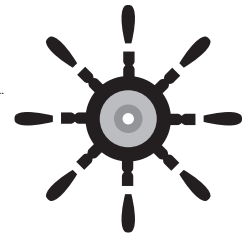


Qualified Allocation Plan



By *Ed Gramlich, Senior Advisor, NLIHC*

Administering Agency: The Internal Revenue Service of the Department of the Treasury

Year program started: 1986

Number of households served: 55,925 in 2012, the latest data available

Population targeted: Households with incomes either below 60% of area median income (AMI) or 50% AMI

Also see: *Low Income Housing Tax Credit*

The federal Low Income Housing Tax Credit (LIHTC) program requires each state agency that allocates tax credits, generally called a housing finance agency, to have a Qualified Allocation Plan (QAP). The QAP sets out the state's eligibility priorities and criteria for awarding federal tax credits to housing properties. In some states, the QAP also sets out threshold criteria for noncompetitive 4% tax credits and any state LIHTC.

The QAP is a tool advocates can use to influence how their state's share of annual LIHTCs is allocated to affordable housing properties. Advocates can use the public hearing and comment requirements to convince their housing finance agency to better target tax credits to properties that house people with extremely low incomes, locate projects in priority areas, and preserve the existing stock of affordable housing.

SUMMARY

The QAP is a document that states, and a few local agencies, must develop in order to distribute federal LIHTCs, which may be awarded only to a building that fits the QAP's priorities and criteria. Each QAP must spell out a housing finance agency's (HFAs) priorities and specify the criteria it will use to select projects competing for tax credits. The priorities must be appropriate to local conditions.

- The QAP must also give preference to projects:
- Serving residents with the lowest income.
- Serving income-eligible residents for the longest period of time.

Located in qualified census tracts (QCTs) or difficult development areas (DDAs), as long as the project

contributes to a concerted community revitalization plan. QCTs are census tracts with a poverty rate of 25% or in which 50% of the households have incomes below 60% of the AMI. However, the aggregate population in census tracts designated as QCTs cannot exceed 20% of the metropolitan area's population. DDAs are areas in which construction, land, and utility costs are high relative to incomes.

The QAP selection criteria must address 10 items: (1) location; (2) housing needs; (3) public housing waiting lists; (4) individuals with children; (5) special needs populations; (6) whether a project includes the use of existing housing as part of a community revitalization plan; (7) project sponsor characteristics; (8) projects intended for eventual tenant ownership; (9) energy efficiency; and (10) historic nature.

Those requirements are minimums; states can adopt more rigorous criteria that target advocates' priority populations and locations. Most states establish detailed QAP selection criteria and set-asides based on the characteristics of their state's needs.

HFAs may target tax credits in several ways:

- The QAP selection process may give preferences, in the form of extra points, to encourage developers to submit projects more likely to serve particular populations or locations; for example, by awarding 10 points to projects that set aside 10% of the units for special needs populations.
- The QAP may establish a set-aside, reserving a specific percentage or dollar amount of any given year's tax credit allocation for projects more likely to serve particular populations or locations; for example, a \$5 million set-aside for rural projects.
- The QAP may establish thresholds, minimum requirements that projects must meet simply to get in the game, thus improving targeting to particular populations or locations; for example, requiring a 50-year income-eligible compliance period.

FORECAST

Because preservation and rehabilitation of existing properties is often more efficient, the Administration's FY16 budget request, as did the FY15 request, proposed adding preservation of federally assisted

affordable housing to the current list of ten selection criteria that every QAP must include. The FY16 budget request also proposed removing the limit under which the aggregate population in census tracts designated as QCTs cannot exceed 20% of the metropolitan area's population; Treasury indicates the 20% limit may keep some census tracts from QCT status.

TIPS FOR LOCAL SUCCESS

Because each state receives a new allocation of LIHTCs each year, QAPs are usually drafted annually. This gives advocates regularly scheduled opportunities to influence QAP priorities. LIHTCs are often in high demand among developers; therefore, developers propose projects that address the priorities set forth in the QAP to give themselves an advantage in the selection process.

Advocates should assess the QAP. If it only has a general statement of goals, advocates can work to get very specific set-asides or preference points for their priorities. If the QAP has too many priorities, this will render individual priorities less meaningful. Advocates should work to narrow the number of priorities or work to establish relative priorities so their priorities can compete more effectively.

If there are types of assisted housing that should be at the top of the priority list, advocates should work to ensure that they are positioned to better compete. For example, if there is a great need for units with more than two bedrooms, advocates might promote a QAP policy offering bonus points for projects providing units with two or more bedrooms for at least 10% of all low income units. To facilitate rural projects, advocates might try to secure QAP policies that give points to projects with fewer than 50 units in rural areas.

Advocates can also argue for features that protect tenants, for example a QAP policy precluding tax credit assistance for projects that do not provide one-for-one replacement of units lost through redevelopment. Advocates should review the QAP to find out how long targeted units must serve people with lower incomes. If the QAP only requires the basic 15 years, plus the extended use period of another 15 years, advocates should try to get the compliance period lengthened as a threshold issue, or try to get point preferences or set-asides for projects that voluntarily agree to a longer compliance period.

All states are required to have a public hearing about their proposed QAP before it is approved by the unit of government overseeing the HFA, but there are no

specific requirements for the public hearing. Although not required, most states also provide for a public review and comment period for a proposed QAP.

Advocates should contact the HFA early to learn about its annual QAP process and build this into their work plan for the year. In addition, advocates should be sure to get on any notification list the HFA might have about the QAP and public hearing. Advocates should also develop relationships with the HFAs governing board and communicate the advocate's priorities throughout the year. Not all communication has to take place in the context of the formal QAP process. Informal contacts can be used effectively to advance an advocate's priorities. In fact, the most effective means of advocating for any particular priority is to be in contact with the HFA long before a draft QAP is publicly released.

Once an HFA decides to award tax credits to a building, it must notify the chief executive officer of the local jurisdiction where the building is located, such as the mayor or county executive. That official must have a reasonable opportunity to comment on the project. Advocates should ask the executive's office and any relevant housing department at the locality to notify them as soon as the HFA contacts the executive about a proposed project. Even better, advocates should seek a local policy requiring public notice and comment, along with public hearings, about a proposed project.

Before tax credits are allocated, there must be a comprehensive market study of the housing needs of low income people in the area a project is to serve. The project developer must hire a disinterested third party approved by the HFA to conduct the market study.

If a building that does not fit the QAP's priorities is to get tax credits, the HFA must provide a written explanation and make it available to the public.

Most states post a list of properties that have won tax credits after each round of competition. These lists can often be found on an HFAs website.

FOR MORE INFORMATION

National Low Income Housing Coalition, 202-662-1530, www.nlihc.org

List of state HFAs, http://www.novoco.com/low_income_housing/lihtc/information_state.php

State QAPs, http://www.novoco.com/low_income_housing/lihtc/qap_2016.php ■