

## **Tab 29 Waiver Requests**

Applicants requesting a waiver of any Agency requirement must provide a written request under this Tab of the Application stating the compelling circumstances and justification for seeking a waiver.

### **Request for a Waiver of the Maximum Basis Per-Unit Limitation**

The circumstances for requesting a waiver of the maximum per unit basis must be specific to those identified in the Tax Credit Qualified Allocation Plan and shall be described in detail by the applicant. The request must include a detailed analysis prepared by the general contractor on its letterhead comparing the estimated cost of the proposed development to a typical development without this compelling circumstance. For those developments seeking to exceed limits based on excessive costs due to structurally unsuitable subsoil conditions or costs associated with environmental remediation of an existing building that will remain in the development, **that are otherwise basis eligible**, a full explanation of all alternative site considerations and adequate justification of the need for the development at the identified location must be provided. In order to qualify for a waiver based on a significant number of larger bedroom counts, a minimum of **51%** of the total number of units in the development must be 3 Bedroom or larger Units. A detailed Contractor's breakdown of costs for each Unit type/size must be included, along with the square feet of each Unit type.

Items to be included for a Max Basis Waiver:

- Applicant Waiver Request including what the waiver is for and qualified reason(s)
- General Contractor Comparative Analysis
- Explanation of alternative site considerations and justification for the selected site, if applicable
- For unsuitable soils, provide a breakdown of costs associated with export of soils, including but not limited to cubic yard of material to be removed, cost/cubic yard, transportation fees and disposal fees.

### **Request for a waiver for the 130% Basis Boost**

Applicants requesting Tax Credits in an amount up to 130 percent (130%) of the eligible rehabilitation/new construction basis **must** submit a waiver request in this tab. The waiver must include evidence satisfactory to the Agency that they have excess development expenses and costs related to one of the following reasons:

- Their location in areas of the Commonwealth with limited federal, state, local or financial resources; or
- Their provision of general occupancy units in "areas of opportunity", as defined by the Agency or their siting in order to affirmatively further fair housing or in areas that have not received representative resources in the past; or
- Their provision of supportive housing opportunities; or
- Community impact developments.

Applications for tax-exempt bond volume cap and the associated 4% Tax Credits are not subject to the above maximum basis per unit limitations. Additionally, these developments are ineligible for the maximum basis waivers described above or a discretionary 30% boost of the eligible rehabilitation/new construction basis.

**Request for a Waiver of Threshold Criteria**

Applicants requesting a waiver of any of the Threshold Criteria listed in the Tax Credit Qualified Allocation Plan shall provide a written request identifying the criteria for which the waiver is sought, and a detailed explanation of the compelling circumstances preventing compliance with the requirements. Drawings, specification, photos, contractor's cost estimates, or any other documentation supporting the justification for a waiver should be included under this tab.

Note: For Preservation developments, waivers regarding existing dwelling unit size, room size, corridor/stair width, closet door width and minimum number of baths will not be required unless interior spaces will be reconfigured.

**Request for a Waiver of the Cap on Per-Unit Furniture Expenditures**

Applicants requesting a waiver of the furnishings cap outlined in Cost Limits Schedule shall provide a written request identifying the reason(s) for requesting a waiver. **Waiver Requests must include a detailed monetary breakdown of all proposed furniture.**