4% LIHTCs and AHTCs shall not exceed ~~\$10~~ \$18 million per development.

• Requests for Private Activity Bond Cap for 4% LIHTCs Only

- NIFA will consider requests for Private Activity Bond Cap in accordance with the procedures set forth in the 4% LIHTC/AHTC Allocation Plan for the allocation of 4% LIHTCs only. Private Activity Bond Cap for Bonds to finance developments which will not receive an allocation of state AHTCs will be allocated subject to availability as announced by NIFA. A request for Private Activity Bond Cap for a development which is not eligible to be awarded AHTCs shall not exceed \$18 million per development.

Submission of Pre-Applications: 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 Allocation Cycle as described in the NIFA 4% LIHTC/AHTC 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 Allocation Cycle as described in the NIFA 4% LIHTC/AHTC Allocation Plan.
- (c) A Pre-Application will not be reviewed, scored or considered by NIFA at any time if:
 - (i) the developer, general partner/managing member or any affiliate thereof 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) the general partner/managing member or any affiliate thereof has or has had 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) the developer, general partner/managing member or any affiliate thereof is delinquent on any documentation or payments 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 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/AHTC/Bonds process, please refer to the NIFA 4% LIHTC/AHTC 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 (See credit requirements for bonds issued by NIFA at www.nifa.org.)**

Applicants shall complete and submit this Pre-Application for a particular Allocation Cycle 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 Private Activity Bond Cap and consideration of final bond approval by the NIFA Board.

Pre-Application Fee:

A non-refundable fee of 1/16th 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/AHTC Application online in accordance with the applicable Allocation Cycle dates.

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

*See the NIFA 4% LIHTC/AHTC 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 and AHTCs.

☐ NIFA IS NOT THE ISSUER OF TAX-EXEMPT BONDS

Applicants shall complete and submit this Pre-Application for a particular Allocation Cycle 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 Private Activity Bond Cap, but is a requirement for an allocation of Private Activity Bond 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 in accordance with the applicable Allocation Cycle dates.

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

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

ARE YOU REQUESTING NEBRASKA AFFORDABLE HOUSING TAX CREDITS IN CONJUNCTION WITH THE FEDERAL LOW INCOME HOUSING TAX CREDITS?

☐ Yes

☐ No

*If you are NOT requesting Nebraska AHTC, complete and sign the waiver at the end of this Pre-Application and include a copy with your Pre-Application submittal.

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: _____
Address: _____
City: _____
State: _____
Zip Code: _____

Contact Person: _____
Telephone Number: _____
Email: _____

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 Pre-Application) have any direct or indirect financial or other interest or relationship with any other project team member, describe those relationships in **Exhibit 3**.*

Applicant/Sponsor:	_____	Phone Number:	_____	Identity of Interest:	_____
Developer:	_____	Phone Number:	_____	Identity of Interest:	_____
General Partner:	_____	Phone Number:	_____	Identity of Interest:	_____
Contractor:	_____	Phone Number:	_____	Identity of Interest:	_____
Management Company:	_____	Phone Number:	_____	Identity of Interest:	_____
Consultant:	_____	Phone Number:	_____	Identity of Interest:	_____
Architect:	_____	Phone Number:	_____	Identity of Interest:	_____
Development Attorney:	_____	Phone Number:	_____	Identity of Interest:	_____
Accountant:	_____	Phone Number:	_____	Identity of Interest:	_____
Syndication Firm:	_____	Phone Number:	_____	Identity of Interest:	_____

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)
- | | | |
|---|--|---|
| <input type="checkbox"/> Multifamily (more than 4 units per building) | <input type="checkbox"/> Duplex | <input type="checkbox"/> Elderly Housing |
| <input type="checkbox"/> Single-family | <input type="checkbox"/> Four-plex | <input type="checkbox"/> Congregate care facility |
| <input type="checkbox"/> Single Room Occupancy (SRO) | <input type="checkbox"/> Special Needs | <input type="checkbox"/> 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 Income Averaging 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).

E. BOND FINANCING

BOND ISSUER:

Name: _____

Contact Person: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Telephone Number: _____

Email: _____

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: _____

BOND TRUSTEE:

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 Private Activity Bond 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 development.

I. PUBLIC INFORMATION

Copies of Applications submitted pursuant to the Qualified Allocation Plan (which include applications for 9% LIHTCs, AHTCs, 4% LIHTCs and CRANE) will be made available by NIFA to the public (other than during the active review process) upon written request. Additionally, NIFA will post the scores for each Application at www.nifa.org.

By submission of an Application pursuant to the QAP, applicant acknowledges and agrees to such publication of its Application and related information.

J. 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)

K. 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

WAIVER
WITH RESPECT TO
NEBRASKA AFFORDABLE HOUSING TAX CREDITS

The undersigned, on behalf of the applicant/developer/owner (“Applicant/Owner”) of the proposed development (“development”) identified in the Nebraska Investment Finance Authority (“NIFA”) 4% Low Income Housing Tax Credits/Nebraska Affordable Housing Tax Credits/Bonds Pre-Application (the “Pre-Application”) and below, hereby understands, agrees and acknowledges the following:

1. NIFA will make available a limited amount (for 2021, ~~up to~~ approximately \$20 million) of Private Activity Bond Cap for the issuance of tax-exempt bonds in connection with requests for the allocation of 4% low-income housing tax credits (“4% LIHTCs”) and accompanying Nebraska Affordable Housing Tax Credits (“AHTCs”) for developments as further described in the NIFA 4% LIHTC/AHTC Allocation Plan.

2. Recognizing that applicants, such as the Applicant/Owner, may desire to request an allocation of Private Activity Bond Cap in order to access the 4% LIHTC, even without an allocation of AHTCs, NIFA will make allocations of Private Activity Bond Cap, as available, for developments, the owners of which will not receive an allocation of AHTCs and will agree that a claim shall not be made to the AHTC.

Accordingly, in consideration of the foregoing and the submission of a Pre-Application the Applicant/Owner, by execution below, waives all right title and interest in and to, and agrees not to claim, Nebraska AHTCs in connection with the allocation of Private Activity Bond Cap and 4% LIHTCS, if received, in connection with the development identified in the Pre-Application to which this Waiver applies.

Name of Applicant/Owner

By: _____

Title: _____

Date: _____

Development to Which this Waiver Applies:

Name: _____

Location: _____

Date of Pre-Application: _____