



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
MULTIFAMILY DIRECT LOAN
2024-1 NOTICE OF FUNDING AVAILABILITY (NOFA)
ANNUAL NOFA

(1) Summary. The Texas Department of Housing and Community Affairs (the Department) announces the availability of \$20,154,797 of national Housing Trust Fund (NHTF)¹ funding for the development of affordable multifamily rental housing for low-income Texans. Applicants under the 2024-1 NOFA will be accepted from **January 8, 2024**, through **October 31, 2024** (if sufficient funds remain). Applicants applying for 2024 9% Housing Tax Credits are not eligible to apply under this NOFA until August 1, 2024.

Please note: the Department is in the process of updating its Consolidated One Year Action Plan with the United States Department of Housing and Urban Development (HUD). Approval of this Plan is necessary prior to the acceptance of Applications under this NOFA. If approval is delayed, the Department may revise the Application Acceptance Dates presented in this NOFA.

The availability and use of these funds are subject to the following rules, as applicable:

a. Texas Administrative Code

10 TAC Chapter 1 (Administration)

10 TAC Chapter 2 (Enforcement)

10 TAC Chapter 10 (Uniform Multifamily Rules)

10 TAC Chapter 11 (Qualified Allocation Plan)

10 TAC Chapter 12 (Multifamily Housing Revenue Bonds)

10 TAC Chapter 13 (Multifamily Direct Loan Rule)

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=3&ti=10&pt=1](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=10&pt=1)

¹ NHTF funds under this NOFA are subject to federal Commitment deadlines, and the Board may require a Contract Execution Deadline to enable the Department to meet these federal Commitments regardless of any other time period listed in the Texas Administrative Code. Failure to meet that Contract Execution Deadline could result in the Applicant having the award reduced in whole or in part.

b. Texas Government Code

Tex. Gov't. Code Chapter 2306

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2306.htm>

c. U.S. Department of Housing and Urban Development (HUD) Program Regulations

24 CFR Part 92 ([HOME Investment Partnerships Program Final Rule](#)) for purposes of Match Units.

24 CFR Part 93 ([Housing Trust Fund Interim Rule](#))

d. Fair Housing

Federal Fair Housing Act, 42 U.S.C. 3601-19.

<https://www.tdhca.state.tx.us/fair-housing/index.htm>

e. Other Federal laws and regulations may that apply depending on funding source:

Environmental Compliance

All federal sources must have some type of environmental review in accordance with 24 CFR Part 93 and 24 CFR Part 50 and 58 as applicable for transactions layered with another HUD funding source.

<https://www.tdhca.state.tx.us/program-services/environmental/index.htm>

Minimizing Resident Displacement

All federal sources must follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;; and must follow the HUD Handbook 1378.

<https://www.tdhca.state.tx.us/program-services/ura/index.htm>

Labor Standards

HOME funds are regulated by Davis-Bacon and Related Labor Acts (40 U.S.C. §3141-3144 and 3146-3148, 24 CFR §92.354, and HUD Handbook Federal Labor Standards Compliance in Housing and Community Development Programs).

<https://www.tdhca.state.tx.us/program-services/davis-bacon/index.htm>

Employment Opportunities

HOME, and NHTF require compliance with 24 CFR Part 75 (Section 3).

<https://www.tdhca.state.tx.us/program-services/hud-section-3/index.htm>

- (2) **Set-Asides.** NHTF funds will be subject to the Regional Allocation (located in Attachment A) from **January 8, 2024**, until **February 7, 2024**. Those who apply during the Regional Distribution period must request at a minimum \$3,670,634.

Applicants in the General Set-Aside that did not apply during the Regional Distribution period must request, at a minimum, \$4,000,000. An Applicant in the General set-aside may request no more than \$8,000,000.

Applications must choose a set-aside based on the restrictions set forth below. In addition to the RAF, the funds made available under this NOFA are offered under the following Set-Asides:

- a. **General Set-Aside.** This set-aside consists of NHTF in the amount of \$20,154,797. Applicants may only select NHTF funds and restrict rent and income for all Direct Loan-assisted units to 30% AMI as defined in 24 CFR Part 93. Other Participating Jurisdictions in Texas are listed in **Attachment B**.

Set-Aside	Eligible Activities and Geographic Scope	Fund Source and Amount Available		Maximum Request ²
General	NC, A/R, R	NHTF	\$20,154,797	\$8,000,000

Key:

NC – New Construction (For the General Set-Aside, New Construction includes Reconstruction, as defined in 24 CFR Part 93)

A/R – Acquisition/Rehabilitation

R – Rehabilitation

- (3) Application Acceptance Dates and Priorities.** Applicants may submit during one of several Application acceptance periods. Within those windows, applications will be reviewed in accordance with the listed priorities.

- a. **General Set-Aside Application Periods:** NHTF funding will be distributed in accordance with the following timelines. Each application period has certain conditions that must be met for staff to assign an Application Acceptance Date. Dates and relevant restrictions are listed below.

- i. **Regional Distribution:** NHTF funds will be subject to the Regional Distribution from January 8, 2024 to February 7, 2024, at 5:00 pm Austin Local Time. All eligible Applications submitted during this period will be given an Application Acceptance Date of February 7, 2024. The only eligible Applications during the Regional Distribution period are those that are concurrently applying for 4% Housing Tax Credits and that have not previously received awards of funding from the Department.

² This total includes any other Multifamily Direct Loan Funds previously awarded to the Applicant by the Department for the Development, including any outstanding loan balances that will remain after the Direct Loan closing.

- ii. **4% Non-RAF:** From February 8, 2024, to February 9, 2024 at 5:00 pm Austin Local Time. All eligible Applications submitted during this period will have an Application Acceptance Date of February 9, 2024. Eligible Applicants during this period are those that are concurrently applying for 4% Housing Tax Credits and that have not previously received awards of funding from the Department. The minimum request during this period is \$4,000,000.
 - iii. **First Lien:** From February 10, 2024 to February 11, 2024, at 5:00 pm Austin Local Time. All eligible Applications submitted during this period will have an Application Acceptance Date of February 11, 2024, conditional upon being listed as first lien during the permanent period on the Sources and Uses tab. Any application submitted with their funding request listed in another position will not be accepted as this time. The minimum request during this period is \$4,000,000.
 - iv. **Open Applications: Starting on February 12, 2024,** all eligible Applications will have an Application Acceptance Date on the business date of receipt ending at 5:00 pm Austin Local Time
- b. **Priorities:** Within each of the above Application acceptance periods, staff will determine application priority based upon three clearly delineated criteria. The order of reviews and eventual funding will first be based upon Priority 1. Staff will move on to Priorities 2 and 3 only if a tie occurs and each Application cannot be funded. During the Regional Distribution Application Acceptance Period, Priorities 2 and 3 will be used.
- i. **Priority 1:** Staff will first prioritize applications with the same Application Acceptance Date based upon the amount of NHTF funds requested. Staff will give priority to applications requesting larger amounts.
 - ii. **Priority 2:** If multiple applications with the same Application Acceptance Date cannot be funded, staff will review each in accordance with **10 TAC §11.7** and give precedence to the most competitive application as determined by the tie-breaker.
 - iii. **Priority 3:** If a tie persists, staff will fund the application that provides a higher match percentage of the Direct Loan funds requested.

(4) Loan Terms

- a. **Product: Construction-to-Permanent and Construction-Only Loans.** All Direct Loan Applications will be structured as construction-to-permanent

loans, construction-only loans, or a combination of both as necessary for financial feasibility. All products will reflect the interest rate listed in the table below. For construction-only loans, the principal amount of the Direct Loan due upon the end of the construction loan term.

b. Interest Rates. All loans will carry a minimum interest rate of 2%.

c. Loan Structure.

- i. Except for Applicants proposing a Federal Housing Administration (FHA) loan, funds must be requested as **Fully Amortizing Loans**. Loans will be structured in accordance with 10 TAC §13.8.
- ii. For Applicants proposing an FHA-insured senior loan subject to the MAP Guide, loan payments will be calculated using 75% of Surplus Cash, as defined by FHA.
- iii. For all loans, any portion of the loan not repaid will be due the earlier of the end of the Loan Term or upon sale, refinance, or transfer of the Property.

(5) Maximum Per-Unit Subsidy Limits and Maximum Rehabilitation Per-Unit Subsidy Limits.

The maximum per unit subsidy limits that an Applicant can use to determine the amount of Direct Loan funds they may request are listed in the 2023 Maximum Per-Unit Subsidy Limits table provided in this Section 5:

2023 Maximum Per Unit Subsidy Limits³		
Bedrooms	Non-elevator property	Elevator-served property
0 bedroom	\$170,777	\$179,722
1 bedroom	\$196,911	\$206,023
2 bedroom	\$237,481	\$250,530
3 bedroom	\$303,987	\$324,105
4 bedroom or more	\$338,652	\$355,765

2023 Maximum Per Unit Rehabilitation Subsidy Limits⁴
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³ If these limits are updated prior to expiration of this NOFA, the Department will provide notice via its website and revise the NOFA accordingly, and then will accept Applications based on the updated limits. Applications pending at the time of such revision will be given opportunity to revise their Application without impact to Application Acceptance Date. These limits are inclusive of any federal fund sources in the Development, as applicable.

⁴ If these limits are updated prior to expiration of this NOFA, the Department will provide notice via its website and revise the NOFA accordingly, and then will accept Applications based on the updated limits. Applications pending at the time of such revision will be given opportunity to revise their Application without impact to Application Acceptance Date. These limits are inclusive of any federal fund sources in the Development, as applicable.

Bedrooms	Non-elevator property	Elevator-served property
0 bedroom	\$56,922	\$61,488
1 bedroom	\$64,617	\$70,490
2 bedroom	\$78,107	\$85,717
3 bedroom	\$98,036	\$110,887
4 bedroom or more	\$110,779	\$121,723

Once the Applicant commits a number of Direct-Loan Units in the Application, the number may be raised or lowered only in the Department's sole discretion and provided that it would not have impacted the award of an application, to account for a change in Development costs or to account for other federal funding.

(6) Accommodations for Unique Circumstances

If the Department deems an Application to be better suited for another fund source in this NOFA or other Department multifamily NOFA, the Department will provide the Applicant a fourteen calendar day period (which may be extended another fourteen days for information required from third parties) to provide the supplemental information needed to evaluate the Application under that fund source without impact to the Application Acceptance Date.⁵

(7) Application Submission Requirements

- a. Application Acceptance Period.** Applications under this NOFA will be accepted starting at 8:00 a.m. Austin local time on January 8, 2024, through October 31, 2024 at 5:00 p.m. Austin local time (if sufficient funds remain). An Applicant may have only one active Application per Development at a time under this or any other Department NOFA, and may only have that Development apply under one Set-Aside at a time.
- b. Application Submission Materials.** All Application materials including manuals, NOFAs, program guidelines, and rules will be available on the Department's website at www.tdhca.state.tx.us. Applications will be required to adhere to the requirements in effect at the time of the Application submission including any requirements of federal rules that may apply and subsequent guidance provided by HUD.
- c. Application Forms.** An Application must be on forms provided by the Department, and cannot be altered or modified, and must be in final form before submitting it to the Department. An Applicant must submit the Application materials as detailed in the Multifamily Programs Procedures Manual (Manual) in effect at the time the Application is submitted. All scanned copies must be scanned in

⁵ However, the Applicant will not be given an Application Acceptance Date earlier than what could have been applied for under this NOFA or other Department NOFA or Invitation to Apply.

accordance with the guidance provided in the Manual in effect at the time the Application is submitted.

d. Match Submission Requirements.

i. All Applicants must provide Match in the amount of **at least 7.5%** of the Direct Loan funds requested. Except for Match in the form of the net present value of a below market interest rate loan or a property tax exemption under Sections 11.111, 11.18, 11.181, 11.182, 11.1825, or 11.1827 of Texas Property Tax Code, Match must be documented with a letter from the anticipated provider of Match indicating the provider's willingness and ability to make a financial commitment should the Development receive an award of Direct Loan funds.

ii. All Applicants will be required to provide HOME Match-Eligible Unit(s) in accordance with **10 TAC §13.2(7), 10 TAC §13.2(10), and §13.10(c)** and federal guidance at <https://www.hudexchange.info/resource/2676/notice-cpd-97-03-home-programmatch-guidance/>

e. Bond Reservation. All 4% HTC-layered applications must provide evidence of a Reservation with submission of the MFDL Application submission . If TDHCA is the bond issuer then the bond reservation must be issued within 30 days of the Application submission.

f. Environmental Clearance

i. For NHTF, if construction has started (except for necessary health and safety repairs) the Applicant must cease construction at application submission until environmental clearance is received, a period which could last 120 or more days; Applications will not be recommended for an award if they do not meet Department standards for environmental clearance.

ii. All documents must be submitted to the Department for Environmental Clearance no later than 90 days from the Application Acceptance Date.

g. Application Fee. An Applicant under the General Set-Aside who is not simultaneously applying for 4% Housing Tax Credits is required to remit a non-refundable Application fee payable to the Texas Department of Housing and Community Affairs in the amount of \$1,000.00 per Application, unless exempted as described at **10 TAC §11.901(3)(B)**. Payment must be in the form of a check, cashier's check or money order. Do not send cash. Tex. Gov't Code §2306.147(b) requires the Department to waive Application fees for private nonprofit organizations that offer expanded services such as child care, nutrition programs,

job training assistance, health services, or human services. These organizations must include proof of their exempt status and a description of their supportive services in lieu of the Application fee. The Application fee is not a reimbursable cost under the Multifamily Direct Loan Program.

- h. Application Transmittal Required Steps.** An Application must be uploaded to the Department's secure web transfer server in accordance with **10 TAC §11.201(1)(C)**, and separate email notification must be made to connor.jones@tdhca.state.tx.us

(8) Post Award Requirements. Applicants are strongly encouraged to review the applicable Post Award requirements in 10 TAC Chapter 10, Subchapter E, Post Award and Asset Page Management Requirements and 10 TAC Chapter 13, as well as the Compliance Monitoring requirements in 10 TAC Chapter 10, Subchapters F and G.

- a.** Awarded Applicants may, at the Department's discretion, be charged fees for underwriting, asset management, and ongoing monitoring.
- b.** An Applicant will be required to record a Land Use Restriction Agreement (LURA) limiting residents' income and rent for the greater amount of Units required by the Direct Loan Unit Calculation Tool along with any require HOME Match-eligible units, or as represented in the Application for the term of the LURA.
- c.** An Applicant must have a current Unique Entity Number (UEI) and be registered in the federal System for Award Management prior (SAM) prior to execution of a Direct Loan contract. The General Services Administration (GSA) has provided tools to assist registering entities entity and obtaining a UEI. Visit the SAM website at <https://sam.gov/content/entity-registration> to access a number of resources related to the UEI implementation. Once an Applicant has a UEI register with the SAM.
- d.** An Applicant may be required to meet additional requirements prior to contract, as determined by the Board, or federal or state requirements.
- e.** An awarded Applicant may be required to meet additional documentation requirements in order to draw funds, in accordance with its Previous Participation results.

(9) Miscellaneous

- a.** This NOFA does not include text of the various applicable regulatory provisions pertinent to the fund sources. For proper completion of the application, the

Department strongly encourages potential Applicants to review the State and Federal regulations.

- b.** Utility allowances must be for HUD-regulated buildings and approved by TDHCA prior to application (**10 TAC §10.614**).
- c.** All Applicants must comply with public notification requirements in **10 TAC §11.203**.
- d.** Waivers of any substantive or procedural provision of this NOFA, if available, will be treated in accordance with **10 TAC §13.1(c)**. **10 TAC §13.1(c)** may not be waived.
- e.** For questions regarding this NOFA, please contact Connor Jones, Multifamily Direct Loan Program Manager, at connor.jones@tdhca.state.tx.us.

Attachment A

NHTF Regional Distribution under the General Set-Aside

NHTF

Region	Region Distribution Amount
1, 12, 13	\$3,670,634
2, 3, 4	\$6,073,885
5, 6, 8	\$5,218,957
9, 7, 10, 11	\$5,191,318