

## **NOTICE OF REGULAR BOARD MEETING OF THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY**

The Guam Housing and Urban Renewal Authority (“GHURA”) will hold its Regular Meeting of the GHURA Board of Commissioners on Friday, July 23, 2021 at 12:00 PM. This meeting is open to the public via Zoom.

Join Zoom Meeting:

<https://us06web.zoom.us/j/83543057664?pwd=RUJRVXozRU9Wc05SejhqcXVSZ2Jidz09>

Meeting ID: 835 4305 7664

Passcode: 168950

The agenda may be viewed on our website at [www.ghura.org](http://www.ghura.org).

For more information, please contact Audrey Aguon at 475-1378 and for special accommodations, please contact Katherine Taitano at 475-1322 or TTY 472-3701.





**BOARD OF COMMISSIONERS  
REGULAR SCHEDULED MEETING  
12:00 P.M., July 23, 2021  
GHURA's Main Office (via Zoom)  
1<sup>st</sup> floor, Conference Room, Sinajana  
AGENDA**

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- I. ROLL CALL**
- II. BOARD MEETING PUBLIC ANNOUNCEMENTS**  
1<sup>st</sup> Printing - Thursday, July 15, 2021  
2<sup>nd</sup> Printing - Wednesday, July 21, 2021
- III. APPROVAL OF PREVIOUS BOARD MINUTES – July 09, 2021** **PAGE (S)**
- IV. NEW BUSINESS**
1. Resolution No. FY2021-017 ..... 1 - 108  
Resolution to adopt the 2021 Guam Qualified Allocation Plan (QAP)  
for the Low-Income Housing Tax Credit (LIHTC) Program, as created  
by the Tax Reform Act of 1986, Section 42 of the United States Internal  
Revenue Code  
(REF: MINUTE #048/21)
- V. OLD BUSINESS**
1. Resolution No. FY2021-016 (A) ..... 109 - 142  
Resolution to ratify the amendment to the Section 8 Housing Choice  
Voucher Program Administrative Plan  
(REF: MINUTE # 076/21 & # 077/21)
- VI. GENERAL DISCUSSION / ANNOUNCEMENTS**
1. Next proposed scheduled Board Meeting: Friday, August 13<sup>th</sup> @ 12:00 p.m.
- VII. ADJOURNMENT**



## THE SCORE

# USA triumphs over Argentina

Associated Press

USA Basketball finally made it look easy again.

Kevin Durant and Bradley Beal each scored 17 points and the Americans took control from the outset, beating Argentina 108-80 in Las Vegas on Tuesday to avoid what would have been the first three-game losing streak in this era of NBA players being able to

represent USA Basketball on the international stage.

Zach LaVine scored 15 points for the U.S., which lost its first two games in Las Vegas to Nigeria and Australia.

The Americans shot 51%, scored 33 first-quarter points to get off and running and beat Argentina for the 10th consecutive time since a loss at the 2004 Athens Olympics.

"It was better," U.S. coach Gregg Popovich said. "Bit by bit, every day, I hope."

Damian Lillard scored 13 points and Bam Adebayo finished with 12 points, five assists and five rebounds for the U.S.

Luis Scola, set to play in the Olympics for a fifth time, scored 16 points in 19 minutes for Argentina. Nicolas Laprovittola scored 13, Facundo Campazzo

had 12 and Gabriel Deck added 10.

The U.S. played with only eight members of the Olympic team. Jayson Tatum was held out with right knee soreness and will be day-to-day going forward, USA Basketball said.

"Our biggest thing is we have to realize it's not the NBA and Coach Pop keeps re-emphasizing that every single day," Beal said. "It's

way more physical. Guys are smarter. These guys have been playing together for five-, 10-plus years. So they have the experience and the chemistry and we're trying to develop that in a short period of time."

The U.S. won the rebound battle 40-34, committed only nine turnovers and held Argentina to 31% shooting — 9 for 29 — from 3-point range.



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We are seeking conscientious individuals to join our Team and fill the following positions:

### BULK FUEL TANK TRUCK DRIVER

Candidate will be responsible for the safe loading and delivery of petroleum products to Retail Stations, Commercial and Residential Sites. Other duties performed include completion of required reports, inspection and routine maintenance for delivery vehicles and equipment. Must be able to operate a flatbed, forklift and pick-up truck as needed. Current DOT certification with **class C Driver's License** required. Previous oil industry experience a plus. 3 years truck driving experience preferred. Must be able to obtain a T.W.I.C. card.

### LPG BULK DRIVER

Candidate will be responsible for the safe loading and delivery of petroleum products to Retail Stations, Commercial and Residential Sites. Other duties performed include completion of required reports, inspection and routine maintenance for delivery vehicles and equipment. Must be able to operate a bobtail, forklift and pick-up truck as needed. Current DOT certification with **class B Driver's License** required. Previous oil industry experience a plus. 3 years truck driving experience required. Must be able to obtain a T.W.I.C. card.

Please submit resume and complete an application packet between 9 AM thru 3 PM, Monday through Friday at our main office EVA Bldg. 1 across from St. John's School in Upper Tumon. Deadline for application submission is July 30, 2021, 12 noon.

**South Pacific Petroleum Corporation**  
816 N. Marine Corps Dr. FL 2  
Tamuning, Guam 96913-4431  
ATTN: HRO Recruitment

**SPPC IS AN EQUAL OPPORTUNITY EMPLOYER**

## EMS Commission and EMSC Advisory Committee Virtual Regular Board Meeting

Thursday, July 22, 2021 - 10:00 AM (ChST)

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/221639885>

You can also dial in using your phone.

United States: +1 (646) 749-3122

Access Code: 221-639-885

For more information, please contact the Board office at 735-7404/10 thru 12. Persons needing telecommunication device for the Hearing/Speech Impaired (TDD) may contact 475-8339.

**Department of Parks and Recreation**  
*Depattamenton Plaset yan Dibuetision*

Government of Guam  
P.O. Box 2950, Hagåtña, Guam 96932  
No. 1 Paseo de Susana, Hagåtña, Guam 96910  
Director's Office,  
Parks & Recreation Divisions: (671) 475-6288  
Facsimile (671) 477-0997  
Guam Historic Resources Division: (671) 475-6295  
Facsimile (671) 477-2822

Roque Alcantara  
Director  
Victor Villagomez  
Deputy Director

## NOTICE OF DEPARTMENT OF PARKS AND RECREATION (REGULAR) COMMISSION MEETING

The Department of Parks and Recreation  
Commission Members will be meeting on  
**Monday, July 19, 2021 at 3:00 p.m.**  
in the DPR Paseo Conference Room, Hagåtña.

For additional information, agenda and special  
accommodations contact DPR Main Office at  
**475-6288 or email: [inquiries@dpr.guam.gov](mailto:inquiries@dpr.guam.gov)**



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new home

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Furniture,  
Pets & Stuff

**RENTALS**  
GOOD: 3 Lines, 3 Consecutive Days.....\$78.00  
BETTER: 3 Lines, 7 Consecutive Days.....\$99.00  
BEST: 3 Lines, 10 Consecutive Days.....\$115.00

**ROOMMATES**  
Conditions/Restrictions: \*Roommate  
a person who shares a room or apartment with  
another or others.  
GOOD: 3 Lines, 7 Consecutive Days.....\$57.00  
BETTER: 3 Lines, 10 Consecutive Days.....\$73.00

**AUTOMOTIVE PACKAGES**  
• Automotive • Trucks • Bikes • Boats • Motorcycles  
Conditions/Restrictions: One vehicle per ad  
Ad format: Make, Model, Year.  
GOOD: 3 Lines, 7 Consecutive Days.....\$58.00  
BETTER: 3 Lines, 10 Consecutive Days.....\$68.50  
BEST: 4 Lines, 14 Consecutive Days.....\$79.00

**SUPER DEALS**  
Personal Items below \$500 in total value  
GOOD: 3 Lines, 7 Consecutive Days.....\$24.50  
BETTER: 3 Lines, 10 Consecutive Days.....\$33.00  
BEST: 3 Lines, 14 Consecutive Days.....\$40.00  
\*Price must be included in the ad to qualify.

**PRIVATE PARTY PLEASERS**  
Personal Items below \$2,500 in total value  
GOOD: 3 Lines, 7 Consecutive Days.....\$33.00  
BETTER: 3 Lines, 10 Consecutive Days.....\$43.50  
BEST: 3 Lines, 14 Consecutive Days.....\$54.00  
\*Price must be included in the ad to qualify.

Personal Items below \$2,501 in total value  
GOOD: 3 Lines, 7 Consecutive Days.....\$59.00  
BETTER: 3 Lines, 10 Consecutive Days.....\$70.00  
BEST: 3 Lines, 14 Consecutive Days.....\$80.00  
\*Price must be included in the ad to qualify.

**GARAGE SALE**  
• Fundraising • Rummage • Yard Sale  
Conditions/Restrictions: 3 Consecutive Days  
Ad format: Village, Date, Time  
Garage Sale: Private residence  
Rummage: School or Non-profit organization  
GOOD: 3 Lines, 3 Consecutive Days.....\$24.50  
BETTER: 3 Lines, 7 Consecutive Days.....\$33.00

**PETS**  
GOOD: 3 LI .....\$0  
BETTER: 3 LI .....00  
BEST: 3 LI .....00

Previous page

All classified ads are subject to the terms and conditions of the Pacific Daily News. The Pacific Daily News reserves the right to edit, add, delete, or otherwise modify any advertisement. No refunds for early cancellation.

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best deal for you.

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car, computer, jewelry, etc.  
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Pacific Daily News

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**IN THE SUPERIOR  
COURT OF GUAM  
TERRITORY OF GUAM**  
**IN THE MATTER  
OF THE APPLICATION  
OF THE GOVERNMENT  
OF GUAM OF TITLE TO  
LAND DESIGNATED AS  
LOT NO. 424, MUNICIPALITY  
OF TALOFORO, TERRITORY  
OF GUAM**  
**LAND REGISTRATION  
CASE NO. LR0001-21**  
**NOTICE OF FILING  
OF PETITION  
FOR REGISTRATION  
OF TITLE TO LAND**  
**TO: ALL INTERESTED  
PERSONS**  
**PLEASE TAKE NOTICE**  
that a Petition has been  
filed in this Court by the  
Government of Guam for the  
registrations of the title to  
the real estate described as:  
Lot No. 424, Municipality  
of Taloforo, described  
more fully in the Technical  
Description of Lot No. 424,  
Municipality of Taloforo and  
map attached to the Petition  
and recorded as Instrument  
No. 631400.  
All interested persons  
may contact the Attorney  
General's Office for further  
particulars and for an

**IN THE SUPERIOR  
COURT OF GUAM**  
**IN THE MATTER  
OF THE ESTATE  
OF**  
**JUAN ECLAVEA PEREZ,**  
**Decedent.**  
**Probate Case  
No. PR0056-01**  
**NOTICE OF REMOTE  
HEARING PETITION**  
**THIS NOTICE IS REQUIRED  
BY LAW. YOU ARE NOT  
REQUIRED TO APPEAR IN  
COURT UNLESS YOU DESIRE.**  
1. NOTICE IS HEREBY GIVEN  
that Cecilia C.T. Perez has  
filed a Petition for Letters of  
Administration upon the estate  
of the decedent named above,  
reference to which petition is  
hereby made for further  
particulars.  
2. A hearing on the petition  
will be heard by online remote  
appearance on July 26, 2021  
at 10:00a.m.  
3. To attend or to participate  
in the hearing, go to <https://guamcourts.org/zoom.us/join>  
and enter Meeting ID: 234 590  
8570 Password: PJAEL. You  
may also call in for the hearing  
to do so, find your local number at  
969-7000 Meeting ID: 115 0693  
2881 at the designated hearing  
time. For connectivity issues,  
you may contact Kristina Blaz at  
1756 or by email at [kblaz@guamcourts.org](mailto:kblaz@guamcourts.org).

ed: 05/14/2021  
At Testimony: C. Santos  
Courtroom Chamber Clerk  
Superior Court of Guam







**BOARD OF COMMISSIONERS  
REGULAR SCHEDULED MEETING  
12:00 P.M., July 23, 2021  
GHURA's Main Office (via Zoom)  
1<sup>st</sup> floor, Conference Room, Sinajana  
AGENDA**

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**I. ROLL CALL**

After notice was duly given, pursuant to the Open Government Law of Guam and the Bylaws of the Authority, the Board of Commissioners' regularly scheduled board meeting was called to order at **12:01 P.M., Friday, July 23, 2021** at the GHURA Sinajana Main Office, 1st floor Conference room, by Chairman Flores. He stated that **6** members of the Board of Commissioners were present, indicating a quorum and that the meeting would proceed as scheduled.

<b>PRESENT: (VIA ZOOM VIDEO CONFERENCE)</b> Sabino Flores, <b>Chairman</b> Monica Guzman, <b>Vice Chairwoman</b> George Pereda, <b>Commissioner</b> Frank Ishizaki, <b>Commissioner</b> Anisia Delia, <b>Commissioner</b> Karl Corpus, <b>Commissioner</b>  <b>ABSENT:</b>   <b>LEGAL COUNSEL:</b> Anthony Perez, Esq.	<b>MANAGEMENT &amp; STAFF:</b> Ray Topasna, <b>Executive Director</b> Elizabeth Napoli, <b>Deputy Director</b> Audrey Aguon, <b>Special Assistant</b> Katherine Taitano, <b>CPD/RP&amp;E Manager</b> Norma San Nicolas, <b>Section 8 Manager</b>  <b>PUBLIC: (VIA ZOOM VIDEO CONFERENCE)</b> None in attendance
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**II. BOARD MEETING PUBLIC ANNOUNCEMENTS**

1<sup>st</sup> Printing – Thursday, July 15, 2021

2<sup>nd</sup> Printing – Wednesday, July 21, 2021

**ACKNOWLEDGED** dates of public announcements in the Guam PDN.

**III. APPROVAL OF PREVIOUS BOARD MINUTES**

[086/21] Chairman Flores motioned to approve the minutes of the previous board meeting minutes of July 09, 2021, as corrected. Commissioner Delia seconded the motion. With no objections by the other board members, the motion was passed.



#### **IV. NEW BUSINESS**

**1. [087/21] Resolution No. FY2021-017**

**Resolution to adopt the 2021 Guam Qualified Allocation Plan (QAP) for the Low-Income Housing Tax Credit (LIHTC) Program, as created by the Tax Reform Act of 1986, Section 42 of the United States Internal Revenue Code. (REF: MINUTE #048/21)**

Director Topasna stated the following:

- Due to the Qualified Allocation Plan or the QAP being very technical in nature, a draft of the document was shared with the BOC on April 8, 2021 to familiarize themselves with.
- The Low-Income Tax Credit Program or LIHTC provides federal tax credits to qualified project owners who agree to maintain a project's units for low-income families or individuals.
- The program has built over 1,000 affordable homes on Guam.
- GHURA developed the QAP which is the standard for setting forth:
  - a. The criteria to evaluate and allocate tax credits to qualified projects which best meet our housing needs and;
  - b. the procedures to monitor for compliance.
- GHURA has made amendments to the QAP for 2021 to capture the current affordable housing priorities.
- Guam's combination tax credit allocation periods of 2020 and 2021 is worth a total of \$6,660,957.00.
- Director Topasna indicated that he views the tax credit allocation as being worth over \$66M over a 10-year compliance period.
- QAP will utilize a point system to rank projects based upon the evaluation criteria established starting on pg. 12- pg. 22 or criteria 1-18.
- The ranking of projects along with other relevant data will determine the priorities to be followed by GHURA in allocating tax credits to the projects under evaluation.
- Director Topasna requested of the board to adopt the 2021 Guam QAP for the Low-Income Housing Tax Credit Program.
- Should the board approve, GHURA will advertise as early as tomorrow morning.
- GHURA will return to the board with its recommendation to award the 2021 allocation of LIHTC.
- Director Topasna added that Ms. Kathy Taitano was present to answer any questions that the board may have.

Vice Chairwoman Guzman inquired about the October date and whether the deadline to submit proposals was no later than 5PM, Monday, October 11, 2021. Director Topasna confirmed this. He apologized for the strict timelines, but stated that it was quite an undertaking for the staff to compile two years' worth of allocations and is prepared to move forward for the board to adopt the QAP for the 2021 allocation. He added that the QAP will undergo the processes as established by GHURA to review all submissions before rewarding the tax credits.



Commissioner Ishizaki indicated that on pg. 10 of 142 there is a highlighted section and inquired on the reason for the highlight. Ms. Kathy Taitano indicated that the highlighted areas were areas that the staff had to review and provide comments for. She also stated that in its current draft, that section will stand as it is written and that the yellow highlights will be removed for the issuance.

Chairman Flores inquired about the section regarding Leed certification and points to be applied if lead certification is accompanied by meeting all 8 features. He stated that the Guam Tropical Energy Code was passed earlier this year with a two-year adoption period depending on timelines for when the awardee of this contract starts building. He added that the law does say two years after the passage it will be adopted and be a part of the building permitting process. He added that certain elements in the features described will be absolute requirements for permitting. He indicated that there was still time to refine the list so that the features become required features assuming that permitting of the endeavor takes place two years from February's approval. Chairman Flores suggested that Mr. Sonny Perez keep that in mind. He added that roof coatings and energy efficient air cons will be added to the list of requirements once enforced by the Guam Tropical Energy Code. Ms. Taitano stated that her team will keep that in mind.

Chairman Flores asked the commissioners if they had further questions regarding the point system, particularly on the ADA threshold and asked Ms. Taitano to clarify the point system for the benefit of the commissioners. Ms. Taitano indicated that GHURA recognizes the challenges in finding suitable units for persons with disabilities and through this process, it gives developers an opportunity to address this challenge by agreeing to develop ADA accessible units. This challenge has also been problematic with Section 8 ADA eligible voucher holders. The point system is 0-10. You are either going to avail yourself of the opportunity and the challenges of bringing ADA units online or you are not going to get the points. There were no questions by the commissioners.

Ms. Taitano added that in the final version, a minimum of 88 points will be required. Chairman Flores added that 88 points will have to be garnered to be considered. He also suggested that Ms. Taitano change the order of the Building Permits and Construction Contract Execution sections in the QAP as DPW will require the Company contract before the issuance of the permit to determine the appropriate fees to be assessed. Ms. Taitano agreed.

Ms. Taitano indicated that although the application process would run for 90 days, due to the changes made to the QAP, the applications will run for 75 days instead of 90 days before being closed for evaluation. Chairman Flores asked if the 75-day timeline had been an adequate time in the past. Ms. Taitano stated that she does not believe the 2-week difference will be a problem. She added that requests for extensions have never happened in the past.

Chairman Flores inquired if the Evaluation Committee has been established. Ms. Taitano confirmed this. She added that the goal is for the committee to be made up of members of various disciplines.



Vice Chairwoman Guzman asked when the last time the QAP went out and how many respondents were received. Ms. Taitano stated that the last time the QAP went out was in 18 or 19 and about 4 applications were received. Vice Chairwoman Guzman inquired whether the allocations were combined years or an individual year's allocation when awarded. Ms. Taitano stated that the allocation will take the color of 2021. The mechanisms to document it are what her team handles, and that the competition will be 2 full cycles as one.

Vice Chairwoman Guzman inquired on whether GHURA projects are limited to local businesses or are they open to receive from off-island. Ms. Taitano stated that there is a requirement for a market study to determine what the impacts are going to be, so businesses should be licensed and should be operating in Guam.

Vice Chairwoman Guzman asked whether Ms. Taitano believes that 75 days is enough time since the process is so technical in nature. Ms. Taitano confirmed that 75 days is enough time. However, if applicants need more time, they may contact Ms. Taitano for assistance.

Vice Chairwoman Guzman asked Chairman Flores and Ms. Taitano if this situation was similar to an IFB or an RFP in that addendums may be issued. Chairman Flores indicated that he believes that any changes made to documents would come in the form of an amendment to be formally submitted to the applicants. He asked Ms. Taitano to confirm this. Ms. Taitano stated that she did not recall ever making changes that would impact what was written in the QAP, but if there were issues, she would want to be able to notify applicants.

Vice Chairwoman Guzman asked if there was a question period. Ms. Taitano stated that applicants do not pick-up and register that they are interested in submitting, they simply submit on the last day. There is a period set aside for minor technicalities to be corrected so that applications are in good standing before it is sent to the review panel. Chairman Flores inquired about whether the applicants were copied on the package that is before the board. Ms. Taitano confirmed this.

Vice Chairwoman Guzman inquired if the submission of the application fee was due upon the submission of the application. Ms. Taitano confirmed this and added that her team created the QAP draft, put it out for public comment, gathered the comments, had a public hearing, and wrote them up and appear before the board.

Ms. Taitano added that projects have gotten more expensive and the costs of things have gone up. However, there have been times when different opportunities have presented themselves and having a larger pool of opportunities has given her team the opportunity to work more with potential applications.

Director Topasna added that he has requested that Governor Leon Guerrero speak with HUD and the IRS to discuss the possible creation of an Insular pool in the event the CNMI, Virgin Islands, or American Samoa do not award their allocations that perhaps Guam can pull from that. He stated that he isn't sure if it is even possible, but it may be worth discussing with federal partners.



There were no further discussions.

[088/21] Vice Chairwoman Guzman motioned to adopt Resolution No. FY2021-017 to adopt the 2021 Guam Qualified Allocation Plan (QAP) for the Low-Income Housing Tax Credit (LIHTC) Program, as created by the Tax Reform Act of 1986, Section 42 of the United States Internal Revenue Code. (REF: MINUTE #048/21). Commissioner Ishizaki seconded the motion. There were no objections by the other commissioners. The motion was passed.

## **V. OLD BUSINESS**

### **1. [089/21] Resolution No. FY2021-016 (A)**

**Resolution to ratify the amendment to the Section 8 Housing Choice Voucher Program Administrative Plan. (REF: MINUTE # 076/21 & # 077/21)**

Deputy Director Napoli stated the following:

- At the previous board meeting Resolution No. FY2021-016 to ratify the amendment to Section 8 Housing Choice Voucher Administrative Plan to include the temporary Supplemental Policy for the Emergency Housing Voucher Program from which GHURA was awarded the 87 vouchers.
- Due to the absence of the Section 8 Administrator, Mrs. Norma San Nicolas, Deputy Director Napoli and Section 8 supervisor, Mrs. Rosie Francisco drafted the Resolution FY2021-016.
- Upon review by the Section 8 Administrator, Mrs. Norma San Nicolas deemed it necessary to submit **Resolution No. FY2021-016 (A)** to include critical components of the Emergency Housing Voucher Program with regard to the following:
  - a) Funding source
  - b) The purpose of the EHV
  - c) The target population to be assisted.
  - d) The Memorandum of Understanding with Guam's COC agencies who will assist qualifying families through the direct referral process.
- This language was not included in the Resolution FY2021-016
- Deputy Director Napoli presented Resolution FY2021-016 (A) which includes the critical components of the program to the board.
- Deputy Director Napoli stated that included with the Resolution FY2021-016 (A), were the Temporary Supplement Policy and the Memorandum of Understanding between GHURA and the Guam Homeless Coalition.



Commissioner Pereda inquired about whether the Resolution was to ratify the amendment to the Section 8 Housing Choice Voucher Program Administrative Plan that had already been adopted. Deputy Director Napoli confirmed this.

Commissioner Ishizaki asked if the Plan had been reviewed and approved by counsel. Mrs. Norma San Nicolas stated that the plan had not been reviewed by legal counsel because the plan outlines responsibilities of GHURA and its partners. The template used as guidance was Notice PIH 2021-15 provided by HUD and does not require legal counsel review.

There were no further discussions.

**[090/21] Chairman Flores motioned to pass Resolution No. FY2021-016 (A) (REF: MINUTE # 076/21 & # 077/21) to ratify the amendment to the Section 8 Emergency Housing Choice Voucher Administrative Plan. Commissioner Delia seconded the motion. There no objections by the other board members. The motion was passed.**

## **VI. GENERAL DISCUSSION / ANNOUNCEMENTS**

### **1. [091/21] Next proposed scheduled Board Meeting: Friday, August 13<sup>th</sup> @ 12:00 p.m.**

There were no objections by the board members on the proposed schedule of August 13, 2021.

Vice Chairwoman Guzman asked if there was an update to the issue that was discussed at the last meeting regarding the mayors. Chairman Flores stated that according to legal counsel, Mr. Anthony Perez, the issue is with the AG's Office as he reached out to the Office of the Governor and AG's office to follow in the process.

Ms. Taitano added that GHURA is required to work with the AG's office to get the transfer documents done. She also stated that she has been in touch with the mayors, especially with the Sinajana Mayor.

Mr. Tony Perez stated that GHURA will be transferring the properties of the Mayors of Sinajana and Agat to the Government of Guam. The government of Guam will then transfer back to the mayors so that the properties may be used as office space.

Vice Chairwoman Guzman asked Director Topasna if there was anything GHURA could do to a elevate and escalate the transfer. Director Topasna stated that he will follow-up with the AG's office.

Vice Chairwoman Guzman also requested for a summary of the various funding GHURA has be it Corona Virus or pandemic related to show where GHURA is at financially. Director Topasna stated that GHURA will work on a synopsis report.

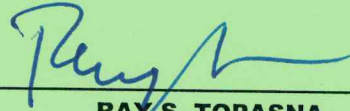


There were no further discussions.

## **VII. ADJOURNMENT**

[092/21] Chairman Flores made a motion to adjourn the meeting. Commissioner Corpus seconded the motion. With no objections by the other board members, the motion was passed. Meeting adjourned at 1:05pm.

**SEAL**



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**RAY S. TOPASNA**

**Board Secretary / Executive Director**



**GUAM HOUSING AND URBAN RENEWAL AUTHORITY  
BOARD OF COMMISSIONERS  
RESOLUTION NO. FY2021-017**

**Moved By: MONICA O. GUZMAN      Seconded By: FRANK T. ISHIZAKI**

**RESOLUTION TO ADOPT THE 2021 GUAM QUALIFIED ALLOCATION PLAN (QAP) FOR THE LOW-INCOME HOUSING TAX CREDIT (LIHTC) PROGRAM, AS CREATED BY THE TAX REFORM ACT OF 1986 SECTION 42 OF THE UNITED STATES INTERNAL REVENUE CODE.**

- WHEREAS,** the Guam Housing and Urban Renewal Authority ("the Authority") has recognized the importance and need to adopt a Qualified Allocation Plan in order to facilitate the LIHTC Program, created by the Tax Reform Act of 1986, that encourages the development or rehabilitation of local low-income housing rental units; and
- WHEREAS,** the Authority wishes to implement a qualified LIHTC Program, which provides Federal Tax Credits to qualified project owners who agree to maintain all or a portion of a project's units for low-income individuals or families, prepared in compliance with regulations which govern the program as contained in Section 42 of the Internal Revenue Code; and
- WHEREAS,** the Governor of Guam has duly designated the Authority to serve as Guam's Housing Credit Agency to administer and make allocations of LIHTC under Section 42(h) of the Internal Revenue Code; and
- WHEREAS,** the Authority has developed a Qualified Allocation Plan (QAP) which sets forth, (1) the criteria to evaluate and allocate tax credits to projects which best meet the housing needs of Guam, and (2) the procedures to monitor for compliance with the provisions of the LIHTC Program; and
- WHEREAS,** the Authority has made amendments to the QAP for 2021 in order to capture Guam's current affordable housing priorities; and
- WHEREAS,** the Authority has conducted and completed a public review process of the QAP, to solicit comments for consideration on any and all aspects, from interested individuals and other entities; and, now therefore be it;
- RESOLVED,** that the Guam Housing and Urban Renewal Authority Board of Commissioners has duly adopted the 2021 Guam Qualified Allocation Plan of the LIHTC Program.

**IN THE REGULAR BOARD MEETING, SINAJANA, GUAM – JULY 23, 2021**

**PASSED BY THE FOLLOWING VOTES:**

**AYES:**            **Sabino Flores, Monica Guzman, George Pereda, Frank Ishizaki, Anisia Delia, Karl Corpus**

**NAYS:**           **NONE**

**ABSENT:**        **NONE**

**ABSTAINED:**   **NONE**

**(SEAL)**

I hereby certify the foregoing is a full, true and correct copy of the Resolution duly adopted by the Guam Housing and Urban Renewal Authority Board of Commissioners, this **July 23, 2021**.

  
\_\_\_\_\_  
**RAY S. TOPASNA**  
**Board Secretary/Executive Director**



## 2021 LIHTC changes to the QAP

Below are the changes to the 2021 LIHTC QAP based on the public comment period. All changes are subject to approval by the GHURA Board of Commissioners and may advise on any recommendations.

Change No. 1	Description
Page Number/Heading/Paragraph	p.4/II. Application Process/Paragraph 2
Proposed Change/Recommendation	Insert following: Applications for tax credits should be submitted to GHURA by no later than 5:00 p.m., Monday October 11, 2021
Reason for change	GHURA anticipated the application to start in early June, however, the deadline needed to be pushed back. Public comments have suggested a 90 day application process. GHURA anticipates the application to start mid-July and application submission will be Monday October 11, 2021 at 5:00p.m.
GHURA Board of Commissioners Recommendations/Notes:	

Change No. 2	Description
Page Number/Heading/Paragraph	p.6/C. Participation Elements/2.) Site Control and Zoning
Proposed Change/Recommendation	Included the following:  <i>Applicant should have a site that is properly zoned and ready for development. Zoning should include the description, land use classification, whether your project will conform to existing zoning for the property and documentation.</i>
Reason for change	Public comments asked for clarification on zoning as it was not apparent in the earlier draft.
GHURA Board of Commissioners Recommendations/Notes:	



Change No. 3	Description
Page Number/Heading/Paragraph	p.10/Criteria 3 Project's federal tax credit/low-income rental unit ratio for LIHTC Resource Efficiency
Proposed Change/Recommendation	Total Federal Tax Credits Requested (Annual)/Total Number of Proposed Low-Income Rental Units Ratio have been adjusted in the table under Criteria 3.
Reason for change	Public comment has suggested incorporating the changes in costs per unit based on the allocation that is being sought. GHURA engineer has evaluated and made the changes.
GHURA Board of Commissioners Recommendations/Notes:	<hr/> <hr/> <hr/> <hr/>

Change No. 4	Description
Page Number/Heading/Paragraph	p.10-11/Criteria 5 Project will serve tenant populations with special housing needs.
Proposed Change/Recommendation	<p>Changed the Points available from 1 to 10  Inserted the following:  <i>i) The project must commit to provide case management or services specific to this population or special facilities to accommodate the physically disabled. (Please provide details of the services and/or special facilities i.e. what ADA standards and designs will be incorporated in unit construction or facilities? How many units will meet ADA standards, if any?)</i></p>
Reason for change	As a suggestion during the Public Comment Period, the general public has sought for units that met ADA standards or there has been a lack of ADA units in LIHTC properties. To ensure that the project will set aside ADA fitted units, GHURA is giving more weight to the criteria. Likewise, this will help individuals and families with physical/mental disabilities.
GHURA Board of Commissioners Recommendations/Notes:	<hr/> <hr/> <hr/> <hr/>



Change No. 5	Description
Page Number/Heading/Paragraph	p. 17/Criteria 17
Proposed Change/Recommendation	<p>Removed the following Criteria:  <i>Criteria 17. (0-3 Points)</i>  <i>Public Housing Waiting List/Homeless Services Programs</i></p> <p><i>The applicant demonstrates that all low-income units will be made available to people on the waiting list for low-income public housing and/or acceptable homeless shelter programs. Copies of notices of LIHTC unit availability to the public housing agency and/or homeless shelter programs should be included in the application.</i></p>
Reason for change	<p>This Criterion has been removed because it appears early on in the QAP under the following: Minimum Threshold / C. Participation Elements / 4.) Public Housing Waitlist/Homeless Services Programs.</p> <p>This eliminates redundancy</p>
GHURA Board of Commissioners Recommendations/Notes:	<hr/> <hr/> <hr/> <hr/>



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# Guam 2021 Low-Income Housing Tax Credit Qualified Allocation Plan

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Guam Housing and Urban Renewal Authority

**Pending Approval by GHURA BOC**

GHURA developed this Qualified Allocation Plan (QAP) which sets forth (1) the criteria to evaluate and allocate tax credits to projects which best meet the housing needs of Guam, and (2) the procedure to monitor for compliance with the provisions of the Low-Income Housing Tax Credit Program.



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**GOVERNMENT OF GUAM**  
**LOW-INCOME HOUSING TAX CREDIT PROGRAM**  
**2021 QUALIFIED ALLOCATION PLAN**

**I. Introduction**

The Low-Income Housing Tax Credit (LIHTC) Program, created by the Tax Reform Act of 1986, is intended to encourage the construction or rehabilitation of low-income rental units. The regulations which govern this Program are contained in Section 42 of the Internal Revenue Code (the “Code” or IRC). The LIHTC Program provides Federal tax credits to qualified project owners who agree to maintain all or a portion of a project's units for low-income families. The Guam Housing and Urban Renewal Authority (GHURA) has been designated as the agency responsible for the administration of the LIHTC Program for Guam.

GHURA developed this Qualified Allocation Plan (QAP) which sets forth (1) the criteria to evaluate and allocate tax credits to projects which best meet the housing needs of Guam, and (2) the procedure to monitor for compliance with the provisions of the LIHTC Program.

**This allocation plan shall be effective for LIHTC reservations and awards in  
calendar year 2021. The QAP is subject to amendment by the GHURA  
Board of Commissioners.**

The QAP will utilize a point system to rank projects based upon the evaluation criteria established. The ranking of projects, along with all other relevant data, will determine the priorities to be followed by GHURA in allocating tax credits to the projects under consideration. The scores derived from the point system will be a component of the overall evaluation, and not the sole determining factor for the awarding of tax credits. In addition to the scores derived, GHURA will review all relevant data required in the application. GHURA retains the option to approve or reject applications based on GHURA’s assessment of Guam’s housing needs during the period covered by the QAP. Projects selected under this QAP shall be evaluated as to the minimum amount of tax credits required in order to make the project feasible.

Guam’s 2021 tax credit allocation total is \$6,660,957 (\$3,217,500 issued on November 18, 2019 under Rev. Proc. 2019-44 for the 2020 allocation period, \$3,245,625 issued on October 26, 2020 under Rev. Proc. 2020-45 for the 2021 allocation period plus remaining tax credits from 2019 allocation period in the amount of \$197,832). Applicants seeking housing credit allocations in excess of the 2021 total must demonstrate the financial capability to complete the project or show that the project can be scaled to fit the available 2021 funding. Although forward commitments of future allocation funds are permitted, those commitments are subject to approval by the GHURA Board of Commissioners and are not guaranteed. GHURA supports and encourages applicants to consider the merits of mixed financing in pursuit of sustainable affordable development.



## II. Application Process

Applications for the LIHTC are available at GHURA's website at [www.ghura.org](http://www.ghura.org) or by submitting a written request to GHURA at the address shown below.

Guam Housing and Urban Renewal Authority (GHURA)  
c/o Executive Director  
117 Bien Venida Avenue  
Sinajana, Guam 96910

Applications for tax credits should be submitted to GHURA by no later than **5:00 p.m., Monday October 11, 2021**. GHURA shall have the right to defer the consideration of any application if such deferral is deemed in the best interests of meeting housing needs.

GHURA reserves the right to reject any and all applications that fail to comply with the requirements of the QAP. GHURA further reserves the right to waive minor informalities and/or minor irregularities in any application at its discretion.

Application forms provided by GHURA must bear original signatures where signatures are required. Photocopies of supporting documents will be accepted. Applications should be computer-generated or typed. Handwritten applications are prohibited. Applications should have content, formatting and pagination identical to that of the 2021 Application Form provided by GHURA. It should have no missing information or any information that is erroneous, incomplete or inconsistent. All attachments and supporting documentation required must be included in the Application package.

GHURA shall review the application and supporting documents to ensure that it is complete and contains all required information. Complete applications shall then be evaluated in accordance with the QAP to determine the project's rank in relation to other projects under evaluation. Projects must meet a minimum score of **88 out of 126** to be evaluated to determine the minimum amount of tax credits required to make the project feasible. Projects with a score of **88 or less** shall not be considered for award or reservation. The amount of tax credits reserved or allocated to a particular project will be limited to the amount GHURA, in its sole discretion, deems necessary to make the project feasible.

The QAP will utilize a point system to rank projects based upon the evaluation criteria established. In addition to the scores derived, GHURA will review all relevant data required in the application which include, but are not limited to, the applicant's financial statements, experience in producing low-income housing units, reasonableness of development and operating budgets, and an independent market study in awarding the tax credits. If GHURA determines clarification is required, applicant will be notified via written notice. Applicant



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will be given 5 business days from the date of the notice to provide the information to GHURA.

Projects selected under this allocation plan shall then be evaluated as to the minimum amount of tax credits required in order to make the project feasible.

### **III. Minimum Threshold**

It is GHURA's intent to maximize the use of the Territory's limited resources to address the substantial need for rental homes that are accessible and affordable to Guam's low-income households. Emphasis is placed on serving lower income people and on efficiently leveraging LIHTCs and other financing resources to increase and sustain the supply of affordable rentals in communities that are suitable for such development.

#### **A. 9% Credits Set Aside:**

- 1) Applicants are advised that the agency will administer 9% LIHTC credits only to be used for the following:
  - a. Construction of a New Building. The term "New Building", as defined by Section 42 of the IRC, is "a building the original use of which begins with the taxpayer." Rehabilitation of existing inventory but excluding acquisition costs of real estate, buildings, and depreciable assets from eligible basis (no acquisition LIHTC).
  - b. Rehabilitation of an Existing Building used for housing. The term "Existing Building", as defined by Section 42 of the IRC, is "any building which is not a new building". Acquisition LIHTC disallowed: Existing Buildings under this category must exclude acquisition costs of real estate, buildings, and depreciable assets from eligible basis. This category includes the conversion of Existing Buildings used for transient housing to a qualified low-income building. The conversion of Existing Buildings used for transient housing, as with all qualified low-income buildings, must: (i) meet minimum rehabilitation requirements; (ii) be suitable for occupancy; and (iii) be for use other than on a transient basis, as stipulated and defined by Section 42 of the IRC
  - c. Acquisition/Rehabilitation of an Existing Building not used for housing. To qualify under this category, housing use of the Existing Building, if applicable, cannot have occurred for a period of at least 10-years from the date of its acquisition by the taxpayer. Acquisition LIHTC allowed: Existing Buildings under this category may include acquisition costs of buildings and depreciable assets in eligible basis. The conversion of Existing Buildings not used for housing, as with all qualified low-income buildings, must: (i) meet minimum rehabilitation requirements; (ii) be suitable for occupancy; and (iii) be for use other than on a transient basis, as stipulated and defined by Section 42 of the IRC.
  - d. GHURA shall limit awards of 9% (volume cap) LIHTC to no more than one (1) project per calendar year under Section III (A) (1) (b) of the QAP.



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- 2) Project owner/applicant must be established and registered to do business in the Territory of Guam.

## **B. Income Averaging Set Aside**

The Consolidated Appropriations of 2018 established a new income averaging set aside for LIHTC developments. (Please refer to Appendix 1 for income average guidelines.)

## **C. Participation Elements**

Applicants must meet the following to receive consideration for an allocation or award of Low Income Housing Tax Credits.

- 1) **Market Study:** A comprehensive Market Study of the housing needs of low-income individuals in the area to be served by the project by a disinterested third party must be submitted as part of this application. The Market Study shall be completed at the Owner's expense. Any applicant failing to submit a Market Study or submits a Market Study with a date older than 6 months before the date of application submission will not be considered for an award of tax credits. (Market Study requirements are specified in Appendix 2.)
- 2) **Site Control and Zoning:** To receive consideration for an award of LIHTC, the applicant must have control of the site in a form acceptable to GHURA. Evidence of site control shall be submitted with the application for Low Income Housing Tax Credits. Site control shall be substantiated by providing evidence in the form of an executed lease or sale option agreement, fee simple deed, executed land lease, or any other documentation acceptable to GHURA. Evidence of site control must be provided for all proposed sites. Applicant should have a site that is properly zoned and ready for development. Zoning should include the description, land use classification, whether your project will conform to existing zoning for the property and documentation.

**All lease terms must extend a minimum of five (5) years past the minimum affordability period.**

- 3) **Capital Needs Assessment** (For projects acquiring an existing property. All Units need to be reviewed.)

To ensure that the proposed rehabilitation of the project is adequate and that the property will have a useful life that exceeds the compliance and additional use period (collectively the Extended Use Period). A capital needs assessment of the property by a competent third party shall be submitted with the application. A capital needs assessment is a qualified professional's opinion of a property's current physical condition. It identifies deferred maintenance, physical needs and deficiencies, and material building code violations that affect the property's use, structural and mechanical integrity, and future physical and financial needs. The Capital Needs Assessment shall identify any work that must be completed



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immediately to address health and safety issues, violation of Federal or local law, violation of local code, or any work necessary to ensure that the building can continue to operate as affordable housing.

4) **Public Housing Waitlist/Homeless Services Programs**

Applicant shall certify that all low-income units will be made available to people on the waiting list for public housing, and/or acceptable homeless service programs. The following shall be submitted with the application:

- a) Copy of the letter submitted to the local public housing authority which administers the public housing waiting lists that units will be available.
- b) Copy of the letter submitted to the Guam Homeless Coalition that provides services and programs to participating homeless services providers that units will be available.

5) **Smoke Free**

All projects will be smoke free. Owners must prohibit smoking in all indoor common areas, individual living areas (including balconies and car ports), and within 20 feet of building entries or ventilation intakes. A non-smoking clause must be included in the lease for each household.

6) **Debt Service Ratio**

a) Hard Debt Service:

- i) Defined as scheduled regular and periodic principal and/or interest payments of project loan obligations made for its direct benefit, as evidenced by a note and loan agreement.
- ii) The Applicant is required to support all hard debt service loans and terms with executed lenders' commitment letters, letters of interest, or term sheets on the Application.

b) Underwriting Criteria:

- i) The Project shall evidence compliance with this section through the operating Proforma on the application.

7) **Phase I Environmental Assessment**

Required for all applications.

For acquisition/rehabilitation projects (if applicable), the Phase I Environmental Assessment should address lead based paint and asbestos.

8) **Proof of Non-Profit Status**

If applying under the Federal non-profit set aside, submit the following:

- a. Articles of Incorporation
- b. Copy of current 501(c)(3) IRS Tax Exemption Letter

9) **Minimum Affordability Period**

- a) Applicants requesting an award of 9% LIHTC must commit to a minimum affordability period of 45 years



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## IV. Selection Criteria Point System

Each application will be evaluated and awarded points in accordance with the following criteria. Unless otherwise indicated, all references to low-income unit(s) or low-income rental unit(s) shall mean low-income housing tax credit unit(s).

Application must have a **minimum score of 88 out of 126 points to be considered for award.**

	CRITERIA	POINTS
1	Project will provide low-income units for a longer period than is required under Section 42 of the Internal Revenue Code.	0 to 6
2	Project will provide a greater percentage of low-income units than required under Section 42 of the Internal Revenue Code.	2 to 8
3	Project's federal tax credit/low-income rental unit ratio for LIHTC Resource Efficiency Use	0 to 7
4	Project will serve tenant populations of individuals with children.	0 or 3
5	Project will serve tenant populations with special housing needs.	0 or 10
6	Qualified Non-Profit Organization	0 to 4
7	Project location and housing needs characteristics	0 to 20
8	Developer experience	0 to 8
9	Project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan	0 to 2
10	Replacement of existing public housing units	0 to 1
11	Total Project Cost Percentage	0 to 10
12	Project will receive project-based rental assistance	0 to 5
13	Local/Federal Government Support	0 to 2
14	Projects intended for eventual tenant ownership	0 to 2
15	Green Building / Energy Efficiency	2 to 12
16	Historic nature of the project	0 to 1
17	Project Reasonableness	0 to 18
18	Developer Fee	0 to 7



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**Criteria 1.** (0-6 Points)

Project will provide low-income units for a longer period than is required under Section 42 of the Internal Revenue Code.

Applicants electing to commit to an Extended Use Period inclusion of the 15-year LIHTC compliance period will be awarded points based on the table below. By making this election, the applicant elects to waive its right to exercise a request for a qualified contract pursuant to Section 42(h)(6)(E)(i)(II). The elections will be recorded in the Restrictive Covenant Document. Points will be awarded based on the following:

<b>Extended Use Period</b>	<b>Points Available</b>
15 year compliance period plus 46 years or more	6 Points
15 year compliance period plus 30 to 45 years	4 Points
15 year compliance period plus 16 to 29 years	2 Points
15 year compliance period plus 0 to 15 years	0 Point

**Criteria 2.** (2-8 Points)

Project will provide a greater percentage of low-income units than required under Section 42 of the Internal Revenue Code.

With respect to the set-aside affordability, if project provides:

<b>Description</b>	<b>Points Available</b>
40% of the project to households earning 60% or less of AMGI, and 60% of the project to households earning 50% or less of AMGI	2 Points
60% of the project to households earning 60% or less of AMGI, or 80% of the project to households earning 50% of less of AMGI.	4 Points
100% of the project to households earning 60% or less of AMGI	8 Points



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## **Criteria 3.** (0-7 Points)

Project's federal tax credit/low-income rental unit ratio for LIHTC Resource Efficiency

The ratio is derived as: "Total Federal Tax Credits Requested (Annual)/Total Number of Proposed Low-Income Rental Units".

Greater than	Less than	Points Available
\$45,999.00		0
\$41,999.00	\$45,999.00	1
\$37,999.00	\$41,999.00	3
\$33,999.00	\$37,999.00	4
\$29,999.00	\$33,999.00	6
	\$29,999.00	7

## **Criteria 4.** (0 or 3 points)

Project will serve tenant populations of individuals with children.

The Project will serve tenant populations of individuals with children for at least 60% of all low-income housing units. The Project should provide evidence through the service of programs for children.

	Points Available
If the answer to the question is NO	0 Points
If the answer to the question is YES	3 Points

## **Criteria 5.** (0 or 10 points)

Project will serve tenant populations with special housing needs.

	Points Available
<p>Special needs. Special needs groups are "persons for whom social problems [including homelessness], age or physical or mental disabilities impair their ability to live independently and for whom such ability can be improved by more suitable housing conditions."</p> <p>Projects may receive 10 points for this criterion if it commits to the following:</p> <p>The project will set-aside at least 20% of all units for tenant populations with special housing needs. Persons with special housing needs may include the physically and mentally disabled. Units intended to serve the homeless must be used as permanent supportive housing, as regulation forbids the use of LIHTC projects as transient homeless shelters. To receive consideration for this criterion:</p>	10 Points



<p>i) <i>The project must commit to provide case management or services specific to this population or special facilities to accommodate the physically disabled. (Please provide details of the services and/or special facilities i.e. what ADA standards and designs will be incorporated in unit construction or facilities? How many units will meet ADA standards, if any?)</i></p> <p>ii) <i>The Market Study shall specifically address the housing needs for the special needs group.</i></p>	
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**Criteria 6.** (0-4 Points)

Qualified Non-profit Organization

An interest in the Project is owned by a qualified non-profit organization as defined in Section 42(h)(5)(B), (C) of the Internal Revenue Code.

	Points Available
If the answer to the question is NO	0 Points
<p>If the answer to the question is YES, the organization must be a qualified non-profit organization at time of application submission. Organization must exist in and be qualified to do business in Guam. According to IRC Section 42(h)(5)(C), qualified non-profit organization:</p> <ul style="list-style-type: none"> <li>a) must "...own an interest in the project (directly or through a partnership) and materially participate (within the meaning of section 469(h)) in the development and operation of the project throughout the compliance period";</li> <li>b) "...is described in paragraph (3) and (4) of section 501(c) and is exempt from tax under section 501(a)";</li> <li>c) "...is determined by the State housing credit agency not to be affiliated with or controlled by a for-profit organization"; and</li> <li>d) "one of the exempt purposes of such organization includes the fostering of low-income housing."</li> </ul> <p>Documents to show proof of qualified non-profit organization should be submitted with application.</p>	4 Points

**Criteria 7.** (0-20 Points)

Project location and housing needs characteristics

Application must include a comprehensive Market Study of the housing needs of low-income individuals in the area to be served by the project. It must be conducted by a disinterested party. The Market Study must be completed at the Owner's expense. Any application which fails to submit a Market Study or submits a Market Study dated over 6



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months from the time of application submission shall be returned to the applicant and will not receive further consideration.

Market Study requirements are specified in Appendix 2.

The points awarded will be based on GHURA's evaluation of following factors:

Description	Points Available
Employment opportunities, schools, medical facilities located in the immediate vicinity of the project site	2 Points
Recreational facilities, shopping facilities, located in the immediate vicinity of the project site	2 Points
Documented/supported market demand.	2 Points
Proposed rental rates are below market rents for the immediate surrounding area.	2 Points
Housing characteristics (e.g., design, density) appropriate for neighborhood.	2 Points
Impact to the existing public systems of education, public safety, and utilities infrastructure.	2 Points
Neighborhood conducive to family use.	2 Points

Additional points will be awarded to projects located in the following areas:

Project Location	Points Available
Northern Region: Dededo, Tamuning, or Yigo	1 Points
Central Region: Agana Heights, Asan, Barrigada, Chalan Pago/Ordot, Hagåtña, Mangilao, Mongmong/Toto/Maite, Piti, or Sinajana	3 Points
Southern Region: Agat, Inarajan, Merizo, Santa Rita, Talofofo, or Umatac	6 Points

## **Criteria 8.** (0 to 8 Points)

Developer experience

The points awarded will be based on GHURA's evaluation of the following factors:

Description	Points Available
Developer (or any member/staff of the development team) has a record of successfully completing LIHTC projects or projects on a scale equal to or greater than that of the proposed project and in accordance with the original project schedule.	8 Points



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Developer (or any member/staff of the development team) has a record of successfully completing LIHTC projects or similar projects but on a scale smaller than the proposed project.	5 Points
Developer (including general partners, affiliates, and members/staff of development team) has a history of chronic and/or substantive noncompliance and/or failed to meet the requirements of the Low Income Housing Tax Credits Program for previous projects or failed in meeting the objectives of the program on past proposals.	0 Points
Developer has no experience in completing LIHTC projects or projects on a similar or lesser scale than the proposed project.	0 Points

## **Criteria 9.** (0-2 Points)

Project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan

Project is located in Qualified Census Tract. The project will redevelop existing housing, which contributes to a concerted community revitalization plan as determined by GHURA.

Description	Points Available
The project is located in a Qualified Census Tract.	1 Point
The project will contribute to a community revitalization plan. (Copy of the plan to be submitted with the completed Application for GHURA's review to claim the point.)	1 Point
The project is neither located in a Qualified Census Tract nor contributing to a community revitalization plan.	0 Points

To receive consideration for this criterion, applicant must provide an explanation on how this project is in compliance with such plan and its benefit to the overall community. The applicant must provide a letter of interest or a binding agreement with the government agency administering the community revitalization plan.

## **Criteria 10.** (0-1 Point)

Replacement of existing public housing units

Project includes the development of new housing to replace existing public housing units.

	Points Available
If the answer to the question is NO	0 Points
If the answer to the question is YES	1 Point

To receive consideration for this criterion, the applicant must provide a letter of interest or a binding agreement from the local administering Public Housing Authority to participate in a HUD-approved activity.



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**Criteria 11.** (0 to 10 Points)  
Total Project Cost Percentage

If total federal tax credit requested (gross) as a percentage of total project cost is:

Description	Points Available
Greater than 80% of total project cost	0 Points
71 % through 80% of total project cost	1 Point
61 % through 70% of total project cost	2 Points
51 % through 60% of total project cost	4 Points
41 % through 50% of total project cost	6 Points
40% or less of total project cost	10 Points

**Criteria 12.** (0-5 Points)  
Project will receive project-based rental assistance.

Project will be receiving project-based rental assistance subsidies which would result in eligible tenants paying approximately 30% of their gross monthly income towards rent. Eligible programs shall include, but not be limited to, the Rural Development 515 Loan Program and HUD Housing Choice Voucher/Section 8 Project-Based Rental Assistance Program.

	Points Available
If the answer to the question is NO	0 Points
If the answer to the question is YES	5 Points
<p>If the whole project has a secured authorization for project-based subsidies then 5 points are awarded. If only a portion of a project has project based subsidies, then the scoring will be adjusted based upon the percentage of units subsidized. The percentage is derived as "Number of Subsidized Units / Tax credit and non-tax credit subsidized units," provided they are developed simultaneously.</p>	



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## **Criteria 13.** (0-2 Points)

### Local/Federal Government Support

The project will receive a below market loan or grant from a federal agency or Government of Guam agency other than GHURA which, in total amounts to 10% or more of the total development cost.

Description	Points Available
(i) The project has not applied for a below market loan or grant from a federal agency or Government of Guam agency, or if the total amount applied for is less than 10% of total development costs.	0 Points
(ii) The project has applied for a below market loan or grant from a federal agency or Government of Guam agency. Documentation must provide evidence that an application for financing has been submitted.	1 Point
(iii) The project has received a commitment from a federal agency or Government of Guam agency. A copy of a commitment letter or contractual agreement must be included in the application.	2 Points

## **Criteria 14.** (0-2 Points)

### Projects intended for eventual tenant ownership

Developer will sell the units with a preference towards selling to current residents after 15 years.

	Points Available
If the answer to the question is NO	0 Points
If the answer to the question is YES	2 Points

Projects will offer tenants the opportunity for home ownership. The applicant will offer tenants a Right of First Refusal to acquire the property in accordance with Section 42(i)(7) of the Internal Revenue Code. **The applicant must provide a plan discussing how the project will offer the units for homeownership to tenants.**



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## **Criteria 15.** (2-12 Points)

### Green Building / Energy Efficiency

Projects should use energy-efficient practices that promote resource conservation. In addition, all project units **must be individually metered.**

	Points Available
Projects that elect to be LEED certified and include all (8) eight of the features listed below	12 Points
Projects that elect to be LEED certified only	10 Points
Projects that elect to include all eight of the features listed below	8 Points
Projects that elect to include fewer than eight of the features listed below	6 Points
Projects that elect to include fewer than six of the features listed below	4 Points
Projects that elect fewer than four of the features listed below	2 Points

Minimum Required features:

1. Installation of solar thermal, tank less, or tank-type water heaters that meet ENERGY STAR standards.
2. Installation of water conserving plumbing fixtures: water sense high efficiency toilets (less than 1.28 gallons per flush), showerheads with rated flow less than 1.75 gallons per minute (gpm), kitchen aerators with rated flow less than 1.5 gpm, and bathroom aerators with rated flow less than 1.0 gpm.
3. Installation of five or more ENERGY STAR qualified light fixtures, ceiling fans equipped with lighting fixtures, and/or ventilation fans in each unit.
4. Installation of photo sensors or timers on all outdoor lighting and ENERGY STAR or high-efficiency commercial grade lighting fixtures (T8) in all common areas.
5. Installation of ENERGY STAR appliances including refrigerators, dishwashers, and clothes washers (horizontal axis) in each unit.
6. Reducing heat effects by using ENERGY STAR low emissive roofing products for at least 50 percent of the roof area; or a combination of high-albedo and vegetated roof covering 75 percent of the roof area. Reduce asphalt surface areas and use low emissive pavement coatings and materials for at least 25% of paved surfaces.
7. Provide an easily accessible area dedicated to recycling (at a minimum) newspaper, corrugated cardboard, glass bottles and jars, aluminum cans, and plastic containers (#1 and #2).
8. Equip with “Grid-tied Solar Power System” panels that are to be under warranty for no less than 12 years.



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Upon completion of the project, a certification from a third party **LEED AP certified** architect, or engineer verifying the green building practices listed above have been used to construct or rehabilitate the building shall be submitted. Failure to provide the certification by six months after the issuance of the IRS Form 8609 will result in forfeiture of the good faith deposit. (Reference Section VI. Fees – Good Faith Deposit)

## **Criteria 16.** (0-1 Points)

### Historic Nature of the Project

The proposed project will preserve the historic nature of an existing building.

The proposed project involves the preservation of a building(s) on a national or state historic registry.

	Points Available
If the answer to the question is NO	0 Points
If the answer to the question is YES	1 Point

## **Criteria 17.** (0 to 18 Points)

### Project Reasonableness

The points awarded will be based on GHURA's evaluation of any and all factors that could impact project reasonableness, such as, but not limited to:

Description	Points Available
Reasonableness of development costs & Feasibility of financing structure	0-5 Points
Operational feasibility (for example, unreasonable operating expenses)	0-5 Points
Adequacy of Reserves including but not limited to Operating Reserve and Repair and Replacement Reserve	0-3 Points
Services and amenities provided to tenants that will enhance the livability of the project. (Please cite and narrate the services to be provided and the partners involved within the project.)	0-3 Points
Adequacy of project contingencies in the development budget	0-2 Points

## **Criteria 18.** (0 to 7 Points)

### Developer Fee

The applicant elects to limit the total Developer Fee as a percentage of the total development cost (excluding developer fee and reserves) as presented in the application. The Developer Fee includes total fees paid to the Developer, including, but is not limited to, consulting fees,



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project management fees, developer overhead, and developer fees. Architectural, Engineering, Accounting, and Legal fees are not included as the Developer Fee.

Applicants receive scores for this criterion based on the table below. Please note the different categories for New Construction vs. Acquisition / Rehabilitation applications.

New Construction		Acquisition / Rehabilitation			
		Fee on Acquisition		Fee on Rehabilitation	
Fee	Points	Fee	Points	Fee	Points
18% > Fee ≥ 16%	0	13% > Fee ≥ 11%	0	18% > Fee ≥ 16%	0
16% > Fee ≥ 14%	1	11% > Fee ≥ 9%	1	16% > Fee ≥ 14%	1
14% > Fee ≥ 12%	2	Fee < 9%	3	14% > Fee ≥ 12%	2
12% > Fee ≥ 10%	3			Fee < 9%	4
10% > Fee ≥ 8%	5				
Fee < 8%	7				

## V. Rights of GHURA

The awarding of tax credits rests solely with the GHURA Board of Commissioners. Further, GHURA retains its discretionary authority to approve or disapprove any post-award modifications to the project.

GHURA reserves the right to disapprove any application or project for any tax credit reservation or allocation, regardless of ranking under the criteria and point system as contained in Sections III and IV of this QAP. GHURA shall have the authority to defer consideration of any application if such deferral is deemed in the best interest of meeting housing needs.

GHURA reserves the right, in its sole discretion, to do the following:

- (i) Hold back a portion of the annual federal housing credit ceiling for use during later reservation cycles,
- (ii) Carryover a portion of the current year's housing credit ceiling for allocation to a project which has not yet been Placed in Service, and
- (iii) Issue a reservation for the next year's housing credit ceiling.

GHURA is required under the IRC of 1986, as amended, to allocate the minimum amount of tax credits required to make a project feasible. The determination of the amount of tax credits to be reserved or allocated to a project shall be made solely at the discretion of GHURA. GHURA may, at the time of issuance of the IRS Form(s) 8609 for the project, decrease the amount of tax credits allocated to a project based on the actual cost and financing of the project.

GHURA may, at its sole discretion, conduct a special round after the final scheduled round for a year for projects (i) where the applicant's tax counsel has attested to an itemization of how the ten percent test prescribed by Internal Revenue Code Section 42(h)(1)(E) will be met; (ii) which have no deficient application items; and (iii) for which all exhibits have been submitted ("Year-



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End Round"). Year-End Round projects will receive a Carryover Allocation, not a reservation of LIHTCs, which may contain certain conditions and time periods for satisfying them. The circumstances for conducting a Year-End Round are (1) availability of LIHTCs and (2) potential loss of LIHTCs to the national pool. When a Year-End Round is being conducted, applicants need to satisfy the above requirements in order to receive a Carryover Allocation; and LIHTCs will be processed on a first-come-first-served basis and allocated to the extent available and to the extent applications can be processed.

GHURA in no way represents or warrants to any interested party which may include, but is not limited to, any developer, project owner, investor or lender that the project is, in fact, feasible or viable.

No GHURA member, officer, agent or employee shall be personally liable concerning any matters arising out of, or in relation to, the reservation or allocation of Low-Income Housing Tax Credits.

## **VI. Fees**

The following fees are associated with the Low Income Housing Tax Credit program. GHURA reserves the right to adjust the fees due to changing circumstances annually each January 1. All fees shall be paid via Cashier's Check and made payable to **Guam Housing and Urban Renewal Authority**.

### **Application Fee**

An Application Fee of **\$1,500 per application** shall be payable at the time of submission of the application. The fee shall be the same for all applicants.

### **Good Faith Deposit**

A good faith deposit of ten percent (10%) of the first year's federal tax credits reserved shall be payable at the time the executed binding agreement is submitted to GHURA. Upon allocation and issuance of the IRS Form 8609, sixty percent (60%) of the good faith deposit shall be retained by GHURA as an administrative fee. The remainder of the good faith deposit may be refunded to the applicant in the sole discretion of GHURA. Failure to meet any of the elections made in the scoring criteria, participation elements, or requests for additional credits at the time of application may result in the retention of the entire good faith deposit by GHURA.

### **Compliance Monitoring Fee**

Please refer to Section 'VII. Compliance Monitoring Plan' for more details regarding the Compliance Monitoring Fee.

### **Qualified Contract Processing Fee**

Qualified Contract Fee of \$150 per unit for all units

### **Attorney's Fees and Costs:**

In the event of a dispute or litigation regarding a QAP Agreement, the prevailing party shall be entitled to collect reasonable attorney's fees, costs, and expenses.



## **VII. Compliance Monitoring Plan**

### **A. Summary**

GHURA shall monitor compliance with all applicable Federal Program requirements for the period a project is committed to providing low-income rental units. GHURA will require that all qualified tenants of a project be certified upon occupancy and be re-certified annually to ensure compliance. Projects shall be required to maintain copies of the income certification for each tenant on forms approved by GHURA. Projects will also be required to maintain records regarding number of rental units (including number of bedrooms and size of square footage of each bedroom); percentage of total rental units that are low-income units; rent charged on each rental unit including utility allowances; number of occupants in each low-income unit for those buildings receiving tax credits prior to 1990; documentation regarding vacancies in the building; eligible and qualified basis of the building at the end of the first year of the credit period, and at the end of each year until required set-asides are met; and character and use of the nonresidential portion of the building that is included in the building's eligible basis, all in accordance with the rules published by the Internal Revenue Service. GHURA may perform an audit annually but at a minimum, once every three years, and shall have access to all books and records upon notice to the project owner.

Annually, owners of low-income housing tax credit projects will be required to certify to GHURA that for the previous year,

- the minimum set-aside requirement was met;
- there was no change in the applicable fraction, or an explanation if there was a change; appropriate income certifications and documentation have been received for each low-income tenant;
- each low-income unit was rent-restricted in accordance with the Code;
- all units were for use by the general public and used on a no transient basis (except for transitional housing for the homeless as provided for in the Code);
- each building was suitable for occupancy, taking into account local health, safety and building codes;
- there was no change in the eligible basis in the project, or an explanation if there was a change;
- all tenant facilities included in the eligible basis were provided on a comparable basis without charge;
- rentals of vacancies were done in accordance with the Code;
- rentals of units were done in accordance with the Code if any tenant's income increased above the limit allowed by the Code;
- a Restrictive Covenant document was in effect for the project, for those buildings receiving credits after 1989, all in accordance with the rules published by the Internal Revenue Service.

If GHURA becomes aware of non-compliance, the Internal Revenue Service shall be notified in accordance with the rules published by the Internal Revenue Service.



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Please consult with your tax attorney and/or LIHTC consultant regarding Internal Revenue Code regulations. Owners are responsible for keeping abreast of current LIHTC Program requirements.

The guidelines outlined below in sections B through K pertain to projects allocated Low Income-Housing Tax Credits in Guam.

## **B. Compliance**

### **Owner/Manager Training**

Owners, managing agents, and on-site managers should attend or document that they have recently attended training on management and compliance prior to leasing any units, but no later than receipt of IRS Form 8609, which certifies an allocation of tax credits. Training may be required following significant or repeated noncompliance events. At minimum, such training should cover key compliance terms, qualified basis rules, determination of rents, tenant eligibility, file documentation, next available unit procedures and unit vacancy rules, agency reporting requirements, record retention requirements, and site visits.

### **Set Aside**

The project must comply with the low-income set-aside requirements of Section 42 of the Internal Revenue Code- as chosen by the owner at the time of receiving the credits. The minimum requirements are either:

1. 20 percent or more of the units are occupied by tenants having a household income of 50 percent or less of the area median gross income (the "20-50 requirement"), or
2. 40 percent or more of the units in the project are occupied by tenants having a household income of 60 percent or less of the area median gross income (the "40-60 requirement").
3. Election of income averaging for new LIHTC developments where LIHTC Qualified Units (Units) may serve households earning up to 80% of the Area Median Income (AMI) so long as the average income limit of the Qualified Units is 60% or less of AMI. Designated income levels for Qualified Units may be set at 10% increments between 20% and 80% of AMI. See Appendix 1 for further guidance.

Tenant income is calculated in a manner consistent with the determination of annual income under Section 8 of the United States Housing Act of 1937, as directed by the Internal Revenue Code. Area median incomes are determined annually by the U.S. Department of Housing & Urban Development (HUD), and are available from GHURA.

### **Rent**

Units in the project must be rent-restricted to thirty (30) percent of the imputed income limitations based on unit size as provided in Code Section 42(g)(1). This rent restriction must be maintained throughout the Term of the Compliance and Extended-use period. See 'D. Rent Restrictions' in this section for further information.



## **Term of Compliance**

Projects receiving a LIHTC allocation after January 1, 1990, must comply with eligibility requirements for the extended use period [initial 15-year period (compliance period), in addition to the 15 or more years (extended use period)] determined by elections indicated in the Restrictive Covenant Document. The Restrictive Covenant Document must be recorded before credits are allocated.

## **Annual Certification**

These and other compliance requirements as listed in Section 'A. Summary' must be certified annually by the owner through the submission of the Annual Report. The Annual Report includes the Owner's Certificate of Continuing Program Compliance and shall be submitted by February 1 of each year throughout the compliance/extended-use period.

## **Records Retention**

The Annual Report and the supporting documentation verifying the information on the Annual Report must be kept for a minimum of six (6) years after the due date (with extensions) for filing the federal income tax return for that year. The records for the first year of the credit period, however, must be retained for at least 6 years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period of the building, in accordance with published IRS guidelines.

## **IRS Form 8609**

Owner shall complete Part II of IRS Form 8609 and submit with subsequent Annual Reports.

## **Qualified Basis Tracking Sheet (QBTS)**

This form shall be submitted annually until the required set-asides are established. Documents will provide information on original tenants qualifying each building for tax credits minimum set-asides, and other set-asides.

## **Status Reports**

This report is to be submitted annually by owners in such format as required by GHURA or its Authorized Delegate to document and track the continuous compliance of tax credit units. The documents report data that tenants are income eligible at move-in, that the occupants of LIHTC units are re-certified at least on an annual basis and that the unit rents are restricted. Documentation will also indicate compliance with the vacant unit rule and 140% rule. The tracking of tax credit units substantiates the maintenance, increase or reduction of each BIN's qualified basis.

## **C. Qualifying Households**

Applicants for low-income units should be advised early in their initial visit to the project that there are maximum income limits which apply to these tax credit qualified units. Management should explain to the tenants that the anticipated income of all persons expecting to occupy the unit must be verified and included on a Tenant Income



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Certification (TIC) prior to occupancy, and re-certified on an annual basis. Applicants should be informed of other Internal Revenue Service requirements such as the Student Rule and Recertification.

## **Unborn Children**

In accordance with the HUD Handbook 4350.3, owner shall include unborn children in determining household size and applicable income limits. If permitted by state laws, owner shall require documentation of pregnancy in such circumstances.

## **Student Households**

In accordance with the Internal Revenue Code, a household comprised entirely of full-time students may not be counted as a qualified household, unless the household meets at least one exception. Refer to the Internal Revenue Code for additional guidelines on the exceptions. Owner shall utilize a lease provision requiring tenants to notify managing agent of any change in student status.

## **Calculating Anticipated Tenant Income**

Owner shall qualify tenants by calculating household income using the gross income the household anticipates it will receive in the 12-month period following the effective date of the income verification or Recertification. Anticipated income should be documented in the tenant file by third party verification whenever possible, or by an acceptable alternate method of verification with documentation as to why third party verification was not available. Owner shall use current circumstances to project income, unless verification forms or other verifiable documentation indicate that an imminent change will occur. Owner shall refer to HUD Handbook 4350.3 for guidance on the proper calculation and verification of income and assets per IRC regulations.

## **Certification**

Upon acceptance of an applicant to the project, a TIC must be completed for the applicant and certified to by the applicant and the owner. The form is a legal document which, when fully executed, qualifies the applicants to live in the set-aside units in the project.

The TIC must be executed along with the lease prior to move-in. No one may live in a unit in the project unless certified and under lease.

The original copy of the executed TIC form is to be retained in the applicant's file. The TIC and the supporting documentation verifying the TIC must be kept for a minimum of six (6) years after the due date (with extensions) for filing the federal income tax return for that year. The records for the first year of the credit period, however, must be retained for at least 6 years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period of the building, in accordance with published IRS guidelines.

## **Recertification**

For 100% LIHTC set-aside projects, annual recertifications are not required after January 1, 2014. However, Owners **must recertify** households **at least once** on the first anniversary of their initial tenancy.



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For projects with less than 100% set-aside:

To ensure each unit is complying with the LIHTC income restrictions, GHURA requires (a) the owner to annually recertify each tenant's income and household composition and (b) each tenant is to report certain changes in income and household composition which occur between regularly scheduled recertification.

If the income of the tenants in a unit who have been previously verified increases above 140 percent of the applicable income limitation, the unit may continue to be counted as a low-income unit as long as the next available unit of comparable or smaller size is occupied by a qualified low-income tenant, and the rent continues to be restricted for the initial unit.

Each tenant's annual recertification is to be completed within one year of last recertification. The request for recertification shall be made between 60 and 90 days before the effective date, and it must clearly state that the tenant has ten (10) calendar days in which to contact the owner to begin recertification processing. The notice must also state the days and hours available for the interview, the information the tenant should bring to the interview, and how and whom to contact to schedule the interview.

Upon re-verification of the tenant's income, the owner shall complete a new TIC, which shall be certified to by the owner or owner's designee.

## **Past-Due Recertification**

A recertification is considered past due if the TIC form for the tenant is not certified by tenant and owner within twelve months of the last recertification.

## **D. Rent Restrictions**

Projects receiving Low-Income Housing Tax Credits after January 1, 1990 must comply with the following procedures:

- Units in the project must be rent-restricted to 30% of the imputed income limitations for each unit, based upon HUD area median incomes and size of units. Rents are imputed by bedroom size in the following manner: a unit which does not have a separate bedroom - 1 individual; and a unit with 1 or more separate bedrooms - 1.5 individuals per bedroom.
- Gross rent does not include any payment for various rental assistance programs and supportive service assistance as outlined in Section 42 of the Code. Gross rent must include any allowance for utilities.

HUD publishes the area median incomes for each state and territory annually. Updated income limits must be implemented pursuant to IRS Revenue Ruling 94-57, "Taxpayers may rely on a list of income limits released by HUD until 45 days after HUD releases a



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new list of income limits, or until HUD's effective date for the new list, whichever is later." Rents may be increased accordingly as the area median income increases.

If the income of the tenants in a unit who have been previously verified increases above 140 percent of the applicable income limitation, the unit may continue to be counted as a low-income unit as long as the next unit of comparable or smaller size is occupied by a qualified low-income tenant, and the rent continues to be restricted for the initial unit.

## **E. Eviction of Tenants**

Once an eligible tenant has been certified and admitted to the project, the tenant may not be displaced solely due to an increase in the tenant's household income beyond the restricted limit.

## **F. Audits**

The project may be subject to a management audit by GHURA or its Authorized Delegate annually but, at a minimum, once every three years. Notification of an audit shall be given to the owner at least 30 days prior to such audit. The results of the management audit and the recommendations for corrective action to protect and maintain the project shall be transmitted to the owner within thirty (30) days following the completion of the audit.

The purpose of the audit will be to conduct a physical inspection of the building and/or project, and, for at least 20 percent of the project's low-income units, to inspect the units and review the low-income certifications, documentation supporting the certifications, and rent records for the tenants in those units. The audit may also consist of a review of first year tenant records, a review of the documentation supporting the Annual Report, and any other documentation necessary for GHURA to make a determination as to whether the project is not in compliance with the Code.

When conducting tenant file reviews, GHURA's and its Authorized Delegate's reviews shall include, but not be limited to:

- completed rental application, including certification of assets and disposal of assets, if applicable;
- tenant income certification completed for move-in and current year, including all required signatures and dates;
- income verification(s) completed and documented;
- assets verified in accordance with IRC regulations;
- student eligibility documentation;
- lease and lease addendums completed at move-in;
- utility allowance on file;
- review of first year tenant records which qualified the project initially for tax credits



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The owner shall have a period of thirty (30) days in which to respond to the findings of the management audit. GHURA shall review the owner's response to determine the extent to which the issues raised in the management audit letter are addressed. Findings, whether corrected or not, will be reported to the IRS.

See Section 'J. Non-compliance Penalties' for information on notification to the IRS of any non-compliance found in the management audit.

## **G. Rural Housing Service (RHS) and Tax-exempt Bond Issue Projects**

In accordance with the published IRS guidelines on compliance monitoring, an exception may be granted to RHS projects under its section 515 program and buildings or projects of which 50 percent or more of the aggregate basis is financed with the proceeds of tax-exempt bonds.

The IRC regulations allow for exception of a building from the inspection requirement if the building is financed by RHS under the section 515 program, the RHS inspects the building [under 7 CFR part 1930(C)], and the RHS and the allocating agency enter into a memorandum of understanding, or other similar arrangement, under which the RHS agrees to notify the allocating agency of the inspection results. Irrespective of the physical inspection standard selected by the allocating agency, a low-income housing project under section 42 of the Internal Revenue Code must continue to satisfy local health, safety and building codes. A memorandum of understanding has not been executed between GHURA and RHS.

Annual Reports, QBTS, Compliance Monitoring Status Reports and other reports are still required of RHS projects. Although GHURA has allowed the use of the RD 1944-8, the form does not determine eligibility for specific LIHTC requirements. Owners need to determine whether the TIC will be used or a worksheet will be attached to RD 1944-8 to determine eligibility under the IRC. Management audits will still be conducted as indicated herein.

An owner who for some reason is not able to make any of the required certifications stated on the Annual Report or other requirements must inform the Agency immediately of such inability, as well as explain the reason for said inability.

## **H. Reporting Requirements**

- a. The LIHTC Annual Report must be submitted annually by February 1 of each year throughout the compliance/extended use period.
- b. Part II of the IRS Form 8609 must be completed by the owner and submitted with initial Annual Report.
- c. Qualified Basis Tracking Sheets (QBTS) are submitted at a minimum annually with LIHTC Annual Report until all set-asides are established.



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- d. Status Reports are submitted annually by owners with Annual Report to document and track the continuance compliance of tax credit units throughout the compliance/extended-use period.

These forms must be sent in to GHURA or its Authorized Delegate at the address shown in Section II.

The Certification of Eligibility and LIHTC forms listed above are available from GHURA. Additionally, GHURA has data regarding HUD area median incomes, maximum rental rates, income verification information and third party verification forms.

## **I. Fees**

A compliance monitoring fee of up to \$100 per unit for all units within each project shall be charged annually for administrative expenses. This fee shall be submitted with the LIHTC Annual Report for each year of the compliance/extended-use period. GHURA reserves the right to adjust fees due to changing circumstances annually each January 1. It will be the responsibility of GHURA to inform the owner of any changes in the annual compliance fee prior to the submission of fees. The compliance monitoring fee will be effective as of the Placed in Service date for the first building.

## **J. Non-compliance Penalties**

The penalty for non-compliance with the LIHTC Program is the potential recapture of the credits awarded and interest on the amount recaptured. The Internal Revenue Service shall determine penalties for non-compliance.

Upon determination by GHURA of non-compliance with the LIHTC Program, the owner shall be notified and given thirty (30) days to correct any discovered violations. In accordance with the Internal Revenue Service's published guidelines on compliance monitoring, GHURA will be required to notify the IRS within forty-five (45) days after the end of the thirty day correction period, whether or not the non-compliance is corrected. GHURA will be given the opportunity on the IRS form to indicate whether the owner has corrected the non-compliance. GHURA may extend the correction period, up to a total of six (6) months, if it is determined by GHURA that good cause exists for granting such an extension. In such case, the IRS will not be notified until the end of the extended correction period.

## **K. Extended Use Period**

After the initial 15-year compliance period is the Extended Use Period, GHURA is no longer required to report instances of non-compliance to the IRS. Compliance during the Extended Use Period (EU Compliance Policy) will concentrate on enforcing the requirements of the LIHTC program through the term of the Declaration of Restrictive Covenants for Low Income Housing Credit recorded on the property. The EU Compliance Policy is largely based on the procedures of the initial compliance period.



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Unless noted below, the policy and procedure for compliance during the initial compliance period shall continue to apply to the extended use period.

## **Effective Date**

The EU Compliance Policy shall be effective on the first day after the expiration of the initial 15-year compliance period for the last building placed in service in the project. Generally, the extended use compliance period will begin on January 1 of the year after the expiration of the initial 15 year compliance period of the last building placed in service and be in effect until the end of the extended use period.

## **Income and Rent Set Aside**

Owners are subject to the Section 42 occupancy and rent restrictions required in the Declaration of Land Use Restrictive Covenants for Low-Income Housing Credits.

## **Student Households**

As GHURA wants to ensure that properties in the extended use period are not used as dormitory housing, a modified student eligibility requirement will be enforced. During the extended use period, a household comprised entirely of full time students will qualify as long as at least one member of the household is an independent student or is a student in grades Kindergarten through 12 (including home schooled minors studying course material within these grades). An independent student is defined as one who is not claimed as a dependent on his/her parent's tax return (proof required).

## **Available Unit Rule / 140% Rule**

For projects which include market rate units, the Available Unit Rule and the 140% Rule do not apply during the extended use period. The percentage of tax credit units as specified in the Declaration of Restrictive Covenants for Low Income Housing Credits must be maintained throughout the extended use period.

## **Certification and Recertification**

Certification of tenants at the time of move-in shall be required during the extended use period according to the same procedure as the compliance period. Recertification of tenants will not be required during the extended use period. However, if any adults are added to the household, then the household must be re-certified.

## **Unit Transfers**

During the extended use period, unit transfers are allowed without a new income qualification. Documentation of all unit transfers that occur shall be submitted as part of the Reporting Requirements.

## **Reporting Requirements**

1. The **LIHTC Annual Report** must be submitted annually by February 1 of each year throughout the extended use period.
2. **Status Reports** are submitted annually by owners with the Annual Report to document and track the continuing compliance of tax credit units throughout the extended use period.



## **Site Audits**

Commencing within three years after the expiration of the Compliance Period, site audits for projects may be conducted at least once every **five** years. Projects that have substantial outstanding non-compliance beyond the correction period based on the findings of the most recent site audit may be subject to more frequent site audits.

## **Owner Inspection**

Owners shall conduct an annual physical inspection of each unit and common areas in the project.

## **Correction Period and Non-compliance Penalties**

Upon determination by GHURA of non-compliance with the LIHTC Program during the extended use period, the owner shall be notified and given thirty (30) days to correct any discovered violations. GHURA may extend the correction period on a case-by-case basis, up to a total of six (6) months, if it is determined by GHURA that good cause exists for granting such an extension. Owners may request GHURA to review all outstanding non-compliance issues for a property once per calendar year after the initial correction period. Any owner and constituent entities involved in management and ownership of a project with an unresolved finding of non-compliance beyond the initial correction period may be deemed to be Not in Good Standing by GHURA's Fiscal Department. Owners must clear all outstanding non-compliance issues to be deemed in Good Standing with GHURA.

## **VIII. Appeal**

All appeals shall be resolved in accordance with GHURA's Appeals and Process Procedure, copies of which are maintained at GHURA's office.

## **IX. Other**

High Cost Area Designation. Newly constructed buildings located outside of designated Difficult to Develop Areas or Qualified Census Tracts qualify as a high cost area. The additional LIHTC available from the "basis boost" will be used to offset the high cost of construction and land throughout the island.



## **Appendix 1 Income Averaging Guidelines**

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### **GHURA Guidelines for Utilizing the Income Averaging Minimum Set-Aside for Applications under Consideration or Already Approved**

The Consolidated Appropriations Act of 2018 establishes income averaging as a new minimum set-aside election for new LIHTC developments. It allows LIHTC Qualified Units to serve households earning as much as 80% of Area Median Income (AMI) so long as the average income limit of the Qualified Units is 60% or less of AMI. Designated income levels for Qualified Units may be set at 10% increments between 20% and 80% of AMI. GHURA will accept proposals for utilizing income averaging in application that are under consideration, have already been approved or have already initially closed, subject to the requirements outlined below.

#### **General Requirements for All Income Averaging Proposals:**

- Utilization of income averaging requires GHURA consent
- Proposals will not be accepted without evidence of approval by the syndicator/investor
- Changes in the AMI bands must be supported by a market study
- Proposals must maintain the requirements of any GHURA funding award
- A revised application and associated exhibits may be required
- If the use of income averaging triggers higher fees for compliance monitoring, the increase will need to be incorporated in the project budget

#### **Additional Requirements for Developments that have already initially closed:**

- Proposals will only be considered for Developments that have not yet executed Form 8609
- The proposal must continue to meet the requirements of the Section 42 of the Internal Revenue Code
- Set-aside elections made in the Extended Housing Commitment executed at initial closing and recorded at the Recorder's Office may need to be amended



# DRAFT

## **Appendix 2 Market Study**

In accordance with Section 42(m)(1)(A)(iii) of the Internal Revenue Code, GHURA requires a comprehensive Market Study of the housing needs of low-income individuals in the area to be served by the project. The Market Study is to be conducted by a disinterested party approved by GHURA and must be submitted as part of the application. The Market Study shall be completed at the Owner's expense. Any applicant that fails to submit a Market Study, or submits a Market Study dated more than 6 months earlier than the date of application shall be returned to the applicant and the application will not receive further consideration.

The Market Study shall address the following information:

- A statement of the competence of the market analyst.
- A description of the proposed site.
- Demographic analysis of the number of households in the market area which are income eligible and can afford to pay the rent. Estimate of capture rates for the market areas.
- Geographic definition and analysis of the market area.
- Identification of the project including location, unit counts, income levels and target population. Market Study must be consistent with the proposed project.
- Analysis of household sizes and types in the market.
- A description of comparable developments in the market area.
- Analysis of practically available rents, vacancy rates, operating expenses and turnover rates of comparable properties in the market area.
- Analysis of practically available rents, vacancy rates and turnover rates of market rate properties in the market area. Projected operating funds and expenses, when available at the time of the study.
- Expected market absorption of the proposed rental housing, including a description of the effect of the market area.
- Identification and commentary of proposed projects in the market areas.
- Analysis of market demand for tenants with special housing needs when applicable.
- Analysis of impacts of development to the area's existing education, public safety, and utilities infrastructure.

Projects that are requesting credits from eligible basis generated from a Community Service Facility as defined in Section 42(d)(4)(C)(iii) must provide a market study that addresses the following:

- A description of Services provided that improve the quality of life for community residents.
- The market area and demand for services provided.
- The applicability of service provided to the community.
- The affordability of the services provided to persons of 60% AMGI or less.



# Guam Low Income Housing Tax Credit Program (LIHTC) 2021 Application

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Guam Housing and Urban Renewal Authority

Issue Date: 05/03/2021



## NOTICE TO THE PUBLIC

### 2021 LIHTC QAP and Application

The Guam Housing and Urban Renewal Authority's (GHURA's) 2021 Low Income Housing Tax Credit (LIHTC) Program Qualified Allocation Plan (QAP) and Application are now available. The QAP describes the basis that GHURA will use to allocate LIHTC Program credits. A total of \$6,660,957 (\$3,217,500 issued on November 18, 2019 under Rev. Proc. 2019-44 for the 2020 allocation period, \$3,245,625 issued on October 26, 2020 under Rev. Proc. 2020-45 for the 2021 allocation period plus remaining tax credits from 2019 allocation period in the amount of \$197,832) is available for the 2021 program year.

GHURA is the recognized state housing credit agency authorized to allocate LIHTC Program credits in Guam. The United States 1986 Tax Reform Act created the federal low-income housing tax credit under Section 42 of the Internal Revenue Code (the Code). The LIHTC Program assists in the development of low-income rental housing by providing qualified owners with tax credits to offset their federal tax obligations. LIHTC Program credits are available to owners of qualifying buildings and projects that meet certain low-income occupancy rent restrictions.

Section 42 of the Code provides that Guam prepare a QAP to determine housing priorities and to give preference to projects serving the lowest income tenants and projects obligated to serve qualified tenants for the longest periods. The QAP must incorporate selection criteria which include project location, housing need characteristics, sponsor characteristics, and tenant populations with special needs.

#### Application

Applications are available beginning Monday, July 12, 2021 from GHURA's website at [www.ghura.org](http://www.ghura.org). Applications are due on Monday October 11, 2021. There is a **\$1,500.00 Application Fee** due upon submission. Applications must be received by **GHURA's Main Office** in Sinajana at 117 Bien Venida Avenue, Sinajana, GU 96910 by no later than **5:00 pm**.

For more information on the 2021 QAP, please contact GHURA's Chief Planner, Katherine Taitano at 671-475-1322, via email at [katherine@ghura.org](mailto:katherine@ghura.org), or visit our office on the 2<sup>nd</sup> floor of the GHURA Main Office located at 117 Bien Venida Avenue, Sinajana, Guam weekdays between the hours of 8am and 5pm.



## Selection Criteria Score Sheet

Please indicate the points requested below for each selection criteria with a brief justification and a reference (including page number) to where more details can be found within this application.

1. Does the Project provide low-income units for a longer period than is required under Section 42 of the Internal Revenue Code? Indicate the number of years after the 15 year credit period (0-6 Points)

Points Requested:

Justification:

2. Does the Project provide a greater percentage of low-income units than required under Section 42 of the Internal Revenue Code (2 to 8 Points)?

Points Requested:

Justification:

3. What is the federal tax credit/low-income unit ratio (0 to 7 Points)?

Points Requested:

Justification:

4. Does the project serve tenant populations of individuals with children? If there are any programs for these tenant populations, please explain (0 or 3 Points).

Points Requested:

Justification:

5. Does the project serve tenant populations with special needs? If any, identify programs and facilities involved in serving these tenant populations (0 or 1 Point).

Points Requested:

Justification:

6. Is the project owned by a qualified non-profit organization as defined in Section 42(h)(5)(B), (C) of the Internal Revenue Code (0 to 4 Points)?

Points Requested:

Justification:

7. What housing needs characteristics are being met in relation to this project and identify where the project will be located (0 to 16 Points).

Points Requested:

Justification:



8. What level of LIHTC experience does the developer have? If any, identify all successful projects and explain if there were any project failures (0 to 8 Points).

Points Requested:

Justification:

9. Do the project characteristics include using existing housing as part of a community revitalization plan or is the project located in a qualified census tract (0 to 2 Points)?

Points Requested:

Justification:

10. Does the project include the development of new housing to replace existing public housing units (0 to 1 Point)?

Points Requested:

Justification:

11. What is the total project cost percentage (0 to 10 Points)?

Points Requested:

Justification:

12. Does the project receive project-based rental assistance (0 to 5 Points)?

Points Requested:

Justification:

13. Will the project receive a below market loan or grant from a federal agency or Government of Guam agency other than GHURA that will amount to 10% or more of the total development cost? Identify agency and figures (0 to 2 Points).

Points Requested:

Justification:

14. Does the project developer intend to offer the units towards the current residents after 15 years? Provide the overall step-by-step process for tenant ownership (0 to 2 Points).

Points Requested:

Justification:

15. Will the Project enforce energy-efficient practices and resource conservation? Will it be LEED certified and what level? Identify all energy-efficient practices or systems of the Project (2 to 12 Points).

Points Requested:

Justification:



16. Will the project preserve the historic nature of an existing building? If yes, please explain (0 to 1 Point)

Points Requested:

Justification:

17. Is the Project Reasonable to develop? Are there any unreasonable operating expenses? Does the project have an adequacy of Reserves? Will the Project offer services and amenities to tenants that will enhance the livability of the Project? Is there a contingency to the development budget? Please explain all (0 to 18 Points).

Points Requested:

Justification:

18. Is the Developer Fee reasonable, what percentage of New Construction does it fall between (0 to 7 Points)?

Points Requested:

Justification:



# GUAM HOUSING AND URBAN RENEWAL AUTHORITY LOW-INCOME HOUSING TAX CREDIT PROGRAM

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# 2021 APPLICATION

TC or OID Number

Date and time received

AGENCY USE ONLY (Do not fill in shaded area)

## PROJECT NAME:

Address:

City :

State:

Zip:

## I. APPLICANT INFORMATION

Legal Name of Applicant:

Address:

City:

Phone:

E-mail:

State:

Zip Code:

Fax:

Contact for Legal Notices<sup>1</sup>:

Title and Entity:

Address:

City:

Phone:

E-mail:

State:

Zip Code:

Fax:

Contact for Project<sup>1</sup>:

Title and Entity:

Address:

City:

Phone:

E-mail:

State:

Zip Code:

Fax:

<sup>1</sup> List only one name for each contact person.



The taxable year of the Applicant is:

- (Check One) ☐ the calendar year  
☐ the fiscal year ending: \_\_\_\_\_

Applicant's federal identification number: \_\_\_\_\_

SSN if applicant is an individual. EIN if applicant is an entity. Attach copy of IRS document showing number.

In which state is the Applicant incorporated or organized? \_\_\_\_\_

The Applicant is what type of entity:

- (Check One) ☐ Corporation  
☐ Limited Partnership  
☐ Limited Liability Company  
☐ General Partnership  
☐ Individual

## **PARTNERSHIP, OR LIMITED LIABILITY COMPANY INFORMATION<sup>2</sup>**

Name	Address	Phone	Entity Type <sup>3</sup>	Federal ID Number	Ownership Percentage

**Applicant Experience. Check the appropriate box<sup>4</sup>:**

- ☐ Applicant has no prior experience in developing or owning affordable rental housing.  
☐ Applicant has prior experience in developing or owning affordable rental housing.

<sup>2</sup> If the Applicant is a Partnership, provide the information requested for each General Partner.

If the Applicant is a Limited Liability Company that has one or more Managing Members, provide the information requested for each Company Manager (including each Managing Member).

If the Applicant is a Limited Liability Company that has no Managing Members, provide the information requested for each Company Member and any Company Manager.

<sup>3</sup> If the Applicant is a Limited Liability Company, also indicate whether the party is a Managing Member, Company Member, or Company Manager.

<sup>4</sup> If the Applicant/Developer has experience in developing or owning affordable housing, provide listing of experience of the Applicant/Developer as developer and owner of affordable housing projects.



## **IDENTITY OF INTEREST INFORMATION**

If any individual or entity for the Project is Controlled By, In Control Of, Affiliated With, a Related Party to, or has an Identity of Interest with any of the other individuals or entities for the Project, mark each applicable box with an “X.” If there is an “X” marked for any of the individuals or entities for the Project, **include as an attachment to the Application** a detailed description of the relationship between the parties and resume for each member of the project team to include resume for key staff involved in the development ownership of this project from the sponsor and developer.

[illegible]



## **DEVELOPMENT TEAM INFORMATION<sup>5</sup>**

Developer: \_\_\_\_\_  
Contact Person and Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Responsibilities: \_\_\_\_\_

Project Management Consultant: \_\_\_\_\_  
Contact Person and Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Responsibilities: \_\_\_\_\_

Property Management Company: \_\_\_\_\_  
Contact Person and Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Responsibilities: \_\_\_\_\_

Architect: \_\_\_\_\_  
Contact Person and Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

<sup>5</sup> If the Project has more than one Developer, Project Management Consultant, Property Management Consultant, or Architect, attach information on each. Enter "none" if a selection has not been made.



## **LEGAL COUNSEL & PROFESSIONAL REPRESENTATIVES INFORMATION<sup>6</sup>**

Legal Counsel: \_\_\_\_\_  
Contact Person and Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Responsibilities: \_\_\_\_\_

Tax Advisor: \_\_\_\_\_  
Contact Person and Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Responsibilities: \_\_\_\_\_

Accountant: \_\_\_\_\_  
Contact Person and Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Responsibilities: \_\_\_\_\_

Is the accountant an Independent Certified Public Accountant? ☐ Yes ☐ No

Syndicator: \_\_\_\_\_  
Contact Person and Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Responsibilities: \_\_\_\_\_

<sup>6</sup> If the Project has more than one professional representative in a category, attach information on each.



## **II. PROJECT NARRATIVE INFORMATION**

### **PROJECT DESCRIPTION**

Please provide a brief narrative summary of the proposed project. Please include location in the community, project type (new v. rehab), target population, any unique project characteristics, etc.

Construction Type:

Occupancy Type:

Target Income Group:

Unit Mix:

Unit Amenities:

Community Amenities:

Energy Efficiency and Green Building Practices:

### **LENGTH OF AFFORDABILITY COMMITMENT**

How long will your project commit to affordability restrictions and program compliance? \_\_\_\_\_ Years

### **EXTENDED USE AGREEMENT ELECTION**

By way of signature below,

- ☐ The applicant hereby agrees that if it is allocated the low-income housing tax credits applied for herein to an extended use period of: \_\_\_\_ years, collectively consisting of a compliance period of 15 years and an additional use period of \_\_\_\_ years.
- ☐ The applicant hereby agrees that if it is allocated the low-income housing tax credits applied for herein waive its right to exercise a request for a qualified contract pursuant to Section 42(h)(6)(E)(i)(II).



### **III. PROJECT INFORMATION**

#### **SITE INFORMATION**

Site Control is in the form of:

☐ Deed

☐ Purchase Contract

☐ Lease

☐ Purchase Option

☐ Lease Option

☐ Other: \_\_\_\_\_

Complete Exhibit 4 Site Control Form and attach copies of supporting documents.

Number of Existing Buildings on the Project site: \_\_\_\_\_

Total cost of Land and Existing Buildings for the Project:<sup>7</sup> \$ \_\_\_\_\_

Are there any anticipated changes to the Project's legal description?<sup>8</sup> ☐ Yes ☐ No

Is the Project located in a Difficult to Develop Area (DDA)? ☐ Yes ☐ No

#### **SELLER/LESSOR INFORMATION<sup>9</sup>**

Legal Name of Seller/Lessor: \_\_\_\_\_

Contact Person and Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Is the Seller/Lessor a Related Party to the Applicant? ☐ Yes ☐ No

Has the Applicant or a Related Party previously owned any Building in the Project? ☐ Yes ☐ No

<sup>7</sup> If the Site Control document includes Land and/or a Building(s) in addition to that which will be used for the Project, include a narrative description and supporting documentation describing how the total cost of Land and any Buildings for the Project was established.

<sup>8</sup> If changes are expected, include a narrative description and drawings with Site Control documentation.

<sup>9</sup> If the Project has more than one seller/lessor, attach information on each.



## **TYPE OF TAX CREDIT REQUESTED**

- (Check One)
- |   |   |
|---|---|
| <input type="checkbox"/> New Construction without Federal Subsidies ("9%")                | <input type="checkbox"/> New Construction with Federal Subsidies ("4%")           |
| <input type="checkbox"/> Rehabilitation without Federal Subsidies ("9%")                  | <input type="checkbox"/> Rehabilitation with Federal Subsidies ("4%")             |
| <input type="checkbox"/> Acquisition/Rehabilitation without Federal Subsidies ("4%"/"9%") | <input type="checkbox"/> Acquisition/Rehabilitation with Federal Subsidies ("4%") |
| <input type="checkbox"/> Average Income Set Aside without Federal Subsidies               | <input type="checkbox"/> Average Income Set Aside with Federal Subsidies          |

## **MINIMUM LOW-INCOME HOUSING SET-ASIDE ELECTION**

- (Check One)
- ☐ A minimum of **40%** of the Total Housing Units will be rented to Residents with incomes at or below **60%** of the Area Median Gross Income (AMGI)
- ☐ A minimum of **20%** of the Total Housing Units will be rented to Residents with incomes at or below **50%** of the Area Median Gross Income (AMGI)
- ☐ An **Average Income** election wherein LIHTC Qualifying units can earn as much as 80% of the Area Median Gross Income (AMGI) so long as the average of the Total Housing Units will be rented to Residents with incomes at or below 60% of the Area Median Gross Income (AMGI)

## **TYPE OF ALLOCATION**

- (Check One)
- ☐ The Applicant requests an Allocation of Credit for 20\_\_\_\_ (project will PIS in 20\_\_\_\_)
- ☐ The Applicant requests a Carryover Allocation of Credit (project will PIS after 20\_\_\_\_) the applicant is also requesting an allocation of 20\_\_\_\_ Credits

## **TAX CREDIT FACTOR**

**Note:** This Tax Credit Factor selection establishes the absolute minimum Tax Credit Factor for the project.

The Applicant selects the following Tax Credit Factor: \_\_\_\_\_

Three decimal points only (i.e., 0.775).

## **QUALIFICATION FOR CREDIT**

Is there any aspect of the Project which might disqualify it in whole or in part for the Credit such as all student or transient housing or HUD Section 8 Moderate Rehabilitation assistance?

☐ Yes ☐ No

Is any Building in the Project intended to be occupied by the Applicant or a related person (within the meaning of Section 42(i)(3)(C) of the Code)?

☐ Yes ☐ No

If the answer to either question is yes, attach an explanation.



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## **HISTORIC REHABILITATION TAX CREDITS**

A. Residential Qualified Rehabilitation Expenditures:	\$ _____
B. Commercial and other Non-Residential Qualified Rehabilitation Expenditures:	\$ _____
C. Total Qualified Rehabilitation Expenditures:	\$ _____
D. Historic Rehabilitation Tax Credit Percentage:	_____ x .20
E. Total Historic Rehabilitation Tax Credits (multiply C by D):	\$ _____
F. Tax Credit Factor for the Historic Rehabilitation Tax Credits:	\$ _____
G. Net Historic Rehabilitation Tax Credit Proceeds (multiply E by F):	\$ _____
H. Net Historic Rehabilitation Tax Credit Proceeds - residential portion only (multiply A by D, then multiply by F):	\$ _____
(Include on page 33 to determine total sources of the Project.)	
I. Historic Rehabilitation Tax Credit - residential portion only (multiply A by D):	\$ _____
(Include on page 33 to determine maximum annual Credit.)	

## **UNIT INFORMATION**

A. Low Income Units	_____
B. Market Rate Units	_____
C. Common Area Units	_____
(Units occupied by resident manager or maintenance personnel)	
D. Total Units in the project (A+B+C):	_____
E. Total housing units in the project (A+B):	_____
F. Floor Space Fraction for Low-Income Units:	_____ %
G. Unit Fraction for Low-Income Units:	_____ %

## **BUILDING INFORMATION**

Attach building specifications, schematic drawings, site plan and evidence of utilities and site access, if available.

Number

Floor Area  
(Square Feet)

Residential Buildings in the Project:	_____	Square Feet:	_____
Accessory Buildings in the Project:	_____	Square Feet:	_____
Commercial Space:	_____	Square Feet:	_____
Common Area	_____	Square Feet	_____
TOTAL:	_____	Square Feet:	_____







## **BUILDING ACQUISITION INFORMATION**<sup>10</sup>

Address of Building or Building Number	Placed-In-Service Date of Building by the Most Current Owner <sup>11</sup>	Actual/Proposed Date of Acquisition by Applicant	Number of Years Between Last Placed-In-Service & Acquisition <sup>12</sup>
--	--	--	--

Are there any tenants covered by the Landlord/Tenant Act living in any Building on the Project site at the time of the Application? ☐ Yes ☐ No

If yes, how many Units are currently occupied? \_\_\_\_\_

<sup>10</sup> If the Applicant has acquired or plans to acquire an Existing Building, complete the table for each Building.

<sup>11</sup> Enter date of the most recent Non-qualified Substantial Improvement made by the most current Owner (or the former Owner if the Applicant is the current Owner), if the Non-qualified Substantial Improvement is more recent than the Placed-In-Service date.

<sup>12</sup> If less than 10 years and the Applicant is requesting an acquisition Credit, include an explanation immediately following this page.



## **IV. CREDIT SET-ASIDES AND ALLOCATION CRITERIA**

### **CREDIT SET-ASIDES**

**THIS IS AN IRREVOCABLE ELECTION**

- ☐ A. Qualified Nonprofit Organizations Credit Set-Aside
- ☐ B. No Credit Set-Aside selected
- ☐ C. Tax-Exempt Bond financed

### **NONPROFIT ORGANIZATION INFORMATION**

**The entity which qualifies the Project for Credit Set-Aside category A above is a:**

(Check One)

- |   |   |
|---|---|
| <input type="checkbox"/> 501(c)(3) Organization                               | <input type="checkbox"/> 501(c)(4) Organization       |
| <input type="checkbox"/> Public Housing Authority                             | <input type="checkbox"/> Public Development Authority |
| <input type="checkbox"/> Exempt from taxation under Section 501(a) (specify): | _____   |

**The entity which qualifies the Project for Credit Set-Aside Category A above:**

is incorporated in \_\_\_\_\_ state, and  
has its principal office in \_\_\_\_\_ state.<sup>13</sup>

**Do the articles of incorporation include a stated exempt purpose of the “fostering of low-income housing?”<sup>14</sup>**

☐ Yes ☐ No

<sup>13</sup> The principal office will typically be the entity's headquarters from which it directs the operations of the organization.

<sup>14</sup> This is a requirement to meet the definition of a Qualified Nonprofit Organization.



## **ALLOCATION CRITERIA**

For each Allocation Criterion selected, enter the number of points requested in the right margin. By making a selection, the Applicant agrees that, if it receives an Allocation of Credit, it will comply with all the requirements related to the selected Allocation Criteria as set forth in the *Guam 2021 Qualified Allocation Plan*. The Applicant is responsible for demonstrating that the Project qualifies for all selected Allocation Criteria and ensuring that all appropriate attachments are submitted. GHURA will determine if a Project qualifies to receive Allocation Criteria Points.

The commitments made may seriously affect the project's marketing strategies and its long-term financial viability. GHURA encourages the applicant to carefully review and evaluate the reasonableness of the project's low-income housing and special-needs housing commitments prior to completing the application.

### **Selection Criteria Point System**

Each application will be evaluated and awarded points in accordance with the following criteria. Unless otherwise indicated, all references to low-income unit(s) or low-income rental unit(s) shall mean low-income housing tax credit unit(s).

Application must have a **minimum score of 88 out of 126 points to be considered for award.**

	<b>CRITERIA</b>	<b>POINTS</b>
1	Project will provide low-income units for a longer period than is required under Section 42 of the Internal Revenue Code.	0 to 6
2	Project will provide a greater percentage of low-income units than required under Section 42 of the Internal Revenue Code.	2 to 8
3	Project's federal tax credit/low-income rental unit ratio.	0 to 7
4	Project will serve tenant populations of individuals with children.	0 to 3
5	Project will serve tenant populations with special housing needs	0 or 10
6	Qualified Non-Profit Organization	0 to 4
7	Project location and housing needs characteristics	0 to 20
8	Developer experience	0 to 8
9	Project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan	0 to 2
10	Replacement of existing public housing units	0 to 1
11	Total Project Cost Percentage	0 to 10
12	Project will receive project-based rental assistance	0 to 5
13	Local/Federal Government support	0 to 2
14	Projects intended for eventual tenant ownership	0 to 2
15	Green building / Energy efficiency	2 to 12
16	Historic nature of the project	0 to 1
17	Project Reasonableness	0 to 18
18	Developer Fee	0 to 7



**Criteria 1.** (0-6 Points)

Project will provide low-income units for a longer period than is required under Section 42 of the Internal Revenue Code.

Applicants electing to commit to an Extended Use Period beyond the 15-year LIHTC compliance period will be awarded points based on the table below. By making this election, the applicant elects to waive its right to exercise a request for a qualified contract pursuant to Section 42(h)(6)(E)(i)(II). The elections will be recorded in the Restrictive Covenant Document. Points will be awarded based on the following:

Extended Use Period	Points Available
15 year compliance period plus 46 years or more	6 Points
15 year compliance period plus 30 to 45 years	4 Points
15 year compliance period plus 16 to 29 years	2 Points
15 year compliance period plus 0 to 15 years	0 Point

**Criteria 2.** (2-8 Points)

Project will provide a greater percentage of low-income units than required under Section 42 of the Internal Revenue Code.

With respect to the set-aside affordability, if project provides:

Description	Points Available	Points Requested
40% of the project to households earning 60% or less of AMGI, and 60% of the project to households earning 50% or less of AMGI.	2 Points	
60% of the project to households earning 60% or less of AMGI, or 80% of the project to households earning 50% or less of AMGI	4 Points	
100% of the project to households earning 50% or less of AMGI	8 Points	



**Criteria 3.** (0-7 Points)

Project's federal tax credit/low-income rental unit ratio

The ratio is derived as: "Total Federal Tax Credits Requested (Annual)/Total Number of Proposed Low-Income Rental Units".

Greater than	Less than	Points Available	Points Requested
\$45,999.00		0	
\$41,999.00	\$45,999.00	1	
\$37,999.00	\$41,999.00	3	
\$33,999.00	\$37,999.00	4	
\$29,999.00	\$33,999.00	6	
	\$29,999.00	7	

**Criteria 4.** (0-3 Points)

Project will serve tenant populations of individuals with children.

The Project will serve tenant populations of individuals with children and provide units for at least 60% of all low-income housing units

	Points Available	Points Requested
If the answer to the question is NO	0 Points	
If the answer to the question is YES	3 Points	

**Criteria 5.** (0 or 10 Point)

Project will serve tenant populations with special housing needs

	Points Available	Points Requested
<p>Special needs. Special needs groups are "persons for whom social problems [including homelessness], age or physical or mental disabilities impair their ability to live independently and for whom such ability can be improved by more suitable housing conditions."</p> <p>Projects may receive 10 points for this criterion if it commits to the following:</p> <p>The projects will set-aside at least 20% of all units for tenant populations with special housing needs. Persons with special housing needs may include the physically and mentally disabled. Units intended to serve the homeless must be used as permanent supportive housing, as regulation forbids the use of LIHTC projects as transient homeless shelters. To receive consideration for this criterion:</p>	10 Points	



<ul style="list-style-type: none"> <li>○ The project must commit to provide case management or services specific to this population or special facilities to accommodate the physically disabled. (Please provide details of the services and/or special facilities i.e. what ADA standards and designs will be incorporated in unit construction or facilities? How many units will meet ADA standards, if any?)</li> <li>○ The Market Study shall specifically address the housing needs for the special needs group.</li> </ul>		
--	--	--

**Criteria 6.** (0-4 Points)

Qualified Non-profit Organization

An interest in the Project is owned by a qualified non-profit organization as defined in Section 42(h)(5)(B), (C) of the Internal Revenue Code.

	Points Available	Points Requested
If the answer to the question is NO	0 Points	
<p>If the answer to the question is YES, the organization must be a qualified non-profit organization at time of application submission. Organization must exist in and be qualified to do business in Guam. According to IRC Section 42(h)(5)(C), qualified non-profit organization:</p> <ul style="list-style-type: none"> <li>a) must "...own an interest in the project (directly or through a partnership) and materially participate (within the meaning of section 469(h)) in the development and operation of the project throughout the compliance period";</li> <li>b) "...is described in paragraph (3) and (4) of section 501(c) and is exempt from tax under section 501(a)";</li> <li>c) "...is determined by the State housing credit agency not to be affiliated with or controlled by a for-profit organization"; and</li> <li>d) "one of the exempt purposes of such organization includes the fostering of low-income housing."</li> </ul> <p>Documents to show proof of qualified non-profit organization should be submitted with application.</p>	4 Points	

**Criteria 7.** (0-16 Points)

Project location and housing needs characteristics

Application must include a comprehensive Market Study of the housing needs of low-income individuals in the area to be served by the project. It must be conducted by a



disinterested party. The Market Study must be completed at the Owner's expense. Any application which fails to submit a Market Study or submits a Market Study dated over 6 months from the time of application submission shall be returned to the applicant and will not receive further consideration.

Market Study requirements are specified in Exhibit 3.

The points awarded will be based on GHURA's evaluation of following factors:

Description	Points Available	Points Requested
Documented/supported market demand.	2 Points	
Proposed rental rates are below market rents for the immediate surrounding area.	2 Points	
Housing characteristics (e.g., design, density) appropriate for neighborhood.	2 Points	
Impact to the existing public systems of education, public safety, and utilities infrastructure.	2 Points	
Neighborhood conducive to family use.	2 Points	

Additional points will be awarded to projects located in the following areas:

Project Location	Points Available	Points Requested
Northern Region: Dededo, Tamuning, or Yigo	1 Points	
Central Region: Agana Heights, Asan, Barrigada, Chalan Pago/Ordot, Hagatna, Mangilao, Mongmong/Toto/Maite, Piti, or Sinajana	3 Points	
Southern Region: Agat, Inarajan, Merizo, Santa Rita, Talofofo, or Umatac	6 Points	

**Criteria 8.** (0 to 8 Points)  
Developer experience

The points awarded will be based on GHURA's evaluation of the following factors:

Description	Points Available	Points Requested
Developer (or any member/staff of the development team) has a record of successfully completing LIHTC projects or projects on a scale equal to or greater than that of the proposed project and in accordance with the original project schedule.	8 Points	



Developer (or any member/staff of the development team) has a record of successfully completing projects but at a scale smaller than the proposed project.	5 Points	
Developer (including general partners, affiliates, and members/staff of development team) has a history of chronic and/or substantive noncompliance and/or failed to meet the requirements of the Low Income Housing Tax Credits Program for previous projects or failed in meeting the objectives of the program on past proposals.	0 Point	
Developer has no experience in completing LIHTC projects or projects on a similar or lesser scale than the proposed project.	0 Points	

**Criteria 9.**(0-2 Points)

Project characteristics, including whether the project includes the use of existing housing as part of a community Revitalization plan

Project is located in a Qualified Census Tract. The project will redevelop existing housing, which contributes to a concerted community revitalization plan as determined by GHURA

Description	Points Available	Points Requested
The project is located in a Qualified Census Tract.	1 Point	
The project will contribute to a community revitalization plan. (Copy of the plan to be submitted with the completed Application for GHURA's review to claim the point.)	1 Point	
The project is neither located in a Qualified Census Tract nor contributing to a community revitalization plan.	0 Points	

To receive consideration for this criterion, applicant must provide an explanation on how this project is in compliance with such plan and its benefit to the overall community. The applicant must provide a letter of interest or a binding agreement with the government agency administering the community revitalization plan.

**Criteria 10.** (0-1 Point)

Replacement of existing public housing units

Project includes the development of new housing to replace existing public housing units.

	Points Available	Points Requested
If the answer to the question is NO	0 Points	
If the answer to the question is YES	1 Point	



To receive consideration for this criterion, the applicant must provide a letter of interest or a binding agreement from the local administering Public Housing Authority to participate in a HUD-approved activity.

**Criteria 11.** (0 to 10 Points)  
Total Project Cost Percentage

If total federal tax credit requested (gross) as a percentage of total project cost is:

Description	Points Available	Points Requested
Greater than 80% of total project cost	0 Points	
71 % through 80% of total project cost	1 Point	
61 % through 70% of total project cost	2 Points	
51 % through 60% of total project cost	4 Points	
41 % through 50% of total project cost	6 Points	
40% or less of total project cost	10 Points	

**Criteria 12.** (0-5 Points)

Project will receive project-based rental assistance.

Project will be receiving project-based rental assistance subsidies which would result in eligible tenants paying approximately 30% of their gross monthly income towards rent. Eligible programs shall include, but not be limited to, the Rural Development 515 Loan Program and HUD Housing Choice Voucher/Section 8 Project-Based Rental Assistance Program.

	Points Available	Points Requested
If the answer to the question is NO	0 Points	
<p>If the answer to the question is YES</p> <p>If the whole project has a secured authorization for project based subsidies then 3 points are awarded. If only a portion of a project has project based subsidies, then the scoring will be adjusted based upon the percentage of units subsidized. The percentage is derived as "Number of Subsidized Units / Tax credit and non-tax credit subsidized units," provided they are developed simultaneously.</p>	5 Points	



**Criteria 13.** (0-2 Points)

## Local/Federal Government Support

The project will receive a below market loan or grant from a federal agency or Government of Guam agency other than GHURA which, in total amounts to 10% or more of the total development cost.

Description	Points Available	Points Requested
(i) The project has not applied for a below market loan or grant from a federal agency or Government of Guam agency, or if the total amount applied for is less than 10% of total development costs.	0 Points	
(ii) The project has applied for a below market loan or grant from a federal agency or Government of Guam agency. Documentation must provide evidence that an application for financing has been submitted.	1 Point	
(iii) The project has received a commitment from a federal agency or Government of Guam agency. A copy of a commitment letter or contractual agreement must be included in the application.	2 Points	

**Criteria 14.** (0-2 Points)

## Projects intended for eventual tenant ownership

Developer will sell the units with a preference towards selling to current residents after 15 years.

	Points Available	Points Requested
If the answer to the question is NO	0 Points	
If the answer to the question is YES	2 Points	

Projects will offer tenants the opportunity for home ownership. The applicant will offer tenants a Right of First Refusal to acquire the property in accordance with Section 42(i)(7) of the Internal Revenue Code. The applicant must provide a plan discussing how the project will offer the units for homeownership to tenants.



**Criteria 15.** (2-12 Points)

## Green Building / Energy Efficiency

Projects should use energy-efficient practices that promote resource conservation. In addition, all project units **must be individually metered.**

	Points Available
Projects that elect to be LEED certified and include all (8) eight of the features listed below	12 Points
Projects that elect to be LEED certified only	10 Points
Projects that elect to include all eight of the features listed below	8 Points
Projects that elect to include fewer than eight of the features listed below	6 Points
Projects that elect to include fewer than six of the features listed below	4 Points
Projects that elect fewer than four of the features listed below	2 Points

## Minimum Required features:

- Installation of solar thermal, tank less, or tank-type water heaters that meet ENERGY STAR standards.
- Installation of water conserving plumbing fixtures: water sense high efficiency toilets - (less than 1.28 gallons per flush), showerheads with rated flow less than 1.75 gallons per minute (gpm), kitchen aerators with rated flow less than 1.5 gpm, and bathroom aerators with rated flow less than 1.0 gpm.
- Installation of five or more ENERGY STAR qualified light fixtures, ceiling fans equipped with lighting fixtures, and/or ventilation fans in each unit.
- Installation of photo sensors or timers on all outdoor lighting and ENERGY STAR or high-efficiency commercial grade lighting fixtures (T8) in all common areas.
- Installation of ENERGY STAR appliances including refrigerators, dishwashers, and clothes washers (horizontal axis) in each unit.
- Reducing heat effects by using ENERGY STAR low emissive roofing products for at least 50 percent of the roof area; or a combination of high-albedo and vegetated roof covering 75 percent of the roof area. Reduce asphalt surface areas and use low emissive pavement coatings and materials for at least 25% of paved surfaces.
- Provide an easily accessible area dedicated to recycling (at a minimum) newspaper, corrugated cardboard, glass bottles and jars, aluminum cans, and plastic containers (#1 and #2).
- Equip with “Grid-tied Solar Power System” panels that are to be under warranty for no less than 12 years.



Upon completion of the project, a certification from third party a LEED AP certified architect, or engineer verifying the green building practices listed above have been used to construct or rehabilitate the building shall be submitted. Failure to provide the certification by six months after the issuance of the IRS Form 8609 will result in forfeiture of the good faith deposit. (Reference Section VI. Fees – Good Faith Deposit)

**Criteria 16.** (0-1 Points)

Historic Nature of the Project

The proposed project will preserve the historic nature of an existing building.

The proposed project involves the preservation of a building(s) on a national or state historic registry.

	Points Available	Points Requested
If the answer to the question is NO	0 Points	
If the answer to the question is YES	1 Points	

**Criteria 17.** (0 to 18 Points)

Project Reasonableness

The points awarded will be based on GHURA's evaluation of any and all factors that could impact project reasonableness, such as, but not limited to:

Description	Points Available	Points Requested
Reasonableness of development costs & Feasibility of financing structure	0-5 Points	
Operational feasibility (for example, unreasonable operating expenses)	0-5 Points	
Adequacy of Reserves including but not limited to Operating Reserve and Repair and Replacement Reserve	0-3 Points	
Services and amenities provided to tenants that will enhance the livability of the project. (Please cite the services to be provided and the partners involved within the project)	0-3 Points	
Adequacy of project contingencies in the development budget	0-2 Points	

**Criteria 18.** (0 to 7 Points)

Developer Fee

The applicant elects to limit the total Developer Fee as a percentage of the total development cost (excluding developer fee and reserves) as presented in the application. The Developer Fee includes total fees paid to the Developer, including, but is not limited to, consulting fees, project management fees, developer overhead, and developer fees. Architectural, Engineering, Accounting, and Legal fees are not included as the Developer Fee.



Applicants receive scores for this criterion based on the table below. Please note the different categories for New Construction vs. Acquisition / Rehabilitation applications.

New Construction		Acquisition / Rehabilitation			
		Fee on Acquisition		Fee on Rehabilitation	
Fee	Points	Fee	Points	Fee	Points
18% > Fee ≥ 16%	0	13% > Fee ≥ 11%	0	18% > Fee ≥ 16%	0
16% > Fee ≥ 14%	1	11% > Fee ≥ 9%	1	16% > Fee ≥ 14%	1
14% > Fee ≥ 12%	2	Fee < 9%	3	14% > Fee ≥ 12%	2
12% > Fee ≥ 10%	3			Fee < 9%	4
10% > Fee ≥ 8%	5				
Fee < 8%	7				



NOTE: All financial worksheets must be submitted in electronic format saved in a CD or thumb drive with the application package.

## V. PROJECT COSTS (Residential Portion Only)

### TOTAL PROJECT COSTS

Itemized Cost	Projected Cost	<u>Eligible Basis</u>	
		Acquisition	Rehab/New Construction
<b>Land and Building Acquisition</b>			
Land	\$ _____		
Existing Structures	\$ _____	\$ _____	
Demolition	\$ _____		
Environmental Abatement	\$ _____		
Other:	\$ _____		
Other: _____	\$ _____	\$ _____	
<b>Subtotals</b>	\$ _____	\$ _____	
<b>Site Work</b>			
Site Work	\$ _____	\$ _____	\$ _____
Off Site Improvement	\$ _____		
Other:	\$ _____	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____	\$ _____
<b>Subtotals</b>	\$ _____	\$ _____	\$ _____
<b>Rehab &amp; New Construction</b>			
New Building	\$ _____	\$ _____	\$ _____
Rehabilitation	\$ _____	\$ _____	\$ _____
Equipment & Furnishings	\$ _____	\$ _____	\$ _____
Accessory Building	\$ _____	\$ _____	\$ _____
Environmental Abatement	\$ _____	\$ _____	\$ _____
Gross Receipts Tax	\$ _____	\$ _____	\$ _____
Other:	\$ _____	\$ _____	\$ _____
Other:     Construction	\$ _____	\$ _____	\$ _____
Supervision			
Other:     Inspection Fees	\$ _____	\$ _____	\$ _____
<b>Subtotals</b>	\$ _____	\$ _____	\$ _____
<b>Contractor Overhead &amp; Profit</b>			
Contractor Overhead	\$ _____	\$ _____	\$ _____
Contractor Profit	\$ _____	\$ _____	\$ _____
<b>Subtotals</b>	\$ _____	\$ _____	\$ _____
<b>Contingency</b>			
New Construction	\$ _____	\$ _____	\$ _____
Rehabilitation	\$ _____	\$ _____	\$ _____
<b>Subtotals</b>	\$ _____	\$ _____	\$ _____



## TOTAL PROJECT COSTS, continued

Itemized Cost	Projected Cost	Eligible Basis	
		Acquisition	Rehab/New Construction
<b>Architectural, Engineering, and Other Fees</b>			
Architectural Fees	\$ _____	\$ _____	\$ _____
Real Estate Attorney	\$ _____	\$ _____	\$ _____
Environmental Report	\$ _____	\$ _____	\$ _____
Building Permits	\$ _____	\$ _____	\$ _____
Bid Costs	\$ _____	\$ _____	\$ _____
Utility Hook Up Fees	\$ _____	\$ _____	\$ _____
Other Fees: <u>Engineering</u>	\$ _____	\$ _____	\$ _____
Other Fees: _____	\$ _____	\$ _____	\$ _____
<b>Subtotals</b>	\$ _____	\$ _____	\$ _____
<b>Interim Costs</b>			
Construction Insurance	\$ _____	\$ _____	\$ _____
Interest	\$ _____	\$ _____	\$ _____
Construction Loan Fees	\$ _____	\$ _____	\$ _____
Property Taxes	\$ _____	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____	\$ _____
Other: <u>Operating Reserves</u>	\$ _____	\$ _____	\$ _____
<b>Subtotals</b>	\$ _____	\$ _____	\$ _____
<b>Permanent Financing Fees</b>			
Permanent Loan Origination Fee	\$ _____		
Other <u>Title &amp; Recording</u>	\$ _____		
Other <u>Closing Costs</u>	\$ _____		
<b>Subtotals</b>	\$ _____		
<b>Soft Costs</b>			
Property Appraisal	\$ _____		
Market Study	\$ _____	\$ _____	\$ _____
Tax Credit Fees	\$ _____		
Relocation Expenses	\$ _____	\$ _____	\$ _____
Rent-Up + Marketing	\$ _____		
Other <u>Tax Attorney Fees</u>	\$ _____		
Other <u>Accountant Fees</u>	\$ _____		
<b>Subtotals</b>	\$ _____	\$ _____	\$ _____
<b>Developer/Consultant Fees</b>			
Developer Fees <sup>15</sup>	\$ _____	\$ _____	\$ _____
Consultant Fees	\$ _____	\$ _____	\$ _____
<b>Subtotals</b>	\$ _____	\$ _____	\$ _____
<b>TOTALS (both pages):</b>	\$ _____	\$ _____	\$ _____

<sup>15</sup>Indicate a breakdown of the elements for Developer Fees within the attached electronic spreadsheet to be submitted  
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## **ELIGIBLE BASIS BY CREDIT TYPE**

	<b>Acquisition</b>	<b>Rehab/New Construction</b>
<b>TOTAL ELIGIBLE BASIS (from page 29):</b>	\$ _____	\$ _____
<b>ADJUSTMENTS TO ELIGIBLE BASIS:</b>		
Subtract federal Grants and/or Below-Market Federal Loans: (List Grants/Loans) _____		– \$ _____
Subtract non-qualified non-recourse financing:	– \$ _____	– \$ _____
Subtract costs of non-qualifying Units of higher quality or excess costs of non-qualifying Units:	– \$ _____	– \$ _____
Subtract Historic Rehabilitation Tax Credit – residential portion only (I from page 13):	– \$ _____	– \$ _____
<b><u>ADJUSTED ELIGIBLE BASIS:</u></b>	\$ _____	\$ _____
High Cost Area Adjustment (0% or 130%):	x _____ %	x _____ 130 %
Applicable Fraction (Lesser of Project's Unit Fraction or Floor Space Fraction):	x _____ %	x _____ 100 %
<b>QUALIFIED BASIS</b> (Multiply Adjusted Eligible Basis by High Cost Areas Adjustment, by Applicable Fraction):	\$ _____	\$ _____
<b>APPLICABLE PERCENTAGE</b>	x _____ 4%	x _____ 9%
<b>MAXIMUM ANNUAL CREDIT AMOUNT REQUESTED BASED ON QUALIFIED BASIS</b> (Qualified Basis x Applicable Percentage):	\$ _____	\$ _____
<b>Commitment of Credits from 2021 Allocation</b>	_____	_____
<b>TOTAL COMBINED MAXIMUM ANNUAL CREDIT AMOUNT REQUESTED BASED ON QUALIFIED BASIS</b> ("4%" + "9%" Credit):		\$ _____



## **TOTAL PROJECT COST NOTES**

The following information is provided for assistance in completing the Total Project Costs budget pages. It is not provided as legal or tax advice. The tax law is very complex and the consequences of errors can create substantial risk to the taxpayer. GHURA strongly advises consultation with a tax advisor, legal counsel, and/or accountant.

Total Project Costs include the applicable common areas of the residential portion of each Building, but exclude Intermediary Costs, Reserves, and any expenses attributable to commercial areas and/or other non-residential space. Applicants with Projects that include non-residential space must complete the additional financing pages included as Exhibit 8 of the Application Package and include as an attachment to the Application the requested supporting documentation.

Expenses associated with any commercial or other non-residential use may not be included in the Total Project Costs, Eligible Basis, or the Equity Gap calculation except as specifically allowed for under Section 42. Projects that include commercial areas and/or other non-residential space must allocate the relative portion of all applicable expenses to the commercial areas or other non-residential space and exclude it from the Total Project Costs and Eligible Basis. In determining the Equity Gap calculation, there is no corresponding deduction from Project sources of funds for that amount of financing associated with the commercial or other non-residential use, unless such financing specifically identifies in its terms that it is being provided for the commercial or other non-residential use.

Refer to the Code for additional information regarding Eligible Basis.



## **VI. PROJECT FINANCING (Residential Portion Only)**

### **NON-GOVERNMENT SOURCES OF FUNDS<sup>16</sup>**

#### **Permanent Financing/Loans:**

Name of Lender	Amount	Annual Debt Service Cost	Interest Rate	Amort. Period (years)	Term of Loan (years)	Status (Committed or Pending)
	\$	\$	%			
	\$	\$	%			
	\$	\$	%			
	\$	\$	%			

**A. Totals:** \$ \_\_\_\_\_ \$ \_\_\_\_\_

#### **Grants:**

Type of Grant	Source	Amount
		\$
		\$
		\$
		\$

**B. Total:** \$ \_\_\_\_\_

**C. TOTAL NON-GOVERNMENT SOURCES (Add A and B above):** \$ \_\_\_\_\_

### **GOVERNMENT SOURCES OF FUNDS**

#### **Permanent Financing/Loans:**

Name of Lender	Amount	Annual Debt Service Cost	Interest Rate	Amort. Period	Term of Loan	Status (Committed or Pending)
	\$	\$	%			
	\$	\$	%			
	\$	\$	%			
	\$	\$	%			

**D. Totals:** \$ \_\_\_\_\_ \$ \_\_\_\_\_

#### **Grants:**

Type of Grant	Source	Amount
		\$
		\$
		\$
		\$

**E. Total:** \$ \_\_\_\_\_

**F. TOTAL GOVERNMENT SOURCES (Add D and E above):** \$ \_\_\_\_\_

<sup>16</sup> List all sources of funds, except for equity from Credit. Do not include construction or bridge financing.  
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## **TOTAL SOURCES**

- A. **Total Non-Government and Government Sources**  
(Add C and F from Page 32): \$ \_\_\_\_\_
- B. **Equity Contributions:** \$ \_\_\_\_\_
- C. **Net Historic Rehabilitation Tax Credit Proceeds** - residential portion  
only (H from Page 13): \$ \_\_\_\_\_
- D. **TOTAL SOURCES**  
(A, B, and C above): \$ \_\_\_\_\_

## **BOND FINANCING**

Is taxable bond financing used? ☐ Yes ☐ No Amount: \$ \_\_\_\_\_

Is tax-exempt bond financing used? ☐ Yes ☐ No Amount: \$ \_\_\_\_\_

If tax-exempt financing is used, complete the following:

- A. **Amount of aggregate basis of the Building(s) and Land in the Project financed  
with tax-exempt bonds:** (Tax-exempt bond amount) \$ \_\_\_\_\_
- B. **Amount of aggregate Basis of Building(s) and land:** \$ \_\_\_\_\_
- C. **Percentage of aggregate that is financed with tax-exempt bonds:** (A÷B) \_\_\_\_\_ %

**Issuer of tax-exempt financing:** \_\_\_\_\_

**Proposed Bond Closing Date** \_\_\_\_\_

**Contact Person and Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**E-mail** \_\_\_\_\_



## **EQUITY GAP CALCULATION**

- A. **Total Project Costs** (from page 29): \$ \_\_\_\_\_
- B. **Total Sources** (from page 33): \$ \_\_\_\_\_
- C. **Equity Gap** (A minus B above): \$ \_\_\_\_\_
- D. **Tax Credit Factor** (from page 12): \_\_\_\_\_
- E. **Ten Year Maximum Credit Amount Requested** (Divide C by D, above): \$ \_\_\_\_\_
- F. **Maximum Annual Credit Amount Requested Based on Equity Gap** (Divide E above by 10): \$ \_\_\_\_\_
- G. **Maximum Annual Credit Amount Requested Based on Qualified Basis** (from page 30): \$ \_\_\_\_\_
- H. **Maximum Annual Credit Requested** (Lesser of F or G, above): \$ \_\_\_\_\_
- I. **Credit Requested Per Low Income Housing Unit** (H divided by Total Housing Units page 14) \$ \_\_\_\_\_

**The actual amount of Credit reserved or allocated to a Project, if any, is determined by GHURA.**



## **VII. INCOME AND EXPENSES**

### **RENT INFORMATION: LOW-INCOME HOUSING UNITS**

Enter the Minimum Low-Income Housing Set-Aside election (50% or 60% AMGI, selected on page 12). Enter the maximum rents allowable for each bedroom size.<sup>17</sup>

	<b>0 BR</b>	<b>1 BR</b>	<b>2 BR</b>	<b>3 BR</b>	<b>4 BR</b>	<b>5 BR</b>
<b>MINIMUM LOW-INCOME HOUSING SET-ASIDE: 60% AMGI</b>	\$	\$	\$	\$	\$	\$
<b>EXPECTED RENTS BASED ON MARKET STUDY CONCLUSION</b>	\$	\$	\$	\$	\$	\$
<b>ADDITIONAL LOW-INCOME HOUSING SET-ASIDE _____% AMGI</b>	\$	\$	\$	\$	\$	\$
<b>EXPECTED RENTS BASED ON MARKET STUDY CONCLUSION</b>	\$	\$	\$	\$	\$	\$
<b>ADDITIONAL LOW-INCOME HOUSING SET-ASIDE _____% AMGI</b>	\$	\$	\$	\$	\$	\$
<b>EXPECTED RENTS BASED ON MARKET STUDY CONCLUSION</b>	\$	\$	\$	\$	\$	\$

<sup>17</sup> Select limits from the HUD Rent and Income Limits.  
Guam 2021 LIHTC Application







## **ACTUAL RENTS: MARKET RATE HOUSING UNITS**

List the actual rents charged, excluding all Resident-paid utilities. If a bedroom size has more than one actual rent for a different unit configuration or size, list on a separate line (e.g., if the Project will have 4 different one-bedroom configurations, list each on a separate line). Do not include any Common Area Units. Attach additional copies of this page immediately following this page if necessary.

A Number of Bedrooms	B Number of Housing Units	C Resident-Paid Monthly Rent per Housing Unit	D Total Monthly Actual Rent for All Housing Units	E Total Annual Actual Rent for All Housing Units (Dx12)	F Square Feet per Housing Unit	G Total Square Feet For All Housing Units (BxF)
1 BR		\$	\$	\$		
2 BR		\$	\$	\$		
BR		\$	\$	\$		
BR		\$	\$	\$		
BR		\$	\$	\$		
BR		\$	\$	\$		
<b>TOTALS:</b>			\$	\$		

Estimated vacancy rate for Market Rate Housing Units:

\_\_\_\_\_ %

Estimated annual increase in rents for Market Rate Housing Units:

\_\_\_\_\_ %

## **MONTHLY UTILITY ALLOWANCE CALCULATIONS FOR RESIDENT-PAID UTILITIES (LOW-INCOME HOUSING UNITS)**

	Enter Allowances by Bedroom Size					
UTILITIES	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Electric						
Gas						
Water						
Sewer						
Trash						
<b>TOTALS:</b>						

Source of Utility Allowance Calculation:

(Check One)

☐

Local Utility Company

☐

HUD

☐

Local Public Housing Authority

☐

Rural Development (RD)



## **RENTAL ASSISTANCE**

Are any Low-Income Housing Units currently receiving rental assistance? ☐ Yes ☐ No

Do you have a commitment for rental assistance to Housing Units in the Project? ☐ Yes ☐ No

If yes to either above, complete the following:

**Type of rental assistance:**

(Check One) ☐ Section 8 New Construction Substantial Rehabilitation ☐ Rural Development (RD) 515 Rental Assistance  
☐ Section 8 Certificates ☐ Section 8 Project-Based Assistance  
☐ Other: \_\_\_\_\_

Number of Housing Units receiving rental assistance: \_\_\_\_\_

Number of years remaining on rental assistance contract: \_\_\_\_\_

Is the project currently required to restrict rents? ☐ Yes ☐ No

If yes, what is the expiration date? \_\_\_\_\_

## **OTHER PROJECT INCOME**

<u>SOURCE</u>	<u>ANNUAL AMOUNT</u>
Laundry	_____
Parking	_____
Other: _____	_____
Other: _____	_____
<b>Total:</b>	_____



## **ANNUAL EXPENSE INFORMATION (Residential Portion Only)**

<b>A. Administrative</b>	1. Advertising	\$	_____
	2. Professional Management	\$	_____
	3. On-site Management	\$	_____
	4. Legal/Partnership Include Acct	\$	_____
	5. Accounting/Audit		_____
	6. Compliance Monitoring Fee	\$	_____
	7. Other:	\$	_____
	8. Other License & Permits	\$	_____
<b>Total Administrative Costs:</b>		\$	_____
<b>B. Operating</b>	1. Elevator	\$	_____
	2. Heat	\$	_____
	3. Utilities	\$	_____
	4. Payroll/Payroll Taxes	\$	_____
	5. Insurance	\$	_____
	6. Security:	\$	_____
	7. Other: Irrigation	\$	_____
	9. Other: Trash pick-up	\$	_____
	10. Other: Tenant Services	\$	_____
	<b>Total Operating Costs:</b>		\$
<b>C. Maintenance</b>	1. Decorating & Turnover	\$	_____
	2. Repairs & Maintenance	\$	_____
	3. Landscaping	\$	_____
	4. Other Supplies	\$	_____
	5. Other	\$	_____
	6. Other	\$	_____
<b>Total Maintenance Costs:</b>		\$	_____
<b>D. Real Estate Taxes:</b>			_____
<b>Total Annual Expenses (A, B, C, &amp; D):</b>	\$	=====	
<b>Annual Replacement Reserve for Units:</b>	\$	_____	
<b>Estimated percentage increase in annual expenses:</b>		_____	%



## **OPERATING PRO FORMA**

**Include as an attachment to the Application** a thirty-year operating pro forma for the Project demonstrating financial feasibility and viability for the fifteen-year Compliance Period and fifteen-year Extended Use Period. Include assumptions, notes and explanations regarding the income and expense projections. Attach as Exhibit 9.

Projections for 30 years follow. Assumptions include:

1. Revenue growth of % per year
2. Expense growth of % per year
3. Rental rates = % of Fair Market Rents

A softcopy of the operating pro forma worksheet saved in a CD or thumb drive must be submitted with the application package.



## **VIII. PROJECT SCHEDULE**

<b>ACTIVITY</b>	<b>SCHEDULED DATE MM/DD/YY</b>
<b>A.     Financing Secured</b>	
1. Construction Loan(s) Secured .....	_____
2. Permanent Loan(s) Secured. ....	_____
3. Other Loans / Grants Secured .....	_____
<b>B.     Building Permits Obtained .....</b>	_____
<b>C.     Construction Contract Executed .....</b>	_____
<b>D.     Construction Begins. ....</b>	_____
<b>E.     Project Lease Up Begins. ....</b>	_____
<b>F.     Construction Completed. ....</b>	_____
<b>G.     Date First Building Placed-In-Service. ....</b>	_____
<b>H.     Date Last Building Placed-In-Service. ....</b>	_____
<b>I.     Project Lease Up Completed. ....</b>	_____
<b>J.     Projected First Year of Credit Period. ....</b>	_____



## **IX. APPLICANT'S REPRESENTATIONS, WARRANTIES, AND CERTIFICATION**

Whereas, \_\_\_\_\_ (the “Applicant”) is applying for the Low Income Housing Tax Credit (LIHTC) Program (the Program) through the Guam Housing and Urban Renewal Authority (the “GHURA”); and

Whereas, the Applicant understands that it is necessary that certain conditions be satisfied as part of the Application requirements;

Now, therefore, the Applicant certifies as follows:

1. The Applicant is eligible for award under Guam statute and guidelines for the LIHTC Program.
  - a) The undersigned is responsible for ensuring that the project consists or will consist of a qualified low-income building or buildings as defined in the Internal Revenue Code, Section 42, and will satisfy all applicable requirements of federal tax law in the acquisition, rehabilitation, or construction and operation of the project to receive the low-income housing credit.
  - b) The undersigned is responsible for all calculations and figures relating to the determination of the eligible basis for the project and understands and agrees that the amount of the credit is calculated by reference to the figure submitted with this application, as to the eligible basis and qualified basis of the project and individual buildings.
2. The Applicant agrees to comply with all applicable federal, state, and local regulations in the event that this Application is selected for funding.
3. The Applicant will minimize displacement of persons as a result of activities assisted with the Program resources and assist persons displaced as a result of such activities.
4. The Applicant will actively market in an ongoing manner all rental units and services funded through the Program.
5. The Applicant is prepared and has the authority within its charter, bylaws, or through statutory regulations to enter into a contractual agreement with the GHURA for acceptance and use of financing assistance offered by the Program. The Applicant makes this Application and Certification with full cognizance of its governing body.
6. The Applicant agrees that the GHURA will at all times be indemnified and held harmless against all losses, costs, damages, expenses and liabilities whatsoever in nature or kind (including, but not limited to attorney’s fees, litigation and court costs, amounts paid in settlement, and amounts paid to discharge judgment, and any loss from judgment from the Internal Revenue Service) directly and indirectly resulting from, arising out of, or related to acceptance, consideration and approval or disapproval of such allocation request.
7. The Applicant understands and agrees that the GHURA retains the right to contact local government officials, representatives of other funding programs, or other individuals to verify or obtain additional information about Applicant’s proposals. The undersigned hereby agrees and allows the release of any and all information to the GHURA in regards to the representations made within this Application. Such information may include credit history and ratings verifications, confirmation of involvement in past developments, and all other information, on the Applicant entity and principals, thereof, as may be



required by the GHURA. This information will be used solely by the GHURA to aid in making a determination as to the awarding of financing assistance offered by the Program to the Applicant and will not be disclosed outside of the GHURA, except as required and permitted under law.

8. The Applicant has received, reviewed and accepts all the documents (e.g. Overview, Instructions, Qualified Allocation Plan, etc.) that are attached to the Application and made a part hereof.
9. The Applicant agrees to abide by all the terms, conditions and provisions of the Program.
10. The Applicant understands and agrees that the GHURA's receipt of an Application does not constitute acceptance of the Application. GHURA reserves the right to return an Application at any time without taking further action on the Application due to, but not limited to, the following:
  - a) Failure to meet Application submittal requirements (e.g., timeliness, correct application fees, cashier's check, correct number of copies).
  - b) Failure to meet individual program criteria (e.g., applicant eligibility and income set-aside requirements, etc).
  - c) Failure to disclose in the Application any known material defects about the development of the Project, any misrepresentation or fraud.
  - d) Incomplete Application. The Application received by the deadline constitutes the final Application (the "Final Application"). Any Final Application deemed by GHURA to be incomplete shall not be processed.
11. The Applicant understands and agrees that the awarding of funds is subject to the availability of tax credits and approval by the GHURA BOARD OF COMMISSIONERS and sustaining compliance with the IRS regulations.
12. The Applicant understands and agrees that GHURA reserves the right to make an award for less than the eligible amount requested by the Applicant.
13. The Applicant understands and agrees that GHURA reserves the right to accept or reject any Application, to make awards to as many or as few Applicants as it may select.
14. The Applicant further understands and agrees that:
  - a) GHURA reserves the right to cancel, suspend, or terminate, in part or in whole, any tax credit year, if GHURA, in its sole discretion, deems it to be in its best interest to do so;
  - b) GHURA reserves the right to reject any Application submitted and may exercise such right without notice and without liability to any Applicant or other parties for their expenses incurred in the preparation of an Application.
  - c) Applications are prepared at the sole risk and expense of the Applicant. The completion, receipt, or acceptance of an Application does not commit the GHURA to pay any costs incurred in preparation of the Application. GHURA shall not be responsible for any costs incurred by the Applicant due to the cancellation, suspension, or termination of such funding round, or the rejection of any Application.
15. The Applicant understands and agrees that GHURA in no way represents or warrants to any party which may include, but is not limited to, any developer, project owner, investor, or lender that the Project is, in fact, feasible or viable. No GHURA director, commissioner, officer, agent, legal consul, staff or employee shall be personally liable concerning any matters arising out of, or in relation to, the disapproval or the making of awards from the Program.



16. The Applicant is responsible to review the applicable federal/Guam laws as they relate to the respective Program to ensure compliance with current regulations.
17. That the foregoing information and the statements made in this Application are true, complete, accurate and correct to the best of the Applicant's knowledge, and hereby authorizes GHURA to obtain further information and to verify any statement made as it deems necessary.

In Witness Whereof, the Applicant has caused the document to be executed in its name on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Authorized Representative

By \_\_\_\_\_

Its \_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

Witness \_\_\_\_\_



## **APPLICANT CREDIT INFORMATION AUTHORIZATION**

1. Applicant's Full Name (include Jr. or Sr., if applicable)

---

2. Social Security Number

---

3. Present Address (street, city, state, zip)

---

---

Authorization: I authorize the Guam Housing and Urban Renewal Authority (GHURA), its agents, successors and assigns, to order a consumer credit report and verify other credit information, including past and present mortgage and references. It is understood that a photocopy of this form will also serve as authorization. The information the GHURA, its agents, successors or assigns obtains is only to be used in the processing of my application.

---

Applicant's Signature

Date



## **DEVELOPER'S NON-AFFILIATION AFFIDAVIT**

This Affidavit is duly made this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_, the \_\_\_\_\_ of  
(name of officer) (title)  
\_\_\_\_\_, a Guam \_\_\_\_\_,  
(developer/applicant) (type of business)  
whose principal place of business is \_\_\_\_\_  
(street address)  
\_\_\_\_\_ and whose mailing  
address is \_\_\_\_\_.

\_\_\_\_\_ certifies that \_\_\_\_\_ has  
(Name of officer) (market analyst)  
conducted a market analysis for \_\_\_\_\_ on the  
(developer/applicant)  
\_\_\_\_\_ project, located at \_\_\_\_\_  
(project name) (project address)  
\_\_\_\_\_. Tax Map Key ( ) \_\_\_\_\_.

\_\_\_\_\_ certifies and confirms that the  
(Name of officer)  
\_\_\_\_\_ is not affiliated with, and does not have any self-  
(developer/applicant)  
dealings, related parties, or identity of interest with \_\_\_\_\_,  
(market analyst)  
except as noted on an attachment hereto.

IN WITNESS WHEREOF, \_\_\_\_\_ has caused  
(name of officer)  
this Affidavit to be signed as of the day and year first written above.



\_\_\_\_\_  
(Developer/Applicant)

By \_\_\_\_\_ (signature)

Its \_\_\_\_\_ (title)

By \_\_\_\_\_ (signature)

Its \_\_\_\_\_ (title)

Territory of GUAM

)  
) SS.  
)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, who, being by me duly sworn, did say that they are the \_\_\_\_\_ and \_\_\_\_\_ respectively, of \_\_\_\_\_ and that said \_\_\_\_\_-page instrument entitled \_\_\_\_\_ was signed in behalf of said corporation by authority of its Board of Directors, and the said \_\_\_\_\_ and \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Name:

Notary Public, GUAM

My commission expires: \_\_\_\_\_



## **X. EXHIBITS**



# EXHIBIT 1 HOUSING DEVELOPMENT EXPERIENCE

Name: \_\_\_\_\_

Page 1 of 1

*Copy format and add pages as needed*

	Name of Property, Address	Capacity of Applicant/ Developer	Type of Project	City, State	Number of Units		Financing/ Subsidy Program Utilized	Status of Project
					Affordable ____ @ ____ % ____ @ ____ %	Market		
1								
2								
3								
4								
5								
6								
7								
8								



## **EXHIBIT 2 FINANCING DOCUMENTATION**

**Terms and conditions of the proposed financing, including commitment letters, from all financing sources and/or tax credit syndicators.**

DRAFT



### **EXHIBIT 3 MARKET STUDY**

**Market study must be performed by a disinterested party and not be dated over 6 months from the time of application submission.**

DRAFT



## MARKET ANALYST'S NON-AFFILIATION AFFIDAVIT

This Affidavit is duly made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_, the \_\_\_\_\_

(name of officer) (title)

of \_\_\_\_\_, a GUAM \_\_\_\_\_,

(market analyst) (type of business)

whose principal place of business is \_\_\_\_\_

(street address)

and whose mailing address is \_\_\_\_\_.

\_\_\_\_\_ certifies that \_\_\_\_\_

(Name of officer) (market analyst)

has conducted a market analysis for \_\_\_\_\_ on the

(name of developer/applicant)

\_\_\_\_\_ project, located at \_\_\_\_\_,

(name of project) (project address)

Tax Map Key ( ) \_\_\_\_\_.

\_\_\_\_\_ certifies and confirms that

(Name of officer)

\_\_\_\_\_ is not affiliated with, and does not have any

(market analyst)

self-dealings, related parties, or identity of interest with \_\_\_\_\_,

(developer/applicant)

except as noted on an attachment hereto.

IN WITNESS WHEREOF, \_\_\_\_\_ has caused

(name of officer)

this Affidavit to be signed as of the day and year first written above.

\_\_\_\_\_  
(Market Analyst)

By \_\_\_\_\_ (signature)

Its \_\_\_\_\_ (title)



Its\_\_\_\_\_ (title)

Territory of GUAM )  
 ) SS.  
 )

Name:  
Notary Public, GUAM

My commission expires: \_\_\_\_\_



## **EXHIBIT 4 SITE CONTROL DOCUMENTATION**

**Complete Site Control Form. Attach evidence of site control for the project, e.g. deed, lease, agreement of sale, option agreement. Documentation(s) must be current and signed. Photocopies of supporting documents are acceptable.**

DRAFT



## SITE CONTROL FORM

Site size: \_\_\_\_\_ Acres \_\_\_\_\_ Square Feet

Present legal owner of the project site:

Name		
Address		
City	State	Zip

Site control status: (check appropriate box and attach)

- ☐ Own site - fee simple
- ☐ Executed ground lease Expires on: \_\_\_\_\_
- ☐ Option to purchase Expires on: \_\_\_\_\_
- ☐ Option to lease Expires on: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_ Expires on: \_\_\_\_\_



**Zoning:**

Current zoning description:
Land use classification:
Will your project conform to the existing zoning for the property?
- If yes, attach document
- If no, describe your action plan for obtaining the appropriate zoning or zoning exemptions. List the variances and/or special use permits required.

**Off-site improvements:**

Please provide information on the availability of utilities and site access for the proposed project. Kindly include information on existing infrastructure capabilities and any planned or potential expansion of infrastructure needed to develop this project.

*Refrain from answering only as "yes" or "no". Further explanation required. Attach supporting documents if needed.*

**Water:**

Existing:
-----------



Planned:

**Sewer:**

Existing:

Planned:

**Drainage:**

Existing:

Planned:

**Roads:**



Existing:

Planned:

**Electric**

Existing:

Planned:

**Telephone, Television, and Data**

Existing:



Planned:

DRAFT



**On-site improvements:**

Identify the benefits in use or disclose any potential problems associated with your proposed site.

Describe access to site. Provide copy of recorded map as supporting document.

Describe availability of utilities. Provide supporting document.



Describe site improvements.

DRAFT



## **EXHIBIT 5 EXISTING NOTE, MORTGAGE, OR LOAN AGREEMENT**

**Copy of any existing note, mortgage, or loan agreement encumbering the project site, if available.**

DRAFT



## **EXHIBIT 6 RESUME AND BACKGROUND DISCLOSURE**

**Submit resume for each member and key staff involved in the development ownership of this project from the sponsor and developer.**

**All members must complete attached Background Disclosure Form (original signatures required).**



## BACKGROUND DISCLOSURE FORM

In connection with the **2021 Low Income Housing Tax Credit Application** submitted to the **Guam Housing and Urban Renewal Authority** by \_\_\_\_\_ requesting for  
(Name of Applicant)  
the development of \_\_\_\_\_, I, \_\_\_\_\_,  
(Name of Project) (Name)  
being duly sworn, hereby certify that I:

1. \_\_\_\_\_ have not been convicted by any state or federal jurisdiction of any felony.  
**or**  
\_\_\_\_\_ have been convicted by a state or federal jurisdiction of a felony and the following details are provided:

Jurisdiction	Date	Offense	Punishment	Details

2. \_\_\_\_\_ have not been fined, suspended, or debarred as a result of any financial, performance or housing activity by any state or federal agency.  
**or**  
\_\_\_\_\_ have been fined, suspended, or debarred as a result of any financial, performance or housing activity by a state or federal agency and the following details are provided:

Agency	Date	Details



3. \_\_\_\_ have not filed for bankruptcy or reorganization.

or

\_\_\_\_ have filed for bankruptcy or reorganization and the following details are provided:

Jurisdiction	Date	Details

4. \_\_\_\_ do not have any outstanding, uncorrected noncompliance issues with any state or federal housing program or agency.

or

\_\_\_\_ do have outstanding, uncorrected noncompliance issues with a state or federal housing program or agency and the following details are provided:

Agency	Date	Details

5. \_\_\_\_ do not have existing contracts or indebtedness with Guam Housing and Urban Renewal Authority.

or

\_\_\_\_ do have existing contracts or indebtedness with Guam Housing and Urban Renewal Authority.

Borrower	Date	Details



6. \_\_\_\_ do not have any prior delinquent, defaulted or foreclosed upon contract, loan or indebtedness with the Guam Housing and Urban Renewal Authority
- or
- \_\_\_\_ do have prior delinquent, defaulted or foreclosed upon contract, loan or indebtedness with the Guam Housing and Urban Renewal Authority and the following details are provided:

Borrower	Date	Details

I, \_\_\_\_\_, in my capacity as \_\_\_\_\_,

(Name) (Title / Position with Development Team)

Further certify that I have the authority and knowledge to make the representations contained herein and agree for the Guam Housing and Urban Renewal Authority to conduct a background check with the details provided above.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title / Position with Development Team)



## **EXHIBIT 7 NON-PROFIT ORGANIZATION**

**If applicant requested for 4 points under Criteria 7 Non-Profit Organization**

**Participation, attach documents showing:**

- 1. IRS documentation of non-profit organization**
- 2. Articles of Incorporation**
- 3. Organizational chart**



## **EXHIBIT 8 NON-RESIDENTIAL DOCUMENTATION**

**Applicants with Projects that include non-residential space must complete the additional financing pages. Refer to page 30.**

DRAFT



## **EXHIBIT 9 OPERATING PRO FORMA**

**Attach a 30-year Operating Pro Forma for the Project demonstrating financial feasibility and viability. Refer to page 40.**

DRAFT



**GUAM HOUSING AND URBAN RENEWAL AUTHORITY**  
***ATURIDAT GINIMA' YAN RINUEBAN SUIDAT GUAHAN***

**BOARD OF COMMISSIONERS**  
**RESOLUTION NO. FY2021-016(A)**

**Moved By: SABINO P. FLORES**                      **Seconded By: ANISIA S. DELIA**

**RESOLUTION TO RATIFY THE AMENDMENT TO THE SECTION 8 HOUSING CHOICE  
VOUCHER PROGRAM ADMINISTRATIVE PLAN**

- WHEREAS,** 24 CFR 982.54 requires all Public Housing Agencies with a Section 8 Program to adopt a written Administrative Plan that establishes local policies for the administration of the Section 8 Housing Choice Voucher (HCV) Program in accordance with requirements prescribed by the U.S. Department of Housing and Urban Development (HUD); and
- WHEREAS,** 24 CFR 982.54 (c) mandates all Housing Authorities to administer the Section 8 Housing Choice Voucher Program in accordance with the Administrative Plan; and
- WHEREAS,** GHURA has amended the current Section 8 Administrative Plan to include a temporary supplemental policy as required in accordance with Notice PIH 2021-15 for the Emergency Housing Voucher (EHV); and
- WHEREAS,** the Emergency Housing Voucher Program is funded through the American Rescue Plan Act of 2021 (P.L. 117-2) to begin July 1, 2021 through September 30, 2023 to address the continued impact of the COVID-19 pandemic.
- WHEREAS,** the purpose of the Emergency Housing Vouchers is to assist individuals and families who are experiencing homelessness; at-risk of experiencing homelessness; fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or human trafficking; or were recently homeless and for whom providing rental assistance will prevent the family's homelessness or having at-risk of housing instability; and
- WHEREAS,** the Emergency Housing Voucher Program requires GHURA to enter into a partnership and Memorandum of Understanding with Guam's Continuum of Care to assist qualifying families through direct referral process; and
- WHEREAS,** the Section 8 Administrative Plan is the supporting document to the Housing Agency's Annual Plan in accordance with 24 CFR 903; and now, therefore, be it
- RESOLVED,** that the Board of Commissioners hereby adopts the Section 8 Administrative Plan amendment to include the temporary supplemental policy governing the Emergency Housing Voucher Program.




**IN REGULAR BOARD MEETING, SINAJANA, GUAM – JULY 23, 2021  
PASSEDBYTHE FOLLOWING VOTES:**

**AYES:** Sabino Flores, Monica Guzman, George Pereda, Frank Ishizaki, Anisia Delia,  
Karl Corpus  
**NAYES:** NONE  
**ABSENT:** NONE  
**ABSTAINED:** NONE

**(SEAL)**

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution duly adopted by the Guam Housing and Urban Renewal Authority Board of Commissioners on **July 23, 2021.**



**RAY S. TOPASNA**

**Board Secretary/Executive Director**



# **CHAPTER 18**

## **Temporary Policy Supplement**

### **EMERGENCY HOUSING VOUCHERS (EHV)**

---

#### **INTRODUCTION**

On March 11, 2021, President Joe Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L. 117-2). Section 3202 of the ARP appropriated \$5 billion for the creation, administration, and renewal of new incremental Emergency Housing Vouchers (EHVs) and other eligible expenses related to the COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD's process for allocating approximately 70,000 Emergency Housing Vouchers to eligible PHAs and set forth the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHVs allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program. PHAs are not permitted to project-base emergency housing vouchers, and they must be administered exclusively as tenant-based assistance.

All applicable non-discrimination and equal opportunity requirements apply to the EHV program, including requirements that the PHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with Limited English Proficiency (LEP).

This chapter describes HUD regulations and GHURA policies for administering the Emergency Housing Vouchers. The policies outlined in this chapter are organized as follows:

- Part I: Funding
- Part II: Partnering Agencies
- Part III: Waiting List Management
- Part IV: Family Eligibility
- Part V: Housing Search and Leasing
- Part VI: Use of Funds, Reporting, and Financial Record

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to EHVs.



## **PART I: FUNDING**

### **I.A. FUNDING OVERVIEW**

The American Rescue Plan Act of 2021 (ARP) provides administrative fees and funding for the costs of administering Emergency Housing Vouchers (EHVs) and other eligible expenses defined in Notice PIH 2021-15. These fees may only be used for EHV administration and other eligible expenses and must not be used for or applied to other PHA programs or vouchers. The PHA must maintain separate financial records from its regular HCV funding for all EHV funding.

#### **Housing Assistance Payments (HAP) funding**

ARP funding obligated to the PHA as housing assistance payments (HAP) funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV service fee.

The initial funding term will expire December 31, 2022. HUD will provide renewal funding to the PHA for the EHVs on a calendar year (CY) basis commencing with CY2023. The renewal funding allocation will be based on the PHA's actual EHV HAP costs in leasing, similar to the renewal funding formula; EHVs are renewed separately from the regular HCV program. All renewal funding for the duration of the EHV program has been appropriated as part of the ARP funding.

#### **Administrative Fee and Funding**

The following four types of fees and funding are allocated as part of the EHV program:

- *Preliminary fees* – support immediate start-up costs that the PHA will incur in implementing alternative requirements under EHV, such as outreach and coordination with partnering agencies:
  - \$400 per EHV allocated to the PHA, once the consolidated annual contributions contract (CACC) is amended.
  - This fee may be used for any eligible administrative expenses related to EHV.
  - The fee may also be used to pay eligible activities under EHV service fees (see I.B).
- *Placement fees/expedited issuance reporting fees* – will support initial lease-up costs and the added cost and effort required to expedite leasing of EHVs:
  - \$100 for each EHV initially leased, if the PHA reports the voucher issuance date in the Public Housing Information Center -Next Generation (PIC-NG) system within 14 days of voucher issuance of the date the system becomes available for reporting.
  - Placement fees:
    - \$500 for each EHV family placed under HAP contract effective within four months of the effective date of the ACC funding increment; or



- \$250 for each EHV family placed under a HAP contract effective four months, but less than six months after the effective date of the ACC funding increment.
  - HUD will determine placement fees in the event of multiple EHV allocations and funding increment effective dates.
- Placement/expedited issuance fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.
- *On-going administrative fees* – which are calculated in the same way as the standard HCV program:
  - PHAs are allocated administrative fees using full column A administrative fee amount for each EHV under contract as of the first day of each month.
  - On-going EHV administrative fees may be subject to proration in the future years based on available EHV funding.
- *Service fees* – which are one-time fees to support PHA’s efforts to implement and operate an effective EHV service program in its jurisdiction (see I.B.):
  - The fee is allocated once the PHA’s CACC is amended to reflect funding.
  - The amount allocated is \$3,500 for each EHV allocated.

## **I.B. SERVICE FEES**

Service fees funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing Search Assistance
- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses
- Other eligible uses such as moving expenses or tenant-readiness services

The PHA must establish the eligible uses and the parameters and requirements for services fees in the PHA’s administrative plan.

### **GHURA Policy**

GHURA may provide up to \$3,000 in service fees to EHV participant individuals and families to help facilitate leasing of units, which may include all or some of the following expenses:

- **Security deposit-** deposit not to exceed one month’s rent and payable to the owner/landlord.
- **Power Hook up-** fees may be used toward the application fee, power hook up deposit and/or arrears. GHURA will make service fee payments payable to the Guam Power Authority on behalf of the EHV participant.
- **Water Hook up-** fees may be used toward the application fee, power hook up deposit, and/or arrears. GHURA will make service fee payments payable to the Guam Waterworks Authority on behalf of the EHV participant.



- **Liquid Petroleum Gas hook up-** fees may be used toward the purchase and/or hook up of L.P. gas service for cooking, and water heating.
- **Trash pick-up service-** fees may be used toward application fees, deposit and/or first month fee.

If any of the above-mentioned components of services are funded by a CoC partner, GHURA must not provide duplicate service fees for the same component, unless it is to supplement a short fall of funding. For example: if a CoC partner is providing the EHV participant service fees for power hook up (application fee, required deposit and first month service cost), but the client still needs additional funds to pay a past due power bill account arrears, GHURA may provide up to \$3,000 in service fees to cover the shortfall.

## **PART II: PARTNERING AGENCIES**

### **II.A. CONTINUUM OF CARE (CoC)**

PHAs that accept an allocation of the EHV's are required to enter into a Memorandum of Understanding (MOU) with the Continuum of Care (CoC) to establish a partnership for the administration of Emergency Housing Vouchers.

#### **GHURA Policy**

GHURA has entered into an MOU with the Guam Homeless Coalition, Guam's Continuum of Care System. (See Exhibit 1: MOU between GHURA and the Guam Homeless Coalition).

### **II.B. OTHER PARTNERING ORGANIZATIONS**

The PHA may, but is not required to, partner with other organizations trusted by persons experiencing homelessness, such as Victim Services Providers (VSP) and other community partners. If the PHA chooses to partner with such agencies, the PHA must either enter into an MOU with the partnering agency or the partnering agency may be added to the MOU between the PHA and CoC.

#### **GHURA Policy**

GHURA extends its partnership to other members of the community providers listed in *Section VI* of the MOU between GHURA and the Guam Homeless Coalition. These members may refer clients who fall under the four qualifying categories for EHV.



## **II. C. REFERRALS**

### **CoC and Partnering Agency Referrals**

The primary responsibility of the CoC under the MOU with the PHA is to make direct referrals of qualifying individuals and families to the PHA. The CoC must generally refer a family that is seeking EHV assistance directly from the PHA to the CoC or other referring agency for initial intake, assessment, and possible referral for EHV assistance. Partner CoCs are responsible for determining whether the family qualifies under one of the four eligibility categories for EHV. The CoC or other direct referrals partner must provide supporting documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

#### **GHURA Policy**

The Guam Homeless Coalition, Guam's Continuum of Care system provider, shall identify EHV eligible individuals and families within their caseload and make referrals to GHURA. Referring partners must certify that the referred EHV applicants meet at least one of the four EHV eligibility criteria. The referring partners must complete and submit the certification form with all required documents listed on the checklist provided by GHURA. GHURA must maintain a complete file on each EHV applicant/participant with copies of the certification and required supporting documents.

CoC referring partners and GHURA must work with staff identified as lead liaison(s) in accordance with the MOU for the transmission and acceptance of referrals. The CoC and GHURA shall collaborate to ensure staffing and resources are committed for the timely referral and processing of EHV assistance for all referrals. GHURA's lead liaison shall provide updated numbers of available vouchers at the start of each week and request for referral via email until all EH vouchers are leased.

### **Offers of Assistance with CoC Referral**

The PHA may make an EHV available without a referral from the CoC or other partnering organizations in order to facilitate an emergency transfer under VAWA in accordance with the PHA's Emergency Transfer Plan. The PHA must also take direct referrals from outside the CoC if:

- The CoC does not have sufficient number of eligible families to refer to the PHA; or
- The CoC does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

If at any time the PHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC or other partner referrals agencies (of PHA and CoC cannot identify any such alternative referral partner agencies), HUD may permit the PHA on a temporary or



permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV Program in lieu of or in addition to direct referrals in those circumstances.

### **PART III: WAITING LIST MANAGEMENT**

#### **III. A. HCV WAITING LIST**

The regulation that requires the PHA to admit applicants as waiting list admissions or special admission in accordance with admission policies in Chapter 4 does not apply to PHA's operating the EHV Program. Direct referrals are not added to the PHA's HCV waiting list.

The PHA must inform families on the HCV waiting list of the availability of Emergency Housing Vouchers by, at a minimum, either by posting the information on the website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2021-15.

##### **GHURA Policy**

GHURA will post information about the Emergency Housing Program for families on its website. The notice will include who are eligible to apply for the EHV Program, the availability of the vouchers through a direct referral process, and who the family may contact if they believe they may be eligible for EHV assistance.

GHURA will effectively communicate with persons with disabilities, including those with vision, hearing and other communication-related disabilities in accordance with Chapter 2. GHURA will also take reasonable steps to ensure meaningful access is afforded to those persons with Limited English Proficiency (LEP) in accordance with policies outlined in Chapter 2.

#### **III. B. EHV WAITING LIST**

The HCV regulations requiring the PHA to operate a single waiting list for admission to the HCV program do not apply to the PHAs operating the EHV program. Instead, when the number of applicants referred by the CoC or partnering agency exceeds the EHV's available, the PHA must maintain a separate waiting list for EHV referrals, both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Furthermore, the EHV waiting list is not subject to PHA policies in Chapter 4 regarding opening and closing the HCV waiting list. The PHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.



### **III. C. PREFERENCES**

If local preferences are established by the PHA for HCV, they do not apply to EHV. However, if the PHA has a homeless preference or a VAWA preference for the HCV waiting list, the PHA must adopt additional policies related to EHV in accordance with Notice PIH 2021-15.

#### **GHURA Policy**

GHURA does offer either a homeless or VAWA preference for the HCV waiting list. However, GHURA must follow P.L. 114-201 of the Housing Opportunity Through Modernization Act (HOTMA) OF 2016, (applicable only to Guam). This law provides that U.S. Citizens and U.S. Nationals have selection priority over non-U.S. and other aliens covered under Article IV, section 141 of the Compact of Free Association Agreement between the United States and the Marshall Islands, the Federated States of Micronesia and Palau.

### **EHV Waiting List**

With the exception of a residency preference, the PHA may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for EHV. The PHA may however, choose to not establish any local preferences for the EHV waiting list.

#### **GHURA Policy**

GHURA will maintain a separate waiting list for EHV applicants and will not offer any local preference for the EHV program. However, GHURA will continue to comply with the requirements of P.L. 114-201 of the Housing Opportunity Through Modernization Act (HOTMA) of 2016 of prioritizing U.S. Citizens and U.S. Nationals when selecting families for admission over non- U.S. Citizens and other aliens covered under Article IV, section 141 of the Compact of Free Association Agreement between the United States, and the Marshall Islands, the Federated States of Micronesia and Palau.

## **PART IV: FAMILY ELIGIBILITY**

### **IV. A. OVERVIEW**

The CoC or referring agency determines whether the individual or family meets any of the four eligibility criteria described in Notice PIH 2021-15 and then refers the family to the PHA. The PHA determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

### **IV. B. REFERRING AGENCY DETERMINATION OF ELIGIBILITY**

In order to be eligible for assistance under the EHV Program, an individual or family must meet one of the four eligibility criteria:



- Homeless as defined in 24 CFR 578.3;
- At-risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in 22 U.S. C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice 2021-15.

As applicable, the CoC or referring agency must provide documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. The PHA must retain this documentation as part of the family's file.

## **IV. C. PHA SCREENING**

### **Overview**

HUD waived 24 CFR 982.552 and 982.553 in part for the EHV applicants and established alternative requirements for mandatory and permissive prohibitions of admissions. Except where applicable, PHA policies regarding denials in Chapter 3 of this policy do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants.

The mandatory and permissive prohibitions listed in Notice PIH 2021-15 and in this chapter, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR 982.551 (h)(2) apply. Other than the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular HCV screening criteria in Chapter 3 in doing so.

### **Mandatory Denials**

Under alternative requirements for the EHV Program, mandatory denials for EHV applicants include:

- 24 CFR 982.553 (a)(1)(ii)(C), which prohibits admission if any household members has ever been convicted of drug-related criminal activity for manufacturing or production of methamphetamine on the premises of federally assisted housing.
- 24 CFR 982.553 (a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

The PHA must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.



### **GHURA Policy**

GHURA will deny admission to any member of a family for the following violations of 24 CFR 982.553(a)(1)(ii)(C) who have ever been convicted of drug-related criminal activity for manufacturing or production of methamphetamine on the premises of federally assisted housing; and CFR 982.553 (a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

GHURA will also deny admission to any adult family member who refuses or fails to sign and submit consent forms, permitting GHURA to obtain information as required by 24 CFR 982.552 (b)(3). Any family member denied admission will be notified in writing of their denial and the reasons for their denial.

### **Permissive Denial**

Notice PIH 2021-15 lists permissive prohibitions for which the PHA may, but is not required to, deny admission to the EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

If the PHA intends to establish permissive prohibitions policies for EHV applicants, the PHA must first consult with its CoC partner to understand the impact that the proposed prohibition may have on referrals and must take CoC's recommendations into consideration.

### **GHURA Policy**

GHURA may deny admission to any household member for one or more of the following reasons within the past twelve (12) months:

- If any household member is currently engaged in or has been engaged in violent criminal activity or other criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.
- If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- If the family engaged in or threatened abusive or violent behavior toward PHA personnel.

GHURA will deny admission to any household member who is already receiving assistance from another program in accordance with Section 9.h. of Notice PIH 2021-15.

If an individual is struggling with drug addiction or alcohol addiction and it is determined that this is the root cause of their homelessness, GHURA may consider on a case-by-case basis to whether to deny admission for the otherwise eligible EHV applicant. Prohibition based on criminal activity for the eligible EHV population regarding drug and alcohol



possession shall be considered apart from other criminal activity (i.e., violent criminal activity).

In compliance with Notice PIH 2021-15, GHURA **will not deny** an EHV applicant admission regardless of whether:

- Any member of the family has been evicted from federally assisted housing in the last five years;
- A PHA has ever terminated assistance under the program for any member of the family;
- The family currently owes rent or other amounts to GHURA or to another PHA in connection with the Section 8 or Public Housing assistance under the 1937 Act;
- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the leased;
- The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA;
- The family would otherwise be prohibited admission under alcohol abuse standards established by GHURA in accordance with 24 CFR 982.553(a)(3);
- The PHA determines that any household member is currently engaged in, or has engaged in, during a reasonable time before admission, drug-related criminal activity.

#### **IV. D. INCOME VERIFICATION AT ADMISSION**

##### **Self-Certification at Admission**

The requirement to obtain third-party verification of income in accordance with Notice PIH 2018-18 does not apply to the EHV Program applicants at admission, and alternatively, PHAs may consider self-certification the highest form of income verification at admission. As such, PHA policies related to the verification of income in Section 7-I.B. do not apply to EHV families at admission. Instead, applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant's income within the 60-day period prior to admission or voucher issuances but is not dated within 60 days of the PHA's request.

##### **GHURA Policy**

All adult applicants and participants must sign form HUD-9886, Authorization for the Release of Information to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. If any family member who is required to sign a consent form fails to do so, GHURA will deny admission to the applicant or terminate assistance of the participant.



Any documents used for verification must be the original (not photocopies) and generally must be dated within the 60-day period. GHURA staff shall review and authenticate the original document and make a photocopy of the document and annotate on the copy that it was authenticated from the original, the name of the person, stamp and date it was received.

Printouts from webpages are considered original documents, provided it lists the source of the printout (i.e., bank or company logo, etc.);

Any family self-certifications must be made in a format acceptable to GHURA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a GHURA representative or notary public.

### **Recently Conducted Income Determinations**

PHAs may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined in 24 CFR part 5 and within the last six months; and
- The family certifies there has been no change in income or family composition in the interim.

### **GHURA Policy**

GHURA will accept income calculations and verifications from third-party providers only if the calculations meet the criteria outlined above.

The family certification must be made in a format acceptable to GHURA and must be signed by all adult family members whose information or status is being verified.

At the time of the family's annual re-examination the PHA must conduct the annual reexamination of income as outlined in 24 CFR 982.516 and PHA policies in Chapter 11.

### **EIV Income Validation**

Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, the PHA must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;
- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- Resolve any income discrepancy with the family within 60 days of the EIV Income and IVT Report dates.



Prior to admission, PHAs must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search in accordance with PHA policies in Chapter 3.

If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program in accordance with Chapter 12.

#### **IV. E. SOCIAL SECURITY NUMBER AND CITIZENSHIP STATUS VERIFICATION**

For the EHV Program, the PHA is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Instead, PHAs may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required document within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made good-faith effort to obtain the documentation.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate the family from the program.

##### **GHURA Policy**

GHURA will admit EHV applicants who are unable to provide the required Social Security Number or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 7 within 180 days of admission. The PHA may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If the PHA determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 12.

#### **IV. F. AGE AND DISABILITY VERIFICATION**

PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.



### **GHURA Policy**

GHURA will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must state the date of birth, place of birth and age of the person; the person must print, sign and date the self-certification. If the self-certification is for a minor child, the parent, or custodial parent must print, sign and date on behalf of the child.

Self-certification declaring a disability must state the person has a disability, if the disability is a permanent condition, and include the impediments they are experiencing as a result of their disabilities. The self-certification must not state a medical diagnosis or include medical records regarding their disability.

When age and disability self-certifications are accepted, GHURA will verify the information within 90 days of the admission through EIV system or through third-party verification if the information is not available through EIV. GHURA will note in the family's file that self-certification was used as initial verification and include the EIV printout or the third-party verification confirming the applicant's date of birth and/or disability status. If through verification it is determined that a family is deemed ineligible to receive assistance, GHURA will take the necessary steps to terminate the family from the program in accordance with policies in Chapter 12.

## **IV. G. INCOME TARGETING**

The PHA must determine income eligibility for EHV families in accordance with 24 CFR 982.201 and PHA policy in Chapter 3; however, income targeting requirements do not apply for EHV families. The PHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

### **GHURA Policy**

GHURA will not include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

## **PART V: HOUSING SEARCH AND LEASING**

### **V. A. INITIAL VOUCHER TERM**

Unlike the standard HCV program, which requires an initial voucher term of at least 60 days, EHV vouchers must have an initial search term of at least 120 days. PHA policies on extensions as outlined in Section 5-II. E. apply.



### **GHURA Policy**

The initial search term for all Emergency Housing Vouchers is 120 calendar days. The family must submit a Request for Tenancy Approval (RFTA) and a proposed lease within the 120-day period unless GHURA grants an extension.

## **V. B. HOUSING SEARCH ASSISTANCE**

The PHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity. At a minimum, housing search assistance must:

- Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods;
- Provide transportation assistance and directions to potential units;
- Conduct owner outreach;
- Assist with the completion of rental applications and PHA forms; and
- Help expedite the EHV leasing process for the family.

### **GHURA Policy**

As delineated in the Memorandum of Understanding between GHURA and the Guam Homeless Coalition, EHV families, among other services, will be provided the following assistance during their search for a suitable home:

#### **GHURA will:**

- Provide the family with the necessary guidance and requirements to ensure the family's successful participation under the EHV Program and in their search for a suitable home.
- Encourage EHV families to find suitable homes in good communities that can enhance their quality of life, offer employment opportunities, and to avoid slum, blight and drug-infested neighborhoods.
- Inspect the home selected by the EHV family prior to moving in and periodically to ensure it meets Housing Quality Standards (HQS) and the requirement for a safe, decent, sanitary and in good repair.
- Work with the CoC case managers to resolve any fair housing issues that may deprive or hinder the EHV family from receiving equal access to safe and decent housing opportunities, including offering reasonable accommodations to person or persons with disabilities; providing an interpreter to individuals with limited ability to speak or understand English; and to maintain the confidentiality of each EHV participant's private information.



- Facilitate communication efforts to help families improve tenant-landlord relations, including communicating housing discrepancies that need immediate repair.
- Offer each EHV family the opportunity to participate in the FSS Renter's 101 program to learn how to become good renters.

**The CoC Partners will:**

- Assist eligible individuals and families with housing search.
- Provide counseling and support as it pertains to compliance with the EHV rental lease requirements.
- Assess the needs of eligible individuals and families who may require referrals for assistance with security deposits, utility hook-up fees, and utility deposits;
- Work with GHURA to address any issues that may impact the individual or family's EHV housing assistance.

## **V. C. HQS PRE-INSPECTIONS**

To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

### **GHURA Policy**

GHURA may pre-inspect available units that the EHV families may be interested in leasing to maintain a pool of eligible units. If an EHV family selects a unit that passed HQS pre-inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval (RFTA), the unit may be approved provided that it meets all other conditions under 24 CFR 982.305. The EHV family shall be free to select a unit of their choice and will not be coerced into accepting pre-inspected units.

When a pre-inspected unit is not selected, the PHA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for any required re-inspection.

## **V. D. INITIAL LEASE TERM**

Unlike in the standard HCV Program, Emergency Housing Vouchers holders may enter into an initial lease that is for less than 12 months, regardless of the PHA policy in Section 9-I.E., Term of Assisted Tenancy.

## **V. E. PORTABILITY**

The normal HCV portability procedures and requirements outlined in Chapter 10 generally apply to the EHV's. Exceptions are addressed below.



## **Non-resident Applicants**

Under the EHV program, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of PHA policy in Section 10-II.B.

## **Billing and Absorption**

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA administers EHV's under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHV's under its own ACC:
  - The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has EHV voucher available to do so).
  - If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with Emergency Housing Voucher assistance and may not absorb the family with a regular Housing Choice Voucher when the family leases the unit.
  - Regardless of whether the receiving PHA absorbs or bills the initial PHA the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.
- If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

## **Family Briefing**

In addition to the applicable family briefing requirements of 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family of how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with Limited English Proficiency (LEP).

### **GHURA Policy**

GHURA will implement a briefing policy in accordance with Chapter 5 of the Administrative Plan, and as part of the briefing packet for EHV families, GHURA will include a written notice that the PHA will assist the family with moves under portability. For Limited English Proficiency (LEP) applicants, the PHA will provide interpretation services in accordance with the PHA's LEP plan (Chapter 2).



## **Coordination of Services**

If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family.

### **GHURA Policy**

For EHV families who are choosing to exercise the portability option, when the PHA contacts the receiving PHA in accordance with Section 10-II.B. Pre-approval Contact and Receiving PHA, the PHA will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family.

## **Service Fee**

The standard portability billing arrangements apply for HAP and on-going administrative fees for EHV families. For service fee funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or \$1,750, unless the initial PHA and receiving PHA mutually agree to change the \$1,750 cap. Service fees are paid as follows:

- If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.
- If the receiving PHA administers EHV, the receiving PHA may use its own service fee and may be reimbursed by the initial PHA, or the initial PHA may provide the service funding upfront to the receiving PHA for those fees and assistance.
- If the receiving PHA does not administer EHV, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

## **Placement Fee/Issuance Reporting Fee**

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuing reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuing reporting fee, as applicable.



## **V. F. PAYMENT STANDARDS**

### **Payment Standard Schedule**

For the EHV program, HUD has waived the regulation requiring a single payment standard for each unit size. Instead, the PHA may, but is not required to, establish a separate higher payment Standards for EHV. Lower EHV payment standards are not permitted. If the PHA is increasing the regular HCV payment standard, the PHA must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard. The separate EHV payment standard must comply with all other HCV requirements with the exception of the alternative requirements discussed below.

Further, if the PHA chooses to establish higher payment standards for EHV, HUD has provided other regulatory waivers:

- Defining the “basic range” for payment standards set between 90 to 120 percent of the published Fair Market Rent (FMR) for the unit size (rather than 90 to 110).
- Allowing a PHA that is not in a designated Small Area FMR (SAFMR) or has not opted to voluntarily implement SAFMR to establish exception payment standards for the ZIP Code area above the basic range for the metropolitan FMR based on the HUD published SAFMRs. The PHA may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. The exception payment standard must apply to the entire ZIP code area.
  - The PHA must notify HUD if it establishes an EHV exception payment standard based on the SAFMR.

### **GHURA Policy**

GHURA will apply the same higher payment standards amount for EHV as those approved for reasonable accommodations for persons with a disability.

### **Rent Reasonableness**

All rent reasonableness requirements apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard.

### **Increase in Payment Standards**

The requirement that the PHA apply increased payment standards at the family’s first regular recertification on or after the effective date of the increase does not apply to the EHV. The PHA may, but is not required to, establish an alternative policy on when to apply the increased payment standard, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family’s first regular reexamination following the change.



## **GHURA Policy**

GHURA will apply the same current HCV policy in Section 11-III.B. which governs increase in payment standards to EHV program.

### **V. G. TERMINATION OF VOUCHERS**

After September 30, 2023, a PHA may not reissue EHV's when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under the HAP contract) leaves the program for any reason, the PHA may not re-issue that Emergency Housing Voucher to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September 30, 2023, the EHV may not be re-issued to another family.

All EHV's under lease on or after October 1, 2023, may not under any circumstances be re-issued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to the EHV's that are being re-issued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHV's to cease leasing any unleased EHV's if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover HAP needs of currently assisted EHV families.

## **PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS**

EHV funds allocated to the PHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the PHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the PHA are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHV's are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for the EHV eligible purposes. EHV HAP funds may not roll into the regular HCV Restricted Net Position (RNP) and must be tracked and accounted for separately as EHV RNP, EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used for the repayment of debts or any amounts owed to HUD by the HUD program participants including, but not limited to, those resulting from the Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.



The PHA must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15.

The PHA must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent the administration of the EHV's in accordance with the HCV program requirements at 24 CFR 982.158.



## ACRONYMS

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<b>ARP</b>	American Rescue Plan Act of 2021 (P.L. 117-2)
<b>ACC</b>	Annual Contributions Contract
<b>CACC</b>	Consolidated Annual Contributions Contract
<b>CFR</b>	Code of Federal Regulation
<b>CoC</b>	Continuum of Care
<b>CY</b>	Calendar year
<b>EHV</b>	Emergency Housing Voucher
<b>EIV</b>	Enterprise Income Verification
<b>FDS</b>	Financial Data Schedule
<b>FSS</b>	Family Self-sufficiency (Program)
<b>GHURA</b>	Guam Housing and Urban Renewal Authority
<b>HAP</b>	Housing Assistance Payment
<b>HOTMA</b>	Housing Opportunity Through Modernization Act of 2016
<b>HCV</b>	Housing Choice Voucher
<b>HQS</b>	Housing Quality Standards
<b>HUD</b>	Department of Housing and Urban Development
<b>IVT</b>	Income Validation Tool
<b>LEP</b>	Limited English Proficiency
<b>MOU</b>	Memorandum of Understanding
<b>OIG</b>	Office of Inspector General
<b>PHA</b>	Public Housing Agency
<b>PIC-NG</b>	Public Housing Information Center – Next Generation
<b>PIH</b>	Public and Indian Housing
<b>QAD</b>	Quality Assurance Division
<b>RFTA</b>	Request for Tenancy Approval
<b>RNP</b>	Restricted Net Position



<b>SAFMR</b>	Small Area Fair Market Rent
<b>SSN</b>	Social Security Number
<b>VAWA</b>	Violence Against Women's Act 2012
<b>VMS</b>	Voucher Management System
<b>VSP</b>	Victims Services Provider
<b>ZIP</b>	Zone Improvement Plan (postal zip code)



## **MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

### **THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY**

**Emergency Housing Voucher Program**  
117 Bien Venida Avenue, Sinajana, Guam 96910

**AND**

### **GUAM HOMELESS COALITION**

Guam Behavioral Health and Wellness Center  
790 Gov Carlos G Camacho Rd. Tamuning, GU 96913  
Guam Department of Integrated Services for Individuals with Disabilities,  
238 Archbishop Flores St., DNA, Building Suite 702, Hagåtña, GU 96910  
Catholic Charities of The Diocese of Agaña Dba Catholic Social Service  
234A U.S. Army Juan G. Fejeran Street, 234A Juan C Fejeran St, Barrigada, GU96913  
The Salvation Army Guam Corps  
155003 Corsair Avenue, Tiyan GU 96921  
Guma Mami, Incorporated  
117-A Chalan Guma' Yu'us Sinajana Community Complex Room 5, Sinajana, GU 96910

#### **I. INTRODUCTION**

This Memorandum of Understanding (the “MOU”), is entered into on the 17 of June 2021, between the above-mentioned parties of this agreement, and shall continue through September 30, 2023.

The purpose of this agreement is to delineate the specific roles and responsibilities between the Guam Housing and Urban Renewal (Section 8 Emergency Housing Voucher/Housing Choice Voucher Program) and the Guam Homeless Coalition (Guam’s Continuum of Care) for the efficient and successful administration and leasing of Emergency Housing vouchers to individuals and families for whom they are intended. The collaboration and commitment summarized in this agreement is an example to the commitment of ending homelessness.

GHURA is the provider of housing assistance and is the recipient of eighty-seven (87) Emergency Housing Vouchers, which hereafter, may be referred to as the “EHV Program”. The EHV Program shall be administered in accordance with governing policies under 24 CFR Parts 5 and 982 by GHURA’s Section 8 Division. Emergency Housing vouchers are for the purpose of providing assistance to individuals and families whom are experiencing homelessness, at risk of homelessness; who are fleeing or attempting to flee a domestic violence or a disastrous events or circumstances; are victims of domestic violence, dating violence, sexual assault, stalking, human trafficking; or have recently become homeless for whom with rental assistance, will prevent or help improve the family’s homelessness situation or prevent high risk of housing instability.

The Guam Homeless Coalition, also known as Guam’s Continuum of Care group, shall perform the undertaking of identifying, certifying the categories of eligible individuals and families, and making direct referrals to GHURA’s Section 8 EHV/HCV Program for assistance under the Emergency Housing Voucher Program.



*The EHV Program funding is authorized through the American Rescue Plan Act of 2021 (Public Law 117-2).*

***Goals and Standards of Success:***

GHURA and the Guam Homeless Coalition are committed to ending homelessness:

**GHURA:**

GHURA is dedicated to fostering the health and safety of very -low to low-income families by providing access to a safe, decent, sanitary and affordable housing through the Emergency Housing Voucher and other Section 8 Housing Choice Voucher Programs. GHURA shall measure the success of the EHV Program by:

1. 100 percent timely leasing of all eighty-seven (87) voucher within 30 to 120 days.
2. 100 percent utilization of authorized EHV Housing Assistance funds.
3. 100 percent expeditious review and processing of direct referral applications from partnering agencies and organizations.
4. The effective collaboration between GHURA and members of the Guam Continuum of Care system to implement prevention strategies designed to curb Guam's Homelessness.
5. Ensuring homes occupied by EHV participants are safe, decent and sanitary in accordance with Housing Quality Standards.
6. Ensuring homes selected by EHV participants are affordable and in good neighborhoods.
7. Introduce and encourage 100 percent of EHV Program participants to other housing services opportunities such participation in the Family Self-sufficiency program, Renter's 101, and Section 8 Homeownership.

**Guam Homeless Coalition:**

The Guam Homeless Coalition is charged with planning and coordinating housing and services for homeless individuals, families and youth in Guam through the Emergency Housing Voucher and other available housing programs. Participating service providers shall ensure the success of these efforts by:

1. Coordinating with GHURA to maximize 100 percent of the EHV program by referring eligible participants;
2. Ensuring individuals and families referred to the EHV program meet one of the eligible criteria defined in Section II of this MOU;
3. Working with GHURA to submit necessary documents within a reasonable time as specified by the PHA and HUD Notice PIH 2021-15 (HA);
4. Utilizing the same referral processes for all clients with the exception of individuals and families qualifying under Section II(C) of this MOU;
5. Ensuring all eligible individuals and families are screened and entered into the Coordinated Entry System (CES) with the exception of persons qualifying under Section II(C) of this MOU;



6. Ensuring all eligible individuals and families who do not have an existing record in the CES are referred to the Catholic Social Services for assessment into the CES;
7. Monitoring the waitlist of eligible individuals and families needing housing assistance while maintaining up to date supportive documentation required for the EHV program or other available housing assistance programs;
8. Actively referring individuals and families on the waitlist to other available housing assistance programs;
9. Utilizing the same assessment tool for all eligible individuals and families being referred to the EHV program with the exception of persons qualifying under Section II(C) of this MOU.

Lead Liaison (GHURA):

- Amor Say, Planner II– Community Planning and Development, Guam Housing and Urban Renewal Authority
- Rosie Francisco, Housing Specialist Supervisor– Section 8 Emergency Housing Voucher Program/Section 8 Housing Choice Voucher Program, Guam Housing and Urban Renewal Authority

Lead Liaison (Guam Homeless Coalition (CoC)):

- Mark Pernia, CES Coordinator, Catholic Social Services
- Mary Ann Galang, Family Service Center, The Salvation Army

## **II. EHV TARGET POPULATION**

The Emergency Housing Vouchers are for individuals or families who meet one of the following criteria:

Homelessness- as defined by section 103 (a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302 (a)),

A. *Homeless* means:

1. An individual or family who lacks a fixed, regular and adequate nighttime residence, meaning:
  - (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camp ground;
  - (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
  - (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering the institution.



2. An individual or family who will imminently lose their primary nighttime residence, provided that:
  - (i) the primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
  - (ii) No subsequent residence has been identified; and
  - (iii) The individual or family lacks the resources or support network, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.
3. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
  - (i) are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or
  - (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
  - (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
  - (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

*B. Individuals or families who are at-risk of homelessness*

“At-risk of homelessness” is defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)), in accordance with regulations at 24 CFR 578.3:

*At risk of homelessness*

1. An individual or family who:
  - (i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;
  - (ii) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition above; and
  - (iii) Meets one of the following conditions:
    - (A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;



- (B) Is living in the home of another because of economic hardship;
  - (C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;
  - (D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;
  - (E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
  - (F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
  - (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.
2. A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or
  3. A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.
- C. *Fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking* is any individual or family member who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This includes cases where a HUD-assisted tenant reasonably believes there is a threat of imminent harm from further violence if they remain within the same dwelling unit that they are currently occupying, or sexual assault occurred on the premises during the 90-day period preceding the date of the request for transfer.
- *Domestic Violence* - Includes felony or misdemeanor crimes of violence committed by
    - a. a current or former spouse or intimate partner of the victim (the term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship),
    - b. a person with whom the victim shares a child in common,
    - c. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,



- d. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
    - e. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - *Dating Violence* – violence committed by a person:
    - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and,
    - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
      - 1. The length of the relationship;
      - 2. The type of relationship; and
      - 3. The frequency of interaction between the persons involved in the relationship.
  - *Sexual assault* – any non-consensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.
  - *Stalking* – engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - a. Fear for the person's individual safety or the safety of others; or
    - b. Suffer substantial emotional distress.
  - *Human trafficking* – includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000(TVPA), as amended (22 U.S.C. §7102) and defined as:
    - Sex trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of 21 age; (and)
    - Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- D. *Recently homeless* and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as classified by the Guam Homeless Coalition (CoC) or its designee:
- *Recently homeless* – defined as individuals and families who have previously been classified by a member agency of the CoC as homeless but are not currently homeless as a result of homeless assistance (financial assistance or services), temporary rental assistance or some type of assistance, and where the (CoC) or its designee determines that the loss of such assistance would result in a return to the homelessness of the family having a high risk of housing instability. Examples of households that may be defined as recently homeless by the (CoC) include, but are not limited to, participants in rapid rehousing, and permanent supportive housing.



### **III. SERVICES TO BE PROVIDED TO ELIGIBLE EHV FAMILIES**

**The Guam Housing and Urban Renewal Authority agrees to:**

1. perform community outreach efforts for the goal of reaching those who may need emergency housing assistance.
2. receive, assess and expeditiously process each family's EHV direct referral application from the Guam Homeless Coalition (CoC) for housing assistance in accordance with 24 CFR parts 5 and 982 and Notice PIH 2021-15.
3. prohibit all forms of discrimination against protected classes because of race, color, sex, religion, familial status, age, disability or National origin.
4. provide the family with the necessary guidance and requirements to ensure the family's successful participation under the EHV program and in their search for a suitable home.
5. encourage EHV families to find suitable homes in good communities that can enhance their quality of life, offer employment opportunities, and to avoid slum, blight and drug-infested neighborhoods.
6. inspect the home selected by the EHV family prior to moving in and periodically to ensure it meets Housing Quality Standards (HQS) and the requirement for a safe, decent, sanitary and in good repair.
7. Work with the Guam Homeless Coalition (CoC) case managers to resolve any fair housing issues that may deprive or hinder the EHV family from receiving equal access to safe and decent housing opportunities, including offering reasonable accommodations to person or persons with disabilities; providing an interpreter to individuals with limited ability to speak or understand English; and to maintain the confidentiality of each EHV participant's private information.
8. enforce protection for participants who are victims of Domestic Violence in accordance with Violence Against Women's Act of 2005.
9. educate participants of their rights and obligations as tenants while participating under the Section 8 EHV program.
10. educate each EHV applicant and participants of their right to an informal review and informal hearing when an adverse action is served against them.
11. offer each EHV family the opportunity to participate under the Family Self-sufficiency Program, Renter's 101 monthly seminar, Section 8 Homeownership Program or any other housing programs and services designed to improve the family's quality of life.
12. facilitate communications efforts to help families improve tenant-landlord relations, including communicating housing discrepancies that need immediate repair.
13. Work with the respective advocacy organizations and agencies to find creative solutions to prevent EHV participants from repeating homelessness.
14. Reach out to respective organizations and agencies to find opportunities design to help improve each EHV family's quality of life, such as those that provide specialized counseling, conflict mediation, crisis intervention, employment support, money and home management, education and job training opportunities, transportation, legal assistance, etc.
15. provide each EHV family a copy of the Participant Handbook as a reference material they can refer to while participating under the Section 8 EHV Program.



**The Guam Homeless Coalition Participating Service Providers agrees to:**

1. Assess and refer eligible individuals and families to the EHV program via Coordinated Entry System (CES);
2. Conduct outreach as necessary to identify, assess, and refer eligible individuals and families who are unsheltered;
3. Provide support to individuals and families in completing the EHV program application;
4. Assist eligible individuals and families in obtaining the necessary documentation to support referrals and applications for EHV assistance, while aiding households in addressing barriers;
5. Work with GHURA to ensure eligible individuals and families are aware of their appointments and coordinate transportation as needed;
6. Assist eligible individuals and families with housing search;
7. Provide counseling and support as it pertains to compliance with the EHV rental lease requirements;
8. Assess the needs of eligible individuals and families who may require referrals for assistance with security deposits, utility hook-up fees, and utility deposits;
9. Assess the needs of eligible individuals and families who may require mainstream benefits and other support services;
10. Provide short-or long-term case management as necessary to ensure the successful transition to and maintenance of the individual or family's EHV housing assistance;
11. Work with GHURA to address any issues that may impact the individual or family's EHV housing assistance.

**IV. GHURA'S ROLES AND RESPONSIBILITIES**

1. Coordinate and consult CoC partners on developing a referral system, implementation dates, and expansion of other housing services.
2. Perform outreach to promote the availability of the EHV Program to eligible individuals, elderly, disabled and very low to low-income families.
3. Provide training to CoC partners and Section 8 staffs on HUD and EHV/Section 8 Program requirements.
4. Accept, review and promptly process all direct referral applications for the EHV Program from partners.
5. Brief eligible EHV applicants on how the program works, benefits of the program, discuss family obligations while under the program, how to find a suitable unit, making timely payment of tenant's share, biennial Housing quality inspections, tenant-landlord rights, and tenant's right for informal reviews and informal hearings.
6. Promote and offer other housing services to EHV Program participants, including the option to port to other jurisdictions for better program opportunities, participation under the Family Self-sufficiency Program; housing counseling, Renter's 101, Section 8 Homeownership and other life-improvement opportunities.
7. Provide a lead staff to address and coordinate referral system and process.
8. Comply with the scope and provisions of this MOU.



## **V. THE GUAM HOMELESS COALITION'S ROLES AND RESPONSIBILITIES**

1. Designate and maintain a lead EHV liaison to communicate with the PHA;
2. Commit to partnering with GHURA to administer the EHV program;
3. Coordinate among participating partners to establish a referral process, implementation dates, and identification of expanded housing services;
4. Adhere to the EHV program requirements as documented by GHURA Section 8 staff to include but not limited to documentation identifying individuals or families falling under one of the four eligible categories identified in Section II of this Agreement;
5. Refer eligible individuals and families to the PHA using the CES;
6. Assist individuals and families in obtaining the necessary supportive documentation for application to the EHV program (i.e., self-certifications, birth certificate, social security card, etc.);
7. Attend EHV participant appointments/briefings as needed;
8. Assess and refer individuals and families for available mainstream benefits and supportive services to ensure successful transition to the EHV program;
9. Provide available supportive services to ensure individuals and families sustain and maintain their housing assistance throughout the duration of the EHV program;
10. Comply with the scope and provisions of this Agreement.

## **VI. Third Party Entity Roles Responsibilities/Participating Service Providers**

Participating service providers shall consist of member organizations that will be actively referring potential and qualified applicants to the EHV program. These members provide direct services to the community which may include persons who are homeless or at-risk for becoming homeless. These members shall consist of the following agencies:

1. Department of Veteran Affairs
2. Department of Youth Affairs
3. Guam Head Start Program, Department of Education
4. Public Defender Service Corporation
5. Office of Homelessness Assistance and Poverty Prevention
6. Manelu
7. WestCare Pacific Islands
8. Victim Advocates Reaching Out
9. Sanctuary, Incorporated
10. Elim Pacific Ministries

## **VII. THIRD PARTY ENTITY ROLES AND RESPONSIBILITIES:**

1. Inform and support the Coordinated Entry system to build EHV waitlist referral process.
2. Ensure EHV referral and service engagement from providers serving special needs populations (i.e., Veterans, Domestic Violence, and Human Trafficking).
3. Refer eligible individuals and families to Catholic Social Service for assessment using the Coordinated Entry system.
4. Support landlord outreach and recruitment to ensure an adequate pool of rental units are available for individuals and families. This includes contacting current landlords to inquire about availability of current units.



## VII. PROGRAM EVALUATION

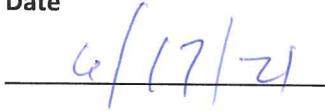
GHURA and members of the Guam Homeless Coalition or designated of the CoC organization agree to cooperate with U.S. Department of Housing and Urban Development (HUD), provide requested data to the HUD or HUD-authorized contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-authorized contractor, including possible random assigned procedures.

Signed by:



**RAY S. TOPASNA, Executive Director**  
Guam Housing and Urban Renewal Authority

Date



**SAMANTHA TAITANO, Chairperson**  
Guam Homeless Coalition

Date

