2027-2028
Low Income Housing Tax Credit

Qualified Allocation Plan

mainehousing.org | 207-626-4600

CHAPTER 16 LOW-INCOME HOUSING TAX CREDIT RULE

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99-346 MAINE STATE HOUSING AUTHORITY

Chapter 16: LOW-INCOME HOUSING TAX CREDIT RULE

SECTION 1: INTRODUCTION

The federal Low-Income Housing Tax Credit (LIHTC) was created by the Tax Reform Act of 1986 to encourage private capital investment in the development of affordable rental housing. It is governed by Section 42 of the Internal Revenue Code of 1986, as amended, and associated regulations. As the designated housing credit agency for the State of Maine, MaineHousing is required by Section 42 of the Code and 30-A MRS §§4741(1) and (14) to adopt a Qualified Allocation Plan (QAP) for allocating and administering LIHTC; this rule is the State's QAP.

This rule repeals and replaces in its entirety the prior Chapter 16, *Low Income Housing Tax Credit Rule*, except that the allocation provisions continue to apply to projects that were awarded LIHTC under a prior rule, or a program subject to a prior rule.

Capitalized terms used in this rule are defined in **Appendix A**, unless the context otherwise indicates, or if not defined therein, have the same meaning as set forth in Section 42 of the Code.

Statement Regarding Cost Control

MaineHousing and its development partners have worked diligently to contain costs while improving the quality of construction and ultimately the livelihoods of Maine people who live in properties funded by LIHTC. The controls on per unit costs and available developer fees are a direct result of this partnership and commitment to controlling costs.

SECTION 2: HOUSING NEEDS AND PRIORITIES

MaineHousing and the Department of Economic and Community Development annually complete a statewide needs assessment as part of the Consolidated Housing and Community Development Plan. *Maine Consolidated Plan (2025-2029)* establishes the following housing priorities:

A. expand affordable housing opportunities;

B. improve and preserve the quality of housing; and

C. help Maine people attain housing stability.

SECTION 3: SET-ASIDES AND MAXIMUM CREDIT AMOUNT

A. Nonprofit Set-Aside. MaineHousing will set aside at least ten percent (10%) of the annual State Ceiling for Projects in which a Qualified Nonprofit Organization owns an interest and

materially participates in the development and operation throughout the Compliance Period in accordance with Section 42(h)(5)(B) of the Code. An Applicant will qualify if it is owned by either a Qualified Nonprofit Organization, or a business corporation which is 100% owned by one or more Qualified Nonprofit Organization(s), and (in accordance with Section 42(h)(5)(C) of the Code) it is the general partner or manager/managing member and controls the Project's development and day-to-day operation.

B. Preservation Set-Aside. MaineHousing will set aside up to $750,000 of the annual State Ceiling for the preservation and rehabilitation of one existing multifamily rental housing project if the scope of rehabilitation meets the minimum requirements set forth in Section 5.C.2. and one of the following:

1. at least 25% of its units, or those in a Related Development, are assisted under a Rural Development program; or

2. at least 25% of its units will be converted to Section 8 under HUD's Rental Assistance Demonstration (RAD) Program, Section 18 Demolition/Disposition Program or other HUD conversion programs.

Demolition and reconstruction on an existing housing site will be treated as new construction and is not eligible for this set-aside.

C. Maximum Credit Amount. The maximum amount of Credit that will be allocated for each Project is the least of (i) $30,000 per Credit Unit, (ii) $1,200,000, and (iii) the amount MaineHousing determines is necessary to ensure the Project's financial feasibility and long-term viability.

SECTION 4: ALLOCATION PROCESS

A. Pre-Application Submission. Each Project must undergo a mandatory Pre-Application review by MaineHousing to assess its feasibility, suitability for housing, and eligibility for Credit. Applicants must submit the information and documents set forth in **Appendix B** with the pre-application fee specified in Section 4.C. to MaineHousing by Wednesday, July 2, 2026 for the 2027 round and by Thursday, July 1, 2027 for the 2028 round. An Applicant will not be eligible for Credit if

1. it fails to provide a complete Pre-Application submission in accordance with this subsection, or

2. there is any material change in the Project between the Pre-Application submission and the Application unless required by MaineHousing.

B. Application. Applications are subject to the following limitations, conditions and requirements:

1. Existing Housing.

   a) Acquisition and Rehabilitation Projects. Projects that involve the acquisition and rehabilitation of Affordable Housing must include the addition of at least 20 new units, or meet the requirements of the Preservation Set-Aside in Section 3.B.

   b) Demolition of Existing Housing. Demolition of existing housing that has not been condemned or declared blight by a municipality is not eligible unless approved by MaineHousing.

2. Deadline. The deadlines for submitting Applications are Thursday, September 17, 2026 for the 2027 State Ceiling and Thursday, September 16, 2027 for the 2028 State Ceiling.

3. Format. The Application must be completed and submitted electronically in the form and manner prescribed by MaineHousing. Submitted exhibits must include documentation such as grant award letters, signed documentation on letterhead or evidence of official municipal action to provide evidence of all funding sources and official approvals. MaineHousing may require the Applicant to submit additional information.

C. Fees. Applicants must pay the following fees when due. All fees are non-refundable.

Type of Fee	**Amount**	**Due Date**
Pre-application Fee	$2,000	By Pre-application deadline in Section 4.A.
Application Fee	$2,500	Postmarked for delivery by Application deadline in Section 4.B.2
Allocation Fee	7.5% of Credit	Earlier of Carryover Allocation (Section 8.B.) or Final Allocation (Section 8.A.)
Monitoring Fee*	$1,100 per Credit Unit	Final Allocation (Section 8.A.)

*MaineHousing may charge an additional monitoring fee to cover any increased costs due to income averaging or other extraordinary monitoring requirements during the Compliance Period.

D. Ineligible Applicants. An Application will be deemed ineligible if one or more of the following has occurred:

1. The Applicant, any Principal thereof, or Affiliates of either

   a) has an uncorrected IRS Form 8823 in connection with any LIHTC Project to the extent it is correctable unless previously waived by MaineHousing;

   b) has been declared in default or has been 60 calendar days or more delinquent on any loan with MaineHousing, unless the default or delinquency has been cured or there

is an approved payment or workout plan in good standing prior to the Application deadline;

c) has ever been the owner of any project in which MaineHousing has foreclosed a mortgage interest or received a deed-in-lieu of foreclosure of a mortgage interest unless previously waived by MaineHousing;

d) is presently debarred, suspended, proposed for debarment, or excluded from participation in any federal or state programs;

e) has sought to achieve early termination of an Extended Use Agreement through the written request to a housing credit agency to present a Qualified Contract;

f) has in the last 10 years either commenced or had commenced against it any proceeding in or for bankruptcy, receivership, reorganization or any other arrangement for relief from creditors commenced against it that affected a MaineHousing-funded project that was not dismissed within 90 calendar days; or

2. The tax credit syndicator, investor, or Affiliates of either

a) transferred its interest in any LIHTC Project after March 25, 2014 in violation of the Ownership Transfer Rule;

b) failed to make any required capital contributions with respect to any LIHTC Project, and has not corrected such actions prior to the Application deadline;

c) has sought to achieve early termination of an Extended Use Agreement through the written request to a housing credit agency to present a Qualified Contract; or

d) has sought to undermine the exercise of a right of first refusal or purchase option with respect to any LIHTC Project by: (i) refusing to honor a right of first refusal or purchase option; or (ii) involvement in a lawsuit challenging the exercise of a right of first refusal or purchase option.

MaineHousing may reject the Application if it determines the deficiencies are not addressed. MaineHousing may also require financial statements from the Applicant, Principal thereof, or Affiliates of either.

E. Notice to Local Jurisdiction. Upon receipt of an Application, MaineHousing will notify the Chief Executive Officer of the municipality with jurisdiction over the location of the proposed Project. The notice will provide for a 15-day comment period. MaineHousing will consider any comments received.

F. Selection Process. Applications for the State Ceiling with the highest scores will be awarded Credit until the applicable State Ceiling is fully awarded.

1. All Applications that meet the threshold requirements in Section 5 will be scored. Applicants must submit a self-score as part of the Application, which will be reviewed by MaineHousing as part of the selection process. Any differences in MaineHousing's scoring from the Applicants' self-score will be explained by MaineHousing. Applicants will be afforded five (5) business days to review MaineHousing's scoring determination and dispute the score if there is a disagreement. Disputes may only be based on evidence submitted with the original Application. Additional information or documentation will not be accepted or considered.

2. The preservation set-aside is limited to one Project. If the set-aside is not sufficient to complete the Project proposed in the highest scoring eligible Application, MaineHousing may allocate additional Credit, allocate the Credit under the set-aside to the next highest-scoring eligible Application that does not need more than the set aside, or not allocate any Credit under the preservation set-aside. All Applications that participate in the preservation set-aside and do not win will be placed on a waiting list.

3. The highest scoring Qualified Nonprofit Organization will be the winner of the nonprofit set-aside regardless of its ranking among other Applicants. If the set-aside is not fully awarded to the highest scoring eligible Applicant, MaineHousing may allocate additional Credit to the next highest scoring eligible Applicant for the set-aside, not fully allocate Credit under the set-aside, or require an Applicant that has not indicated that it is participating in the set-aside to participate in the set-aside. MaineHousing may, if necessary, require the Applicant to change its ownership structure. All Applications that participate in the nonprofit set-aside and do not win will be scored with the other Applications.

4. If an individual or entity owns a direct or indirect interest in more than one Applicant, MaineHousing will not award more than 50% of the total projects awarded in any one annual State Ceiling round to Applicants associated with that individual or entity unless there are no additional Applicants under consideration.

5. Except as set forth above, MaineHousing will make awards in score order to select threshold-eligible Applications. If the last Application selected for an award of Credit needs more Credit than remains under the applicable State Ceiling, MaineHousing may elect to either (a) not award the remaining Credit to any Application, or (b) award additional Credit under the next annual State Ceiling to the Application. All threshold-eligible Applications that are not selected will be placed on a waiting list. Any Credit that is returned or is otherwise unused will be made available to waiting list Applications using this process.

G. Notice of Award. After scoring is completed and the five-business day Applicant review period expires, MaineHousing will notify the winning Applicants. Within approximately one week of notification, the winning Applicants will receive a Notice of Award and an assignment of MaineHousing staff.

H. Credit Allocation. Upon receipt of the fully executed Notice of Award, MaineHousing will evaluate the Application pursuant to Section 7 to determine the amount of Credit, if any, to be allocated.

I. Termination of Application or Notice of Award. MaineHousing will deem an Application withdrawn and any Notice of Award cancelled if one or more of the following occur without MaineHousing's written approval after the Application is submitted:

1. The Application or the Notice of Award is assigned or the Applicant or any Principal thereof changes;

2. The location of the Project changes from the location identified in the Application;

3. There is any change which would result in a net reduction (loss of points) in the Application's score;

4. There is a change in the Project's design or financing from what was in the Application which results in a substantial increase in the amount of Credit or other MaineHousing funding required;

5. The Project's TDC Index exceeds the TDC Index Cap;

6. Failure to meet the threshold requirements in Section 5;

7. Any event in Section 4.D. occurs and is not cured within any applicable cure period;

8. The Project is determined to be infeasible by MaineHousing, meaning the Applicant has not demonstrated the financial ability to develop and complete the Project and operate it through the Compliance Period; or

9. There is any other material or substantive amendment or change to the Application.

SECTION 5: THRESHOLD REQUIREMENTS

Applications must meet the following threshold requirements to be eligible for Credit:

A. Affordability.

1. The Project will comply with Section 42 of the Code and this QAP for a minimum period of 45 years to maintain the Project as residential rental housing, keep at least 60% of the total Credit Units in a Project occupied by persons with 50% area median income and keep the Credit Units in the Project rent-restricted in accordance with Section 42 of the Code.

2. The Applicant waives the right to request MaineHousing to present a Qualified Contract under Section 42(h)(6) of the Code.

3. The Applicant must submit a letter of intent from an investor (and, in the event of any change in investor, the replacement investor) in which the investor agrees to the granting of an option to purchase: (i) the Project; and (ii) the partnership interest of the limited partner(s) or membership interest of the non-managing member(s) of the Project owner ("Purchase Options"), to one or more of the general partner, managing member, developer or sponsor on terms that at a minimum satisfy the threshold requirements set forth in **Appendix E**. The investor must also agree in the letter of intent that the Purchase Options complying at a minimum with the threshold requirements in **Appendix E** will be included in the Project owner's limited partnership agreement or limited liability company operating agreement.

4. If the Applicant, general partner, managing member, developer, or sponsor of the Project is a Qualified Nonprofit Organization, the Applicant must submit a letter of intent from an investor (and, in the event of any change in investor, the replacement investor) in which the investor agrees to the granting of a right of first refusal ("ROFR") to the Qualified Nonprofit Organization on terms that at a minimum satisfy the threshold requirements set forth in **Appendix E**. The investor must also agree in the letter of intent that the ROFR complying at a minimum with the threshold requirements in **Appendix E** will be included in the Project owner's limited partnership agreement or limited liability company operating agreement.

B. Total Development Cost (TDC). Cost reasonableness will be evaluated using an index, which is the weighted average of the TDC per unit and the TDC per bedroom. For mixed-use projects, the TDC for only the residential portion of the project, including common areas, will be used for this calculation. The weighted average will be calculated as follows:

([2 X TDC/unit] + [TDC/bedroom]) divided by 3.

The product of this calculation will be referred to throughout this document as the "TDC Index". An Application will be rejected if the TDC Index exceeds the TDC Index Cap below for a project of its type at any time prior to the later of the construction loan closing or carryover allocation.

Type of Project	**2027 TDC Index Cap**	**2028 TDC Index Cap**
Adaptive Reuse	$414,750 per unit	**
New construction	$388,500 per unit	**
Acquisition and rehabilitation of existing housing	$357,000 per unit	**

**For 2028, MaineHousing will review the Consumer Price Index for New England and adjust the TDC Index Caps accordingly to reflect market adjustments.

Demolition and reconstruction of all housing on the same site or another site will be treated as new construction. If a Project involves more than one project type, the TDC Index Cap for the Project is the average of the TDC Index Caps allocable to each type, weighted by the number of units of each type.

C. Acquisition and Rehabilitation of Existing Housing. Projects that involve the acquisition and rehabilitation of existing multifamily housing are subject to the following:

1. Capital Needs Assessment. The Application must include a capital needs assessment satisfying the requirements set forth in **Appendix C**.

2. Minimum Rehabilitation Requirements. The Rehabilitation Costs per unit of existing housing must be at least $75,000.

3. Relocation/Displacement. The Project must comply with MaineHousing's *Temporary Relocation and Permanent Displacement Policies* and, if the Project is federally-assisted, all applicable federal requirements, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Applicant must take reasonable steps to minimize the displacement of existing tenants of the Project. The Application must identify any tenants who will be permanently displaced and the reason for the displacement. The Project's TDC must include all costs associated with permanent and temporary displacement or relocation. MaineHousing will not allocate Credit until it has approved a project's relocation plan.

D. Development and Management Experience and Capacity. Applicant teams must have sufficient knowledge, experience and capacity to adequately design, develop, complete, maintain, manage, and operate LIHTC Projects and provide related services, such as accounting, tax and legal advice, and resident service coordination. If the Project will involve multiple subsidy sources in addition to LIHTC, which results in overlapping targeting and rental restrictions, the Applicant team must have sufficient knowledge, experience and capacity to handle the increased complexity. If MaineHousing determines the Applicant's team lacks sufficient qualifications, the team may be required to

1. hire a qualified consultant,

2. hire additional qualified staff, or

3. replace a team member.

E. Site Control. The Applicant must have site control of the Project throughout the Application process in the form of an option, a purchase and sale contract, ownership, or long-term lease. The Applicant, its agents, and MaineHousing must have access to the Project site, and if the Project is an existing occupied property, access to records and other information about the existing tenants, including current rent and income information.

F. Growth Management Limitations. A Project that involves the new construction or acquisition of newly-constructed residential rental property or the conversion of existing buildings to residential rental property must comply with the State's Growth Management Law, 5 M.R.S. §3234, as amended. Projects must meet one of the following two sets of criteria to be eligible for a Credit allocation:

1. If the municipality in which the Project is located has adopted a comprehensive plan or growth management plan that is consistent with applicable State law, then the Project must be in a designated growth area as identified in such plan; or

2. Otherwise the Project must be located in an area

   a) served by a public sewer system with existing capacity for the Project,

   b) identified as a census-designated place in the latest Federal Decennial Census, or

   c) in an urban municipality and defined under 23 M.R.S. §754 as compact.

The law exempts projects that exclusively serve certain populations, such as persons with disabilities, who are homeless, or are wards of the State.

G. Project Feasibility. The Applicant must have the financial ability to develop and complete the Project and to operate it throughout the Compliance Period.

1. Development Budget. The Applicant must identify all

   a) sources of funding for development and completion, whether direct or indirect, including the amount, timing, terms, conditions, and status (e.g. "applied for" or "committed") as of the date of the Application and uses of the funding based on the projected costs of and schedule for developing and completing the Project; and

   b) sources and uses of funding for the Project, whether direct or indirect and whether they are included in the development budget for the Project.

2. Operating Budget. The Applicant must identify all

   a) sources of income, including rent from the residential units, any income from commercial or non-residential space, and the amount, terms and conditions of rental or operating assistance; and

   b) costs of operating the Project as projected over the Compliance Period. The Applicant also must identify all forms of property tax relief (such as a PILOT, tax abatement or exemption, or Tax Increment Financing) and other assistance that reduces operating costs.

3. Related Development. Any Related Development must be completed prior to or concurrently with the completion of the Project, and there must be sufficient funding to operate the Related Development.

If MaineHousing determines that the Application includes information that is inconsistent with applicable requirements or is unreasonable based on comparable LIHTC projects, industry standards, or market conditions, MaineHousing may where it deems appropriate re-characterize such information to assess Project Feasibility notwithstanding the identified issue with the information provided.

H. Phased Projects. Applicants may not submit an Application for more than one phase of a multi-phase Project in an Application round. If a single phase of a multi-phase project is awarded Credit, it must comply with the timeline in the Notice of Award and cannot be delayed to align with a potential award of a future phase. If a delay occurs that is beyond the Applicant's control, MaineHousing, in its sole discretion, may authorize a modification to the Notice of Award to allow for an extension of the Project timeline.

I. Project Design and Construction Requirements. The design and construction or rehabilitation of the Project must comply with MaineHousing's Construction Standards and all applicable local, state and federal codes, regulations, statutes and ordinances. The latest version of Construction Services' *Quality Standards and Procedures Manual* can be found here: https://www.mainehousing.org/programs-services/housing-development/construction-services

When applicable, Projects must also comply with:

1. The Build America, Buy America Act (BABA), enacted as part of the Infrastructure Investment and Jobs Act, Infrastructure Investment and Jobs Act, Pub. L. 117-58 and 2 CFR 184. BABA established a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects after May 14, 2022. The domestic content procurement preference requires that all iron, steel, manufactured products, and construction materials used in covered infrastructure projects are produced in the United States. This requirement is known as the "Buy America Preference" (BAP).

   BABA FAQs
   https://www.hudexchange.info/baba/faqs/?utm_source=HUD+Exchange+Mailing+List&utm_campaign=87c88d5f1e-BABA-FAQs-Now-Available-3.4.24&utm_medium=email&utm_term=0_-87c88d5f1e-%5BLIST_EMAIL_ID%5D

2. Section 3 of the Housing and Development Act of 1968 (12 U.S.C § 1701u) and its associated regulations (24 C.F.R. Part 75). The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide training, employment, contracting and other economic opportunities to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons.

Please refer to the *Section 3 Contractor, Subcontractor and Subrecipient Package* on our website: https://mainehousing.org/docs/default-source/development/construction-services/other-documents/section-3-contractor-subcontractor-subrecipient-package.pdf?sfvrsn=26f28615_5

J. Project Amenities. The Project must have the following amenities and services:

1. Community Room. The Project must include an on-site community room with sufficient capacity to serve tenants' needs. For a scattered-site Project, only one community room is required and should be centrally located to the greatest extent possible to best serve all tenants.

2. Laundry Facilities. The Project must include either a washer/dryer hook-up in each unit or a fully accessible, centrally located laundry facility with sufficient capacity to serve all tenants.

3. Broadband Access. The Project must include broadband infrastructure with capacity sufficient to support the provision of Telehealth services.

   Broadband infrastructure includes cables, fiber optics, CAT5e (or greater) interior wiring, or other permanent (integral to the structure) infrastructure, including wireless infrastructure, as long as the installation results in broadband infrastructure in each dwelling unit sufficient for the build-to standard of The Maine Connectivity Authority.

   Healthcare service providers and the tenants receiving care may not be charged for the use of the internet or wireless and telephone services provided for telemedicine services.

4. Shared Facilities. An amenity will meet the requirements if the amenity:

   a) is fully accessible and located on an accessible path to the Project;
   b) is within an existing multifamily housing project adjacent to the subject site,

   c) has sufficient capacity to serve both the Project's tenants and the existing project,

   d) will be available to the Project's tenants during the Compliance Period on the same terms as the residents of the existing multifamily project, and
   e) will not charge the tenants to use the shared amenity other than a reasonable fee that does not exceed the amount charged to any others for the same use.

5. Recreational Activities. An area(s) of recreational activity must be located on the Project site or within a ½ mile. The area(s) and activities must be free of charge to the tenants and not require membership. Projects with single-family detached style units satisfy this requirement if each unit has a private lawn with sufficient room for playground equipment, gardening or other activities acceptable to MaineHousing.

6. Exceptions. The requirements of this subsection do not apply to existing multifamily housing projects if the Applicant cannot comply with the requirements because of the nature of the site, structural limitations, zoning restrictions or other land use limitations.

K. Resident Service Coordination. The Applicant must make a resident service coordinator available twice weekly to the tenants on-site a minimum of one (1) hour per week for every five (5) Credit Units. The coordinator shall meet with tenants in a private and confidential manner to evaluate individual needs and make appropriate referrals. The services provided must be free of charge to the tenants. The Applicant must maintain adequate funding throughout the Compliance Period.

L. Smoke-free Housing. The Applicant must

1. implement a written occupancy policy prohibiting smoking in the units and common areas,

2. include a non-smoking clause in the lease for every household, and

3. make educational materials on tobacco treatment programs (including the phone number for the statewide Maine Tobacco HelpLine) available to all tenants through the resident service coordinator.

M. Waiting List Preference. The Applicant must give an occupancy preference to eligible persons whose names are on a public housing or Section 8 waiting list, except for Projects: (i) financed by Rural Development, or (ii) with Section 8 Project-Based Rental Assistance (preference will apply to any Credit Unit without project-based rental assistance).

SECTION 6: SCORING CRITERIA

The Applicant must complete all information and submit all documentation required to be eligible for points.

Project Characteristics

A. Rehabilitation or Reuse of Existing Housing, Structure or Site**.** **Up to 4 Points**

The Project site exhibits one or more of the following characteristics (2 points for each that applies, up to 4 points total):

1. Rehabilitation of existing rental housing containing 5 or more units without permanently displacing any existing tenants or increasing their housing costs (including rent and all other charges paid by the tenant) by more than 10%;

2. Rehabilitation, remediation, or reuse of an existing building or structure that has a current use other than multifamily rental housing;

3. One or more buildings or structures used for purposes other than single family residential housing or agriculture purposes, have been or will be demolished or removed for purposes of redeveloping the site;

4. Lots left vacant or nearly vacant in the development of a downtown or other city or town center, such as vacant lots or parking lots abutting commercial buildings and/or multifamily rental housing. Vacant lots in single-family residential areas are not eligible for points under this subsection. Undeveloped portions of existing sites are not eligible for points unless the existing project on the site previously satisfied one of the above criteria; or

5. Specifically designated by a municipality's elected body, planning board, or zoning board for redevelopment to renew a blighted area (as defined by 30-A M.R.S. §5153) or remediate environmental risks to the occupants.

B. Historic Rehabilitation. **5 points**

The Project includes the rehabilitation of a certified historic structure using capital contributions generated from federal and state historic rehabilitation tax credits.

C. Projects Using Wood Fiber Insulation. **1 point**

The Applicant pledges that a minimum of 50% of the square footage of each building's exterior thermal envelope will include wood fiber insulation unless it is deemed by MaineHousing, in its sole discretion, that it is infeasible due to either costs or supply chain delays.

D. Populations with Special Needs. **3 points**

The Project gives an occupancy preference for at least 20% of all the units, but not less than 4 of the units, for Persons Experiencing Homelessness or persons who have disabilities, are victims of domestic violence, or have other special housing needs, to create permanent supportive housing for persons who require that level of intervention within the special needs populations.

The Applicant must commit to maintaining a separate waiting list for these units and make appropriate, voluntary services available through a qualified third-party provider other than the resident service coordinator required under Section 5.K. Project-Based Vouchers will not be available from MaineHousing for preference units, except in situations where an Applicant receives funding from the National Housing Trust Fund as described below in Section G.

E. Family Housing. **Up to 6 points**

The Project is for families and a minimum percentage of the Credit Units are two and/or three or more bedroom units as follows:

Project for Families with Minimum Percentage of Credit Units by Bedroom Size	**Points**
At least 50% of the Credit Units are two or more bedroom units and at least 20% of the Credit Units are three or more bedroom units	**6 points**
At least 70% of the Credit Units are two or more bedroom units	**3 points**

F. Accessibility. **Up to 12 points**

One (1) point for each unit that

1. exceeds the minimum number of such units required by applicable federal and state accessibility laws, and

2. meets the requirements for a Type A unit under ANSI Standard A117.1-2009, up to the maximum points by project type below.

Type of Project	**Maximum Points**
Projects providing Housing for Older Adults	**12 points**
Projects that are not specifically for Older Adults or Families, having only 1 BR and/or efficiency units	**9 points**
Family Projects	**6 points**

Financial Characteristics

G. National Housing Trust Fund. **3 points**

The Applicant agrees to accept and use any funding from MaineHousing's National Housing Trust Fund program for the Project. Any funding award will require a certain number of units in the Project to be affordable to and occupied by Extremely Low Income households. Project-Based Vouchers will be made available for the minimum number of required National Housing Trust Fund units, as determined by MaineHousing. National Housing Trust Fund awards require a Part 93 Environmental Review and Project-Based Vouchers require a Part 58 Environmental Review. Applicants should review the requirements before agreeing to accept funding, to avoid withdrawal of an Application if the requirements cannot be met. Awarding points is not a commitment of funding from the National Housing Trust Fund.

H. Acquisition Cost. **Up to 5 points**

Points are based on the percentage by which the acquisition costs are less than the average acquisition costs for a project of its type as follows:

Type of Project	**Average Acquisition Cost**
Acquisition and rehabilitation of existing housing	$60,500 per unit
New construction	$7,500 per unit
Adaptive Reuse	$10,500 per unit

For purposes of this subsection, acquisition costs include

1. the purchase price for all of the land and any existing building(s) even if donated or leased to the Applicant at below market value,

2. the cost of razing or demolishing any building(s) and structure(s), or any part thereof, on the Project site, and

3. the Capitalized Lease Value of all leases of land or land and building(s) that are part of the Project, with the exception of parking spaces.

The value of any project reserves transferred to the Project as part of the acquisition and included in the purchase price will not be included for purposes of this subsection.

Percentage of Project's Acquisition Cost as compared to Average Acquisition Cost	**Points**
0% to 1% (nominal)	**5 points**
>1% to 20%	**4 points**
>20% to 40%	**3 points**
>40% to 60%	**2 point**
>60% to 80%	**1 point**

I. Property Tax Relief. **Up to 3 points**

Points are based on the percentage of the Project's annual incremental property tax revenue returned to the Applicant or foregone by the taxing authority as follows:

Percentage and Duration of Tax Benefit or Relief	**Points**
50% to <75% for at least 15 years from the Placed in Service date	**1 point**
50% to <75% for at least 30 years from the Placed in Service date	**2 points**
≥ 75% for at least 15 years from the Placed in Service date	**2 points**
≥ 75% for at least 30 years from the Placed in Service date	**3 points**

Only Tax Increment Financing, payment in lieu of taxes, abatement, or other property tax

relief arrangement approved by the taxing authority and all other applicable governing entities are eligible. A Project that is either a) located in a jurisdiction that does not assess property taxes or b) exempt from property taxes will be awarded one (1) point.

Funding made possible by an Affordable Housing TIF will not be eligible unless the Applicant submits a complete application for the Affordable Housing TIF to TIFs@mainehousing.org at least 30 calendar days before the applicable Application deadline (for the 2027 State Ceiling no later than Tuesday, August 15, 2026 and for the 2028 State Ceiling no later than Tuesday, August 14, 2027). In order to count an Affordable Housing TIF application as "complete", the application must include all of the information required by MaineHousing's Affordable TIF Application Form and the Affordable Housing TIF Development Plan must have been approved by the relevant municipality. Points will not be awarded for an Affordable Housing TIF unless it is ultimately approved by MaineHousing, even if it was submitted before the applicable deadline.

Project Location

J. Housing Need. **Up to 10 points**

Points are based on the need for the type of housing in an area as follows:

1. Projects providing Housing for Older Adults located in the following Communities:

Older Adults			**Points**
Auburn	Ellsworth	Patten	
Augusta	Falmouth	Pittsfield	
Bangor	Farmington	Portland	
Bar Harbor	Fort Kent	Presque Isle	
Belfast	Freeport	Rockland	
Biddeford	Gorham	Rockport	
Bingham	Hallowell	Rumford	
Blue Hill	Hampden	Saco	
Boothbay Harbor	Houlton	Sanford	
Brewer	Jackman	Scarborough	
Bridgton	Kennebunk	Skowhegan	**10**
Brunswick	Kittery	South Portland	
Buxton	Lewiston	Topsham	
Calais	Lincoln	Van Buren	
Camden	Lisbon	Waterville	
Cape Elizabeth	Machias	Westbrook	
Caribou	Madawaska	Winslow	
Cumberland	Millinocket	Wiscasset	
Damariscotta	North Yarmouth	Yarmouth	
Dover-Foxcroft	Norway		

Eastport	Orono		
Arundel Benton Boothbay Canaan Chelsea Clinton Durham Fairfield Farmingdale Glenburn Greene Greenville Hancock Harrison Hermon	Kennebunkport Lamoine Limestone Lincolnville Lyman Madison Manchester Mars Hill Mexico Milbridge Mount Desert Naples Nobleboro Norridgewock Oakland	Old Orchard Beach Orland Orrington Oxford Sebago Sidney Southwest Harbor Vassalboro Warren West Bath West Gardiner Wilton Windham Woolwich	**8**
Ashland Bath Bethel Bremen Brooklin Brooksville Charleston Chesterville Cornish Cornville Dayton Dedham Denmark Dexter East Machias Easton Eddington Edgecomb Fort Fairfield Frenchville Fryeburg	Gardiner Garland Guilford Hebron Hodgdon Hope Kenduskeag Linneus Long Island Machiasport Mapleton New Sharon New Sweden Newcastle Newport Old Town Otis Owls Head Paris Penobscot Pownal	Randolph Rangeley Sangerville Sebec Sedgwick South Bristol Southport Stonington Strong Surry Thomaston Tremont Trenton Veazie Washburn Waterford West Paris Westport Island Woodland	**6**

2. Other Housing Projects in the following Communities:

Other Housing Projects (not specifically for Older Adults)			**Points**
Auburn Augusta Bangor Bar Harbor Biddeford Blue Hill Boothbay Harbor Brewer Bridgton Brunswick Calais Camden Cape Elizabeth Caribou Cumberland Damariscotta Danforth	Dover-Foxcroft Ellsworth Falmouth Farmington Fort Kent Freeport Gorham Greeneville Hallowell Houlton Lewiston Limestone Lincoln Machias Madawaska Millinocket Orono	Patten Portland Presque Isle Rockland Rockport Rumford Saco Sanford Scarborough Skowhegan South Portland Van Buren Waterville Westbrook Windham Wiscasset Yarmouth	**10**
Arundel Ashland Belfast Benton Brooksville Canaan Charleston Chesterville Clinton Cornish Dayton Dedham Durham East Machias Frenchville Fryeburg Greene Hancock Hebron	Hermon Hodgdon Hope Kenduskeag Kittery Lamoine Littleton Lyman Machiasport Manchester Mapleton Mount Desert Naples New Sharon Nobleboro Norridgewock North Yarmouth Old Orchard Beach Old Town	Orland Orrington Owls Head Sangerville Sebago Sedgwick Sidney Strong Surry Tremont Trenton Veazie Warren Waterford West Bath West Gardiner West Paris Woolwich	**8**
Bath	Hampden	Oxford	

Bethel Boothbay Buxton Chelsea Dexter Eddington Fairfield Fort Fairfield Gardiner Glenburn	Harrison Kennebunk Kennebunkport Lincolnville Madison Mexico Newcastle Newport Norway Oakland	Paris Southwest Harbor Stonington Thomaston Topsham Vassalboro Washburn Wilton Winslow	**6**

3. Projects located on Native American tribal lands will be awarded **8 points**.

For the Applications submitted under the 2027-2028 QAP, Applicants may receive the Housing Needs score outlined in the 2025-2026 QAP for the municipality in which the Project is located, if that municipality saw a decrease in score in the 2027 2028 QAP.

K. Community Revitalization. **Up to 5 points**

Two (2) points if the Project is located within the boundaries of and contributes to the revitalization goals and efforts identified in a municipality's comprehensive plan or a Community Revitalization Plan.

Two (2) points if the Project is located in a QCT and at least 20% of the units are market rate.

One (1) extra point if the Project also involves the preservation of existing Affordable Housing.

L. Smart Growth. **Up to 10 points**

Smart Growth Feature	**Points**
Access to Public Transportation. The Project is located within a Safe Walking Distance (½ mile or less) of a designated pick-up location for existing Fixed-route Public Transportation.	**5 points**
Demand Response Transportation. Demand Response Transportation is available to all tenants with no eligibility criteria that would limit or deny service.	**5 points**

Sponsor Characteristics

M. Readiness. **Up to 10 points**

MaineHousing must approve both the design to be submitted to the municipality and the State and the final design, including all plans, details and specifications. The Project and any Related Developments must have all

1. municipal land use approvals (except building and other permits customarily issued during construction), and **5 points**

2. State land use approvals (such as site plan, subdivision, storm water, or wetlands approvals) required to proceed with and complete construction. **5 points**

As of the Application date, the timeframe to appeal all such approvals must have expired with no appellate action being taken, or all appeals have been resolved.

N. Developer Capacity. **Up to 5 points**

Points are based on the development experience of the Applicant, any Principal thereof, or Affiliates of either as follows:

Successfully completed at least one multifamily rental housing project with MaineHousing funding or completed at least one LIHTC Project in another state(s).	**5 points**
Experience successfully developing and operating multifamily rental housing or experience managing Affordable Housing, *and* the Applicant has a contract with a qualified LIHTC consultant to develop the Project.	**4 points**
Experience successfully developing and operating multifamily rental housing.	**3 points**

O. Owner Performance. **Up to a 5 Point loss**

Points reductions are based on the recent performance of the Applicant. MaineHousing may reject the Application if it determines outstanding deficiencies are not addressed, or require financial statements from the Applicant, Principals thereof, or Affiliates.

Has been 60 calendar days or more delinquent in the payment of any MaineHousing loan since September 1, 2021 (except delinquencies resulting from the delay or loss of Section 8 housing assistance payments), was declared in default by MaineHousing, or needed a financial workout for any project within the last 5 years.	**-2 points**

Had LIHTC Projects still in their Compliance Period that had an operating deficit at year-end in any previous year unless the operating deficit was fully funded by the Application deadline.	**-2 point**
Was (a) issued an IRS Form 8823 for any reason other than a violation of UPCS or local inspection standards (box 11c) that was subsequently reported as "non-compliance corrected" within the correction period; or (b) had an IRS audit finding resulting in a recapture event, since September 1, 2021.	**-1 point**

P. Management Experience. **Up to 2 points**

The company that will manage the Project has at least

one (1) staff person with a minimum of three (3) years of experience successfully managing: (a) at least one (1) LIHTC Project; or (b) at least one (1) low income housing property developed under a Federal program that is substantially similar to LIHTC, to be determined at MaineHousing's sole discretion.	**1 point**
one (1) staff person with LIHTC training for every 150 units in LIHTC Project(s) the company plans to manage.	**1 point**

Q. Management Performance. **Up to a 3 point loss**

Point reductions for Management Companies are based on instances of poor performance measured by their management of LIHTC Projects in their portfolio that remain in their LIHTC Compliance Period as of the June 30 immediately preceding the Application deadline.

The average of the most recent physical plant inspection scores is below "Above Average" for properties that have a physical plant inspection on record dated within the three years prior to the June 30 immediately preceding the Application deadline.	**-1 point**
The average of Project Report submission scores, based on the most recent reporting deadlines occurring on or before June 30 preceding the Application deadline, is below "Above Average".	**-1 point**
The average of the most recent Management and Occupancy Review scores is below "Above Average" for properties that have an MOR on record dated within the three years prior to the June 30 immediately preceding the Application deadline.	**-1 point**

R. Tie Breaker.

If more than one Application has the same score, the Application for the least amount of Credit and 0% deferred debt from MaineHousing per unit will have priority. If the Applications request the same amount of these resources, the Application with the most

acceptable plan to convert the Project to affordable homeownership for the residents after the Extended Use Period will have priority. The plan must describe the process for transferring ownership to the residents, the purchase price or process for determining it, any financial assistance available for residents (including any reserves), how the affordability will be maintained, and must provide for homebuyer counseling and professional representation of the residents at the time of the conversion.

S. Review Process.

MaineHousing will notify each Applicant of its initial score in writing. If MaineHousing assigns a score in a scoring category which is lower than the score the Applicant assigned itself in the scoring category, the Applicant will have five business days from such written notice to demonstrate to MaineHousing that the Application as submitted should receive the higher score. MaineHousing will then make a final determination of scores and the ranking of Applications.

SECTION 7: PROJECT EVALUATION

A. Amount of Credit. The amount of Credit allocated will be determined as follows:

1. The calculation of the amount of Credit will be based on 130% of Eligible Basis. MaineHousing has designated the entire State and all buildings therein, as a DDA under Section 42(d)(5)(B)(v) of the Code because of the high cost of developing housing, the low median income, and the high annual operating costs for housing relative to other states;

2. To determine the amount of Credit, MaineHousing will use the lesser of (a) the market rent, based on the Application market study as approved by MaineHousing, and (b) the maximum Credit rent. For three or more bedroom units MaineHousing will use the maximum Credit rent for two-bedroom units plus $50.00;

3. The amount of Credit allocated for a Project will not exceed the least of
   a) the amount the Project is eligible to receive under Section 42 of the Code,
   b) the amount MaineHousing determines is necessary for financial feasibility and viability throughout the Credit Period, and
   c) the Maximum Credit Amount;

4. The Applicant must submit financial and all other required information. MaineHousing will evaluate the need for Credit based on

   a) all sources of financing, including the terms and conditions,
   b) equity expected to be generated by reason of tax benefits, and
   c) the uses of funds, including the reasonableness of development costs and operating expenditures; and

5. In order to determine the amount of Credit, MaineHousing must identify a gap between development sources and uses absent a Credit allocation. MaineHousing may limit recognition of Intermediary Costs, re-characterize Project sources and uses and make reasonable assumptions with respect to projected revenues and expenses. MaineHousing will also take into consideration any federal limitations when combining the Credit with other federal assistance (i.e. "subsidy layering" guidelines).

B. Developer Fee. Developer Fee will be determined as follows:

1. Maximum Developer Fee. The total Developer Fee may not exceed the sum of 15% of the Housing Development Costs, plus 10% of the costs of acquisition of land, existing buildings and equipment, determined without regard to the Developer Fee.

2. Net Developer Fee. The amount of Developer Fee not deferred may not exceed $750,000 plus any unused construction contingency returned to the Applicant after completion.

3. Additional Developer Fee. An Applicant is eligible for Developer Fee in excess of the Net Developer Fee calculated above only if it is deferred and used to:

   a) increase the tax credit equity generated for the Project (this will not be included in the TDC Index calculation); or

   b) reduce the taxable surplus cash distributions and increase the losses to the syndicator thereby improving the economics of the Project, within the following parameters: Additional Developer Fee up to $20,000 per LIHTC unit may be excluded from the TDC Index calculation.

Any Developer Fee that is deferred shall not be interest-bearing or secured by a mortgage on the Project.

C. General Contractor Intermediary Costs. The general contractor's Intermediary Costs must be:

1. separated from other construction and rehabilitation costs,

2. with general conditions and overhead and profit parsed out, and

3. no more than 14% of the Total Construction Cost, within the following ranges:

   a) General conditions up to 6% of Total Construction Cost, and

   b) Overhead and profit up to 8% of Total Construction Cost

D. Time of Credit Determination. MaineHousing will determine the amount of Credit at the time of

1. Application, which will be evidenced by the Notice of Award;

2. the allocation of Credit, including any carryover allocation;

3. the date each Qualified Building is Placed in Service; and

4. if a Qualified Building is allocated Credit pursuant to Section 9, the date of issuance of the tax-exempt bonds.

Prior to each determination, the Applicant must certify the full amounts of all funding sources and provide any other information required by MaineHousing.

E. Market Study. The applicant must submit a comprehensive market study prepared by a qualified professional in accordance with the *National Council of Housing Market Analysis Model Standards for Market Studies for Rental Housing.* MaineHousing may require the Applicant to either correct any inadequacies it identifies or submit a new market study. MaineHousing also may elect to commission its own market study.

F. Construction Cost Increases. MaineHousing may allocate additional Credit to a Project if its construction costs increase after the Application date and the increase is the result of market conditions or other circumstances beyond the Applicant's control. Any additional Credit will not exceed an amount necessary to generate equity equal to 5% of the Total Construction Cost based on construction bids.

SECTION 8: ALLOCATION OF CREDIT

A. Allocation. MaineHousing will issue one or more IRS Form(s) 8609 after receipt of the following:

1. A complete request for allocation of Credit in a form prescribed by MaineHousing.

2. An audit report on the schedule of project costs prepared by an independent, third party certified public accountant including all associated costs (such as commissions, due diligence, legal, accounting, reserves, and other similar items).

3. Certification of the Project's sources, including all federal, state and local subsidies in any stage of commitment. This certification must include income, operating and development cost projections and methods for satisfying any deficits.

4. The allocation fee and monitoring fee less the amount of any allocation fee paid in connection with the issuance of a carryover allocation.

B. Carryover Allocation.

1. The Applicant must submit the following to receive a carryover allocation:

    a) A complete request for carryover allocation in the form prescribed by MaineHousing no later than the first day of December of the year in which the carryover allocation is made.

    b) Certification of the Project's sources, including all federal, state and local funding. This certification must include income, operating and development cost projections and methods for satisfying any deficits.

    c) Development progress report, including completion likelihood.

2. The applicant must execute a carryover allocation and return it to MaineHousing, together with the allocation fee, no later than December 31 of the year in which the carryover allocation is made.

3. A carryover allocation will be subject to the following conditions:

    a) satisfactory evidence that more than 10% of the Project's reasonably expected basis is incurred within 12 months of the carryover allocation, including an audit report prepared by an independent, certified public accountant; and

    b) any performance conditions MaineHousing may require.

    Failure to comply with these conditions may result in termination of the carryover allocation.

C. Tax Credit Compliance Experience. Prior to an allocation the Applicant must demonstrate that the entity managing the Project has sufficient Credit compliance experience and training. The entity must complete a Credit compliance training or receive a certification from a MaineHousing-approved trainer.

D. Extended Use Agreement. Prior to an allocation of Credit, the Owner must enter into an Extended Use Agreement with MaineHousing obligating the Owner to comply with Section 42 of the Code, the threshold requirements in Section 5, and commitments for which the Application was awarded points. The Extended Use Agreement must be recorded in the appropriate registry of deeds prior to all mortgage liens and encumbrances on the Project and before MaineHousing issues any IRS Form 8609 for the Project.

E. Converting a Carryover Allocation. MaineHousing may convert a carryover allocation to the year in which it is terminated or the following year if there are extenuating circumstances beyond the Applicant's control. The carryover allocation must be rescinded by the mutual consent of MaineHousing and the Applicant. There can be no change in the design or financing that would render the Application withdrawn under Section 4.I. The Project will be subject to the QAP in effect at the time of the original allocation.

F. Forward Allocation of Credit**.** MaineHousing may issue a binding commitment to allocate State Ceiling available in the subsequent year upon determining that the amount of Credit in the current year's State Ceiling is insufficient.

SECTION 9: TAX-EXEMPT BOND FINANCED PROJECTS

Projects financed with tax-exempt bond proceeds must satisfy all QAP requirements except

A. the Maximum Credit Amount limitation in Section 3.C.,

B. the application limits in Section 4.B.1.,

C. the application deadlines in Section 4.B.2.,

D. the selection process described in Sections 4.F.,

E. the affordability threshold requirement set forth in Section 5.A.,

F. the requirement of a minimum $75,000 per unit of Rehabilitation Costs for Projects involving the acquisition and rehabilitation of existing housing in Section 5.C.2.,

G. the scoring criteria in Section 6, and

H. the Developer Fee limits in Section 7.B.

SECTION 10: MONITORING

A. Compliance with Applicable Laws. Owners must comply with all local, state and federal laws and regulations, including without limitation:

1. Section 42 of the Code and associated regulations and guidance;

2. UPCS and all other local, state and federal health, safety and building codes applicable to the Project;

3. the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. §3601 *et seq.*), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 *et seq.*), and the Maine Human Rights Act (5 M.R.S., Chapter 337, Subchapter IV) and all other applicable federal, state and local fair housing and accessibility requirements, and the regulations, guidance and standards associated with all of the foregoing; and

4. Title VI of the Violence Against Women Reauthorization Act of 2022, 42 USC Chapter 136, Subchapter III, Part M, and all associated regulations and guidance, as may be amended (VAWA).

B. Recordkeeping and Record Retention. Each Owner must keep on file and available to MaineHousing upon request the following records for each Qualified Building in its LIHTC Project(s) for each year in the Extended Use Period:

1. The total number of residential rental units including the number of bedrooms and the square footage of each unit;

2. The number of low-income units;

3. The rent charged for each unit including any utility allowances;

4. The number of occupants in each low-income unit;

5. The number of low-income unit vacancies and information showing when, and to whom, the next available units were rented;

6. Income certification and third-party documentation verifying the income of each household occupying a Credit Unit at the time of initial occupancy and for each new person added to the household after initial occupancy;

7. Annual income certifications and third-party documentation verifying the income of each household occupying a Credit Unit in a LIHTC Project are required if not all of the units in the LIHTC Project are Credit Units, or the LIHTC Project is financed or assisted under a state or federal program that requires annual certifications.

   For a LIHTC Project with 100% Credit Units that are subject to more than one income limit, annual income certifications are only required for the households occupying the Credit Units subject to the lower income limits. The annual certification may be a self-certification, except that third-party documentation verifying the income of the household is required every 6 years from the date the LIHTC Project is Placed in Service and otherwise upon request by MaineHousing. The self-certification must be

   a) in writing,

   b) include the size of the household and annual household income,

   c) state that the information is complete and accurate,

   d) indicate that third-party source documentation will be provided if requested by the Owner or MaineHousing, and

   e) witnessed.

Annual income certifications are not required for a LIHTC Project with 100% Credit Units subject to the same income limit.

8. The Eligible Basis and Qualified Basis of each Qualified Building at the end of the first year of the Credit Period;

9. The character and use of the nonresidential portion of a Qualified Building included in its Eligible Basis;

10. A determination of the student status of the resident household;

11. The tenant occupancy policies and procedures and lease. The lease form and content must be acceptable to MaineHousing and comply with all applicable federal, state and local laws (including VAWA); and

12. All other disclosures to tenants, certifications and other records required by applicable local, state and federal laws.

Owners must maintain these records throughout the Extended Use Period for at least 6 years after the due date (with extensions) for filing the federal income tax return for that year, except that the records for the Credit Period's first year must be retained 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.

C. Annual Reports. Each Owner must submit the following to MaineHousing by March 1st of each year throughout the Extended Use Period:

1. Certification for the prior calendar year that the Owner's LIHTC Project(s) comply with IRS Treasury Regulation §1.42-5(c)(1) and *MaineHousing's Low Income Housing Tax Credit Program Owner's Certificate of Continuing Program Compliance* attached hereto as **Appendix D**. A completed and executed IRS Form 8609 for each Qualified Building must be submitted with the first certification; and

2. Certain information and data about the tenants in Credit Units for the prior calendar year, including household income; monthly rental payments; family composition; use of Section 8 rental assistance and other similar assistance; the race, ethnicity, age and disability status of the members of the households; and all other occupancy information required by MaineHousing.

D. Review. For new LIHTC Projects, MaineHousing will complete a review of tenant records within two (2) years following the year the last Qualified Building is Placed in Service. MaineHousing will give owners reasonable prior written notice of a review. To the extent required by the Internal Revenue Service (IRS), MaineHousing will inspect low income certifications and tenant records in accordance with IRS Treasury Regulation §1.42

5(c)(2)(iii)(A) through (D) and §1.42 5(d) and will give no more than 15 calendar days prior notice.

E. Inspections. Every one to three years after a Project is Placed in Service, MaineHousing will inspect LIHTC Projects. For new LIHTC Projects, MaineHousing will inspect Credit Units by the end of the second calendar year following the year the last Qualified Building is Placed in Service. MaineHousing will give reasonable prior written notice. To the extent required by the Internal Revenue Service, MaineHousing will inspect the LIHTC Projects in accordance with IRS Treasury Regulation §1.42 5(c)(2)(iii)(A) through (D) and §1.42 5(d) and will give no more than 15 calendar days prior notice.

F. Utility Monitoring

All projects funded by this QAP will require monitoring and reporting of all utilities for all units in the manner and form provided by MaineHousing.

G. Notification of Noncompliance. MaineHousing will notify an Owner in writing of any failure to

1. submit any complete certifications or information required by MaineHousing when due,

2. allow MaineHousing to perform any review or inspection required under this Section, or

3. comply with Section 42 of the Code or any others requirements under this QAP.

The Owner will have a reasonable period of time to correct the noncompliance identified in the notice. MaineHousing will file a Form 8823, "Low-Income Housing Credit Agencies Report of Noncompliance" with the Internal Revenue Service within 45 calendar days of the end of the correction period.

SECTION 11: GENERAL

A. Conflicts. If this rule conflicts with Section 42 of the Code or any other provision of federal or State law, the federal or State law shall control.

B. Full Discretion. MaineHousing is entitled to the full discretion allowed by law in making all decisions and interpretations under this rule.

C. Not an Entitlement. This rule establishes a pool of eligible Applicants but does not preclude additional reasonable criteria and does not confer any automatic right or entitlement to Credit on any person or entity eligible hereunder. MaineHousing may reject any and all Applications and may refuse to award any or all of the Credit.

D. Final Agency Action. The director of MaineHousing, individually or by exercise of the delegation of powers contained in the Act, shall make all decisions and take all action

necessary to implement this rule. Such action of the director shall constitute final agency action.

E. Waiver. Upon a determination of good cause, the director of MaineHousing or the director's designee may, subject to statutory limitations, waive any provision of this rule. The waiver must be in writing and must be supported by documentation of the pertinent facts and grounds.

F. Freedom of Access Act. MaineHousing is subject to the Freedom of Access Act, 1 M.R.S. §401 *et seq.*, which requires the disclosure of all information provided to MaineHousing that is not specifically excluded, such as confidential information under the Act. MaineHousing shall not be liable for the disclosure of any information that it determines must be disclosed under the Freedom of Access Act.

G. Liability. Compliance with Section 42 of the Code is the responsibility of the Owner. MaineHousing is in no way responsible for an Owner's compliance or liable for an Owner's noncompliance. Any allocation, review or inspection by MaineHousing and any determination made by MaineHousing pursuant to this QAP is for the sole benefit of MaineHousing. No liability or responsibility for Owner compliance with Section 42 of the Code or other applicable requirements and no representation or warranty of a Project's feasibility or viability, eligibility for Credit, or compliance shall be implied or construed from any such actions and determinations by MaineHousing.

H. Headings/Context. The headings in this rule are for convenience only and do not define or limit the scope of the provisions of this rule. The use of Section, Subsection or Appendix without a reference to another document or source refers to a section, subsection and Appendix of this rule. All Appendices attached to this Rule are incorporated herein and made a part of this Rule.

STATUTORY AUTHORITY: 30-A MRS §§4741(1) and 4741(14), §4726, Section 42 of the Internal Revenue Code of 1986, as amended

EFFECTIVE DATE: May 25, 1987

EFFECTIVE DATE (ELECTRONIC CONVERSION):

NON-SUBSTANTIVE CORRECTIONS:
April 4, 1989 – amended to conform to federal law changes and procedural changes.
March 6, 1991 – amended to conform to changes in federal law made by the Omnibus Budget Reconciliation Act of 1990 and procedural changes.
February 12, 1992 – amended to make certain procedural changes.
September 24, 1992 - amended to make certain procedural changes.
January 30, 1993 – amended to make policy changes, procedural changes and/ or grammatical changes.

February 5, 1994 – amended to make policy changes, procedural changes and/ or grammatical changes.
April 26, 1995 – amended to make policy changes, procedural changes and/ or grammatical changes.
April 24, 1996 – amended to make policy changes, procedural changes and/ or grammatical changes.
February 16, 1997 – amended to make policy changes, procedural changes and/ or grammatical changes.
January 12, 1999 – amended to make policy changes, procedural changes and/ or grammatical changes.
January 9, 2000 - amended to make policy changes, procedural changes and/ or grammatical changes.
January 13, 2001 – amended to make policy changes, procedural changes and/ or grammatical changes.
July 7, 2001 – amended to make policy changes, procedural changes and/ or grammatical changes.
January 20, 2002 - amended to make policy changes, procedural changes and/ or grammatical changes.
November 25, 2002 – amended to make policy changes, procedural changes and/ or grammatical changes.
January 12, 2004 - amended to make policy changes, procedural changes and/ or grammatical changes.
November 8, 2005 - amended to make policy changes, procedural changes and/ or grammatical changes.
November 6, 2006 – amended to make policy changes, procedural changes and/ or grammatical changes.
September 17, 2007 – amended to make policy changes, procedural changes and/ or grammatical changes.
March 15, 2010 - amended to make policy changes, procedural changes and/ or grammatical changes.
October 25, 2011 – amended to make policy changes, procedural changes and/ or grammatical changes.

REPEALED AND REPLACED:
June 25, 1990
September 25, 2012
August 10, 2013
October 3, 2014
August 7, 2016
November 26, 2017
July 4, 2018
July 8, 2019
July 12, 2020
July 13, 2022
July 3, 2024

FISCAL IMPACT OF THE RULE: The 2027 State of Maine ceiling of federal low-income housing tax credits is projected to raise approximately $40,500,000of private investor capital, and the 2028 State of Maine ceiling of federal low-income housing tax credits is projected to raise approximately $41,150,000 of private investor capital. The private investor capital generated by the federal low-income housing tax credits will be used to develop affordable housing for low-income persons. Additionally, it is estimated that 1,400 jobs a year will be created with this investment. The rule will not impose any costs on municipalities or counties for implementation or compliance.

EFFECTIVE DATE: JUNE 3, 2026

APPENDIX A

Definitions

"Above Average" means an average overall score of 4 in the rating category - Physical plant inspections, Project Reports submissions, or Management and Occupancy Reviews. Physical plant inspections, and Management Occupancy Reviews are scored on the following scale: 1-Unsatisfactory, 2 – Below Average, 3 – Average, 4 – Above Average, and 5 – Superior. Project Reports submissions are scored as 5-Timely Submission and 1-Late Submission for each required submission report – Audited Financial Review (AFR), Budget, and Owner Certification of Continued Compliance.

"Act" means the Maine Housing Authorities Act, 30-A M.R.S. §4701 et seq., as may be amended from time to time.

"Adaptive Reuse" means the conversion of an existing non-housing building or structure to multi-family residential rental housing or the reconstruction of existing housing that has become functionally obsolete, as determined by MaineHousing.

"Additional Developer Fee" means Developer Fee in excess of the allowed Net Developer Fee. If this fee generates additional equity for the project, it will be exempt from the TDC Index calculation. If this fee is for purposes of reducing the taxable surplus cash distributions and increasing the losses to the syndicator thereby improving the economics of the project, up to $20,000 per LIHTC unit will be exempt from the TDC Index calculation.

"Affiliates" means any person or entity directly or indirectly controlling, controlled by, or under common control with another person or entity.

"Affordable Housing" means multi-family rental housing that has five or more units and is assisted under a HUD or Rural Development program or is subject to a restrictive covenant requiring units in the housing to be restricted to households with income at or below 60% of area median income, as determined by HUD.

"Affordable Housing TIF" means an affordable housing development district and development program approved by MaineHousing pursuant to MaineHousing's Affordable Housing Tax Increment Financing Program, 30-A M.R.S., Chapter 206, Subchapter 3 and the Act, as may be amended.

"Applicant" means the entity applying for Credit, its successors and assigns, which must be the entity that will be the owner of the Project for tax purposes; must be duly organized and validly existing under the laws of the state in which it is formed, and if not formed in this State, must be duly authorized to conduct business in this State; and must be in good standing under the laws of this State and its state of formation, if not this State.

"Application" means an application to MaineHousing for an allocation of Credit.

"Capitalized Lease Value" means the net present value of all lease payments under a lease calculated

over the term of the lease using the 10-year Treasury note rate 60 calendar days before the Application deadline plus 300 basis points.

"Code" means the Internal Revenue Code, Title 26 of the United States Code, and applicable regulations promulgated pursuant thereto, as may be amended.

"Community Revitalization Plan" means (1) a community that has been designated by HUD or RD as an Empowerment Zone, a Renewal Community or Enterprise Community, or a Neighborhood Revitalization Strategy Area; or (2) a written plan that was formally adopted by the governing body of a municipality no more than twelve (12) years prior to the Application deadline following a concerted planning process and public input, specifically targets a neighborhood or area in the community (not a single building or site or the entire municipality) for redevelopment or revitalization, and includes (a) an assessment of the existing physical structures and infrastructure of the area, (b) detailed policy goals with respect to economic redevelopment, the rehabilitation or development of housing (including multi-family rental housing) and the improvement or expansion of infrastructure, and (c) proposed activities and a timetable for implementing the policy goals. Plans for a single development and plans formulated by or on behalf of the Applicant are not Community Revitalization Plans. A comprehensive plan that meets all of the requirements in (2) may qualify.

"Compliance Period" means the period defined in Section 42(i)(1) of the Code.
"Credit" or "LIHTC" means the low-income housing tax credit established pursuant to Section 42 of the Code and allocated pursuant to this rule.

"Credit Period" means the period defined in Section 42(f)(1) of the Code.

"Credit Units" means units in a Project that are eligible for Credit.

"Demand Response Transportation" means on-call transportation services that operate at least 3 days per week and provide service throughout the day.

"Developer Fee" means the total compensation for the work, costs and risks associated with developing a Project, including without limitation, creating the Project concept, identifying and acquiring the Project site, obtaining construction and permanent financing, obtaining necessary subsidies, negotiating the syndication of investment interests in the Project, obtaining all necessary regulatory approvals, constructing and/or rehabilitating the Project and marketing, and includes all amounts paid to consultants to perform this work, except fees for professional services such as environmental assessments, rental market studies, soil tests, and water tests, and includes all reserves, in the form of cash, expected to be paid to the tax credit developer from the Project.

"DDA" means an area of the State that is designated by HUD as a difficult development area pursuant to Section 42(d)(5)(B)(iii) of the Code or an area of the State that is designated by MaineHousing as a difficult-to-develop area in Section 7.A.1 pursuant to Section 42(d)(5)(B)(v) of the Code.

"Extended Use Agreement" means an agreement that satisfies the requirements of Section 42(h)(6)(B) of the Code.

"Extended Use Period" means the period of time specified by MaineHousing in the Extended Use Agreement executed in connection with a Project pursuant to Section 42(h)(6)(D) of the Code, which is the period set forth in Section 5.A. for Projects allocated Credit under the State Ceiling.

"Extremely Low Income" means income that is at or below 30% of the area median income as determined pursuant to the regulations and guidance governing the National Housing Trust Fund.

"Family Housing" means housing for families that qualifies for points under the Family Housing scoring criteria set forth in Section 6.E.

"Fiscal Year" means the fiscal year for a LIHTC Project as defined in the Owner's organizational documents.

"Fixed-route Public Transportation" means year-round, regularly scheduled public transportation that operates at least 5 days per week and provides regular service throughout the day.

"Housing Development Costs" means the total of all direct and indirect costs incurred in financing, creating, purchasing or rehabilitating a LIHTC Project except the costs attributable to the acquisition of the land and any existing buildings as determined by MaineHousing.

"Housing for Older Adults" means a Project that is designated as elderly or senior housing and receives funding and project-based rental assistance under a RD or HUD multi-family elderly housing program (such as RD's Section 515 Rural Rental Housing Program and HUD's Section 202 Supportive Housing for the Elderly Program) or that meets the definition of "housing for older persons" under the federal Fair Housing Act, 42 U.S.C. §3607(b)(2) and the Maine Human Rights Act, 5 M.R.S. §4581 et seq. and all associated regulations, as may be amended.

"HUD" means the United States of America acting through the United States Department of Housing and Urban Development.

"Intermediary Costs" means all Housing Development Costs except the actual construction costs or eligible rehabilitation costs under Section 42(e) of the Code attributable to the development of the units.

"IRS" means the United States Department of Treasury, Bureau of Internal Revenue Service.

"LIHTC Project" means a qualified low-income housing project as defined in and governed by Section 42(g) of the Code.

"MaineHousing" means Maine State Housing Authority.

"MaineHousing's Construction Standards" means MaineHousing's *Quality Standards and Procedures Manual* in effect 60 calendar days prior to the applicable deadline for an Application for Credit which include without limitation certain energy efficiency standards and UPCS and incorporate MaineHousing's accessibility policy and procedures.

"Maximum Credit Amount" means the maximum amount of Credit a Project is eligible to receive pursuant to Section 3.C.

"National Housing Trust Fund" means the Housing Trust Fund established under Title I of the Housing and Economic Recovery Act of 2008, 12 U.S.C. §4568, together with associated regulations and guidance now or hereafter promulgated pursuant thereto.

"Net Developer Fee" means the Developer Fee with respect to a Project that does not exceed the applicable limit set forth in Section 7.B.2., including any portion thereof that is deferred or loaned to pay for costs associated with the Project (and does not include any additional Developer Fee allowed under Section 7.B.3).

"Notice of Award" means the notice that a Project has been selected for further evaluation to determine the Project's eligibility for Credit and the amount of Credit to be allocated for the Project. The Notice of Award will require the submission of all information necessary for MaineHousing to determine the amount of Credit, if any, to be allocated to the Project, obligate the Applicant to fulfill all commitments made in the Application, and require the Applicant to promptly and diligently develop and complete the Project according to the deadlines specified in the notice.

"Owner" means the legal owner of a LIHTC Project or Qualified Building for which an Application has been submitted to MaineHousing or which has received an allocation of Credit from MaineHousing pursuant to this Qualified Allocation Plan or a prior Qualified Allocation Plan for the State.

"Ownership Transfer Rule" means Chapter 27 of MaineHousing's rules, *Transfers of Ownership Interests*, and the policies and procedures related thereto, all as may be amended.

"Passive House Certification" means certification from Passive House Institute US, Inc. (PHIUS) or Passive House Institute (PHI) prior to MaineHousing's issuance of IRS Form 8609.

"Persons Experiencing Homelessness" means persons sleeping in a place not meant for human habitation, in an Emergency Shelter, or in other emergency housing; persons exiting an institution where they resided for 90 days or less and who had resided in an Emergency Shelter, other emergency housing, or place not meant for human habitation before entering that institution; and persons fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

"Placed in Service" means the date on which a Qualified Building is suitable and available for occupancy as determined in accordance with Section 42 of the Code.

"Principal" means any person or entity with a controlling interest in another entity, including without limitation, a person or entity with an ownership interest in an Applicant that controls the development and day-to-day operation of a Project, such as the general partner(s) of a limited partnership or the manager(s) or member(s) invested with the management authority of a limited liability company, and all persons and entities with an ownership interest in or control of said entity.

"Project" means the property described in the Application, which must be a qualified low-income housing project as defined in and governed by Section 42(g) of the Code.

"Project Reports" means the annual certification and tenant data required under Section 10.C., and if required for the LIHTC Project, the audited financial report (AFR) and the annual project budget.

"QCT" means an area of the State designated by HUD as a qualified census tract pursuant to Section 42(d)(5)(B)(ii) of the Code.

"Qualified Allocation Plan" or "Plan" means the plan for allocating and administering the Credit adopted by the housing credit agency pursuant Section 42(m)(1)(B) of the Code.

"Qualified Building" means a qualified low-income building as defined in and governed by Section 42(c)(2) of the Code.

"Qualified Contract" means a contract as defined in Section 42(h)(6)(F) of the Code.

"Qualified Nonprofit Organization" means a qualified nonprofit organization as defined in Section 42(h)(5)(C) of the Code.

"Rehabilitation Costs" means with respect to a Project (1) the site costs, (2) the costs of complying with the construction requirements of other funding sources except those required by the Applicant, any Principal thereof or Affiliates of either, (3) contractor profit, overhead and general conditions, and (4) certain costs identified in the capital needs assessment required under Section 5.C.1. of the QAP, including (a) the cost of correcting all violations of applicable federal, state and local health, safety and building codes and correcting deferred maintenance, (b) the rehabilitation or replacement of all structures, systems, facilities and components that have reached or exceed their useful life or will reach their useful life within 5 years, (c) the cost of complying with MaineHousing's Construction Standards, (d) the cost of complying with the most current accessibility requirements for new construction projects under applicable federal, state and local accessibility laws, regulations, standards and guidance, and (e) the remediation and disposal of any environmental or other hazards identified in environmental reports. Rehabilitation Costs do not include construction contingency, relocation costs, or other soft costs.

"Related Development" means any development of which the Project is a part or is related and the Project cannot be completed, either structurally or financially, without the completion of the development.

"RD" or "Rural Development" means the United States of America acting through the United States Department of Agriculture, Rural Housing Services.

"Safe Walking Distance" means a pedestrian route appropriate to the area, as determined by MaineHousing, with sidewalks, crosswalks and traffic signals at busy roads or intersections and year-round walkability, which includes being plowed during the winter.

"Section 8" means Section 8 of the United States Housing Act of 1937, 42 U.S.C. §1437f, as may be amended.

"Service Center Community" means an entire municipality that provides jobs and retail to surrounding areas and is a center for education, health care, cultural, recreational and social services,

designated pursuant to the Municipal Planning Assistance Program of the State's Department of Agriculture, Conservation and Forestry as a Regional Service Center as of January 2013.

"State" means the State of Maine.

"State Ceiling" means the State's housing credit ceiling established pursuant to Section 42(h)(3)(C) of the Code.

"Tax Increment Financing" means any type of tax increment financing, including without limitation an Affordable Housing TIF, a development district and development program approved by a municipality or a tax increment financing district approved by the State's Department of Economic and Community Development pursuant to 30-A M.R.S., Chapter 206, as may be amended.

"TDC Index" means the calculation described in Section 5.B.

"TDC Index Cap" means the limit on Total Development Cost set forth in Section 5.B.

"Telehealth" means the use of interactive real-time visual and audio or other electronic media for the purpose of consultation and education concerning and diagnosis, treatment, care management, and self-management of a patient's physical and mental health and includes real-time interaction between the patient and the telehealth provider, synchronous encounters, asynchronous encounters, store and forward transfers and remote patient monitoring. Telehealth includes telephonic services when interactive telehealth services are unavailable or when a telephonic service is medically appropriate for the underlying covered service.

"Total Construction Cost" means the sum of site costs, costs of constructing or rehabilitating structures, systems, facilities, units and components, general requirements, bond premiums, and contractor overhead and profit as determined by MaineHousing.

"Total Development Cost" or "TDC " means Total Project Cost less (1) the fees required by MaineHousing, (2) the Project's operating deficit account to the extent required by MaineHousing, (3) the costs associated with any commercial space developed in connection with the Project, and (4) up to $20,000 per unit in Additional Developer Fee. "Total Project Cost" means the sum of all costs associated with the development, construction and rehabilitation of a Project, as determined by MaineHousing. Total Project Cost includes, without limitation, acquisition costs, the Capitalized Lease Value of all leases of land and building(s), demolition costs, Total Construction Cost, construction contingency, costs associated with community service facilities included in the Eligible Basis of the Project, soft costs (such as permits, design and engineering fees, environmental reports, appraisals, market studies and legal fees), syndication costs, Developer Fee, financing costs and project reserves. Community service facilities are not considered commercial space for purposes of Total Project Cost.

"UPCS" means the Uniform Physical Conditions Standards established by HUD pursuant to 24 CFR §5.703, as may be amended.

APPENDIX B
Pre-Application Submission Requirements

Applicants must submit a request for pre-application review and the following information to MaineHousing **at least 60 calendar days before the applicable Application deadline**.

1. A narrative description of the Project and any Related Development, including, the location, type of housing, total number of units by bedroom size, breakdown of required and/or pledged accessible units by type and location, total number of income-restricted units by bedroom size, proposed affordability, any existing affordability restrictions, any existing or proposed use restrictions, common areas and amenities at the Project, any community service facilities, any commercial space and other unique features of the Project.

2. Conceptual, Diagrammatic Site Plan and Conceptual Floor Plans and Conceptual Building Elevations in accordance with the requirements set forth in MaineHousing's *Quality Standards and Procedures Manual* which can be found at https://www.mainehousing.org/programs-services/housing-development/construction-services.

3. The status of applicable federal, State and local land use approvals for the Project and any Related Development, and any site, subdivision and other plans for the Project and any Related Development that have been prepared for submission or have been submitted to applicable municipal, state and federal governmental entities.

4. Details about the parking for the Project, including the number, type and location of all on-site parking and off-site parking and the terms and conditions thereof.

5. An explanation and all supporting documentation for any exceptions from the requirement to provide a community room, laundry facilities, telemedicine facilities or area activities in accordance with Section 5.J of the QAP.

6. All available information about any known or suspected environmental conditions on the Project site and any Related Development or adjacent sites that may impact the Project site or any Related Development, including any environmental reports and all available radon test results for the Project site. To the extent feasible, identify any and all visible (both on and off-site) fuel oil and propane tanks and include them on the site plan

7. A capital needs assessment for any existing housing that meets the requirements in Section 5.C. and Appendix C.

8. A conceptual construction estimate(s) prepared by a qualified general contractor or third-party estimator for the Project and any Related Development, including trade breakdowns in the form of a schedule of values and a reasonable estimating contingency, if applicable, with sufficient detail to demonstrate expected construction-related costs. All exclusions and qualifications, if any, must be clearly stated in the estimate. The estimate is to be the basis of the hard cost line items contained in the project underwriting without exception.

9. A projected development and operating budget(s) for the Project and any Related Development which must be submitted electronically in the format prescribed by MaineHousing.

APPENDIX C
Capital Needs Assessment Requirements

1. The assessment must include a site visit, an interview with the on-site property manager and maintenance personnel concerning prior and pending repairs and improvements and existing or chronic physical deficiencies, and a physical inspection of the interior and exterior of at least 20% of the units and all other structures, facilities, systems and components that will be part of the Project, including the following:

a) Site, including without limitation topography, drainage, pavement, curbing, walkways, sidewalks, parking, accessible parking, accessible routes, landscaping, amenities, water, sewer, storm drainage, and all utility lines;

b) Structural systems and components, both substructure and superstructure, including without limitation foundations, exterior walls, balconies, porches, and stairways, exterior doors and windows, chimneys and roofing;

c) Interiors, including without limitation unit and common area finishes and substrata (e.g. flooring, underlayment, carpeting, plaster or drywall, wall coverings and paint condition), and unit and common area kitchen finishes, cabinets, countertops and appliances, and unit and common area bathroom finishes, fixtures and accessories, laundry facilities, and common area lobbies and corridors; and

d) Building systems, including without limitation plumbing supplies and drainage, domestic hot water production, heating, ventilating and air-conditioning production and distributions systems, fuel storage and delivery systems, electrical power distribution and metering systems, lighting controls and fixtures, smoke, fire and any other alarm systems, fire protection systems, security systems, and elevators.

The capital needs assessment must specifically identify all structures, systems, facilities, units and components that were inspected and must include a concise overview of the physical and operational condition of the existing housing and a detailed assessment of the expected useful life and the remaining useful life of each structure, system, facility, unit and component inspected. The assessment must also consider the presence of environmental and other hazards, including without limitation, asbestos, lead paint, mold, water damage and insect infestations.

2. The capital needs assessment must include a recommended scope of work and a cost estimate to complete the scope of work that addresses the following capital needs of the Project, without consideration of financial feasibility:

a) Correction of all violations of applicable federal, state and local building, health and life safety codes and correction of all deferred maintenance;

b) Rehabilitation or replacement of all structures, systems, facilities, units and components that have reached or exceeded their useful lives or will reach their useful lives within 5 years;

c) Rehabilitation of all units and common areas and facilities to bring them into compliance with MaineHousing's Construction Standards to the maximum extent feasible;

d) Rehabilitation of the minimum number of units and all common areas and facilities that are necessary to comply with the most current requirements for new construction projects under applicable federal, state and local accessibility laws, regulations, standards and guidance (which include without limitation, Section 504 of the Rehabilitation Act of 1973, HUD's housing regulations at 24 C.F.R. Part 8 and any accessibility standard designated by HUD; Title II and Title III of the Americans with Disabilities Act of 1990 and the 2010 Standards of Accessible Design; and if the Project involves substantial rehabilitation,

the Maine Human Rights Act, the Maine Human Rights Commission's Chapter 8, Housing Regulations, and ANSI Standard A117.1-2009); and

e) Remediation and disposal of any environmental or other hazards identified in the assessment.

3. The capital needs assessment must also identify any structures, systems, facilities, units and components with a remaining useful life of less than 30 years. The Application must include a plan for future rehabilitation or replacement of any identified structure, system, facility, unit and component with a useful life of less than 30 years that is not included in the scope of work for the Project, including possible funding sources, which will be considered in establishing the appropriate funding amounts for the Project's reserve accounts.

APPENDIX D
LOW INCOME HOUSING TAX CREDIT PROGRAM
OWNER'S CERTIFICATE OF CONTINUING PROGRAM COMPLIANCE

To: *MaineHousing*
26 Edison Drive
Augusta, ME 04330

Certification Dates:	**From:** **January 1, 20_____**		**To:** **December 31, 20_____**	
Project Name:			**Project No:**	
Project Address:		**City:**	**County:**	**Zip:**
Tax ID # of Ownership Entity:				
Building Identification Number(s):	(1)	(2)	(3)	
	(4)	(5)	(6)	
	(7)	(8)	(9)	
	(10)	(11)	(12)	

☐ No buildings have been Placed in Service
☐ At least one building has been placed in Service but owner elects to begin credit period in the following year.
If either of the above applies, please check the appropriate box, and proceed to page 2 to sign and date this form.

The undersigned_____ on behalf of

_____ (the "Owner"), hereby certifies that:

1. The project meets the minimum requirements of: (check one)
   - ☐ 20 - 50 test under Section 42(g)(1)(A) of the Code
   - ☐ 40 - 60 test under Section 42(g)(1)(B) of the Code
   - ☐ 15 - 40 test for "deep rent-skewed" projects under Section 42(g)(4) and 142(d)(4)(B) of the Code
   - ☐ Income Averaging

2. There has been **no change in the applicable fraction** (as defined in Section 42(c)(1)(B) of the Code) for any building in the project:
   ☐ NO CHANGE ☐ CHANGE

   If **"Change",** list the applicable fraction to be reported to the IRS for <u>each building</u> in the project for the certification year on page 4:

3. There have been no changes in the building's eligible basis under Section 42(d) of any building in the project.
   ☐ NO CHANGE ☐ CHANGE
   If **"Change",** list the changes on page 4:

4. The owner has received an annual Tenant Income Certification from each low-income resident and documentation to support that certification, or the owner has a re-certification waiver letter from the IRS in good standing, has received an annual Tenant Income Certification from each low-income resident, and

documentation to support the certification at their initial occupancy.

☐ **YES** ☐ **NO**

5. Each low-income unit in the project has been rent-restricted under Section 42(g)(2) of the Code:

☐ **YES** ☐ **NO**

6. All low-income units in the project are and have been for use by the general public and used on a non-transient basis (except for transitional housing for the homeless provided under Section 42 (i)(3)(B)(iii) of the Code):

☐ **YES** ☐ **NO** ☐ **HOMELESS**

7. There has been no finding of discrimination under the Fair Housing Act, 42 U.S.C 3601-3619 with respect to this project. A finding of discrimination includes an adverse final decision by the Secretary of Housing and Urban Development (HUD), 24 CFR 180.680, an adverse final decision by a substantially equivalent state or local fair housing agency, 42 U.S.C 3616a(a)(1), or an adverse judgment from a federal court:

☐ **FINDING** ☐ **NO FINDING**

If "**Finding**", please explain the nature of the violation and attach a copy of the decision or judgment.

8. There has been no finding of discrimination under any other applicable local, State or federal equal access or nondiscrimination law with respect to this project. A finding of discrimination includes an adverse final decision by the governmental agency responsible for administering such law, or an adverse judgment from a court with jurisdiction over such law:

☐ **FINDING** ☐ **NO FINDING**

If "**Finding**", please explain the nature of the violation and attach a copy of the decision or judgment.

9. Each building in the project is and has been suitable for occupancy, taking into account local health, safety, and building codes (or other habitability standards), and the state or local government unit responsible for making building code inspections did not issue a report of a violation for any building or low income unit in the project:

☐ **YES** ☐ **NO**

If **"No"**, explain the nature of violation on page 4 and attach a copy of the violation report as required by 26 CFR 1.42-5 and any documentation of correction.

10. Each building and all FedHome (HOME) assisted units are suitable for occupancy, taking into account State and local health, safety, and other applicable codes, ordinances, and requirements, and the ongoing property standards established by the participating jurisdiction (MaineHousing) to meet the requirements of 24 CFR, Part 92, HOME Investment Partnership Program, Section 92.251.

☐ **YES** ☐ **NO** ☐ **N/A**

11. There has been **no change in the eligible basis** (as defined in Section 42(d) of the Code) of any building in the project since last certification submission:

☐ **NO CHANGE** ☐ **CHANGE**

If **"Change"**, state nature of change (e.g., a common area has become commercial space, a fee is now charged for a tenant facility formerly provided without charge, or the project owner has received federal

subsidies with respect to the project which had not been disclosed to the allocating authority in writing) on page 4:

12. All tenant facilities included in the eligible basis under Section 42(d) of the Code of any building in the project, such as swimming pools, other recreational facilities, parking areas, washer/dryer hookups, and appliances were provided on a comparable basis without charge to all tenants in the buildings:
    ☐ **YES** ☐ **NO**

13. If a low-income unit in the project has been vacant during the year, reasonable attempts were or are being made to rent that unit or the next available unit of comparable or smaller size to tenants having a qualifying income before any units were or will be rented to tenants not having a qualifying income:
    ☐ **YES** ☐ **NO**

14. If the income of tenants of a low-income unit in any building increased above the limit allowed in Section 42(g)(2)(D)(ii) of the Code, the next available unit of comparable or smaller size in that building was or will be rented to residents having a qualifying income:
    ☐ **YES** ☐ **NO**

15. Project complies with an extended low-income housing commitment as described in section 42(h)(6) (not applicable to buildings with tax credits from years 1987-1989):
    ☐ **YES** ☐ **NO** ☐ **N/A**

16. In the prior 12 month period, the owner has:
    a) terminated the tenancy of a tenant in a low income unit, including without limitation, non-renewal of the lease of an existing tenant in a low income unit, for other than good cause;
    b) increased the gross rent of a tenant with respect to a low income unit not otherwise permitted under Section 42 of the Code and any other applicable program (e.g. HOME, HUD Section 8);
    c) denied tenancy to any applicant or terminated the tenancy of any tenant solely because the applicant or tenant had a Section 8 voucher or certificate; or
    d) denied tenancy to any applicant, terminated the tenancy of any tenant, or failed to assist a tenant in finding alternative appropriate housing in violation of Title VI of the Violence Against Women Reauthorization Act of 2013, 34 USC Subpart 2 – housing rights Chapter 121 and applicable regulations (VAWA), as amended.
    ☐ **YES** ☐ **NO**

    If **"Yes**", please explain the nature of the violation on page 4.

17. The project complies with the requirements of all applicable Federal and State Housing Programs included in the development (e.g., Rural Housing Services, HOME, HUD Section 8, or Tax-Exempt Bonds).
    ☐ **YES** ☐ **NO**

    If **"No**", please explain the nature of the violation on page 4.

18. The owner received its credit allocation from the portion of the state ceiling set-aside for a project involving "qualified non-profit organizations" under Section 42(h)(5) of the code and its non-profit entity materially participated in the operation of the development within the meaning of Section 469(h) of the Code.
    ☐ **YES** ☐ **NO** ☐ **N/A**

19. The property has not suffered a casualty loss resulting in the displacement of residents.
    ☐ **YES** ☐ **NO**
    If "Yes", please explain the nature of the loss on page 4.

20. There has been no change in the ownership or management of the project:

☐ NO CHANGE ☐ CHANGE

If **"Change"**, complete page 4 detailing the changes in ownership or management of the project.

Note: Failure to complete this form in its entirety will result in noncompliance with program requirements. In addition, any individual other than an owner or general partner of the project is not permitted to sign this form, unless permitted by the state agency.

The project is otherwise in compliance with the Code, including any Treasury Regulations, the applicable State Allocation Plan, and all other applicable laws, rules and regulations. This Certification and any attachments are made UNDER PENALTY OF PERJURY.

_____
(Ownership Entity)

By: _____

Title: _____

Date: _____

PLEASE PROVIDE ANY CHANGES OR EXPLANATIONS REQUIRED UNDER QUESTIONS 1-19.

Question #	Explanation

CHANGE IN MANAGEMENT CONTACT

Date of Change:	
Management Co. Name:	
Management Address:	
Management city, state, zip:	
Management Contact:	
Management Contact Phone:	
Management Contact Fax:	
Management Contact Email:	

1. **CHANGES IN OWNERSHIP OR MANAGEMENT**

(to be completed **ONLY if "CHANGE"** marked for question 20 above)

2. **TRANSFER OF OWNERSHIP**

Date of Change:	
Taxpayer ID Number:	
Legal Owner Name: Address: Phone:	
General Partnership:	
Status of Partnership (LLC, etc.):	

CHANGE IN OWNER CONTACT

Date of Change:	
Owner Contact:	
Owner Contact Phone:	
Owner Contact Fax:	
Owner Contact Email:	

APPENDIX E

THRESHOLD REQUIREMENTS FOR PURCHASE OPTIONS/RIGHTS OF FIRST REFUSAL

I. The Purchase Options must:

1) grant to one or more of the general partner, managing member, developer or sponsor an irrevocable option to purchase the Project at a purchase price not more than the greater of: (a) its fair market value as encumbered by the Extended Use Agreement and any other restrictions of record; and (b) the sum of: (i) the outstanding debt secured by the Project, (ii) the amount of the limited partner's or non-managing member's federal, state and local tax liability resulting from the sale of the Project, and (iii) all amounts owed to the limited partner or non-managing member under the limited partnership agreement or limited liability company operating agreement (the "Project Option Price");

2) grant to one or more of the general partner, managing member, developer or sponsor an irrevocable option to purchase the interest of the limited partner(s) or non-managing member(s) in the Project ownership entity ("Ownership Interest") at a purchase price not more than the amount the limited partner(s) or non-managing member(s) would have received on an after-tax basis if the Project had been sold at the Project Option Price and the proceeds distributed pursuant to the terms of the limited partnership agreement or limited liability company operating agreement;

3) be exercisable beginning at the earlier of: (a) the expiration of the Compliance Period; or (b) the exit of or change of controlling interest (as defined in the Transfers of Ownership Interests Rule, Chapter 27) in the limited partner or non-managing member occurring after the expiration of the Credit Period;

4) expire no earlier than 36 months after the expiration of the Compliance Period; and

5) give the holder of the option a minimum of 12 months to close on the purchase of the Project or the Ownership Interest after exercise of the option or such longer period required by any lender(s) or other party whose consent to the transfer is required.

II. The right of first refusal (ROFR) must:

1) grant to a Qualified Nonprofit Organization an irrevocable and exclusive ROFR to purchase the Project at the Minimum Purchase Price as defined in Section 42(i)(7) of the Code, excluding any indebtedness incurred within the 5-year period ending on the date of the sale pursuant to the ROFR (the "ROFR Price");

2) be exercisable beginning at the expiration of the Compliance Period;

3) expire no earlier than 36 months after the later of: (i) the public offer of the Project for sale by the general partner or managing member; and (ii) the expiration of the Compliance Period;

4) give the holder of the ROFR a minimum of 90 days to exercise its ROFR and a minimum of 12 months to close on the purchase of the Project after exercise of the ROFR or such longer period required by any lender(s) or other party whose consent to the transfer is required; and

5) not require more than a nominal earnest money deposit in order to exercise the ROFR.

III. The Project owner's limited partnership agreement or limited liability company operating agreement must provide that:

1) the holder of the ROFR may assign the ROFR to a governmental unit, tenant organization or resident management corporation of the Project, or another Qualified Nonprofit Organization without the consent of the limited partner(s) or non-managing member(s);

2) the general partner or managing member may elect to do any of the following:

   a) subject to the consent of the limited partner(s) or non-managing member(s), which consent shall not be unreasonably withheld, conditioned, or delayed, sell the Project to the holder of the ROFR in connection with the exercise of the ROFR (the limited partner(s) or non-managing member(s) may not withhold consent for a non-material breach of the Project owner's organizational documents);

   b) at its discretion, without the consent of the limited partner(s) or non-managing member(s), sell the Project to the holder of the ROFR in connection with the exercise of the ROFR following the general partner's or managing member's receipt of a bona fide third party offer to purchase the Project, which offer may be solicited by the general partner/managing member or the holder of the ROFR; or

   c) at its discretion, without the consent of the limited partner(s) or non-managing member(s), offer the Project for sale publicly at any time following the expiration of the Compliance Period and thereafter accept an offer from the highest bidder to purchase the Project, as long as the sale price is not less than the ROFR Price, and provided such acceptance is subject to the rights of the holder of the ROFR to exercise the ROFR and purchase the Project at the ROFR Price;

3) the general partner or managing member is directed and authorized to execute all documents necessary to effect the sale of the Project pursuant to the ROFR or Purchase Options;

4) the limited partner(s) or non-managing member(s) affirmatively agree not to challenge: (i) the sale of the Project pursuant to the terms of the ROFR by the general partner or managing member to the holder of the ROFR even if the holder of the ROFR is affiliated with the general partner or managing member; (ii) the general partner's or managing member's acceptance of an offer from the highest bidder in response to the general partner's or managing member's public offer of the Project for sale, provided the offer price is not less than the ROFR Price, and/or the exercise of the ROFR by the holder of the ROFR after any such acceptance; and (iii) the exercise of the Purchase Options by the holder(s) thereof pursuant to the terms of the Purchase Option;

5) in the event Section 42(i)(7) of the Code is amended to permit a Qualified Nonprofit Organization to hold a purchase option after the expiration of the Compliance Period, and only to the extent permitted under such revised Section 42(i)(7) of the Code, the holder of the ROFR shall be entitled to purchase the Project, or at its option, all of the interests in the owner, in either case at the ROFR Price, in lieu of exercising the ROFR;

6) neither the ROFR or Purchase Options will be adversely affected or limited by any other rights of the limited partner(s) or non-managing member(s), or any owner of any interest in any limited partner or non-managing member, such as forced sale rights, and there are no conditions to the exercise of the ROFR or Purchase Options except as explicitly identified in the limited partnership agreement or limited liability company operating agreement; and

7) any amendment that would modify any term or condition related to the ROFR or Purchase Options requires the prior written consent of MaineHousing.

APPENDIX F
HUD POLICY REQUIREMENTS

[Some of these requirements are currently under a stay by the Court and may or may not ultimately be required. MaineHousing will inform Applicants of the applicable requirements.]

If applicable:

1. The Recipient shall not use grant funds to promote "gender ideology," as defined in Executive Order (E. G.) 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government:

2. The Recipient agrees that its compliance in all respects with all applicable Federal antidiscrimination laws is material to the U.S. Government's payment decisions for purposes of section 3729(b)(4) of title 31, United States Code;

3. The Recipient certifies that it does not operate any programs that violate any applicable Federal anti-discrimination laws, including Title VI of the Civil Rights Act of 1964;

4. The Recipient shall not use any grant funds to fund or promote elective abortions, as required by E.0. 14182, Enforcing the Hyde Amendment; and that,

5. Notwithstanding anything in the NOFO or Application, this Grant shall not be governed by Executive Orders revoked by E.G. 14154, including E. 0. 14008, or NOFO requirements implementing Executive Orders that have been revoked.

6. The Recipient must administer its grant in accordance with all applicable immigration restrictions and requirements, including the eligibility and verification requirements that apply under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended (8_ULSj 1601-164) (PRWORA) and any applicable requirements that HUD, the Attorney General, or the U. S. Citizenship and Immigration Services may establish from time to time to comply with PRWORA, Executive Or 4218, or other Executive Orders or immigration laws.

7. No state or unit of general local government that receives funding under this grant may use that funding in a manner that by design or effect facilitates the subsidization or promotion of illegal immigration or shields illegal aliens from deportation, including by maintaining policies or practices that materially impede enforcement of federal immigration statutes and regulations.

8. The Recipient must use SAVE, or an equivalent verification system approved by the Federal government, to prevent any Federal public benefit from being provided to an ineligible alien who entered the United States illegally or is otherwise unlawfully present in the United States.

9. Faith-based organizations may be subrecipients for funds on the same basis as any other organization. Recipients may not, in the selection of subrecipients, discriminate against an organization based on the organization's religious character, affiliation, or exercise.

BASIS STATEMENT: This rule is the qualified allocation plan for allocating and administering federal low income housing tax credits ("LIHTC") in the State of Maine, which MaineHousing, as the State's designated housing credit agency, is required to adopt pursuant to Section 42 of the Internal Revenue Code and the above-referenced sections of the Maine Housing Authorities Act.

This rule replaces the prior rule and includes the following changes:

Throughout: Updated deadlines and corrected grammatical errors

Section 1: Added a Statement Regarding Cost Control, which is an NCSHA suggestion

Section 4.C. Increased Monitoring Fee to $1,100 per Credit Unit from $1,000 per Credit Unit

Section 4.F.1. Clarified process for sharing scores and developer informal appeal process

Section 4.F.4. Formalized our long-standing practice that no developer will receive more than 50% of total projects awarded unless there are no other feasible projects

Section 4.G. Codified our new practice of providing a Notice of Award and assignment of a loan officer and construction analyst within approximately one week of award

Section 4.I.8. Added infeasibility as a reason for terminating a project

Section 5.B. Updated the Total Development Cost ("TDC") Index Cap for 2027 and indexed 2028 to New England CPI

Section 5.H. Clarified that two phases of a project on the same site cannot apply in the same round and that if one phase is awarded, the project must move forward and cannot wait for the second phase to win a subsequent competitive process

Section 5.I Removed "Of particular note are updates to MaineHousing's energy efficiency standards

Section 6.A. Reduced the points for Project Characteristics from 5 to 4

Section 6.A.1. Removed "replacement" as it is included in 3

Section 6.A.5. Clarified which bodies of a municipality can deem an area blighted

Section 6.C. Added a point for projects using wood fiber insulation

Section 6.D. Changed "set-aside" to "preference" for populations with special needs and clarified that project-based vouchers are only available for National Housing Trust Fund ("HTF") units and reduced the points from 6 to 3

Section 6.G. Clarified (i) that project-based vouchers are only available for the minimum required HTF units (ii) which Environmental Review requirements are necessitated by HTF

funds and which are necessitated by project-based vouchers and (iii) increased the points from 2 to 3

Section 6.I. Clarified the TIF beginning date is Placed in Service Date based on the new statutory language and clarified the TIF application deadline

Section 6.J.1. Instituted the new location needs analysis developed by Planning and Research

Section 6.J.2. Instituted the new location needs analysis developed by Planning and Research

Section 6.J.3. Changed location policy so that location scoring from the prior QAP is available to developers for both years of this QAP if that scoring is higher

Section 6.K. Added comprehensive plan

Section 6.L. Removed Activities Important to Daily Living

Section 6.O. Clarified existing language

Section 6.Q. Clarified measurement period for management company performance

Section 7.A.1. Clarified that the entire State includes all buildings therein

Section 7.B.3. Included language to allow an Additional Developer Fees in 9% LIHTC projects and clarify that deferred developer fees cannot be interest bearing or secured by a mortgage on the project

Section 10.F. Clarified Utility Monitoring requirements

Appendix A Added definition of Additional Developer Fee and added cap on Additional Developer Fee that is excluded from the Total Development Cost in the definition of Total Development Cost. Removed definition for Activities Important to Daily Living. Modified definition of Total Development Cost to reflect Additional Developer Fee.

Appendix E Updated legal language on Right of First Refusal

Appendix F Added Appendix F

PUBLIC COMMENT:

Process:

Notice of Agency Rule-making Proposal (MAPA-3) was submitted to the Secretary of State for publication in the April 8, 2026, edition of the appropriate newspapers. Additionally, MaineHousing sent the proposed rule to Interested Parties on April 8, 2026, and published the proposed rule on its website on April 8, 2026. MaineHousing held a public hearing on April 28, 2026. The comment period was held open until May 8, 2026, at 5:00 PM.

Summary of Comments and Responses to Comments:

Comment: John Egan, Director of Real Estate Developer for Avesta Housing submitted written comments stating that the scoring rubric for Tax Increment Financing ("TIF") demands that all applicants apply with a fully executed TIF and Credit Enhancement Agreement in hand. Egan commented that this puts pressure on municipalities who may receive numerous applicants in a given funding round, and while some municipalities such as Portland may have adopted a process to incorporate TIF requests, very few other municipalities have done so. Egan commented that TIF requests are starting to be a means of keeping Low-Income Housing Tax Credit units out of a community. Egan urged MaineHousing to amplify other criteria of similar weight points to allow for applicants to score competitively in locations that may not or will not consider TIFs.

Response: MaineHousing appreciates this recommendation and recognizes that some of the smaller municipalities may not have established processes for TIFs, however, a full application is required to receive points, as MaineHousing must verify that the TIF has been approved and is secured for the project. It would be unfair to allow unapproved applications, and would render the scoring category essentially moot, as every project could say they applied for a TIF, but that does not necessarily mean a TIF would be approved. Additionally, during this process MaineHousing considered other criteria in lieu of TIFs that could potentially be added for points but determined that those criteria did not support property tax relief in a way that was measurable to allow MaineHousing to award weighted points.

Comment: John Egan further commented that the points added for wood fiber insulation will likely result in nearly every applicant pledging to use the product, but in reality, the installation of the product is still unknown for universal code concurrence. Egan recommended defining specific allowable installations of the material eligible for scoring the point and/or creating flexibility to secure the point while still meeting building and fire codes.

Response: MaineHousing appreciates this recommendation. The criteria outlined in the Qualified Allocation Plan for Wood Fiber Insulation is based on information gathered by MaineHousing from industry experts on what they determined was a reasonable threshold for use of the product. Until further data and information is available, the scoring criteria will remain as written.

Comment: John Egan commented that current scoring and cost caps create a significant bias for developers to choose senior units due to the costs for building larger family units that are not offset by increased income. Egan recommended MaineHousing consider adjusting per unit subsidy caps on a per bedroom flex schedule to further incentivize family units.

Response:. MaineHousing is studying the cost differential between family and senior housing projects for a potential difference in the subsidy offering in the 2026 Rental Loan Program. While MaineHousing may consider different subsidy limits to assist with the higher cost of larger family units, which is not offset by higher rents, MaineHousing believes the indexed cost caps as set allow for both family and senior housing to be built within the applicable limits.

Comment: John Egan also commented that adding a scoring criterion for demonstration of walkability and/or proximity to community assets using a third-party metric such as a Walk-Score would contribute to MaineHousing's effort to drive project locations to community centers. Egan

recommended MaineHousing add a small number of points to projects that score above a minimum threshold Walk-Score, as defined by a national vendor with vast experience in rating smart growth locations.

Response: MaineHousing appreciates this recommendation and will consider further research into a national vendor that may be able to provide reputable data on walkability that could be considered in future iterations of the Qualified Allocation Plan. MaineHousing discussed this with developers earlier this year and determined that the available vendors/websites were inconsistent at best and may have more cost than benefit at this time.

Comment: John Egan further commented that under the proposed scoring matrix for the Qualified Allocation Plan, it is likely that the range of scores among winning proposals will be compressed, which will likely lead to the employment of the tie-breaker methodology. Egan recommended a reinstatement of a point category that recognizes the opportunity for a budget with lower than the maximum amount of 0% preferred debt to incentivize efficient resource use. Egan further recommended creating a rubric of 4-5 objective, empirical thresholds to break ties, with the final arbiter being a random drawing.

Response: MaineHousing appreciates these recommendations. In considering scoring criteria, MaineHousing avoids awarding points for promises, and reinstating a point category that recognizes the opportunity for a budget with lower than the maximum amount of 0% deferred debt, would create that scenario. At application, typically budgets do not reflect the actual costs of the project, and awarding points on the promise that a lower amount of debt will be needed, to then later have a large gap in funding for the project is not advantageous for developers or MaineHousing. MaineHousing holds applicants to the amount of 0% deferred debt pledged at application and does not allow an increase in that debt to fill a gap. Giving points for less subsidy would incent applicants to create gaps to receive more points. However, as a tiebreaker this is an objective criterion that MaineHousing can use to ensure its resources are used most efficiently when many projects score well in a given funding round. Additionally, with respect to creating 4-5 objective, empirical thresholds, MaineHousing would welcome any recommendations on what those objective criterion might be, but supports its decision to: (i) emphasize the least amount of credits and 0% deferred debt for the purposes of reserving resources; and (ii) promote affordable homeownership for the residents after the Extended Use Period which is in line with MaineHousing's mission.