

# **Pennsylvania Housing Finance Agency**

## **2022 Funding Round Pre-Processing Guide**

# 2022 Pre-Processing Guide

- Reservation Letters
  - 2022 LIHTC vs. 2023 LIHTC Forward Commitment
  - Important Dates
    - Closing Dates, Carryover and 10% Test Deadlines and Placed in Service Deadlines
    - Monthly Status Report:
      - [https://www.phfa.org/forms/multifamily\\_application\\_guidelines/submission/pg/2021\\_pre\\_processing\\_guidance/monthly-status-report-form.pdf](https://www.phfa.org/forms/multifamily_application_guidelines/submission/pg/2021_pre_processing_guidance/monthly-status-report-form.pdf)
  - Changes to the Application
    - Modification fee of \$1,000 per change
    - Modification Request Checklist:  
[https://www.phfa.org/forms/multifamily\\_application\\_guidelines/submission/01\\_post\\_award\\_req/application-modification-request-checklist.pdf](https://www.phfa.org/forms/multifamily_application_guidelines/submission/01_post_award_req/application-modification-request-checklist.pdf)
- Lending Analyst contact information

# 2022 Pre-Processing Guide

- All Developments that received 2022 Credits must close by November 1, 2023.
- All Developments that received a forward commitment of 2023 Credits must close by December 31, 2023.
  - Several departments document reviews
    - Development
    - Technical Services
    - Housing Management (Financial Analysts and Management Reps)
    - Housing Services
    - Legal
    - Pre-commitment Meeting
    - Board Meeting (Agency First Mortgages Only)

# 2022 Pre-Processing Guide

- **3 Categories of Developments**
  - Agency Funding – Agency 1<sup>st</sup> mortgage or PennHOMES (this includes assumed PennHOMES) (Yellow Checklist)
  - PHARE funds (Blue Checklist)
  - Tax Credit Only (No Agency funds) (Orange Checklist)

Current = Dated within 90 days of the anticipated closing date

# 2022 Pre-Processing Guide

- **Tax Credit Only**

- 90 Days prior to anticipated CLOSING date submit:
  - Architect Submission Guide - Section 2.02 Development Submissions Checklist
  - Architect Submission Guide – Section 2 requirements for New Construction/Rehab **OR**
  - Architect Submission Guide – Section 3 requirements for Preservation
- 30 Days prior to anticipated Closing date submit:
  - If applicable, All subsidy layering review documents
- 5 Working days prior to anticipated CLOSING date submit:
  - Architect Submission Guide – Section 6.02 Loan Closing Documents checklist and ALL loan closing documents listed.
  - All documents listed on Tax Credit Only (Orange) checklist

# 2022 Pre-Processing Guide

- **PHARE**
- 90 Days prior to anticipated CLOSING date submit:
  - Architect Submission Guide - Section 2.02 Development Submissions Checklist
  - Architect Submission Guide – Section 2 requirements for New Construction/Rehab **OR**
  - Architect Submission Guide – Section 3 requirements for Preservation
- At least 45 days but no more than 60 days prior to anticipated closing date submit:
  - All required documents on the PHARE & CMF Commitment (Blue) Checklist
- 30 Days prior to anticipated closing date submit all items on the Legal Closing Index
- 5 Working days prior to anticipated closing date submit:
  - Architect Submission Guide – Section 6.02 Loan Closing Documents checklist and ALL Loan closing documents listed

# 2022 Pre-Processing Guide

- **Agency 1<sup>st</sup> Mortgage or PennHOMES funding**
  - 90 Days prior to the anticipated closing date submit:
    - Architect Submission Guide - Section 2.02 Development Submissions Checklist
    - Architect Submission Guide – Section 2 requirements for New Construction/Rehab **OR**
    - Architect Submission Guide – Section 3 requirements for Preservation
    - CHDO sponsored developments requiring DCED re-certification must submit CHDO documents to PHFA and DCED (Attn. Kimberly Polm at [kpalm@pa.gov](mailto:kpalm@pa.gov)) for approval.
  - At least 45 days but no more than 60 days prior to anticipated closing date submit:
    - All required documents on the Agency Loan Commitment (Yellow) Checklist
    - Contact Jordan Laird at [jlaird@phfa.org](mailto:jlaird@phfa.org) for current rates and terms for Agency first mortgages
    - All developments with an Agency first mortgage will be taken to Board Meeting for approval
  - 30 Days prior to anticipated closing date submit all items on the Legal Closing Index
  - 5 Working days prior to anticipated closing date submit:
    - Architect Submission Guide – Section 6.02 Loan Closing Documents checklist and ALL Loan closing documents listed

# 2022 Pre-Processing Guide

- Back into your desired closing date with the required submissions.
  - Technical Services submission items must be submitted to your Lending Analyst listed in your Reservation Letter who will forward to appropriate Technical Services Reviewer
  - Development Checklist items must be submitted to the Lending Analyst – One Hard copy and one electronic copy.
  - Closing Index items must be submitted directly to the Closing Attorney who will be assigned at Pre-Commitment



# 2022 Pre-Processing Guide

- **Tax Credit Only Closing - Worst Case Scenario – 2022 Credits**
  - CLOSING DATE – November 1, 2023
  - Submission of orange checklist items and Technical Services closing checklist items – October 25, 2023 (5 working days prior to anticipated closing date)
  - Technical Services – Section 2.02 submission – August 1, 2023 (90 days prior to anticipated closing date)

# 2022 Pre-Processing Guide

- **Tax Credit Only Closing - Worst Case Scenario – FC 2023 Credits**
  - CLOSING DATE – December 31, 2023
  - Submission of orange checklist items and Technical Services closing checklist items – December 22, 2023 (5 working days prior to anticipated closing date)
  - Technical Services – Section 2.02 submission – September 30, 2023 (90 days prior to anticipated closing date)

# 2022 Pre-Processing Guide

- **Agency 1<sup>st</sup> Mortgage, PennHOMES, PHARE funds closing – Worst case scenario – 2022 Credits**
  - CLOSING DATE – November 1, 2023
  - Submission of Technical Services Loan Closing Documents – October 25, 2023 (5 working days prior to anticipated closing date)
  - Legal Closing Index and All Subsidy Layering Review documents – October 1, 2023 (30 days prior to anticipated closing date)
  - All required documents for funding type on the Agency Loan Commitment checklists (yellow or blue) – September 1, 2023 (60 days prior to anticipated closing date)
  - All required Technical Services submission – Architect’s Submission Guide – August 1, 2023 (90 days prior to anticipated closing date)

# 2022 Pre-Processing Guide

- **Agency 1<sup>st</sup> Mortgage, PennHOMES, PHARE funds closing – Worst case scenario – FC 2023 Credits**
  - CLOSING DATE – December 31, 2023
  - Submission of Technical Services Loan Closing Documents – December 22, 2023 (5 working days prior to anticipated closing date)
  - Legal Closing Index and All Subsidy Layering Review documents – November 30, 2023 (30 days prior to anticipated closing date)
  - All required documents for funding type on the Agency Loan Commitment checklists (yellow or blue) – October 31, 2023 (60 days prior to anticipated closing date)
  - All required Technical Services submission – Architect’s Submission Guide – September 30, 2023 (90 days prior to anticipated closing date)

# 2022 Pre-Processing Guide

- **Keep in mind:**

- Construction period vs. Placed in Service Date
- If all Developments that need to close wait until 90 days prior to the closing deadlines outlined earlier, to submit drawings, there will be a delay.
- If everything on the checklist is not submitted with the one packet, it will go to the end of the line for processing.
- Failure to abide by Agency deadlines or requirements for previously awarded developments (i.e. Submission Deadlines, Closing Deadlines etc.) may result in future applications for Tax Credits or Agency funding to not be accepted and/or the processing of applications to be discontinued. As the Applicant/Owner you are responsible for thoroughly understanding and complying with all applicable Program Year requirements and deadlines, as well as any and all Development specific Agency issued correspondence.

# 2022 Pre-Processing Guide

- **Subsidy Layering Reviews**

- All documents included on the Subsidy Layering review checklist must be submitted at least 30 days prior to anticipated closing date. The Actual Subsidy Layering Review will occur between the Pre-commitment meeting and Closing. The final budget used for Pre-commitment will be used for the SLR and no changes will be accepted.

- **Average Income**

- For Developments utilizing Income Averaging, the targeted rent must match the targeted income level.

- **Selection Criteria**

- All 2022 Developments must maintain the points requested in Self-scoring. If points are not maintained, you may receive negative ranking points in future funding rounds.

# 2022 Pre-Processing Guide

- **Technical Services**

- <https://www.phfa.org/mhp/technicalservices/>
- The 2022 Submission Guide for Architects has been simplified to contain (2) sections, independent of funding type: Section 2 Requirements (New Construction/Rehab) and Section 3 (Preservation)
- A **single, hard copy** 100% Contract Document package is required.
- Submission of Contract Document package within the timeframe does NOT guarantee a review will be completed in 90 days
- If an incomplete submission is received, TS may move the Project to the bottom of the list
- For purposes of the TS Submission Guide for Architects, Agency Loan is defined as any development with PennHOMES (Assumed or New) and/or Agency 1<sup>st</sup> Mortgage financing. ALL Sections labeled PennHOMES/HOME are also applicable to Developments receiving an Agency 1<sup>st</sup> Mortgage

# 2022 Pre-Processing Guide

- **Technical Services**

- Refer to Section 2.01 Development Submission Requirements or Section 3.02 Development Submission Requirements for Preservation Developments for general requirements
- ALL Developments MUST submit Section 2.02 Development Submission Checklist document
- In addition to Section 2.02 Development Submission Checklist, all miscellaneous documents listed thereon MUST be submitted for each Development.
- Section 1 and Section 6 are applicable to **ALL** Developments, as noted, **AND**:
  - Tax Credit ONLY: Section 2 (New Construction/Rehab) **OR** Section 3 (Preservation)
  - PHARE: Section 2 (New Construction/Rehab) **OR** Section 3 (Preservation) and Section 5 (PHFA Addendum to AIA A101 and PHFA Supplemental General Conditions)
  - HOME/Agency 1<sup>st</sup> Mortgage: Section 2 (New Construction/Rehab) **OR** Section 3 (Preservation) and Section 5 (New Construction, Rehab & Preservation) (PHFA Addendum to AIA A101, PHFA Supplemental General Conditions & PHFA Addendum to Owner/Architect Agreement)



# 2022 Pre-Processing Guide

- **Technical Services – Environmental**

- Submit the Environmental CD (full Phase I ESA and any Supplemental Reports) **ASAP** to allow ample time for the Environmental Review to be completed
- If CD is submitted prior to the 100% Contract Document Submission, indicate on Checklist 2.02 that the CD was previously provided to Adam Kitchen
- Demolition of an existing building, clearing of trees, etc. and/or purchasing of the Site between time of Application and Closing requires a completed NEPA Environmental Review, as prepared by PHFA. (**PennHOMES** Developments only)

# 2022 Pre-Processing Guide

- **Technical Services**

- **Keep in mind:**

- If there will be a change in Architect, provide a Certification of Architect Experience (all Architects) and contact persons/contact information (Architects without experience with the Agency). This would be considered a modification.
- If there is a change in Architect, all Selection Criteria must be maintained. New Threshold and Selection Criteria forms, containing the selected Architect's initials, must be submitted.
- If there will be a change in the General Contractor or a General Contractor was not selected at the time of Application, a Certification of General Contractor Experience, along with a completed A305 Contractor's Qualification Statement and current financial statements must be provided. This would be considered a modification.
- Architect's Fees-The Agency recognizes the Architect's Fees based on Construction Costs **at the time of Application**. An increase in the Architect's Fees will not be permitted simply because the Construction Costs increased. IF an Owner/Architect Agreement includes a statement indicating the fee is based on Construction Costs, the statement must be expanded to indicate "at the time of Application".

# 2022 Pre-Processing Guide

- **Management Documents Needed for Closing For Agency Funded Properties (Submit to Lending Analyst)**
  - Management Plan
  - Tenant Selection Plan
  - Affirmative Fair Housing Marketing Plan
  - Lease with PHFA Accessible Unit Addendum
  - Grievance Procedure
  - VAWA Emergency Transfer Plan (for HOME & HTF)
  - Language Access Plan (HOME & HTF)
- ***Management documents must be approved by PHFA before closing.***
- ***Document checklists must be utilized and submitted with the management documents.***

# 2022 Pre-Processing Guide

[Checklist link: https://www.phfa.org/mhp/propertymanagement/](https://www.phfa.org/mhp/propertymanagement/)

## Property Management

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PHFA believes that an affordable apartment turns hardship into happiness. Companies that manage affordable units financed with an Agency loan and/or Low Income Housing Tax Credits (LIHTC) will find guidance and information on reporting requirements and regulatory compliance.

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If you have any questions regarding the content on this page, please contact Housing Management at [717.780.3819](tel:717.780.3819).

⊕ Best Practices

⊕ Accessible Unit Resource Center

⊕ Violence Against Women Act (VAWA) Resource Center

⊕ Multifamily Affordable Housing Conference

⊕ Property Management Training Events


⊕ Financial Operations Information and Forms

⊖ Agency Financed Properties-Manual

⊕ Chapters

⊕ Exhibits

⊕ Sample Verification Forms

⊕ Management Document Checklists 

⊕ PennHOMES Annual Report

⊕ Housing Trust Fund Annual Report

⊕ Capital Magnet Fund Annual Report

⊕ HOME Compliance

# 2022 Pre-Processing Guide

## Change in Management Agent

- Notify the Lending Analyst.
  - This would be considered a modification.
  - Includes a \$1,000 fee
- Needed for the new agent: Certification of Management Agent Experience, new management documents, and a Broker License or Attorney Opinion letter.
  - PHFA must approve the new agent.
- New agent controllable costs will be re-evaluated by Financial Operations
- Selection criteria must be maintained.

# 2022 Pre-Processing Guide

## Rent Increases:

- Per page 5 of your Reservation Letter, owners/agents may not change rents without agency permission.
- *“Since the development received a conditional reservation of Tax Credits based upon the Threshold and Selection Criteria in the application you may not alter your application in any manner without prior approval of the agency. This includes but is not limited to...alteration of the proposed rent and income structures...”*
- Requests must be sent to your Lending Analyst.
- After closing, all rent increase requests must be sent to the Agency’s Project Operations team. This includes proposed rent increases during rent-up.

# 2022 Pre-Processing Guide

- **Financial Operation Documents**
  - Current Tax Information
    - All Abatement/LERTA Documents should be finalized
  - Current Insurance Quotes
    - All Insurance quotes should be less than 6 months old
  - Current Investor Letter
  - Current First Mortgage Term Sheet (if applicable)

# 2022 Pre-Processing Guide

- If there is a change in Management Agent, controllable costs will be re-evaluated based on the new Agent and the Selection Criteria must be maintained.
- Any rent increase will require controllable costs to be re-evaluated based on current financial information.
- PHFA will hold the following escrows/reserves anytime Agency funds are part of the deal (Agency 1<sup>st</sup> mortgage, PennHOMES, CCRP, DCRP, PHARE):
  - Tax and Insurance Escrows, Reserve For Replacement Reserve, Rental Subsidy, Operating Reserve, and the Supportive Services Escrow
    - Tax and Insurance escrows are funded at closing
    - All other escrows are funded at initial occupancy
- Utilities will be reviewed prior to closing to account for any rate changes.



# 2022 Pre-Processing Guide

## INFORMATION SECURITY BASICS FOR PHFA PARTNERS

### SOME SECURITY BASICS

- Avoid using public Wi-Fi
- Secure your Wi-Fi networks
- Use strong and complex passwords
- Back up important business data
  - Cloud, external drives, NAS, etc.
- Lock computers not in use
- Install a security application on PCs
- Train employees

# 2022 Pre-Processing Guide

## MULTIFACTOR AUTHENTICATION

- Multifactor combines something you know (password, pin), something you have (phone, card) and/or something you are (eyes, fingerprints) to provide more than one credential to a system
- Multifactor is not a cure-all for password related security concerns, but it provides protection in case of data breach
  - Duo, Authy, Microsoft
- When applications and web-based tools you use offer the protection of multifactor it's in your best interest to use it
  - Increases security with 3<sup>rd</sup> parties
  - Can help to meet GLBA, SOX, and PCI-DSS requirements

# 2022 Pre-Processing Guide

## PASSWORDS – RULES OF THUMB

- NoneSha11Pa\$\$ > plzdnthckme
- A password manager is a digital safe that encrypts and stores your logins, generates strong passwords, and autofills them for you.
  - Dashlane, 1Password, LogMeOnce, NordPass
- Use different passwords for different accounts
- Change your PWs periodically

# 2022 Pre-Processing Guide

## SYSTEM SECURITY

- Use an endpoint security solution
  - Malwarebytes for Business
  - Norton Small Business
  - McAfee Small Business Security
  - ESET Protect (advanced features available)
  - Fortinet Endpoint Protection (Medium Biz)
- Have a policy for PINs or passwords on mobile devices
  - 4-Digit PINs can be broken in 13 minutes, 6-digit takes 22.2 hours

# 2022 Pre-Processing Guide

## END USER TRAINING

- User Training:
  - Should focus on the following:
    - Physical Security
    - Email Best Practices
    - Handling of PII (Personally Identifiable Information)
    - Passwords
    - Incident Reporting
  - Usecure (small biz focus)
  - Carbide (growth biz focus)

# 2022 Pre-Processing Guide

## E-MAIL SECURITY – BEST PRACTICES

- Beware of the Phish
- Enable two factor authentication if possible
- Never transmit PII over email
  - Birthday, SSN, Credit Card #, etc.
  - In order for data to be classified as PII it needs to include correlated data (ex. Name and SSN)
- Train your employees

# 2022 Pre-Processing Guide

## SEPARATION OF WORK/PERSONAL

- Don't mix work and personal email
- Only use company email on approved devices
- Use different passwords for business and personal accounts
- Don't use your personal device to access sensitive work-related files

# 2022 Pre-Processing Guide

## RESOURCES TO LEARN MORE

- Security Guidance
  - FCC Website
  - FTC Website
  - SBA Website



# 2022 Pre-Processing Guide

- **Legal**

- **Timeline**

- Once project has been approved at a pre-commitment meeting, an attorney is assigned.
  - *No changes to the Project or Project budget between pre-commitment meeting and closing.*
- PHFA attorney will schedule a closing date based on current multifamily pipeline and Agency workload.
- Index and draft loan documents circulated
  - Absent a clear error, form loan documents will not be modified
  - Must use PHFA form Management Agreement and Intercreditor Agreement
- At least **ten business days** prior to closing submit final due diligence items to PHFA attorney (numbered in accordance with closing index)
- Closing documents must be submitted to Technical Services at least **5 business days** prior to closing
- P-1 must be submitted to Kyle Matter at least **5 business days** prior to closing

# 2022 Pre-Processing Guide

- **Legal, cont'd**

- **Lien Position**

- PHFA Permanent Financing - First lien position after construction completion
- PHFA Construction to Permanent Financing - First lien position
- PHFA Soft Funds: First lien behind any hard debt and construction/bridge lender

- **Disbursement**

- PHFA must be the disbursement agent (may permit Title Company to disburse funds at initial loan closing, after which all disbursements must flow through PHFA).
- If PHFA is not disbursement agent, all soft funds must be disbursed on a pro rata basis.
- Unless otherwise agreed, disbursement requests must be submitted on approved PHFA forms.

- **Release of Funds and Notice to Proceed**

- To the extent that Agency loan proceeds will be a part of the first draw, the Agency may not authorize the release of its funds or issue its Notice to Proceed with Construction until delivery of recording receipts demonstrating that the Agency's loan documents have been recorded in the correct order.

# 2022 Pre-Processing Guide

- **Legal cont'd**

- **Retention**

- 5% retention held until project closeout, must be funded at closing from a non-PHFA funding source.
    - Ten percent (10%) of each payment request for a construction item may be retained by PHFA. The ten percent retainage may be reduced to five percent (5%) after construction has been fifty percent (50%) completed. Upon issuance of PHFA's certificate of substantial completion, retention may be reduced to two and one-half percent (2.5%).

- **Reserves**

- PHFA holds Operating Reserve, Tax and Insurance Escrows, Rental Subsidy Reserve, RFR, Supportive Services Escrow, and when applicable the Development Contingency Fund ("DCF").
    - Reserves are funded at initial occupancy of the project (except the Tax and Insurance Escrow and DCF, which are funded at initial closing)
    - Reserves are held for a period of 15 years at which time the funds must go to pay down project debt or stay with the project to fund capital improvements

- **Cash Flow (Soft Debt)** – After repayment of project costs (not including partnership fees, operating expense loans, deferred developer's fees, asset management or investor fees, payments to general partners or any other fees or payments not originally underwritten as a property operating expense) the first 50% of excess revenue shall be applied to repay the PHFA debt.

# 2022 Pre-Processing Guide

- **Payouts**

- P1 (submitted at least 5 days prior to closing)
  - PHFA holds 5% of any agency loan (excluding permanent loans). The 5% needs to be paid in with equity at closing. The 5% hold will be funded back once the closeout process is completed.
  - Provide what funding sources are being used at closing.
- P2 (Hard copy preferred – will accept emailed copies)
  - Mail or email a physical copy of all P2's and supporting invoices to PHFA.
  - Provide what funding sources are being used for all P2's.
- Final Construction Cost Breakdown
  - This must match the PHFA capital budget and must include the builder's overhead and builder's profit.
- Funding
  - PHFA collects 5% of all Agency funded loans (excluding permanent loans) at closing. Must be paid in by equity.
  - In the event PHFA permits an exception to the requirement that it be the disbursing agent and is not acting as the disbursing agent of all project funds, Agency funds will be released *pari passu* with all other project funds.
- Closeout Process
  - Attach checklist
  - The first three items on the checklist must be submitted to Kyle Matter to begin closeout process.

# 2022 Pre-Processing Guide

- **Acceptance and Acknowledgment of PHFA's 2022 Pre-processing certification can be found on the Agency's website and must be returned to Attn. Debbie Clark, Development Division via e-mail at [Dclark@phfa.org](mailto:Dclark@phfa.org) or regular mail within two weeks after today's pre-processing meeting.**
- **Monthly Status reports must be returned to the Agency, to the Attn. of the DO who was assigned to your project, by the 1<sup>st</sup> of every month until the project closes.**

# 2022 Pre-Processing Guide

Director Wiessmann, Executive Director and Chief Executive Officer, PHFA

## Development

- Jessica Perry, Director of Development – [jperry@phfa.org](mailto:jperry@phfa.org)
- Beth Silvick, Manager of Multifamily Coordination – [bsilvick@phfa.org](mailto:bsilvick@phfa.org)
- Linda Stewart, Manager of Tax Credit Program – [lstewart@phfa.org](mailto:lstewart@phfa.org)
- Yashira Aybar, Manager of Multifamily Underwriting – [yaybar@phfa.org](mailto:yaybar@phfa.org)

## Technical Services

- Ken Bobb, Manager of Architecture and Engineering – [kbobb@phfa.org](mailto:kbobb@phfa.org)

## Housing Management

- Lisa Case, Manager of Project Operations – [lcase@phfa.org](mailto:lcase@phfa.org)
- Kurt Livering, Manger of Financial Operations – [klivering@phfa.org](mailto:klivering@phfa.org)

## Information Technology

- Kris Clymans – Manager of Infrastructure and Support – [kclymans@phfa.org](mailto:kclymans@phfa.org)
- Ned Einsig III – Senior Security Specialist – [neinsig@phfa.org](mailto:neinsig@phfa.org)

## Legal

- Lauren Starlings , Assistant Council – [lstarlings@phfa.org](mailto:lstarlings@phfa.org)
- Jada Greenhowe, Assistant Council – [jgreenhowe@phfa.org](mailto:jgreenhowe@phfa.org)
- Gregory Hennessy, Assistant Council – [ghennessy@phfa.org](mailto:ghennessy@phfa.org)
- Steve O’Neill, Assistant Council – [soneill@phfa.org](mailto:soneill@phfa.org)

## Payouts

- Kyle Matter, Technical Services Officer – [kmatter@phfa.org](mailto:kmatter@phfa.org)