
Rules of
Department of Economic
Development
Division 170—Missouri Housing
Development Commission
Chapter 5—Affordable Housing
Assistance Program

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 170—Missouri Housing
Development Commission
Chapter 5—Affordable Housing
Assistance Program**

4 CSR 170-5.010 Definitions

PURPOSE: This rule establishes guidelines to assist business firms and neighborhood organizations in the implementation of the Affordable Housing Assistance Program and allows the commission to comply with the provisions of House Bill 960 (state tax credit).

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Affordable housing assistance programs are those programs designed to provide affordable housing to very low income persons who would not otherwise be adequately housed.

(2) The commission shall administer the Affordable Housing Assistance Program. The commission shall provide the application forms to business firms wishing to provide affordable housing and to take advantage of the tax credits issued under this program.

(3) The amount of the state tax credit shall not exceed fifty-five percent (55%) of the total amount invested in affordable housing assistance activities by a business firm. Any tax credit not issued in the period for which the credit is approved may be carried over the next ten (10) succeeding calendar or fiscal years until the full credit has been claimed. To determine the amount of tax credit allowable if the affordable housing units for which a tax credit is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of net rentable square feet devoted to the affordable housing units.

(4) The total amount of tax credits granted for proposals approved for the first fiscal year beginning July 1, 1990 shall not exceed two

(2) million dollars, to be increased by no more than two (2) million dollars each succeeding fiscal year, until the total tax credits that may be approved in any fiscal year reaches ten (10) million dollars.

(5) As used in the implementation of the Affordable Housing Assistance Program, the following terms shall mean:

(A) Affordable housing unit, a residential unit generally occupied by persons and families with incomes at or below the levels described in this rule and charging a gross rental rate no greater than thirty percent (30%) of the maximum eligible household income for the affordable housing unit. Gross rent includes the cost of any utilities, other than telephone. If any utilities are paid directly by the occupant, the maximum rent that may be paid by the occupant is to be reduced by a utility allowance prescribed by the commission. Persons or families are eligible occupants of affordable housing units if the household combined, adjusted gross income as defined by the commission is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for Missouri, whichever is larger. Geographic area means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937 for purposes of determining fair market rental rates:

Size of Household	Percent of State or Geographic Area Family Media Income
One Person	35%
Two Persons	40%
Three Persons	45%
Four Persons	50%
Five Persons	54%
Six Persons	58%
Seven Persons	62%
Eight Persons	66%

(B) Affordable housing assistance activities, money, real or personal property, or professional services expended or devoted or contributed through a neighborhood organization which is providing affordable housing units—

1. Through the use, construction or rehabilitation of those units; or

2. To eligible persons or families through an affordable housing rent subsidy program approved by the commission, all in accordance with the criteria established in subsection (5)(A);

(C) Business firm, person, firm or corporation doing business in Missouri and subject to the income tax imposed by the provisions of Chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of Chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in the state, or other financial institution paying taxes to Missouri or any political subdivision of this state under the provisions of Chapter 148, RSMo, or an express company which pays an annual tax on its gross receipt in this state;

(D) Commission, the Missouri Housing Development Commission; and

(E) Neighborhood organization, any organization performing community services or economic development activities in Missouri—

1. Holding a ruling from the Internal Revenue Service of the United States Department of Treasury that the organization is exempt from income taxation under the provisions of the *Internal Revenue Code* 501(c)3, 501(c)4 or 501(c)6 and must have the producing, maintaining or operating of low income housing as part of their charter, as one (1) of their stated purposes;

2. Incorporated in Missouri as a not-for-profit corporation under the provisions of Chapter 355, RSMo; or

3. Designated as a community development corporation by the United States government under the provisions of Title VII of the Economic Opportunity Act of 1964.

AUTHORITY: Chapter 215 and section 215.030(5), (12) and (19), RSMo Supp. 1989. Original rule filed Dec. 4, 1990, effective June 10, 1991. Emergency amendment filed May 20, 1992, effective May 30, 1992, expired Sept. 26, 1992. Emergency amendment filed Sept. 25, 1992, effective Oct. 5, 1992, expired Feb. 1, 1993. Amended: Filed May 27, 1992, effective Jan. 15, 1993.*

**Original authority: 215.010, RSMo 1969, amended 1974, 1982, 1985; 215.020, RSMo 1969; 215.030, RSMo 1969, amended 1974, 1982, 1985, 1989; 215.035, RSMo 1989; 215.040-215.050, RSMo 1969; 215.060, RSMo 1969, amended 1974, 1982, 1985; 215.062, RSMo 1991; 215.070, RSMo 1969, amended 1972, 1974, 1975, 1985; 215.080, RSMo 1969; 215.090, RSMo 1969; 215.100-215.150, RSMo 1969; 215.160, RSMo 1969, amended 1974, 1985; 215.170-215.250, RSMo 1969; and 215.300-215.318, RSMo 1989.*

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MISSOURI HOUSING DEVELOPMENT COMMISSION
STATE OF MISSOURI

RICHARD G. GROSE
Executive Director

OFFICE
3770 Broadway
Kansas City, Missouri 64111
(816) 756-3790

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MISSOURI HOUSING DEVELOPMENT COMMISSION

AFFORDABLE HOUSING ASSISTANCE
PROGRAM

FY1992 APPLICATION PACKAGE
{Effective July 1, 1992 through June 30, 1993}

CONTENTS

- 1. Project Application**
- 2. Exhibit A: Income Limits**
- 3. Tax Credit Certification**
(Business Contribution)
- 4. Program Checklist**
- 5. Program "Rules and Regulations"**
(Chapter 5 - Affordable Housing Assistance)

7/1/92

Missouri Housing Development Commission

Affordable Housing Assistance Program Project Application

Date of Application: _____

Part I. Applicant Section

Official name of organization: _____

Official mailing address of organization:

Street/P. O. Box	City	State	Zip
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Telephone #: _____ Best time to call: _____

Fax # _____ Best time to fax: _____

Name of Executive Director: _____

Primary Contact (if other than Executive Director): _____

Mailing address of primary contact (if different than location of organization):

Street/P. O. Box	City	State	Zip
------------------	------	-------	-----

Name of President/Chairman of Board of Directors: _____

Type of Organization: (please check one only)

1. Holding a ruling from the Internal Revenue Service of the U.S. Department of Treasury that the organization is exempt from income taxation under the provisions of the *Internal Revenue Code* 501(c)3, or 501(c)4, or 501(c)6, and must have the producing, maintaining, or operating of low income housing as part of their charter, as one of their stated purposes;

If you check this box, also indicate which IRS ruling your organization holds:

_____ 501(c)3 _____ 501(c)4 _____ 501(c)6

2. Incorporated in the State of Missouri as a domestic not-for-profit corporation under Chapter 355 RSMo.
3. Designated as a community development corporation by the United States government under the provisions of Title VII of the Economic Opportunity Act of 1964.
4. In the process of applying to the IRS for federal tax-exempt status.

FY 1993

Page One

Part II. Project Section:

Name of Project: _____

Address of Project: _____
Street City County Zip

Neighborhood Area to be Served: _____

Congressional District Census Tract
State Senate District State House District

Notification of Local Official:

Provide the name and address of the chief elected official of the local political jurisdiction in which the project will be / is located:

Name: _____

Address: _____
Street City County Zip

CIRCLE ONE: Comment from local governing body IS / IS NOT included.

[If comment from local governing body is not included in the application, the commission will notify the chief elected officials of the municipality or county and give them thirty (30) days to comment.]

Statement of Need

A. Briefly describe the major needs your proposal addresses and who will benefit by this project, both directly and indirectly.

B. Briefly describe why Affordable Housing Assistance support is necessary for this project to be successful.



Site Information: Provide information concerning the proposed site(s).

Site control is in the form of: DEED OPTION PURCHASE CONTRACT
OTHER _____

Expiration date of contract or option: _____
month / day / year

ZONING: Please state the current zoning and briefly describe its applicability and/or permissiveness to the proposed project.

CURRENT ZONING IS: _____

STATEMENT of APPLICABILITY and/or PERMISSIVENESS:

Project Information:

NEW CONSTRUCTION REHABILITATION

TOTAL NUMBER of UNITS: _____ NUMBER of LOW-INCOME UNITS: _____

GROSS RENTS:

The gross rental rate can be no greater than thirty percent (30%) of the maximum eligible household income for the affordable housing unit. [Please refer to Exhibit A for the current income limits.] Gross rent includes the cost of any utilities, other than telephone. If any utilities are paid directly by the occupant, the maximum rent that may be paid by the occupant is to be reduced by a utility allowance.

UTILITY ALLOWANCES:

Utilities	Type of Utility (Gas, Electric, Oil, etc.)	Utilities Paid By	Enter Monthly Dollar Amount For Utilities Paid by Tenant				
			0BR	1BR	2BR	3BR	4BR
Heating		<input type="checkbox"/> owner <input type="checkbox"/> tenant					
Air Conditioning		<input type="checkbox"/> owner <input type="checkbox"/> tenant					
Lighting		<input type="checkbox"/> owner <input type="checkbox"/> tenant					
Cooking		<input type="checkbox"/> owner <input type="checkbox"/> tenant					
Hot Water		<input type="checkbox"/> owner <input type="checkbox"/> tenant					
Water		<input type="checkbox"/> owner <input type="checkbox"/> tenant					
Sewer		<input type="checkbox"/> owner <input type="checkbox"/> tenant					
Trash		<input type="checkbox"/> owner <input type="checkbox"/> tenant					



Project Rents: List the estimated monthly income for the proposed units.
(Rents shown here should not include Utility Allowances.)

Low-Income Units:

Market Rate Units:

Bedroom Size	Number of Units	Rent Per Unit	Average Sq. Ft. P.U.	Bedroom Size	Number of Units	Rent Per Unit	Average Sq. Ft. P.U.
0BR				0BR			
1BR				1BR			
2BR				2BR			
3BR				3BR			
4BR				4BR			
5BR				5BR			

Equipment :

Included with Low-Income Units:

- RANGE DISPOSAL AIR CONDITIONER W/D HOOK-UP
 REFRIGERATOR DISHWASHER KIT. EXHAUST FAN OTHER _____

Included with Market Rate Units:

- RANGE DISPOSAL AIR CONDITIONER W/D HOOK-UP
 REFRIGERATOR DISHWASHER KIT. EXHAUST FAN OTHER _____

Income Information: Persons or families are eligible occupants of affordable housing units if the household combined adjusted gross income as defined by the commission [see *Exhibit A*] is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for Missouri, whichever is larger.

Size of Household	Percent of State or Geographic Area Family Median Income
One Person	35%
Two Person	40%
Three Person	45%
Four Person	50%
Five Person	54%
Six Person	58%
Seven Person	62%
Eight Person	66%

Project Costs

COLUMN A

COLUMN B

<u>To Purchase Land and Buildings</u>	
Land	_____
Existing Structures	_____
Demolition	_____
Other	_____
<u>Site Work</u>	
Site Work	_____
Off-Site Improvement	_____
Other	_____
<u>Rehabilitation and New Construction</u>	
New Building	_____
Rehabilitation	_____
Accessory Building	_____
General Requirements	_____
Contractor Overhead	_____
Contractor Profit	_____
Building Permit Fee	_____
<u>Contingency</u>	
Construction Contingency	_____
Other	_____
<u>Architectural and Engineering Fees</u>	
Design Architect	_____
Supervisory Architect	_____
Real Estate Attorney	_____
Consultant or Agent	_____
Property/Survey Fee	_____
Engineering Fee	_____
Other Fees	_____
<u>Interim Costs</u>	
Construction Insurance	_____
Construction Interest	_____
Constr. Loan Origination Fee	_____
Constr. Loan Credit Enhancement	_____
Taxes	_____
Other	_____
SUBTOTAL	_____

<u>Financing Fees and Expenses</u>	
Bond Premium	_____
Credit Report	_____
Permanent Loan Origination Fee	_____
Perm. Loan Credit Enhancement	_____
Cost of Iss/Underwriters Discount	_____
Title and Recording	_____
Counsel's Fee	_____
Cost Certification Fee	_____
Other	_____
<u>Soft Costs</u>	
Property Appraisal	_____
Market Study	_____
Environmental Report	_____
Tax Credit Fees	_____
Rent-up	_____
Consultants	_____
Other	_____
<u>Syndication Costs</u>	
Organizational	_____
Bridge Loan Fees and Expenses	_____
Tax Opinion	_____
Other	_____
<u>Developer's Fees</u>	
Developer's Overhead	_____
Developer's Fee	_____
Other	_____
<u>Project Reserves</u>	
Rent-up Reserve	_____
Operating Reserve	_____
Other	_____
SUBTOTAL COLUMN B	_____
SUBTOTAL COLUMN A	_____
TOTAL	_____

Sources of Financing:

List below the proposed sources of financing to be utilized in completing the project budget as shown on page 6.

- Conventional _____
- CDBG _____
- Rental Rehab _____
- Grants _____
- OTHER _____

EQUITY FROM:

- Federal Low-Income Tax Credit _____
- Historic Tax Credit _____
- Missouri Low-Income Tax Credit _____
- OTHER _____

Donation Sources: (In addition to completing the "Tax Credit Application" form for each business listed.)

List the business firms proposing to provide affordable housing assistance activities which are part of the proposal:

NAME of BUSINESS	NAME & TELEPHONE # of CONTACT PERSON	DONATION

PERIOD OF TIME PROJECT WILL BE AVAILABLE FOR VERY LOW INCOME FAMILIES: _____

Application Fee:

*The application fee is 1/2 of 1% of the total tax credit amount
-or-
a minimum of \$250 whichever is greater.*

The application fee must accompany your application.

The application fee is non-refundable at the time a dollar amount of tax credit is reserved for the project. It is fully refundable up to that time.

MHDC does not pay interest on application fees held for projects not yet approved for tax credit.

Filing Fee:

There is a charge of \$ 80.00 to record the **Land Use Restriction Agreement**.

CERTIFICATION:

I hereby certify that I am authorized by the Board of Directors to submit this application for Affordable Housing Assistance approval.

Executive Director (signature)

Date

EXHIBIT A
[State FY1993]

**MHDC AFFORDABLE HOUSING ASSISTANCE PROGRAM
INCOME LIMITS**

METROPOLITAN AREA	MAXIMUM ELIGIBLE HOUSEHOLD INCOME
COLUMBIA	40,100
JOPLIN	28,400
KANSAS CITY	42,700
ST. JOSEPH	35,700
ST. LOUIS	41,200
SPRINGFIELD	32,600

COUNTIES	MAXIMUM ELIGIBLE HOUSEHOLD INCOME
ADAIR	29,300
ANDREW	29,400
ATCHISON	27,900
AUDRAIN	36,000
BARRY	26,200
BARTON	22,900
BATES	26,700
BENTON	21,400
BOLLINGER	20,900
BUTLER	22,900
CALDWELL	26,400
CALLAWAY	38,600
CAMDEN	26,700
CAPE GIRARDEAU	33,000
CARROLL	27,100
CARTER	20,200
CEDAR	20,700
CHARITON	27,200

COUNTIES	MAXIMUM ELIGIBLE HOUSEHOLD INCOME
CLARK	27,900
CLINTON	34,600
COLE	43,000
COOPER	32,400
CRAWFORD	25,400
DADE	26,500
DALLAS	22,300
DAVIESS	24,700
DE KALB	26,200
DENT	22,400
DOUGLAS	20,600
DUNKLIN	23,200
GASCONADE	27,900
GENTRY	24,300
GRUNDY	26,500
HARRISON	21,800
HENRY	27,200
HICKORY	17,000
HOLT	26,400
HOWARD	30,900
HOWELL	21,800
IRON	26,800
JOHNSON	29,300
KNOX	25,500
LACLEDE	26,500
LAWRENCE	26,800
LEWIS	29,800
LINCOLN	32,800

COUNTIES	MAXIMUM ELIGIBLE HOUSEHOLD INCOME
LINN	27,100
LIVINGSTON	29,700
MCDONALD	23,400
MACON	27,800
MADISON	21,900
MARIES	24,800
MARION	30,900
MERCER	22,100
MILLER	28,600
MISSISSIPPI	24,200
MONITEAU	30,200
MONROE	27,000
MONTGOMERY	27,300
MORGAN	24,200
NEW MADRID	23,300
NODAWAY	28,000
OREGON	18,700
OSAGE	33,900
OZARK	20,000
PEMISCOT	21,900
PERRY	28,200
PETTIS	29,800
PHELPS	29,100
PIKE	29,000
POLK	25,300
PULASKI	26,900
PUTNAM	22,200
RALLS	31,100

COUNTIES	MAXIMUM ELIGIBLE HOUSEHOLD INCOME
RANDOLPH	30,500
REYNOLDS	22,800
RIPLEY	18,000
ST. CLAIR	20,700
STE. GENEVIEVE	33,600
ST. FRANCOIS	28,600
SALINE	29,500
SCHUYLER	24,900
SCOTLAND	22,500
SCOTT	30,500
SHANNON	19,400
SHELBY	25,000
STODDARD	24,000
STONE	25,200
SULLIVAN	22,900
TANEY	26,200
TEXAS	22,400
VERNON	26,100
WARREN	34,400
WASHINGTON	24,000
WAYNE	18,200
WEBSTER	27,300
WORTH	21,200
WRIGHT	21,900

<p align="center">Missouri Housing Development Commission</p> <p align="center">Affordable Housing Assistance Program</p> <p align="center">TAX CREDIT CERTIFICATION</p> <p align="center"><i>See Instructions on Reverse Side</i></p>	<p>MHDC USE ONLY</p> <p>Project No. _____</p> <p>Qualifying Contribution: _____</p> <p>Approved Tax Credit: _____</p> <p>Reviewed By: _____ Date: _____</p> <p align="center">Allowable Period</p> <p>This credit may be claimed against taxes due for any taxable periods between _____ and _____</p>
	<p>Approved by: _____</p>

Part I: Business Eligibility Please complete the section below that describes your business *at the time the contribution was made*:

1. A corporation filing Federal Form 1120 and Missouri Form 20.
Corporation name: _____
2. A sole proprietorship filing Federal Form 1040 Schedule C and Missouri Form 40.
Business name and owner: _____ SSN: _____
3. A farm operation filing Federal Form 1040 Schedule F and filing Missouri Form 40.
Proprietor name: _____ SSN: _____
4. An individual reporting income from rental property or royalties on Federal Form 1040 Schedule E and filing Missouri Form 40.
Individual name: _____ SSN: _____
5. A small business corporation (S Corp.) filing Federal Form 1120S and Missouri Form 20S. (Attach a complete list of shareholders, social security numbers and percent ownership of each.)
Business name: _____
6. A partnership filing Federal Form 1065 and Missouri Form 65. (Attach a complete list of partners, social security numbers and percent ownership of each.)
Partnership name: _____
7. A bank, credit institution savings and loan association, credit union, farmer's cooperative credit association, or building and loan association filing a Missouri financial institution tax return.
Business name: _____
8. An insurance company filing a Missouri Insurance Tax return with the Division of Insurance.
Company name: _____

Part II: Business Identification

10. Business mailing address: _____
11. Contact person: _____ Daytime phone No. (_____) _____
12. Taxes are paid by: Calendar year Fiscal year from _____ to _____
13. Federal Employer ID Number: _____ 14. Missouri Charter Number: _____
15. Missouri Employer Withholding Number: _____ 16. Missouri Sales Tax Number: _____
17. Circle the taxes you intend primarily to take this credit against: corporate income tax, franchise, financial institution, gross premium receipts, gross receipts, individual income tax.

Part III: Description of Contribution

18. Name of project or organization: _____
19. Total amount of this contribution: _____ Date(s): _____
20. Brief description (if other than cash): _____
21. Proof attached: Check Invoice Appraisal Affidavit

Part IV: Notarized Statement (to be completed by the business in the presence of notary)

State of Missouri)
 County of _____) ss
 22. _____, _____, being first duly sworn on his/her oath
 (Person requesting this credit) (Title)
 states: that s/he has examined the above application and attachments and that all matters stated therein are, to the best of his/her knowledge, information and belief, true, correct and complete.

23. Subscribed and sworn to before me on this _____ day of _____, 19_____.
 My Commission expires _____
 (Signature)
 (Notary Public Signature)

Part V: Statement of Receipt (To be completed by the Project Director)

24. I have examined this application (including all attachments) in its entirety and believe it to be an accurate description of the contribution actually received by your organization for the purpose of carrying out Affordable Housing Assistance. _____ approved by the Missouri Housing Development Commission.
 Date: _____

(For Businesses That Have Contributed to Approved, Neighborhood Assistance Projects in Missouri.)

General Instructions

1. Please type or neatly print all requested information on the application. If a particular question is not applicable, indicate "NA".
2. All questions pertain to your business at the time the contribution was made. Information furnished will also be used by the Department of Revenue.
3. Do not write in the section labeled "**MHDC USE ONLY**".
4. Attach proof of contribution and send the original completed application to the agency that received your NAP contribution. MHDC will notify you of approval or disapproval.
5. Do not claim this credit on your Missouri Tax Return until you have received an approved copy of this application from the Missouri Housing Development Commission. The amount of approved credit will be indicated in the upper right-hand box.
6. Please allow the Missouri Housing Development Commission 4 to 6 weeks for processing.
7. Any portion of the credit not claimed on the taxable periods allowed will automatically be forfeited. The credit is not refundable.
8. If future taxable periods are modified, the allowable period during which this credit may be claimed will be adjusted accordingly by the Department of Revenue.

Line-By-Line Instructions

Lines

- 1-9 Check the box that describes your business at the time the contribution was made, and enter the exact information requested for that box only. Partnerships and S-Corporations are required to attach a complete list of partners or shareholders, along with the percent ownership of each, and appropriate social security or Federal ID numbers. (NOTE: The percent of profit distribution is not always the same as percent of ownership.) If any of the partners or shareholders are trusts, include both the Federal ID number for the trust and social security number for the beneficiary.
- 10 Indicate the complete address to which all correspondence concerning this application may be sent.
- 11 Indicate the person who may be contacted for more information concerning this application, and their daytime telephone number.
- 12 Indicate whether your tax is paid by calendar year or fiscal year. If fiscal year, enter the period.
- 13-16 Indicate appropriate numbers, where applicable.
- 17 Indicate the specific taxes you intend primarily to take the credit against, either corporate income, franchise, financial institutions, gross premium receipts, gross receipts or individual income tax. NOTE: You are not required to claim the credit in this manner. Your response on this line simply allows the Department of Revenue to make necessary computer entries establishing the amount of credit available to you.
- 18 Indicate the name of the organization or project that received your contribution.
- 19 Indicate the date and amount of each contribution included in this application. (Refer to official NAP rules for instructions on how to establish the value of contributions other than cash.) NOTE: Contributions made to the same project within the same taxable year may be combined on a single credit application. (Example: If your taxable year runs from October 1 to September 30, and you made three contributions to the same NAP project during that time, you may combine them on the same application.)
- 20 Briefly describe what your contribution consisted of (e.g. technical assistance, building materials, real estate, office supplies, vehicles, manpower, etc.) If you contributed an item that was subsequently sold in order to generate operating capital, it is considered a cash contribution, normally equal to the amount of cash actually generated.
- 21 Check the box(es) indicating the forms of documentation attached.
(If you wrote a check, simply attach a photocopy of the front and back of the cancelled check.)
- 22 The person completing this form on behalf of the business is to sign this section in the presence of a notary.
- 23 The notary public is to sign here and affix the notary seal.
- 24 Once your application has been submitted to the agency that received your contribution, this section will be signed by the agency representative designated as the Neighborhood Assistance Project Director. It will then be forwarded to the Missouri Housing Development Commission.

If you have any questions concerning this application, please contact:

Missouri Housing Development Commission
3770 Broadway
Kansas City, MO 64111
(816) 756-3790

MHDC Affordable Housing Assistance Program

APPLICATION CHECKLIST

- Completed MHDC Project Application (signed and dated)
 - Application Fee
 - Financial Statements
 - Preliminary Plans
 - Specifications or Work Write-Ups
 - Copy of Site Control document
 - Location Map
 - Community Support Letters (city, county and neighborhood)
 - Statement of correlation with existing and past redevelopment efforts
 - Statement of consistency with all locally approved community or neighborhood development plans for the area
 - Contribution Confirmation: "Tax Credit Certification" form for each business donation.
 - Copy of both sides of canceled check(s) if a cash donation.
- OR-
- Copies of professional appraisals if donation is improved or unimproved real estate. Plus a copy of the deed in the name of the company making the donation of the property.

4 CSR 170-5.020 Preparation of Application

PURPOSE: This rule establishes the procedures for submitting proposals and the criteria and priorities for the approval or disapproval of these proposals.

(1) A proposal is defined as a written submission by one (1) or more business firms of a proposed program for providing affordable housing units by contributing, expending or devoting money, real or personal property, or professional services to a neighborhood organization which is providing affordable housing units through the use, construction, rehabilitation or grant of affordable housing rent subsidies to eligible persons or families in a manner consistent with the Affordable Housing Assistance Program.

(2) All proposals shall be made on the forms supplied by the commission.

(A) Proposals for construction or rehabilitation of affordable housing units will include the following information:

1. The name(s) and address(es) of the business firm(s) proposing to provide affordable housing assistance activities which are part of the proposals;

2. The name(s) and address(es) of the neighborhood organization(s) which are part of the proposal;

3. The location and number of affordable housing units to be provided;

4. The neighborhood area to be served by the proposed units;

5. Why the program is needed;

6. The time period for which the affordable housing units shall be provided;

7. The estimated amount to be invested in the program;

8. Plans for implementing the program; and

9. A list of all other subsidies, grants or loans that will be received or have been requested, including low-income housing tax credits.

(B) Proposals for providing affordable housing units to eligible persons or families through an affordable housing rent subsidy program by a neighborhood organization will include the following information:

1. The name(s) and address(es) of the business firm(s) that is (are) part of the proposals;

2. The name(s) and address(es) of the neighborhood organization(s) providing the affordable housing rent subsidies; and

3. A description of the affordable housing rent subsidy program of the neighborhood organization, including, but not by way of

limitation, the neighborhood organization's tenant selection criteria, the neighborhood to be served, the number of persons to be served, the time period for which a person or family shall have a rent subsidy provided, why the program is needed, the estimated amount to be invested in the program, plans for implementing and monitoring the subsidy program and a list of all other subsidies that will be received or that have been requested to enhance the program.

(C) The commission May request any additional information it determines necessary to evaluate any proposal or plan.

(3) An application fee shall be charged in an amount necessary to cover the commission's expenses. This fee may be adjusted by the commission from time-to-time.

(4) Proposals shall be reviewed on a quarterly basis, starting with the quarter ending March 31, 1991.

(5) Proposals may be accepted at other times during the year at the discretion of the commission.

(6) All proposals must comply with the affordable housing assistance program limitations set forth in 4 CSR 170-5.010(5)(A).

(7) Factors to be considered in the approval or disapproval of a proposal to provide affordable housing units through the use, new construction or rehabilitation of units shall include, but not be limited to, the following:

(A) Current availability of the site for development and the availability of utilities and services;

(B) Applicability, permissiveness, or both, of current zoning;

(C) Size of the development;

(D) Level of the proposed rents;

(E) Reasonableness of total development cost;

(F) Financial strength and experience of the sponsor;

(G) Experience and expertise of proposed management entity;

(H) Market demand for units;

(I) Period of time project will be available for very low income families;

(J) Unit mix (small- and large-family units);

(K) Geographic location (The commission will try to disperse units throughout the state.);

(L) Project design;

(M) Community support (city, county and neighborhood). If comment from local governing body is not included in the applica-

tion, the commission will notify the chief elected officials of the municipality or county and give them thirty (30) days to comment;

(N) Correlation with existing and past redevelopment efforts; and

(O) Consistency with all locally approved community or neighborhood development plans for the area.

(8) Factors to be considered in the approval or disapproval of a proposal to provide affordable housing units to eligible persons or families by a neighborhood organization through a housing rent subsidy program approved by the commission shall include, but not be limited to, the following:

(A) Current availability of existing rental units, utilities and services in the neighborhood where the rental subsidies are proposed to be given;

(B) Size of the available housing units to be subsidized;

(C) Proposed rents to be subsidized;

(D) Financial strength of the neighborhood organization;

(E) Experience and expertise of the neighborhood organization;

(F) Number of eligible persons or families to be subsidized;

(G) Period of time the rent subsidy program will be available for very low income families;

(H) Unit subsidy mix (small and large family units);

(I) Geographic location of the rent subsidy program;

(J) Community support (city, county and neighborhood). If comment from local governing body is not included in the application, the commission will notify the chief elected officials of the municipality or county and give them thirty (30) days to comment; and

(K) Consistency with other approved community or neighborhood subsidy plans.

(9) Applicants who have a complaint concerning the disposition of a proposal shall make their complaint to the commission according to the following procedure:

(A) The complaint must be filed within ten (10) days after receipt of notice by mail to each applicant of the disposition of the commission;

(B) The complaint shall state the name of the applicant, the disposition of the commission of which the applicant complains and a brief statement of the facts and reasons upon which the complaint is based;

(C) The complaint shall be signed by the chief administrative officer of the complaining applicant;



(D) If a complaint is filed requesting a hearing, the commission will set a date for an informal hearing and notify the applicant of the date at least ten (10) days before the hearing. The commission shall begin the hearing not more than thirty (30) days after the last day for requesting a hearing;

(E) The hearing will be informal but conducted with dignity and decorum. The hearing shall begin with a statement by the commission of the basis of the commission's determination on which a complaint has been made. After that, the applicant shall state the complaint and present to the commission the facts and arguments as are relevant to the complaint; and

(F) Within ten (10) days after the completion of the hearing, the commission shall notify the applicant of its determination, setting forth in writing the particular facts and conclusions upon which the determination is premised. If, as a result of any hearing, the commission finds its original determination incorrect the commission shall correct its determination and notify the applicant immediately.

AUTHORITY: Chapter 215 and section 215.030(5), (12) and (19), RSMo Supp. 1989. Original rule filed Dec. 4, 1990, effective June 10, 1991. Emergency amendment filed May 20, 1992, effective May 30, 1992, expired Sept. 26, 1992. Emergency amendment filed Sept. 25, 1992, effective Oct. 5, 1992, expired Feb. 1, 1993. Amended: Filed May 27, 1992, effective Jan. 15, 1993.*

**Original authority: 215.010, RSMo 1969, amended 1974, 1982, 1985; 215.020, RSMo 1969; 215.030, RSMo 1969, amended 1974, 1982, 1985, 1989; 215.035, RSMo 1989; 215.040-215.050, RSMo 1969; 215.060, RSMo 1969, amended 1974, 1982, 1985; 215.062, RSMo 1991; 215.070, RSMo 1969, amended 1972, 1974, 1975, 1985; 215.080, RSMo 1969; 215.090, RSMo 1969, amended 1974, 1985, 1989; 215.100-215.150, RSMo 1969; 215.160, RSMo 1969, amended 1974, 1985; 215.170-215.250, RSMo 1969; and 215.300-215.318, RSMo 1989.*

4 CSR 170-5.030 Application and Notification Process

PURPOSE: This rule establishes procedures and identifies requirements for filing a tax credit application for the Affordable Housing Assistance Program.

(1) Business firms wanting to invest in the Affordable Housing Assistance Program and receive tax credits must make application to the commission for approval and receive approval before the investment is made. If approved, the commission will issue a written

reservation setting out the conditions of the reservation.

(2) Final approval and certification of the rights to receive tax credits will be given when—

1. The commission in writing has approved the proposal to provide affordable housing through the use, new construction, rehabilitation of units or rent subsidy;

2. All money, real or personal property, or professional services included in the proposal shall have been irrevocably and unconditionally contributed, expended or devoted to the affordable housing assistance activity approved by the commission; and

3. In all cases where the proposal involves new construction or rehabilitation or use of existing units, the Land Use Restriction Agreement required by the commission is executed and filed for record.

(3) If the investment is in real or personal property, or in professional services rather than in cash, the valuation of the investment will be substantiated as required by the commission and its determination of value shall be final.

AUTHORITY: Chapter 215 and section 215.030(5), (12) and (19), RSMo Supp. 1989. Original rule filed Dec. 4, 1990, effective June 10, 1991. Emergency amendment filed May 20, 1992, effective May 30, 1992, expired Sept. 26, 1992. Emergency amendment filed Sept. 25, 1992, effective Oct. 5, 1992, expired Feb. 1, 1993. Amended: Filed May 27, 1992, effective Jan. 15, 1993.

**Original authority: 215.010, RSMo 1969, amended 1974, 1982, 1985; 215.020, RSMo 1969; 215.030, RSMo 1969, amended 1974, 1982, 1985, 1989; 215.035, RSMo 1989; 215.040-215.050, RSMo 1969; 215.060, RSMo 1969, amended 1974, 1982, 1985; 215.062, RSMo 1991; 215.070, RSMo 1969, amended 1972, 1974, 1975, 1985; 215.080, RSMo 1969; 215.090, RSMo 1969, amended 1974, 1985, 1989; 215.100-215.150, RSMo 1969; 215.160, RSMo 1969, amended 1974, 1985; 215.170-215.250, RSMo 1969; and 215.300-215.318, RSMo 1989.*

4 CSR 170-5.040 Issuance of the Tax Credit

PURPOSE: This rule establishes the total amounts of tax credits, computation of tax credits and proof of contribution for the Affordable Housing Assistance Program.

(1) The tax credit shall not exceed fifty-five percent (55%) of the total amount invested by the business firm during the taxable year.

(2) The total tax credit approved for a business firm shall not exceed one (1) million dollars annually in any given geographic area, as defined by the commission, unless the commission determines that there are no other appropriate applications for the tax credits.

(3) No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are part of its normal course of business. If there are any questions concerning the normal course of business, the commission shall determine this on a case-by-case basis.

(4) Any portion of the tax credit not claimed by the business firm in the period the investment was made may be carried over for the next ten (10) succeeding calendar or fiscal years or until the full credit has been issued, whichever occurs first.

(5) Computation of a tax credit depends on the form of the investment. Credits for investments by a business firm shall be computed by the commission. Evidence of proof of investments may include, but not necessarily be limited to, one (1) of the following:

(A) Cash investments shall require a copy of both sides of the cancelled check(s). When a program is sponsored by an organization that conducts many varied programs, an investment in the form of a check under an approved project name must be made payable to the organization and specifically noted for that project. The organization must endorse the checks in the name of the specific program and, in certain instances, open a separate bank account in the program's name;

(B) Real estate investments shall have a copy of the deed and a copy of the appraiser's report by an independent appraiser;

(C) Equipment or supplies, or both types of investments, shall have a copy of the invoice or other documentation showing the cost to the donor and a copy of the invoice(s) signed by the receiver of goods (the project), describing the costs of the goods to the donor; and

(D) Technical assistance shall include a statement signed by the employee, employer, project director and recipient of service itemizing time spent on the project.

(6) In the event that a tax credit was improperly approved or issued, the commission shall notify the business firm of the reason for the adjustment and notify the Department of

Revenue that the tax credit has been adjusted and the reason for the adjustment.

(7) The executive director of the commission shall transmit in writing to the director of the Department of Revenue the necessary information on the amount of tax credit allowable to the business firm.

AUTHORITY: Chapter 215 and section 215.030(5), (12) and (19), RSMo Supp. 1989). Original rule filed Dec. 4, 1990, effective June 10, 1991. Amended: Filed Dec. 3, 1991, effective April 9, 1992.

**Original authority: 215.010, RSMo 1969, amended 1974, 1982, 1985; 215.020, RSMo 1969; 215.030, RSMo 1969, amended 1974, 1982, 1985, 1989; 215.035, RSMo 1989; 215.040–215.050, RSMo 1969; 215.060, RSMo 1969, amended 1974, 1982, 1985; 215.062, RSMo 1991; 215.070, RSMo 1969, amended 1972, 1974, 1975, 1985; 215.080, RSMo 1969; 215.090, RSMo 1969, amended 1974, 1985, 1989; 215.100–215.150, RSMo 1969; 215.160, RSMo 1969, amended 1974, 1985; 215.170–215.250, RSMo 1969; and 215.300–215.318, RSMo 1989.*

4 CSR 170-5.050 Compliance Requirements

PURPOSE: This rule establishes the compliance requirements for the Affordable Housing Assistance Program.

(1) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rental for each claimed unit is in compliance with the provisions of sections 32.100–32.125, RSMo.

(2) For any year during the compliance period indicated in the final approval and certification by the commission of a neighborhood organization providing affordable housing units to eligible persons or families through a housing rent subsidy program, the neighborhood organization providing the affordable housing rent subsidies for which a credit is being claimed by a business firm shall certify to the commission that all tenants receiving affordable housing rent subsidies are income-eligible for affordable housing units and the rental subsidies for each claimed unit are in compliance with the provisions of sections 32.100–32.125, RSMo.

(3) The commission is authorized, in its discretion, to audit the records and accounts of the owner of the affordable housing units for

which credit is claimed or audit the records and accounts of the neighborhood organization providing the affordable housing rent subsidies to tenants of claimed units, all in order to verify the previously mentioned certifications in sections (1) and (2).

(4) If at any time during the compliance period the commission determines a project or an affordable housing rent subsidy program for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100–32.125, RSMo, the commission shall revoke the proposal's certificate of eligibility and all business firms included in the proposal shall be prohibited from claiming any future tax credits under the proposal and shall remit to the Director of Revenue the amount of tax credits taken in previous tax years for the proposal.

(5) The commission shall notify the director of revenue of any revocation.

AUTHORITY: Chapter 215 and section 215.030(5), (12) and (19), RSMo Supp. 1989. Original rule filed Dec. 4, 1990, effective June 10, 1991. Emergency amendment filed May 20, 1992, effective May 30, 1992, expired Sept. 26, 1992. Emergency amendment filed Sept. 25, 1992, effective Oct. 5, 1992, expired Feb. 1, 1993. Amended: Filed May 27, 1992, effective Jan. 15, 1993.*

**Original authority: 215.010, RSMo 1969, amended 1974, 1982, 1985; 215.020, RSMo 1969; 215.030, RSMo 1969, amended 1974, 1982, 1985, 1989; 215.035, RSMo 1989; 215.040–215.050, RSMo 1969; 215.060, RSMo 1969, amended 1974, 1982, 1985; 215.062, RSMo 1991; 215.070, RSMo 1969, amended 1972, 1974, 1975, 1985; 215.080, RSMo 1969; 215.090, RSMo 1969, amended 1974, 1985, 1989; 215.100–215.150, RSMo 1969; 215.160, RSMo 1969, amended 1974, 1985; 215.170–215.250, RSMo 1969; and 215.300–215.318, RSMo 1989.*