

**Section 811 Project Rental Assistance (“PRA”) Program Supplement Packet**

**Introduction**

The purpose of this Packet is to formalize the process by which an Applicant establishes its lack of legal authority to commit Section 811 PRA Program Units in a Development as described pursuant to 10 TAC §11.9(c)(6)(A) of the Qualified Allocation Plan (“QAP”).

**This Packet is required only if all of the following conditions are true:**

 1) An Applicant is selecting points under Tenant Populations with Special Housing Needs pursuant to 10 TAC §11.9(c)(6) AND

 2) An Applicant is seeking to establish its lack of legal authority where an Applicant or Affiliate Owns or Controls an Existing Development that otherwise meets the criteria established by 10 TAC §11.9(c)(6)(B) of the QAP.

One Packet must be submitted for each Existing Development for which the Applicant or Affiliate is seeking a determination that the needed legal authority is lacking and that the Development can be excluded from consideration.

Instructions: Complete the Questionnaire on page 2 of this packet, then complete the fields on each of the subsequent form cover pages, and attach the denoted documentation for each item behind each included cover pages. Submit each Packet, including Attachments in PDF format and include bookmarks for each item. The Packet must be saved and uploaded as one standalone file to the Serv-U folder associated with each 2019 Multifamily Application.

This Packet and all supporting documentation must be uploaded to the Department’s Serv-U system at the same time as, but as a separate document from, the Application. Refer to the Multifamily Programs Procedures Manual posted at [http://www.tdhca.state.tx.us/multifamily/apply forfunds.htm](http://www.tdhca.state.tx.us/multifamily/apply%20forfunds.htm) for an explanation of the process to set-up a Serv-U Account if needed.

Questions about this Packet may be submitted to Spencer Duran: spencer.duran@tdhca.state.tx.us**Section 811 Project Rental Assistance (“PRA”) Program Supplement Packet**

**Questionnaire**

2019 Uniform Multifamily Application #

**1) Selecting Points under 10 TAC §11.9(c)(6)?**

[ ]  No – STOP. PACKET SUBMISSION NOT NEEDED

[ ]  Yes – CONTINUE TO QUESTION 2

**2) To obtain Points under 10 TAC §11.9(c)(6), Applicants must first attempt to meet the requirements in §11.9(c)(6)(B).**

**Does the Applicant Own or Control and Existing Development that appears on the List of Qualified Existing Developments?**

[ ]  No – STOP. PACKET SUBMISSION NOT NEEDED

[ ]  Yes – CONTINUE TO QUESTION 3

**3) Is the Applicant seeking to establish its lack of legal authority where an Applicant Owns or Controls an Existing Development that appears on the List of Qualified Existing Developments?**

[ ]  No - STOP. PACKET SUBMISSION NOT NEEDED

[ ]  Yes – CONTINUE TO QUESTION 4

**4) Can the Applicant provide all three of the following items listed under §11.9(c)(6)(A)(i)-(iii)?**

[ ]  No - STOP. PACKET SUBMISSION NOT NEEDED

[ ]  Yes – CONTINUE TO COVER PAGES

(i) Evidence that a Third Party has a legal right to withhold approval for a Property to commit voluntarily to the Section 811 PRA Program. The specific legally enforceable agreement or other instrument that gives the Third Party, such as a lender, the unambiguous legal right to withhold consent must be provided (**Examples: Limited Partnership Agreement or Loan Agreement**);

(ii) Documentation that the Third Party, such as a lender, that has the legal right to withhold a required consent was asked to give their consent (**Example: Letter from the Applicant or an Affiliate requesting that the above Third Party give permission that if the 2019 Application is awarded, the Existing Development can be committed to the Section811 PRA Program**); AND

(iii) Documentation that the Third Party possessing the legal right to withhold a required consent has provided notice of their decision not to provide a required consent (**Example: Letter from the Third Party identified in (ii) that they are denying an Existing Development from participation**).

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**Legal Right to Withhold Cover Page §11.9(c)(6)(A)(i)**

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Existing Development Name

(i) Evidence that a Third Party has a legal right to withhold approval for a Property to commit voluntarily to the Section 811 PRA Program. The specific legally enforceable agreement or other instrument that gives the Third Party, such as a lender, the unambiguous legal right to withhold consent must be provided (**Examples: Limited Partnership Agreement or Loan Agreement**)

Describe the specific legally enforceable agreement being attached:

Provide the name of the Third Party:

List the specific citation in the agreement that clearly denotes the Third Party has a legal right to withhold consent:

List the page number in the agreement that clearly denotes the Third Party has a legal right to withhold consent:

**ATTACH PDF OF THE LEGALLY ENFORCEABLE AGREEMENT BEHIND THIS PAGE.Section 811 Project Rental Assistance (“PRA”) Program Supplement Packet**

**Documentation of Request for Consent Cover Page §11.9(c)(6)(A)(ii)**

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Existing Development Name

ii) Documentation that the Third Party, such as a lender, that has the legal right to withhold a required consent was asked to give their consent (**Example: Letter from the Applicant or an** **Affiliate requesting that the above Third Party give permission that if the 2019 Application is** **awarded, the Existing Development can be committed to the Section811 PRA Program**)

Describe and attach the request made by the Applicant or Affiliate to the Third Party asking for consent:

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**ATTACH PDF OF THE REQUEST FROM THE APPLICANT OR AFFILIATE TO THE THIRD PARTY BEHIND THIS PAGE. Section 811 Project Rental Assistance (“PRA”) Program Supplement Packet**

**Documentation of Request for Consent Cover Page §11.9(c)(6)(A)(iii)**

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Existing Development Name:

iii) Documentation that the Third Party possessing the legal right to withhold a required consent

has provided notice of their decision not to provide a required consent (**Example: Letter from the**

**Third Party that they are denying an Existing Development from participation**).

Describe and attach the response from the Third Party that was received by the Applicant or Owner that reflects their decision not to provide the requested consent:

**ATTACH PDF OF THE RESPONSE FROM THE THIRD PARTY THAT REFLECTS THEIR DECISION**

**TO DENY THE REQUESTED CONSENT BEHIND THIS PAGE.**