

**NEW HAMPSHIRE HOUSING FINANCE AUTHORITY
TECHNICAL ASSISTANCE PROGRAM RULES
HFA 108**

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HFA 108**

HFA 108 PART ONE: Overview, Purpose, Applicability

HFA 108.01 Overview and Purpose

The purpose of the Technical Assistance Program is to provide pre-development funds to certain types of non-profit organizations to assist in their efforts to develop affordable housing in partnership with the Authority.

HFA 108.02 Applicability

- (a) These rules only apply to specific housing proposals that use Technical Assistance Program funds. General housing studies are not eligible.

- (b) The provisions of HFA 101 are incorporated into these HFA 108 rules.

HFA 108.03 Rulemaking

These Technical Assistance Program Rules are generally adopted pursuant to RSA 204-C:9 which empowers the Authority to adopt rules relative to the administration of Authority programs.

HFA 108 PART TWO: Definitions

HFA 108.04 Definitions

In addition to the terms defined in HFA 101, the following words or terms shall have the following meanings in these HFA 108 Rules:

“Applicant” means any entity that is seeking the Authority’s approval to participate in the Technical Assistance Program.

“Application” means the application form and all Authority required supporting documents.

“Development Consultant” means any individual, entity, or individual member of an entity that is contracted to assess the feasibility of a proposed project and in preparing pre-development materials for an eventual funding application for a proposed project.

“Grantee” means any Applicant that has been awarded a Technical Assistance Program loan by the Authority.

HFA 108 PART THREE: General Rules

HFA 108.05 Eligible Applicants

The following are the types of affordable housing producers eligible to apply for assistance under the Technical Assistance Program:

- (1) 501(c)(3) non-profit corporations or entities in the process of applying for such status from the Internal Revenue Service;
- (2) CHDOs; and
- (3) Public housing authorities.

HFA 108.06 Sources of Technical Assistance

- (a) Technical Assistance Program funds are only available when the Authority has allocated funds to the Technical Assistance Program.
- (b) The Authority may use various sources of funds for the Technical Assistance Program, which may affect the eligibility requirements and other loan terms, depending on the source. Whenever there is a conflict between these rules and the rules for a specific funding source, the stricter requirement, as determined by the Authority, shall apply.

HFA 108.07 Technical Assistance Amounts Available

- (a) The amount of Technical Assistance Program funds available shall be determined as part of the Authority's regular program planning process.
- (b) The amount of Technical Assistance Program funds awarded shall not exceed \$45,000 per project.
- (c) No interest shall be charged on Technical Assistance Program funds.

HFA 108.08 Application and Approval

- (a) All Applications shall be submitted on the Technical Assistance Program application form provided by the Authority along with all required attachments. Applications will be accepted on a continuous basis, while funds are available.
- (b) The Authority's Multi-Family Committee is authorized to approve the release of Technical Assistance Program funds and to waive any requirements of these rules as necessary to ensure appropriate implementation of this program.
- (c) Technical Assistance Program funds are expected to be spent or committed within 240 days of the notice of approval. The Authority will require monthly reports to ensure that this timeline is met. Unless a written extension is granted by the Authority, any uncommitted balance shall be recaptured.

- (d) Applicants who do not intend to apply for Authority permanent financing will not be eligible for Technical Assistance Program funds until the Applicant demonstrates that it has a firm commitment from a permanent funding source.

HFA 108.09 Feasibility and Capacity

- (a) In evaluating a request, the Authority shall make a preliminary determination of the appropriateness of the proposed project and of the likelihood that the project will proceed to the financing stage. Consideration shall also be given to the capacity of the Applicant to complete the proposed project.
- (b) The Authority reserves the right to reject any request for Technical Assistance Program funds that, in the Authority's sole discretion, does not meet the conditions of HFA 108.

HFA 108.10 Use of Technical Assistance Proceeds

- (a) Technical Assistance Program funds are only available for costs incurred after the Application is received by the Authority.
- (b) Eligible uses of Technical Assistance Program funds include:
 - (1) Architectural and engineering fees;
 - (2) Costs of evaluating building systems and structures;
 - (3) Costs of preparing plans, specifications, and cost estimates;
 - (4) Environmental studies, market studies, and appraisals;
 - (5) Legal expenses related to acquisition and approvals;
 - (6) Costs of a contracted development consultant with the following condition; development consultants cannot receive more than 33% of the total Technical Assistance loan amount.
 - (7) Other activities as approved by the Authority related to the pre-development of a housing project.
- (c) All services must be undertaken by qualified independent contractors. The Authority, in its sole discretion will determine whether an independent contractor is qualified.

HFA 108.11 Scope of Work, Payment Terms and Cost Reasonableness

- (a) A detailed scope of work and cost estimates for each activity for which Technical Assistance Program funds have been requested must be included with the Application.
- (b) Applicants shall obtain bids for service for any proposed activity for which Technical Assistance Program funds have been requested pursuant to the Authority's procurement standards. This requirement may be waived by the Authority in its sole discretion.
- (c) All costs shall be evaluated for reasonableness by the Authority. The Authority may refuse to make payment for services that the Authority, in its sole discretion, deems not to be reasonable.

- (d) Payment for eligible activities shall be made directly by the Authority to the independent contractor based on invoices. All invoices can only be submitted to the Authority directly from the Grantee. In situations where the Authority deems it more practical, the Authority may elect to reimburse the Grantee for payments to the independent contractor based on documented eligible expenses incurred. Invoices must detail the person or entity performing the work; explanation of the work performed; date services were rendered; and the cost of the services.

HFA 108.12 Technical Assistance Repayment

- (a) For projects that proceed to financing, the Technical Assistance funds expended shall be repaid at construction loan closing or at permanent loan closing if there is no construction loan. In instances where the project does not require any additional Authority funding sources, the Applicant must repay the Authority for all expended Technical Assistance Program funds upon close of the project with other funding sources and if it is not repaid, the Applicant will be barred from future Program funding.
- (b) For projects that do not proceed to financing, the Authority may forgive repayment of Technical Assistance Program funds if, at the Authority's sole discretion, the project was not implemented because of infeasibility beyond the control of the Grantee. A request to forgive repayment must be submitted in writing with a detailed explanation of why the project cannot move forward.

HFA 108.13 Frequency of Application

- (a) No Grantee may have more than two Technical Assistance Program awards outstanding at any one time.
- (b) A Grantee that has a project determined infeasible is ineligible to apply for other Technical Assistance Program funding for 12 months from the date of that determination. However, if the Authority receives full repayment of the outstanding balance then the Grantee may reapply.
- (c) A development consultant who has received compensation from the Technical Assistance Program on two projects deemed infeasible within a 24-month period cannot receive payment from the Technical Assistance Program for 12 months from the date of the most recent project infeasibility determination.